

Strategic Planning Board

Agenda

Date:	Wednesday 9th January 2013
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/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 Meetings (Pages 1 – 20)

To approve the minutes of the meetings held on 5 December 2012 and 6 December 2012 as a correct record.

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

4. **Public Speaking**

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

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

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

5. **12/4067M - Jacksons Edge Service Reservoir, Jacksons Edge Road, Disley: Replacement Service Reservoir and Valve House Building, together with a Temporary Material Storage Area and a Temporary Contractor's Parking Area for United Utilities** (Pages 21 - 38)

To consider the above planning application

6. **12/3240W - Danes Moss Landfill Site, Congleton Road, Gawsworth, Macclesfield, Cheshire, SK11 9QP: Variation of Condition 47 on Approval 09/0761W - Extension to Time for Mr M Hayes, 3C Waste Ltd** (Pages 39 - 52)

To consider the above planning application

7. **12/2217C - Former Fisons Site, London Road, Holmes Chapel, CW4 8BE: Reserved Matters Application Pursuant to Outline Planning Permission 11/1682C Proposing Full Details for the Appearance, Landscaping, Layout and Scale for a Residential Development Comprising 224 Dwellings, Internal Access Road, Open Space and Landscaping on the Former Fisons Site, Marsh Lane, Holmes Chapel for Bellway Homes Limited & J S Bloor (Wilmslow) Limited** (Pages 53 - 68)

To consider the above planning application

8. **12/3536C - Land East of Meadow Avenue, Congleton, Cheshire, CW12 4BX: Outline Application With Access For Erection Of Up To 14 No. Dwellinghouses With Ancillary Facilities And Associated Infrastructure for Mr Robert Pedley** (Pages 69 - 92)

To consider the above planning application

9. **Deed of Variation to the Section 106 Agreement for Planning Permission 11/3956C** (Pages 93 - 96)

To consider the above report

10. **Erection of up to 65No. dwellings (Outline) at Crewe Road, Alsager** (Pages 97 - 100)

To consider the above report

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 5th December, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, P Hoyland,
P Mason, B Murphy, S Wilkinson, J Wray and R Cartlidge (Substitute)

OFFICERS IN ATTENDANCE

Miss J Adeniran (Planning Solicitor), Mr D Evans (Principal Planning Officer),
Mrs P Evans (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), Ms S Orrell (Principal Planning Officer), Mrs
E Tutton (Principal Planning Officer) and Miss E Williams (Principal Planning
Officer)

98 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs J Jackson, C
Thorley and G Walton.

Councillor R Cartlidge acted as a Substitute for Councillor Mrs J Jackson.

99 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 12/3937M, Councillor
H Davenport declared that he and some other Members knew Mr Yates
who was speaking as an objector.

In the interest of openness in relation to applications 12/3329C and
12/4115N, Councillor J Hammond declared that he was a member of
Cheshire Wildlife trust who had been consulted on both of the applications.

100 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 14 November 2012 be approved
as a correct record and signed by the Chairman subject to the declaration
made by Councillor J Hammond in relation to application number
12/1157N under Minute No.86 Declarations of Interest/Pre determination
being amended to include reference to the fact that whilst he had attended
briefings with the applicant, their agents, Officers and other Ward

Members regarding the overall Basford East/ Basford West development sites he had given no opinion whatsoever on the merits of this specific application.

In addition there was a further amendment to the fourth bullet point of the Section 106 Agreement under Minute No.90 application number 12/3564N to include the following wording:-

‘The Section 106 Agreement a footpath be installed along Maw Lane from its junction with Clay Lane and the Skate Park Facility’.

(This item was considered after Minute No.105 in order for clarification of the amendments to be sought. At this point Councillors D Brown and P Mason declared in the interest of openness that they were the Ward Members for applications 12/3025C and 12/3028C).

101 **PUBLIC SPEAKING**

Consideration was given to the public speaking procedure.

RESOLVED

That the public speaking procedure be noted.

102 **12/3329C-MIXED-USE RETAIL, EMPLOYMENT AND LEISURE DEVELOPMENT, LAND SOUTH OF, OLD MILL ROAD, SANDBACH FOR MR CARL DAVEY**

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, Councillor B Moran, a neighbouring Ward Councillor, Councillor Mrs G Merry, a neighbouring Ward Councillor, Town Councillor Mrs C Lowe, representing Sandbach Town Council, Steve Allan, Chairman of StopOldMillQuarter Campaign and Mr Twemlow, the Planning Agent representing Waitrose who were objecting attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Update to the Board, that the application be refused for the following reasons:-

1.The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (Para’s 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability of the town centre. The proposed

development is therefore not sustainable development and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.

2.The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development which is reliant on carborne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.

3.Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).

4.The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties and as a result there is a potential detrimental impact upon residential amenity. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.

5.The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.

6.The proposed development would involve the loss of the best and most versatile agricultural land. As the proposed development is not necessary it would not represent sustainable development as it would result in the

loss of a finite resource. The proposal is therefore contrary to paragraph 112 of the NPPF.

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

(During consideration of the application, Councillor P Hoyland arrived to the meeting, however he did not take part in the debate or vote on the application).

103 **12/4115N-DUAL CARRIAGEWAY ROAD, KNOWN AS THE CREWE GREEN LINK ROAD (SOUTH) LINKING THE A500 WITH THE A5020 AND ASSOCIATED WORKS, FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE FOR KEVIN MELLINGS, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Parish Councillor John Cornell, the Vice Chairman of Weston & Basford Parish Council and Mrs Kate Boundy, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board the application be approved subject to the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. Details of the diversion of PROW Basford FP1
4. No development shall take place within the area indicated 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.
5. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
6. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA

7. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
8. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
9. Implementation of the approved landscaping scheme
10. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
11. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.
12. Prior to the development commencing:
 - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
 - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
 - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
13. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.
14. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds
15. Submission of revised protected species mitigation method statements including detailed plans showing Badger fencing, Badger tunnels and barn owl boxes.
16. Submission of environment management plan for the construction phase of the development
17. Submission of ecological monitoring and reporting schedule.
18. Submission of a 10 year Habitat Management Plan
19. Details of all external lighting to be submitted and agreed in writing with the LPA
20. The development permitted shall only be carried out in accordance with the approved FRA
21. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.

22. A surface water regulation scheme shall be submitted to the LPA for approval in writing
23. A detailed design for the provision of flood defence structures shall be submitted to the LPA
24. No development shall take place until a scheme for the provision and management of a 8 metres metre wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.
25. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
26. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
27. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
28. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.
30. Should the borrow pit to the south of the A500 Shavington By Pass be required full details including access arrangements and wheel washing facilities etc.be submitted to and approved by the Local Planning Authority'.

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

(During consideration of the application, Councillor Mrs R Bailey arrived to the meeting, however she did not take part in the debate or vote on the application).

(The meeting adjourned for a short break at 12.10pm and reconvened at 12.15pm).

(Councillor Mrs H Gaddum, the Ward Councillor and Mr P Yates, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board the application be approved subject to the following conditions:-

1. Development in accord with approved
2. Materials as per application
3. Submission of a further revised landscaping scheme
4. Revised landscaping scheme to include detailed plans for boundary treatment
5. Landscaping (implementation for retrospective planning application)
6. Protection from noise during construction (hours of construction)
7. Submission of construction method statement-Within 1 month of the date of this permission, a method statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines where contractor's vehicles will be parked. Once approved, the scheme shall take immediate effect, and remain in effect until the development is complete.
8. Tree protection and service / drainage shall be in accordance with Cheshire Woodlands tree protection plan CW/6610-P-TP (Rev1)
9. Obscure glazing requirement - first floor window in the side (west) elevation

The first floor window in the west facing elevation serving the master bedroom & the first floor window in the east facing elevation serving the en suite bathroom shall be permanently obscurely glazed, prior to first occupation, and retained thereafter. Prior to the installation of such fenestration, a sample of the obscure glass shall be submitted to and approved in writing by the Local Planning Authority. The fenestration shall be installed in accordance with the approved sample. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows / dormer windows other than those expressly authorised by this permission shall be constructed.

10. Removal of Permitted Development Rights

105 **LAND AT MILL STREET/LOCKITT STREET, CREWE**

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report the Board amend the previous resolution in respect of application P07/0639 to read:

The provision of on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked),

Affordable housing provision, which shall include a requirement that:

35% affordable housing be provided, of which 100% shall be affordable rented

Details of phasing of development to include the provision of the affordable/market housing and the pedestrian / cycle link within the first phase.

A scheme of public art to be agreed for the site

(The meeting adjourned for lunch at 1.30pm and reconvened at 2.10pm).

106 **12/2440N-OUTLINE APPLICATION - PROPOSED RESIDENTIAL DEVELOPMENT, LAND OFF QUEENS DRIVE, NANTWICH FOR GLADMAN DEVELOPMENTS LIMITED**

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report and in the update to Board that the Authority contest the forthcoming Appeal against non-determination on the following basis:

1. In the opinion of the Local Planning Authority, the proposal will cause capacity problems at the High Street/Waterlode/Welsh Row signal junction. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraph 32 and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. In the opinion of the Local Planning Authority, the proposal will cause danger to highway safety associated with the operation of the High Street/Waterlode/Welsh Row signal junction, particularly in respect pedestrians crossing the junction. These adverse impacts would significantly and demonstrably outweigh the benefits of the

proposal in terms of housing land supply, when assessed against the policies at paragraph 32 and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3. In the opinion of the Local Planning Authority, the accessibility of the site is considered poor in that it considered that most workday trips will be car based. It is possible to improve the non-car mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been agreed to date. The proposal is therefore considered to be unsustainable and the adverse impacts granting planning permission would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraphs 30, 32, 34, and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
4. The Proposed development represents a significant and substantial additional residential development on the periphery of Nantwich, which conflicts with Policy NE2 of the adopted Crewe & Nantwich Local Plan. Notwithstanding the provisions of paragraph 49 of the National Planning Policy Framework the Development is of sufficient size that individually and cumulatively it conflicts with and undermines decisions regarding the scale, location and phasing of development contained within the Draft Cheshire East Local Plan Development Strategy. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraph 14 of the National Planning Policy Framework.

(At this point in proceedings in the interest of openness, Councillor Mrs R Bailey declared that she was a Governor of Reaseheath College).

(Prior to consideration of the following application, Councillors P Edwards and P Hoyland left the meeting and did not return).

107 **12/3025C-ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS, LAND OFF GOLDFINCH CLOSE AND KESTREL CLOSE, CONGLETON, CHESHIRE FOR MICHAEL JOHNSON, SEDDON HOMES LIMITED**

Consideration was given to the above application.

(Councillor A Thwaite, the Ward Councillor, Town Councillor Amanda Martin, representing Congleton Town Council, Andrew Pear, representing Link2Prosperity, Mark Jones, an objector and Ken Whitaker, the Managing

Director of Seddon Homes attended the meeting and spoke in respect of the application).

RESOLVED

For the reasons set out in the report and the update to Board the Board be minded to approve subject the completion of a S106 Agreement to secure the following:-

- Amenity green space contribution for on site provision:

Maintenance: £ 11,352.00

Children and Young Persons Provision,

Enhanced Provision: £ 8,790.72

Maintenance: £ 28, 656.00

- Education Contribution in lieu of primary provision of £65,078 (based on 40 units)
- 12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure
- Contribution to Public realm Strategy (£30000)

And subject to the following conditions

1. Commencement – within 1 years of reserved matters
2. Submission of reserved matters (all matter other than access) within 18 months or 12 months after the last reserved matter (whichever is later)
3. Plans
4. Tree and hedgerow protection measures
5. Arboricultural Method statement
6. Landscape maintenance and management
7. Boundary treatment to be submitted with reserved matters
8. Breeding Bird Survey for works in nesting season
9. Bats and bird boxes
10. Provision and management of at least a 5 metre wide buffer zone alongside the stream
11. Updated protected species survey and method statement prior to commencement
12. Submission of a scheme to limit the overland flow generated by the proposed development,
13. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
14. Submission of a scheme of Sustainable Urban Drainage

15. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
16. This site to be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.
17. The reserved matters application submitted pursuant to this outline planning permission shall provide a feasibility study, framework and schedule to improve pedestrian and cycling links between the site and Lamberts Lane
18. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
19. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
20. Submission of scheme to minimise dust emissions arising from construction activities on the site
21. Submission of a Contaminated Land Phase II investigation.
22. Submission of Construction Management Plan
23. Reserved Matters to include details of bin storage.
24. Reserved matters to include 10% renewables
25. Landscaping to include replacement hedge planting/ use native species
26. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
27. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
28. Reserved matters to incorporate existing and proposed levels and boundary treatments
29. Reserved matters to including design coding as per the Design and Access statement
30. Pedestrian refuge Canal Rd to be provided prior to 1st occupation
31. Any reserved matters application to be supported by a Badger Mitigation Strategy. The strategy to include detailed proposals for the provision and location of an artificial sett and appropriate linking habitat provision to ensure the sett has appropriate habitat links to the adjacent open countryside. The strategy is to be informed by the results of a further detailed badger survey which includes a bait marking study.

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

108 **12/3028C-ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE, ACCESS AND DEMOLITION OF PORTAL SHED, LAND OFF, THE MOORINGS, CONGLETON FOR MICHAEL JOHNSON, SEDDON HOMES LIMITED**

Consideration was given to the above application.

(Councillor A Thwaite, the Ward Councillor, Town Councillor Denis Murphy, representing Congleton Town Council, Andrew Pear, representing Link2Prosperity, Derek White, an objector and Kate McClean, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

- Amenity green space contribution for on site provision:

Maintenance: £ 11,352.00

Children and Young Persons Provision,

Enhanced Provision: £ 8,790.72

Maintenance: £ 28, 656.00

- Education Contribution in lieu of primary provision of £65,078 (based on 40 units)
- 12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure
- Contribution to Congleton Public Realm Strategy of £30,000

And subject to the following conditions

1. Commencement – within 1 years of reserved matters
2. Submission of reserved matters (all matter other than access) within 18 months or 12 months after the last reserved matter (whichever is later)
3. Plans
4. Reserved matters to include design coding in accordance
5. Tree and hedgerow protection measures
6. Arboricultural Method statement
7. Landscape maintenance and management
8. Boundary treatments to be submitted with reserved matters

9. Reserved matters to make provision for habitat creation within indicative areas of open space
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Updated badger survey and method statement prior to commencement
13. Reserved matters to include details of 10% renewable energy provision
14. Submission of a scheme to limit the surface water run-off generated by the proposed development,
15. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
16. Submission of a scheme of Sustainable Urban Drainage
17. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
18. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system.
19. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
21. Submission of scheme to minimise dust emissions arising from construction activities on the site
22. Submission of a Contaminated Land Phase II investigation.
23. Submission of Construction Management Plan
24. Right turn lane/Pedestrian refuge Canal Rd into to be provided prior to 1st occupation
25. The reserved matters application submitted pursuant to this outline planning permission shall provide a feasibility study, framework and schedule to improve pedestrian and cycling links between the site and Lamberts Lane
26. Landscaping to include replacement hedge planting
27. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
28. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
29. Reserved matters to incorporate existing and proposed levels and boundary treatments
30. Reserved matters to incorporate design coding
31. The development hereby approved/permitted shall be serviced in a manner that precludes the use of overhead or over ground pipe work or lines. No development shall take place unless and until a scheme for laying all services in ductwork, below ground level, has been submitted to and approved by the Local Planning Authority and such works that form the approved scheme shall be completed before the development is brought into use.

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

(This was a change in the Officers recommendation from one of approval to one of 'minded to approve').

- 109 **WITHDRAWN-12/0682C-CREATION OF A NEW 27 NO. BEDROOM HOTEL, 2 NO. GARDEN SUITES AN A '19TH HOLE' BUILDING WITH ASSOCIATED CAR PARKING.MINOR MODIFICATIONS TO THE GOLF COURSE AND CONSTRUCTION OF 7 NO. DWELLINGS TO KINGS LANE (AS ENABLING DEVELOPMENT) FOR COMMUNITY LEISURE FACILITIES (BOWLING GREEN/HUT AND 3 NO TENNIS COURTS) TO BE PROVIDED WITHIN THE GOLF COURSE, WOODSIDE, KNUTSFORD ROAD, CRANAGE, HOLMES CHAPEL, CREWE, CHESHIRE FOR WOODSIDE GOLF CLUB**

This application was withdrawn from the agenda prior to the meeting.

(Prior to consideration of the following application, Councillors D brown and P Mason left the meeting and did not return).

- 110 **12/3020N-REMOVAL OF CONDITION 1 OF 09/4331N - CHANGE OF USE AS A RESIDENTIAL CARAVAN SITE FOR 8 GYPSY FAMILIES, EACH WITH TWO CARAVANS, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF ACCESS ROAD, LAYING OF HARDSTANDINGS AND PROVISION OF FOUL DRAINAGE, NEW START PARK, WETTENHALL ROAD, REASEHEATH, NANTWICH, CHESHIRE FOR MR GWYN HAMILTON**

Consideration was given to the above application.

(A statement on behalf of Councillor M Jones, the Ward Councillor was read out).

RESOLVED

That for the reasons in the report and in the update to Board the application be refused for the following reason:-

It is acknowledged that the site is poorly located in order to access shops, services and other community facilities and the site is located in an unsustainable location. Consequently, it is considered granting permanent planning permission for this site, which is not in a sustainable location will be in conflict with the aims and aspirations of the developing new Local Plan and guidance advocated in Policy RES.13 (Sites for Gypsies and

Travelling Showpeople) and advice advocated within Planning Policy for Traveller Sites, the National Planning Policy Framework and the Councils Interim Strategy on Gypsy and Traveller Accommodation Needs.

111 **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.

112 **12/1445N-WHITTAKERS GREEN FARM, PEWIT LANE,
BRIDGEMERE, CHESHIRE**

Consideration was given to the above report.

(Councillor Mrs J Clowes, the Ward Councillor attended the meeting and spoke in respect of the report).

RESOLVED

To approve the Officer's recommendations as contained within the report.

The meeting commenced at 10.30 am and concluded at 5.38 pm

Councillor H Davenport (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Thursday, 6th December, 2012 at The Capesthorpe Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors Rachel Bailey, D Brown, J Hammond, P Hoyland, P Mason,
B Murphy, C G Thorley, G M Walton, S Wilkinson, J Wray and D Newton
(Substitute)

OFFICERS IN ATTENDANCE

Mr A Fisher (Strategic Planning and Housing Manager), Mr House (Central
Area Planning Policy Manager), Mr S House (Principal Planning Officer -
Spatial Plans) and Ms J Openshaw (Legal Team Manager - Places)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Edwards and Mrs
J Jackson.

Councillor D Newton acted as a Substitute for Councillor Mrs J Jackson.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

(During consideration of the item, Councillor J Wray arrived to the
meeting).

In the interest of openness, Councillor J Hammond declared that in
relation to the future of the Basford site he had attended briefings with
agents, Officers and local Ward Members.

3 PUBLIC SPEAKING

The Chairman informed the Board that speakers had been allocated a
period of 2 minutes to speak, which he could extend at his own discretion.

In addition, Councillor D Brown gave a short speech outlining the
importance of the document to which Members were giving consideration
as well as extending his thanks to the public for their attendance at the
meeting.

The following people either attended the meeting and spoke in respect of a
variety of issues relating to the Cheshire East Local Plan or a statement
was read out on their behalf:

Peter Yates
Lilian Burns
Councillor Mrs Smetham
Councillor Fletcher
David Duthie
Derek Bould
Brian Horan
Sylvia Dyke
Councillor L Brown
Councillor Mahon
David Pincombe (Chairman of Handforth Parish Council)
Mark Donlon (Chairperson of Wybunbury Action Group)
Chas Howard (Chairman of Alsager Residents Action Group)
Councillor Silvester
John Coxon
Ben Pycroft
The Keep It Green Campaign, Leighton (Statement read out)
Toni Fox
Nick Light (Chairman of Protect Congleton Civic Society)
Len Griffin (Barthomley Action Group)
Brian Tolver
Martin Longborn (Statement read out)
Michael Kingsley
Stuart Redgard

4 CHESHIRE EAST LOCAL PLAN - DRAFT DEVELOPMENT STRATEGY & POLICY PRINCIPLES

The Strategic Planning and Housing Manager submitted a report on the draft Cheshire East Local Plan.

The Planning and Compulsory Purchase Act 2004 required local planning authorities to prepare Local Development Frameworks, now known as Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the procedures to be followed in the preparation of such plans. The Development Strategy has been prepared in accordance with Regulation 18. The preparation of the Development Strategy will inform preparation of the formal submission Core Strategy next year. Preparation of the plan has been guided by the National Planning Policy Framework and other related advice. The Localism Act 2011 places on local planning authorities in preparing local plans a duty to co-operate. It was confirmed that whilst the Regional Spatial Strategy remains part of the Development Plan, the housing totals to 2021 need to be in general conformity with the policies of the Regional Spatial Strategy. A detailed explanation of the approach to housing figures was provided.

In the autumn of 2010 the Council published strategic 'Issues and Options' which considered different potential approaches to growth and development at a Borough-wide, high level. The Council had invested

considerable effort into 'Place Shaping' at a level which is meaningful to most people in the Borough, particularly with the production of Town Strategies for each of the largest towns in Cheshire East. These were prepared according to neighbourhood planning principles and followed the award of government funding as a neighbourhood planning 'front runner'.

The Development Strategy and Policy principles brought together the findings of these strategies, the earlier issues and options and the research and evidence base, to create a coherent plan for the future of the Borough. A copy of the draft Development Strategy and associated documents was also submitted

The report described how the draft Development Strategy and the accompanying Policy Principles document had been produced and highlighted a number of key issues including:-

- The Context for the Plan
- Delivering Wider Economic Growth
- Overall Spatial Strategy
- Jobs & Employment
- Transport & Connectivity
- Housing growth and Five Year Supply of Housing Land
- Town Centres
- Green Belt Review
- Strategic Sites and
- Policy principles dealing with Enterprise & Growth, Stronger Communities, Sustainable Environment and Connectivity

The presentation provided further detail of the way in which consultation had been approached, the sustainability of the proposed developments, what consideration had been given to reasonable alternatives and how consultation responses had been taken into account. Reasoning in approaching proposals for the settlement hierarchy was also further detailed.

The Board was asked to consider the draft Cheshire East Development Strategy and recommend to Cabinet that it be published for consultation purposes.

RESOLVED

1. That the process of plan making, evidence and the report of Consultation of the Cheshire East Issues & Options that has informed the current stage of the Local Plan be noted
2. That the report of Consultation of the Town Strategies (Appendix 2) be noted.

3. That the Analysis of Consultation of The Town strategies and Completed Town Strategies (Appendices 3 & 4)) be noted.
4. That Cabinet be recommended to approve for consultation the attached Cheshire East Development Strategy (Appendix 5)
5. That Cabinet be recommended to approve for consultation the attached Cheshire East Policy Principles Document (Appendix 6)
6. That Cabinet be recommended to resolve that the Cheshire East Development Strategy be used as a material consideration for Development Management purposes with immediate effect.

(The meeting adjourned for lunch from 12.45pm until 1.30pm. Councillor G Walton left the meeting after lunch and did not return and Councillor P Mason arrived to the meeting at 1.30pm. There was a further adjournment at 3.28pm until 3.38pm for a short break).

The meeting commenced at 10.30 am and concluded at 5.44 pm

Councillor H Davenport (Chairman)

Application No: 12/4067M

Location: JACKSONS EDGE SERVICE RESERVOIR, JACKSONS EDGE ROAD, DISLEY

Proposal: Replacement service reservoir and valve house building, together with a temporary material storage area and a temporary contractor's parking area.

Applicant: United Utilities

Expiry Date: 24-Jan-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the development represents inappropriate development, and if so, whether there are any *“Very Special Circumstances”* that clearly outweigh the harm caused by inappropriateness and any other harm
- Highway implications
- Residential amenity
- Impact on landscape character and visual amenity
- Ecological implications

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

Jacksons Edge Service Reservoir is located at the top of Jacksons Edge Road, opposite Disley Amalgamated Sport Club. The reservoir is a single compartment 18.2Ml capacity reinforced concrete tank built in 1912. It receives water from Wybersley Water Treatment Works via High Lane Service Reservoir and Pumping Station. It supplies water to over 40,000 customers in the surrounding area.

The application site consists of the Service Reservoir construction site plus additional areas for temporary material storage and temporary contractor's parking.

These additional areas required for temporary excavated material storage and car parking are needed due to space constraints within the main development site.

Jacksons Edge Service Reservoir

The existing reservoir site consists of the covered service reservoir together with various structures, housing controls and staff welfare facilities. The site is mainly formed of short cut grassed areas with areas of tree planting. There are mounded areas to the eastern perimeter of the site assumed to be from the original construction.

The site falls within the north Cheshire Green Belt, and is surrounded by residential properties to the north and east, the Amalgamated sports club to the south, and a public right of way to the west, and the disused quarry.

Temporary material storage

The proposed temporary material storage area is located off Jacksons Edge Road. It is located on private land and is a Field currently used for grazing horses. The site is bounded to the north by Jacksons Edge Road; to the east and south by mature woodland and public right of way (Disley FP11) and to the west by Light Alders Lane and residential properties beyond.

The closest residential property is number 68 Jacksons Edge Road. Other properties within 50m of the proposed temporary material storage area are located to the west of this area on Light Alders Lane and the eastern most end of Lyme Road.

Temporary contractor's parking area

The proposed temporary contractor's parking area is within an existing parking area at Disley Amalgamated Sports Club off Jacksons Edge Road. The site is bounded to the north by Jacksons Edge Road with residential properties and the reservoir beyond, to the east by a hedgerow with grazed Field beyond, to the south by a sports Field; to the west by tennis courts.

The closest residential properties are located immediately to the north of Jacksons Edge Road.

The service reservoir site and the temporary material storage area will be linked by a section of Jacksons Edge Road.

BACKGROUND

In 2002, a survey of the reservoir identified cracks to the walls and roof with water lost through seepage from one wall. Particular observations were made to the Northwest corner of the reservoir where two large cracks were identified along the length of the corner of the roof extending down the walls and across the reservoir floor.

Crack monitors were installed and temporary repairs were undertaken by sealing the roof cracks. Additional surveys have since been carried out, which revealed that the condition of

the reservoir structure is gradually deteriorating with the progressive loss of integrity increasing the risk of bacteriological contamination of the drinking water and structural failure of the reservoir over time.

To reduce the risk of bacteriological and structural failure and also the risk of interruptions to supply, there is an urgent need to replace the reservoir.

DETAILS OF PROPOSAL

Planning permission is sought for:

1. Replacement Two Compartment Service Reservoir

A replacement two compartment service reservoir. In order to maintain a water supply to customers, the first compartment of the new reservoir will be constructed and commissioned prior to the existing service reservoir being demolished. This will enable the second reservoir compartment to then be constructed.

2. Demolition Works

Various demolition works are proposed, including the demolition of the original service reservoir, the two valve houses, the meter house and the stone boundary wall (which will be rebuilt).

3. Valve House

The proposed valve house is structurally integrated with the new service reservoir. Its main function is to accommodate and provide adequate access for the operation, installation and removal of all pipework, control valves and instrumentation.

The valve house is to be constructed of reinforced concrete, complete with a rendered block work outer skin, which is to be finished with sandstone paint. To minimise the visual impact of the structure all galvanised steel elements, such as access doors, vents and hand-railing are to be finished in black.

The proposed location for the valve house has been selected due to the size limitations of the site and the requirement to position it away from the main structural cracking of the existing service reservoir. Positioning the valve house and associated access to the west of the service reservoir would require a particularly deep excavation which would only exacerbate the cracking issue. In addition this would result in increased volumes of arising material.

4. Temporary Access & Hardstanding

The new service reservoir will be served by a new heavy duty bitmac (similar appearance to tarmac) access road, which is to be connected to the existing site access road. Therefore, there will be no permanent alterations to the existing access point on to Jacksons Edge Road. The bitmac road will connect to a reinforced concrete hardstanding area outside of the proposed valve house.

5. Permanent Lighting

As part of the new development, it is proposed to install 50Lux level lighting at the main access gates on Jacksons Edge Road and adjacent to the new valve house. All other lighting will provide a 10Lux level. The use of the external lighting system is anticipated to be infrequent and will mainly be required for the first and last part of the working shift during winter months. Lighting will also be limited to the access gate, access road and valve-house.

To minimise the impact of the two pole mounted (2m high) spotlights, the fixing direction has been selected to minimise lights shining directly into adjacent properties. The steel pole mounts are to be finished in black.

5. Landscape Reinstatement

It is intended to reuse all of the arising site materials within the reservoir embankment construction and boundary landscaping.

6. Temporary working areas

Temporary working areas are required to enable the new service reservoir to be constructed and reinstated. The working area is sufficient to enable the phased construction of the new Service Reservoir and also the proposed scour pipeline

7. Excavated material storage

Excavated material from the Service Reservoir site will be stored within a temporary material storage area on land off Jacksons Edge Road/Light Alders Lane. This material will then be utilised as backfill and in the landscape reinstatement of the Service Reservoir site. The excavated material storage area needs to be of a sufficient size to accommodate the required volume of material. In order to screen the storage area from view an approximately 2m high top soil bund will be constructed to the south and west of the site, which will be seeded with an appropriate grass mix. The topsoil mound and sections of the subsoil mounds will be seeded to minimise the potential for impact from wind-blown dust.

The temporary material storage area will require an access to be created off Jacksons Edge Road. This access will be removed and the boundary of the Field with Jacksons Edge Road reinstated following completion of the works.

8. Welfare Facilities

The welfare facilities for construction staff will be located at the Jacksons Edge Service Reservoir site and will consist of 6No cabins of size 9.15m x 3.03m, stacked triple height, and 6No cabins of size 5.55m x 3.03m stacked double height. The cabins will provide facilities consisting of site offices, meeting rooms, a drying room and welfare facilities (i.e. kitchen, dining, toilets, etc.).

9. Temporary contractor's car park

The temporary contractor's car park is proposed to be located at Disley Amalgamated Sports Club. The access will need to be a two way access/egress for the duration of the construction period and will, therefore, require widening. It is anticipated that there will be parking for up to 36 vehicles.

Permitted Development

It must be noted that Permitted Development rights exist for some elements of the works. In particular, the scour pipeline route and connecting lengths of pipeline and working areas adjoining the works.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP3 Sustainable Economic Development
DP7 Promoting Environmental Quality
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
RDF4 Maintenance of the Green Belt

Local Plan Policy

GC1 Green Belt
NE2 Protection of Local Landscapes
NE11 Nature Conservation
NE14 Nature Conservation Sites
BE1 Design
DC1 Scale and design
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC13 Noise creation

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS

Archaeology:

An archaeological desk-based assessment was commissioned by United Utilities in order to establish the archaeological impact of the proposals and define the scope of any archaeological mitigation that may be required.

The first point to note is that although the report considers all aspects of the development, it is clear from the supporting documentation, that much of the work is defined as permitted development. This applies particularly to the pipeline which will run east from the reservoir, which will affect a number of archaeological features where it passes through open ground. In this area, an archaeological watching brief represents appropriate mitigation but this will be achieved through discussions with United Utilities rather than by a condition secured through the planning process.

Within the part of the development requiring planning permission archaeological mitigation is only required in the temporary materials storage area, where the areas stripped of topsoil should be inspected and any archaeological deposits recorded. A report on the work should also be produced and the may be secured by condition.

Environment Agency:

The Environment Agency has no objection in principle to the proposed development but advise that the plans indicate that a stone soakaway is to be installed around the perimeter of the bunded area. It will need to be ensured that there is no possibility of contaminated water entering the soakaway without prior treatment.

Environmental Health:

Environmental Health raise no objection, subject to the following comments :-

The accompanying documents including the Design Access Statement and Construction Dust and Air Quality statements detail the intended actions towards the control and minimisation of noise and dust throughout the working period. It has been noted that such actions include the provision of a contact number to nearby residents in terms of possible problems / concerns.

It is recommend that approval is granted on the basis that the recommendations put forward in the accompanying documents are implemented throughout the demolition and construction work.

Forestry:

The application process has been subject of extensive discussion between all parties which has established a general principle in terms of the way forward in respect of the application process and implementation from an arboricultural perspective.

The main body of the relevant information in terms of tree loss and protection is contained on the three tree constraints plans. These clearly detail those trees to be removed in order to facilitate the engineering development footprint, the requisite haul roads and access to the storage Field. The tree losses correlate with the acceptance that was concluded as part of the various site visits, and are considered to be the minimum which allows the project to proceed.

The majority of the tree loss will be visible from the public vantage point of Jacksons Edge Road and the public footpath which extends from the road to the Golf Course. The losses will have both an impact in terms of the immediate and the wider landscape aspect and the amenity of the area. This needs to be balanced in terms of the requirement to provide a

replacement Service Reservoir and the quality of any replacement landscape scheme. The need to establish a balance in respect of both ecology and tree/landscape priorities will have a bearing on the content of an acceptable landscape scheme.

Highways:

CEC Highways have had some pre-application discussions with the applicant. They are aware that Stockport MBC have also had discussions with the applicant, as part of the road closures and temporary works lie within their jurisdiction, and they will need to agree with any necessary Traffic Regulation Orders (TROs) and other matters such as footpath closures.

Given that we have a degree of control over the operations through matters such as TROs, we can ensure the co-operation of the applicant. The following condition is recommended:

"Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed in complete accordance with the method statement."

Public Rights of Way:

The PROW unit advise that there has been prior consultation with them, however, they do not have jurisdiction to grant temporary closures on public rights of way for longer than 6 months. The suggested period of 3 years for closures on Footpaths nos. 5, 11 and 13 will be at the discretion of the Secretary of State, however, they do not anticipate that this will cause a problem, subject to the provision of alternative routes, which are clearly signposted.

Various informatives / recommendations have been submitted for the applicant's consideration.

Sport England:

No comment.

Stockport Metropolitan Borough Council (Highways):

Stockport MBC Highway engineers have provided initial comments in respect of the proposals. A more detailed response will be provided prior to Committee. They advise that providing agreement can be reached with respect to:

- 1) Removal / amendment of the existing traffic calming on Carr Brow
- 2) Temporary traffic restrictions on Carr Brow
- 3) The temporary traffic calming arrangements
- 4) Replacement traffic calming arrangements
- 5) Resurfacing / reconstruction of Carr Brow, if required, following completion of the works
- 6) Traffic Management
- 7) Wheel wash / road cleaning
- 8) Cycle access along Jacksons Edge Road (in addition to pedestrian access)

then the proposal should not have a significant adverse impact on the local highway network.

United Utilities:

Initially concerns were raised by the Developer Services and Planning team at United Utilities, as they didn't appreciate that this is a United Utilities project which will clearly take account of their own existing apparatus. Their initial comments have now been withdrawn.

VIEWS OF THE PARISH / TOWN COUNCIL

Disley Parish Council recognises that this project will have a major impact on many residents of Disley over a considerable period of time.

However, Disley Parish Council also recognises that this work is essential to ensure the future water supply to Disley and its environs.

The Parish Council is satisfied that United Utilities have explored all possible options to mitigate disruption to residents and have carried out an extensive consultation process. In view of this Disley Parish Council does not object to this application.

OTHER REPRESENTATIONS

Thirteen letters of objection/comment have been received to date. The key objections are in respect of:

Traffic issues

- The project is going to run for a minimum of three years and will require three road closures of Jacksons Edge Road for 6-8 weeks at a time causing huge disruption.
- Proposal will result in further traffic congestion on the A6.
- Has the impact of the SEMMMS road been fully considered?
- The closure of Jacksons Edge Road will lead to the creation of a "rat run" down a single track road (Light Alders Road) and onto Lyme Road as an escape from the often congested A6.
- It is understood that Light Alders Lane is to be closed and made available as "access only" to local residents, but how is this going to be enforced?
- There is no footpath on Light Alders Road
- Is there adequate space for parking/loading/turning
- Stockport and Cheshire East Highways divisions will not get involved with highway closures unless there are continuing problems.

- No meaningful traffic survey of Jacksons Edge Road or Light Alders Road has been carried out.
- There have been several near fatal accidents on Jackson's Edge in recent years. The introduction of heavy goods vehicles on this strip of road is dangerous to traffic and pedestrians.

Residential amenity

- Our property directly overlooks the site, and loss of privacy would ensue for our bedrooms and bathrooms which directly overlook the Field.
- Noise pollution from heavy plant and machinery will cause significant disturbance and loss of the quiet enjoyment of my garden and home.

Siting of the excavated material

- Either the disused quarry or the golf course should be used to store the excavated material; this would prevent spreading the disruption or require Jacksons Edge Road to be closed. These options should be reconsidered.
- The quarry would rejuvenate more quickly than the Field.
- Not all avenues have been explored in respect of the siting for the excavated material storage.

Use of Light Alders Lane Field

- There is a restrictive covenant on the Field for use as agricultural or grazing land
- Light Alders Lane Field is sloped, at the moment water runs down straight onto the Lane. With the disruption to this Field there is the danger of more excess water and mud and the concern of slippage.
- If the application is approved, a condition should be attached to any permission to prevent the Field being used for general storage; the siting of cabins; plant and machinery or the parking of vehicles. No floodlight should be permitted on any part of the Field.
- Following completion of the project, the Field should be re-instated fully to meadowland, the contours should be reinstated and hardcore and fencing should be removed.

Landscaping

- No planting to screen the works on the south side of my boundary wall is planned.
- Loss of trees

Ecology

- We are aware that there are owls, bats and other species present in the Field and surrounding tree and woodland. Little investigation of the impact to wildlife has been carried out for the Field.

Risk of flooding

- Lyme Road and Light Alders Road already have drainage capacity issues. Light Alders Road drains (or lack of them) often overflow, and as a direct result our property and the surrounding roads are at increased risk from water damage should there be increased run-off from the Field.

Pollution

- Development will generate noise, dirt, dust and carbon dioxide emissions from heavy vehicles

Public Rights of Way

- Development will result in closure of footpaths

Response from United Utilities

- UU advise that the proposal does not take into account their requirement to maintain the water main and a revised site layout plan is required of a major diversion prior to work commencing.

Insufficient Consultation

- Only 200 people attended the two public meetings
- No explanation about why second compartment is so close to rear boundary – affecting properties on Hilton Road
- No indication is given in the application about any temporary measures that will be installed or constructed to minimise the impact of noise, visual intrusion and dust during the construction work.

APPLICANT'S SUPPORTING INFORMATION

The follow statements have been submitted in support of the application:

- Arboricultural report
- Archaeology report
- Badger report (confidential document)
- Construction dust and air quality assessment
- Construction noise and vibration assessment

- Design and Access Statement
- Ecology report
- Vehicular and Pedestrian Traffic management plan

Within the Design and Access Statement, United Utilities advise that they looked at a number of areas as potential sites for the site compound and material storage area and has discussed the options at length with the local community. The following locations for a temporary excavated material storage area have been considered prior to making this planning application:

Discounted Options:

1. Disley Golf Course

This specifically related to an area encompassing the 16th tee and fairway plus the practice area to the rear of residential properties on Hilton Road. The land owner had a number of concerns about the potential impact of the project on their business. The proximity of this area to the Service Reservoir would have aided the construction of this scheme. It would also have had benefits in terms of reducing the public highway and traffic impacts. There were, however, significant concerns which led to the option not being pursued further:

- An initial study showed that 3 additional holes would have to be relocated to ensure the course retained its 18-hole status. This would have required significant works to the 3 additional holes to occur at least 2 years prior to the commencement of construction of the proposed new reservoir. As a result this would have had major programme implications and would have delayed works to replace the deteriorating service reservoir.
- Further to this, there would be some potential construction impacts to residents on the northern side of Hilton Road with gardens adjacent to the golf course.
- The temporary haul route would impact upon an area of heathland habitat. Dry heath is a UK BAP Priority Habitat.

2. Jacksons Edge Quarry

The residents of Light Alders Lane asked us to consider the use of the quarry site. An internal constructability review showed a temporary compound location within the quarry to be feasible. However, during pre-application consultation with Cheshire East Officers, it was confirmed that such proposals would cause long term damage to protected trees and habitats, and also impact on protected species. In addition to this, it was confirmed that the site's landscape value would take many years to recover. In light of other options available to us which avoid these impacts, such significant harm to the natural environment is wholly unsustainable and contrary to local planning policies and the National Planning Policy Framework. This option was therefore not pursued further.

Chosen Option:

Field off Jacksons Edge Road/Light Alders Lane

Whilst it is acknowledged that the proposed site compound within the Field has some potential for impacts on surrounding residents, mitigation measures are to be incorporated during construction that will minimise this impact. The temporary excavated material storage area whilst being present for up to 3 years will, ultimately, be for a temporary period and the land will be returned to its former condition with limited impact on existing trees, protected species and the landscape.

OFFICER APPRAISAL

Principle of Development

The application site is located within the Green Belt, where there is a presumption against inappropriate development.

The National Planning Policy Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances, and that “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant accepts that the proposed development represents “inappropriate development”, and has submitted a case to demonstrate that “Very Special Circumstances”.

They contend that given the nature of the development proposals (i.e. essential water supply infrastructure) and the need to replace the Service Reservoir in the proposed location, it is considered that in this instance Very Special Circumstances exist to allow the development to be approved.

It is noted that the applicant has carefully considered the siting of the Excavated Material Storage Area, and it is regrettable that the golf course and the disused quarry cannot be used, for the reasons outlined above, as this would have reduced the impact of the development in respect of visual amenity, road closures and general disturbance to residents.

Consideration of the harm

Openness

The proposed Service Reservoir Compartments will be predominantly underground, and therefore will have the appearance of a grassed mound. This element is therefore not considered to an adverse impact on the openness of the Green Belt.

There are other elements of the development which will have an adverse impact on openness, namely the Valve House, which is a permanent building positioned to the east of the reservoir, creating 258 square metres of floorspace and measuring 4 metres in height. In addition, the temporary works including the siting of the welfare facilities, the access road,

hardstanding and the Excavated Material Storage Area will harm openness, but only for a three-year period.

Visual Amenity

The most visible element of the proposals will be the Excavated Material Storage Area on Light Alders Field. It will be clearly visible from Jacksons Edge Road, and Light Alders Lane, and the properties within the vicinity of the site. The existing Service Reservoir is well screened, and therefore the Valve House, temporary haul road, access road & area of hardstanding will not have a significant impact on visual amenity. Two permanent spotlights are proposed at the main access gates on Jacksons Edge Road, which have the potential to harm visual amenity, although the use of the lights proposed is limited.

Consideration of the Very Special Circumstance case

The Very Special Circumstance case that the applicant has put forward has some merit. The new two compartment Service Reservoir is urgently required to ensure a continued safe supply of water to 40,000 customers in the surrounding area.

Whilst the temporary works will harm openness and visual amenity, after the three-year period they will be removed and the land fully re-instated. Therefore, they will not cause permanent harm to the Green Belt.

The permanent development falls within the confines of the existing Service Reservoir site. Mitigation measures are proposed such as mounding and mature landscaping to screen the development from nearby residential properties and surrounding areas.

The applicant also proposes grass seeding the temporary topsoil mound on the Field, to improve visual amenity.

It is considered that the Very Special Circumstance case submitted clearly outweighs the harm caused by inappropriateness, and the harm caused to openness and visual amenity. As such, the scheme is considered acceptable in principle by officers.

Highway Implications

Summary:

- The use of a material storage Field to reuse site soil for the new reservoir will significantly reduce the amount of construction traffic which would otherwise use the A6, Carr Brow and Jacksons Edge Road during the project.
- A 200m section of Jacksons Edge Road from the entrance of the service reservoir site to the material storage Field entrance will be closed for through access of vehicles for approximately 5 separate periods during the project. Pedestrian access will be maintained during this time. Residents will be contacted prior to this occurring.
- At all other times traffic light control will be in place on the same section of road.

- Resident access will be maintained at all times.
- A one-way system for visiting delivery works traffic will be in place. Delivery works traffic will access the temporary material storage area and the Jacksons Edge service reservoir site off the A6 via Carr Brow and leave via Jacksons Edge Road back on to the A6.
- It is proposed that parking may be limited on one side of Carr Brow at times during the project to prevent congestion on the road. Residents will be contacted prior to this occurring.
- Existing traffic calming measures on Carr Brow will be temporarily removed and reinstated on completion of the works. It is proposed that traffic calming cushions will be installed on a temporary basis.
- It is proposed that the following local roads will be “Access Only” during the periods when Jacksons Edge Road is closed during the project: Light Alders Lane, Alders Road which leads to Lyme Road, Carr Brow, Wybersley Road and Jacksons Edge Road.

Cheshire East and Stockport Metropolitan Borough Council’s Highway engineers have been consulted on the proposals, and raise no objection in principle to the proposals, subject to conditions.

Design

The Valve House has a functional design. It is not considered to have a detrimental impact on the character of the area.

Residential Amenity

Concerns have been raised by local residents particularly in respect of noise & disturbance from the construction vehicles & development. Their objections are duly noted. However, it is considered that the need for the new Service Reservoir is so important that it outweighs the potential harm. It should also be noted that there are very few residential properties within the immediate vicinity of the site that would be affected by the development.

Our Environmental Health Officer has carefully considered the proposals, and raises no objection, subject to conditions.

Landscape

The landscape proposals do not include any hedge or tree planting along the northern site boundary to screen views of the reservoir embankment from the rear of 31 and 33 Hilton Road. The grassed embankment would not be unsightly but these properties currently have pleasant views of the woodland on the site boundary. This matter has been discussed with the United Utilities landscape architect, who has confirmed that the engineers will not permit any planting on the embankment. It is essential that they are able to inspect regularly to check the integrity of the embankment and will only permit close mown grass on this structure.

However, UU have offered to provide some planting within the gardens of these properties and they are currently in discussions with the residents to agree details. This is a private matter between the parties.

The landscape proposals are generally acceptable but amendments and further details are required:

- Ash must be omitted from the proposed planting scheme to avoid the spread of ash dieback disease (*Chalara fraxinea*).
- Further details about the establishment and maintenance of the proposed woodland, woodland edge, wet meadows, bluebells and heath areas are required.
- Advance planting in the vicinity of 60 Jackson Edge Road should be indicated if possible.
- Details for the height, profile and grass seeding of the temporary screen bunds plus specifications and timescales for the restoration of the temporary storage area off Jacksons Edge Road & Light Alders Lane.

Details should be submitted for the height, materials and colour for the proposed acoustic fencing that will be erected around the site perimeter for the duration of the works to screen and protect the adjacent properties.

A ten year management plan is recommended to ensure that all proposed habitats establish and are properly managed to mitigate for the loss of protected woodland and other habitats.

A revised landscape plan will be required to resolve these matters; this can be resolved through an appropriately worded condition.

Nature Conservation

Habitats

The proposed development would result in the loss of a number of habitats of nature conservation importance including woodland, diverse grasslands, and small areas of lowland heathland. Local Plan policy NE14 is therefore pertinent to this application.

The applicant proposes to compensate for the potential impacts of the proposed development on these habitats by reinstating them on site following the completion of the works.

Bluebells (a Biodiversity Action Plan species and hence a material consideration) have been recorded on site. This species will be adversely affected by the proposed development due to the loss of woodland from the site. To mitigate the potential impacts of the development on this species, it is proposed to translocate the existing population to Bollinhurst reservoir prior to the commencement of development. The new woodlands will then be planted with native bluebell bulbs following the completion of works.

It is considered for the most part, the potential impacts of the proposed development upon valuable habitats have been satisfactorily addressed. However, the landscape proposals plan refers to an area of heathland to the north west of the service reservoir as being 'protected throughout construction'. However, the haul road is shown as encroaching within this area. Clarification of the potential impacts of the haul road on this area of heathland is required. If

this area of heathland is to be impacted by the proposed development proposals for its reinstatement are required.

Finally, a wet meadow grassland mix is proposed for the re-instated service reservoir grasslands.

Badgers

Badgers are known to forage on the proposed development site. It is not anticipated that the proposed development would have an adverse impact upon any identified sett. There will be a temporary loss of badger foraging habitat associated with the proposed development, the impact of which is likely to be low.

Bats

It is not anticipated that the proposed development would have a significant impact upon bats.

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread biodiversity Action Plan species. Measures to safeguard breeding birds are included in the submitted ecological survey report.

It is anticipated that the issues raised in respect of the heathland habitat will be addressed prior to committee. An update report will be provided which will clarify these matters.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In conclusion, whilst the proposal represents “inappropriate development” in the Green Belt, it is considered that Very Special Circumstances exist, which clearly outweigh the harm to the Green Belt: namely the provision of essential infrastructure to provide safe water to 40,000 people in the area.

The Excavated Material Storage Area is considered to be the most harmful element of the proposals from both a visual amenity and residential amenity perspective, and will require the closure of Jackson Edge Road on 5 occasions for a 6-8 week period each time, which will cause significant disruption locally. However, it is considered that the provision of the new Service Reservoir is so important that the temporary harm should be accepted.

It is considered that the landscape, forestry and ecological issues can be adequately mitigated.

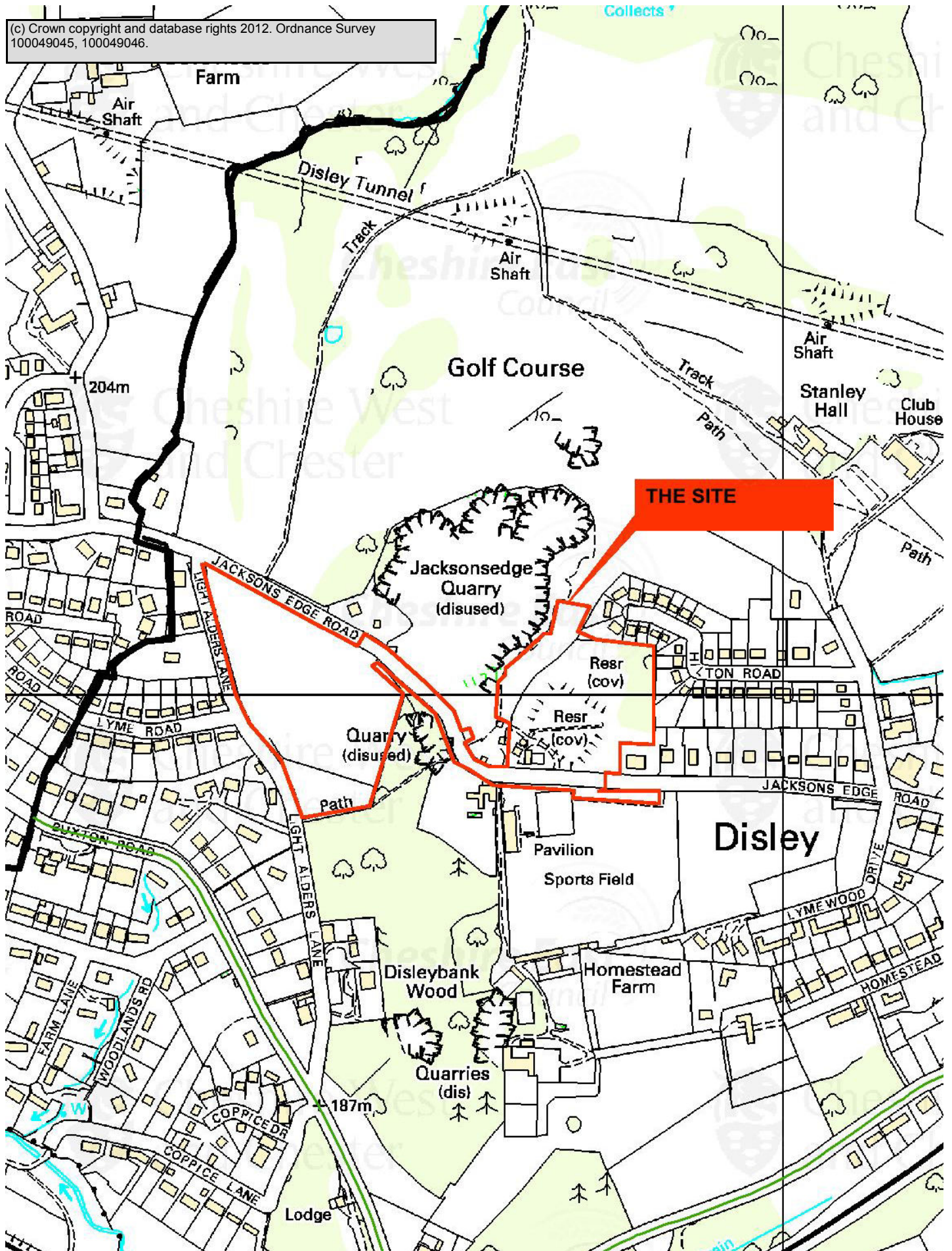
It is on this basis, a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Development in accordance with accompanying statements
4. A06EX - Materials as application
5. A01LS - Landscaping - submission of revised scheme
6. A04LS - Landscaping (implementation)
7. A16LS - Submission of landscape/woodland management plan
8. A13LS - Erection of fencing / wall as required
9. A22GR - Protection from noise during construction (hours of construction)
10. Submission of a scheme which demonstrates how surface water is to be disposed of
11. Excavated Material Storage Area to be used for storage of excavated materials only
12. Light Alders Field to be fully restored to the satisfaction of the LPA following the completion of development
13. Submission of a programme of archaeological work in accordance with a written scheme of investigation
14. Footpath No. 5 to be fully restored following the completion of the development
15. Submission of a Method Statement for means of construction, deliveries, contractor's parking, wheel washing and other highway matters

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Application No: 12/3240W

Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP

Proposal: Variation of Condition 47 on Approval 09/0761W - Extension to Time

Applicant: Mr M Hayes, 3C Waste Ltd

Expiry Date: 15-Nov-2012

Date Report Prepared: 12 December 2012

SUMMARY RECOMMENDATION

Approve; subject to an amended legal agreement and conditions

MAIN ISSUES

- Extension of time of landfilling operation and subsequent restoration
- Traffic and transportation
- Landscape and visual impact
- Ecology and nature conservation
- Noise
- Air quality; dust and odour
- Hydrology and the impact on the adjacent SSSI
- Increased potential of bird strike
- Increase in litter
- Impact on neighbouring residential amenity

REASON FOR REPORT

This application has been referred to the Strategic Planning Board as the proposal involves a major waste application which required the submission of an Environmental Impact Assessment.

DESCRIPTION OF SITE AND CONTEXT

The application site, which covers an area of some 68 hectares is an existing landfill known as Danes Moss Landfill. It is located within the Green Belt, approximately 2km to the south west of the centre of Macclesfield. The site lies between the A536 on the west, and the railway between Stockport and Newcastle-under-Lyme to the east. To the north, a belt of undeveloped land and playing field lie between Danes Moss Landfill site and the edge of Macclesfield. To the south of the site is a mixture of agricultural land and the adjacent Danes Moss Site of Special Scientific Interest (SSSI), designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance. Access to the site is off the A536 Congleton Road.

In the immediate vicinity of the site, the landscape rises to the west and falls to the Bollin Valley in the east. On a larger scale, the area lies between the lower land of the Cheshire Plain to the west (varying approximately between 70-120m AOD), and gently undulating higher ground of the western edge of the Pennines (varying between 200m-400m AOD in the vicinity of Gawsorth Common and Croker Hill further east).

The application site can be divided into three sections. The northern third of the Danes Moss Landfill Site contains a Household Waste Recycling Centre (HWRC) adjacent to the site entrance, a leachate treatment plant, various site buildings and ancillary stores, a landfill gas utilisation plant, and an area of previously restored landfill. Site buildings are concentrated in the north-western corner of the site and comprise of office accommodation and administration buildings, a Nissan hut, a garage and a laboratory.

Landfilling has been completed and the area substantially restored in much of the site. The northern slopes of this area have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored.

The final third of the site to the south is currently operational as a landfill where Municipal Solid Waste (MSW) is being tipped.

DETAILS OF PROPOSAL

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Danes Moss Landfill to 31 December 2014 with final restoration of the site by 31 December 2015: a 2 year extension.

The proposed extension of life of the Danes Moss Landfill would maintain a local waste disposal facility for residual waste of the areas of Macclesfield, Congleton, Knutsford, Wilmslow and Poynton, within the north of the Borough.

The extension of time would enable 94 375m³ of currently consented and remaining landfill void space to be utilised and to allow the approved restoration levels to be achieved. The main reasons for the remaining void is due to the increase in levels of recycling and composting, plus less waste being produced as a result of the economic downturn resulting in less residual waste being created and sent to landfill. Actual waste densities have also altered since 2009, contributing further to the void space created. This void would be utilised

with anticipated future projected inputs which largely consists of MSW arising within the north of the Borough.

RELEVANT HISTORY

There is a long and complicated history of peat extraction and waste disposal at Danes Moss: both activities have been undertaken since the early 20th Century. During the early part of the site's life, a considerable amount of extraction and disposal activities occurred. In the 1930's, waste tipping took place in the oldest part of the site, in the vicinity of the existing site office, Household Waste Recycling Centre (HWRC) and neighbouring playing fields. Landfilling operations were permitted to continue under an 'established use' right until 1967.

In 1967, planning permission was granted for an extension to the already permitted area, extending the site towards the south and east onto the peat moss. Since then there has been a number of planning consents issued for this site:

- In 1980, planning permission was granted for a further extension to the south and east of the landfill (5/20412);
- In 1993 a further planning application was submitted for the disposal of waste and extraction of peat on the site but this was subsequently withdrawn (5/70956);
- In 1996 planning permission was granted for development, operation and restoration of the existing landfill site at Danes Moss (5/74369) to resolve inconsistencies between the provisions of the 1967 and 1980 permissions;
- Planning permission was granted in 2004 (5/04/0131) to extend the operational life of the landfill site for an additional 4.5 years to enable remaining void to be utilised. This permission also consented the re-profiling of the southern slope
- Planning permission 5/74369 was subsequently revoked by the Secretary of State in September 2006 and 5/04/0131 remains the extant planning permission to which this section 73 application seeks to vary.
- The most recent application on site 09/0761W sought to extend the life of the landfill to 31 December 2012 with restoration continuing until 31 December 2013.

In addition to the above waste disposal permissions, a number of ancillary planning permissions have been granted on the site to provide for ancillary buildings; leachate treatment, storage and facilities; recycling; composting; energy recovery and bulking:

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and

- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This permission was never implemented and has since lapsed.

Application 12/1280W is currently being assed in relation to a proposed Leachate Treatment Plant.

POLICIES

The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), The Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MLP).

The relevant development policies are;

Regional Spatial Strategy (RSS)

Policy EM11: Waste Management Principles

Policy EM12: Locational Principles

Policy EM13: Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 2: The Need for Waste Management Facilities

Policy 9: Preferred Sites for Non-Hazardous Landfill/Landraise Sites

Policy 12: Impact of Development Proposals

Policy 14: Landscape

Policy 15: Green Belt

Policy 17: Natural Environment

Policy 18: Water Resource Protection and Flood Risk

Policy 20: Public Rights of Way

Policy 22: Aircraft Safety

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 25: Litter

Policy 26: Odour

Policy 28: Highways

Policy 29: Hours of Operation

Policy 32: Reclamation

Macclesfield Borough Council Local Plan (2004)

NE11: Nature Conservation

NE12: SSSI's, SBI's and Nature Reserves

GC2: Green Belt – 'Other operations and Change of Use'

GC3: Visual Amenity of Green Belt

DC3: Amenity

DC8: Design and Amenity – Landscaping

DC13: Noise

Other Material Considerations

Waste Strategy (2007)

National Planning Policy and Guidance

National Planning Policy Framework (2012)

PPS 10: Planning for Sustainable Waste Management

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

No objections to the proposal

The Council's Forestry Officer

The proposal would have no impact from an arboricultural perspective

The Council's Nature Conservation Officer

They do not anticipate there being any significant ecological impacts associated with the proposed development.

As the proposed development is adjacent to Danes Moss SSSI Natural England must be consulted on this application.

They advise that as the active life of the landfill will be extended a revision to the section 106 will also be required to ensure that the operator's commitment to undertake management of the adjacent SSSI continues for the extended lifetime of the landfill.

The existing monitoring programme previously agreed in respect of the area of SSSI managed by the operator has been found to be unsuitable. A revised section 106 may also provide an opportunity to revise the agreed programme.

Natural England

The developer currently occupies a part of the Danes Moss Site of Special Scientific Interest (SSSI) which is being managed in accordance with an approved management plan (dated 7 January 2009), which is a requirement of the Section 106 Agreement.

As such, Natural England advise that the SSSI does not represent a constraint in determining the application.

The Canal and River Trust

No have any comments to make

The Borough Council's Environmental Protection Officer

Waste landfill operations have the potential to cause adverse environmental impacts due to dust, noise, odour, litter and pests. The control of these impacts are currently set through the Environmental Permit with the Environment Agency (EA), the planning conditions associated with the extant planning permission and best practice techniques.

With the exception of odour no other complaints relating to this site have been received by this department in the last 3 years. The odour complaints received were relayed to the EA who oversee the control of odour through their Environmental Permit. Our own investigations did not verify the odours or the source. It is our opinion that the existing controls and practices employed at this site are sufficient to manage the release of odours and to act accordingly should any issues arise.

As a result, this department recommends that planning approval should be granted on condition that any existing planning conditions relating to noise, dust and odour controls are continued.

The Environment Agency

The Environment Agency has no objections but added that they are aware that due to increases in recycling rates, the amount of waste going to landfill is reducing. As a result, the life of many sites is likely to be extended in order to ensure that permitted landforms are completed.

The Public Rights of Way Unit

Do not object to the proposal. The site is adjacent to Public Footpath No.1 in the parish of Sutton. However, would appear unlikely, that the proposal would affect the public right of way. Should planning permission be granted, the Public Right of Way Unit requests an informative to be attached to any decision notice listing the developers obligations with regards to the right of way

The Minerals and Waste Policy Unit

No specific comments or observations to make

Manchester Airport's Safeguarding Officer

No objections to the proposal, subject to the addition of the following conditions to the decision notice;

1. Within 6 months from the date of permission a Bird Management Plan is to be submitted to and approved in writing by the Local Planning Authority in consultation with the Safeguarding Authority for Manchester Airport (Manchester Airport).
2. The Bird Management Plan should include details of the proposed bird control programme, monitoring and control measures as well as auditable bird count data from the site. Aircraft safety should also be recognised as one of the aims of the Bird Management Plan. Due to the location of Danes Moss Landfill Site relative to local gull roosts, it has the potential to cause increased gull traffic that would affect the climbout from Runway 23L and approach to Runway 05R at Manchester Airport as birds from the gull roost at Rostherne Mere commute to and from the landfill site.
3. The approved Bird Management Plan shall be reviewed annually and implemented in full throughout the life of the operations permitted by the permission.

VIEWS OF THE PARISH / TOWN COUNCIL

Sutton Parish Council and Gawsworth Parish Council have been consulted and do not object to the proposal.

OTHER REPRESENTATIONS

Two letters of representation have been received to date from the dwelling 'Westlands' on Lowes Lane and Gaw End House on Gaw End Lane. The following material planning considerations were raised within the letter, However the full document can be viewed on file and are available at Committee.

- Highway and traffic issues – specifically the impact of large HGV vehicles causing vibrations to neighbouring dwellings.
- Landscape and visual impact of the restored landfill
- The impact upon residential amenity including noise from operations, odour from landfill gas emissions (methane) rotting waste and litter.
- The impacting on residential amenity including; noise from operations
- Increase in the level of vermin in the area.
- Potential cumulative impact of further applications being made for extensions to the life of the landfill

A further letter was received on the 12 December objecting to a Waste Transfer Station at the site. However, this does not form part of the proposal.

APPLICANT'S SUPPORTING INFORMATION

The planning application was accompanied by a supporting statement and an Environmental Statement (ES) which were both prepared by Axis dated August 2012 on behalf of 3C Waste Ltd.

The scope of the ES includes;

- Transportation and traffic;
- Landscape and visual assessment;
- Ecology and nature conservation;
- Noise;
- Air quality;
- Hydrology and flood risk;
- Socio economic impact; and
- Cumulative effects

OFFICER APPRAISAL

Principle of Development

This application seeks a variation of time for an existing landfilling operation by 3 years from 31 December 2012 to 31st December 2014, with restoration to 2015. The principle of the development has previously been approved by virtue of the extant planning permission 09/0761W and the previous planning permissions outlined above. As such, the main issue for consideration of the application is the extension to time, and whether it would result in any detrimental impacts.

Transportation and Traffic

The extension of life at the existing landfill site would result in traffic associated with the landfill being extended for the greater period of time (2 years until 2014) and traffic associated with the restoration works would be continued until (2015).

The existing highway network has been sufficient for the level of traffic generated by the landfill site, with a filter lane access off the A5536.

Concerns have been raised by local residents in relation to this proposal causing increased traffic, and adding to existing highway issues. The council's Strategic Highways Officer has been consulted with regards to the application, and raises no objection to the proposal.

Landscape and visual assessment

Concerns have been raised by local residents with regards to the visual impact of the proposal, specifically due to the altered landscape as a result of the restoration works at the landfill site. The landscape and visual effects have been subject to an assessment which formed part of the ES.

The application does not propose to make any alterations to the restoration details approved under application 09/0761w. Under this application the effects of the proposal upon the landscape fabric was not considered to be significant. As the details have previously been approved by the authority, it is considered that the proposal would not have an adverse impact upon the landscape.

In terms of visual impact, it is considered that whilst the proposal would extend the operational life of the landfill site, thus prolonging the visual impact on a number of receptors, that the proposed restoration of the site would ensure that the finished levels and landscaping details would have an acceptable visual impact. The proposal would comply with policies 12 and 14 of the CRWLP and policy DC8 of the MBLP.

Ecology and Nature Conservation

The proposed extension of the operational life of the site is for a limited period, and it is considered that it is unlikely to result in any greater adverse impact upon nature conservation interests than the currently consented operations. It is considered that there would be no significant ecological issues associated with this application. As such, it is considered that the application is in accordance with policies 12 and 17 of the CRWLP and also policies NE11 and NE12 of the MBLP. Furthermore, the Council's Nature Conservation Officer, and Natural England do not object to this proposal.

The proposal would not require any additional land outside of the currently consented area and the site would be operated in the same manner as the currently consented management scheme. Management of the SSSI would also continue in liaison with Natural England and the Council, and in accordance with the approved Management Plan for the SSSI. Members should be aware that the existing Section 106 agreement would have to be revised in order to

take into account the new time scales in the form of a Deed of Variation, prior to any decision being issued.

Noise

Concerns have been raised by local residents in relation to increased noise from the proposal. The proposed development would provide a continuance of the existing operation with no material change in operations or practices. Therefore it is considered that the proposal would not cause an increase in operational noise levels.

Should planning permission be granted, existing planning conditions in relation to noise would apply: Condition 11 provides for noise limits at named key receptors for noise levels from site engineering, landfilling, restoration and other normal operations. Condition 12 requires the best practicable means used at all times in the maintenance, silencing, and operation of all plant, to minimise noise, vibration and dust arising from the site. All plant and site vehicles shall be silenced and maintained in accordance with their manufacturing specifications.

All current landfill operations would remain as existing. Therefore, there would be no alteration to the existing noise sources, frequencies or levels. Existing mitigation measures and environmental standards adopted by the operator would ensure that the extension of life would comply with current Government guidelines, as per the NPPF and PPS10. It is also considered that the application is not contrary to policies 12 and 23 of the CRWLP and policies DC3 and DC13 of the MBLP. Noise is also controlled through the permit issued by the Environment Agency.

Bird Control

Bird control is not considered to be a noticeable problem at Danes Moss landfill, with a low number of complaints received.

The current proposal does not include any alterations to the approved watercourses on the site, and the site is currently regularly monitored by Manchester Airport under the condition attached to application 09/0761w. Manchester Airport have requested that a bird management scheme is submitted to them and approved should the application be approved.

It is considered that the imposition of the above condition, and existing operational best practice measures to reduce scavenging birds including prompt burial and compaction of the waste, limiting the working area, covering the waste with inert material at the end of each working day, regular inspections, and a falconer are sufficient to control the birds on site. As such it would be in accordance with policy 12 of the CRWLP. Bird control is also an issue controlled through the PPC Permit issued by the Environment Agency.

Manchester Airport do not object to the scheme and their detailed comments will be provided in an update report to Members.

Air Quality, odour and dust

Concerns have been raised by local residents about odour from the site. In relation to odour from landfill gas, it is considered that the proposed delay in extending the existing gas infrastructure is not considered significant in air quality terms due to the relatively short duration of operations, and that the site would be progressively restored, thereby gradually reducing fugitive emissions. The council's environmental protection officer does not object to this proposal and it is considered that further dust or odour issues are not likely to arise as a result of the extension of time or re-contouring of the landform. Best practice measures listed above would ensure that the air quality and odour from waste is not significantly adversely affected as a result of the proposed development. The existing conditions on the extant planning application including provision for odour would apply should planning permission be granted. In relation to odour, it is therefore considered that the application fully accords with policies 12 and 26 of the CRWLP and also DC3 of the MBLP.

It should be noted that potential emissions of landfill gas is managed to ensure compliance with the Dangerous Substances and Explosive Atmosphere Regulations 2002, and to minimise the effect upon air quality, would be carried out in close consultation with the Environment Agency. The precautionary measures would ensure that the air quality of the area is not significantly adversely affected as a result of the proposed development.

Hydrology and Flood Risk

The application does not propose any changes to the existing surface water management scheme and the proposed development would not generate any unacceptable impacts by way of surface waters.

Wind Blown Litter

Local residents have raised concerns with regards to wind blown litter from the site.

Wind blown litter is managed through the use of permanent 6m high litter fencing and a mobile 'trap' fencing and also monitoring of the prevailing weather conditions to avoid tipping during high winds.

To date there have been no substantive complaints with regards to wind blown litter. With regards to the impact of litter in adjacent SSSI, it is considered that best practice management that this proposal would not give rise to an increase in wind blown litter in the SSSI.

The existing best practice principles adopted by the site, twinned with the landform of the landfill itself, should manage any wind blown litter from the site. Furthermore, should planning permission be granted, the existing conditions of the extant permission would be imposed to ensure that wind blown litter is prevented. As such, it is considered that the application is in accordance with policies 12 and 15 of the CRWLP. Litter is also controlled via the permit issues by the Environment Agency.

Cumulative Impact

The ES assessed the cumulative impact of the development, and concluded that the extension to life of the site would not itself create additional cumulative impacts of intensification of impacts, but would extend the duration of any existing impacts. As such, it is considered that the proposal would not result in any significant cumulative impacts.

Alternatives to Landfill

Whilst alternatives to landfill sites are being encouraged, landfill is still required as part of the waste strategy for Cheshire East. Residual waste being provided to existing landfill sites offers the chance of restoration for partially completed sites, thus preventing future environmental problems occurring, such as leachate control, landfill gas control and surface water management, which would occur if sites were left in a half finished state. This extension of time application provides for additional time to achieve a sustainable landform and a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided for.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This section 73 application seeks to vary conditions covering the completion date of landfilling operations and the end date for the final restoration of the site.

Notwithstanding landfill diversion targets, national, regional and sub-regional strategic waste policy guidance and strategy identifies that landfill will continue to form an essential component of future integrated waste management practice. Extending the life of the landfill is supported at both the regional and local level. Until other methods of waste disposal are developed in the area, landfill will always be required for residual waste. Landfill is an essential component of an integrated waste of disposal strategy for Cheshire East Borough Council, and Danes Moss landfill site is a strategically important facility at a sub regional level for the management of Cheshire East's waste, and will continue to be important until alternative waste management solutions have been provided.

The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP. Notwithstanding the objections received to the proposal, the overriding need for additional landfill capacity within the North West region and East Cheshire is a material planning consideration that should also be taken into account.

The key issues for consideration relate to the prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impact upon residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control can be mitigated by site management practice and controls which would be continued (from application 5/04/0131). The approved bird control programme, and restoration and aftercare scheme approved under application 09/0761W would remain, and a legal agreement would need to be entered into.

It is not considered that the proposed development, subject to appropriate conditions and a variation to the existing legal agreement for the extended management of the site and the adjacent SSSI, would have an unacceptable impact on any other material planning considerations. As such, planning permission should be granted.

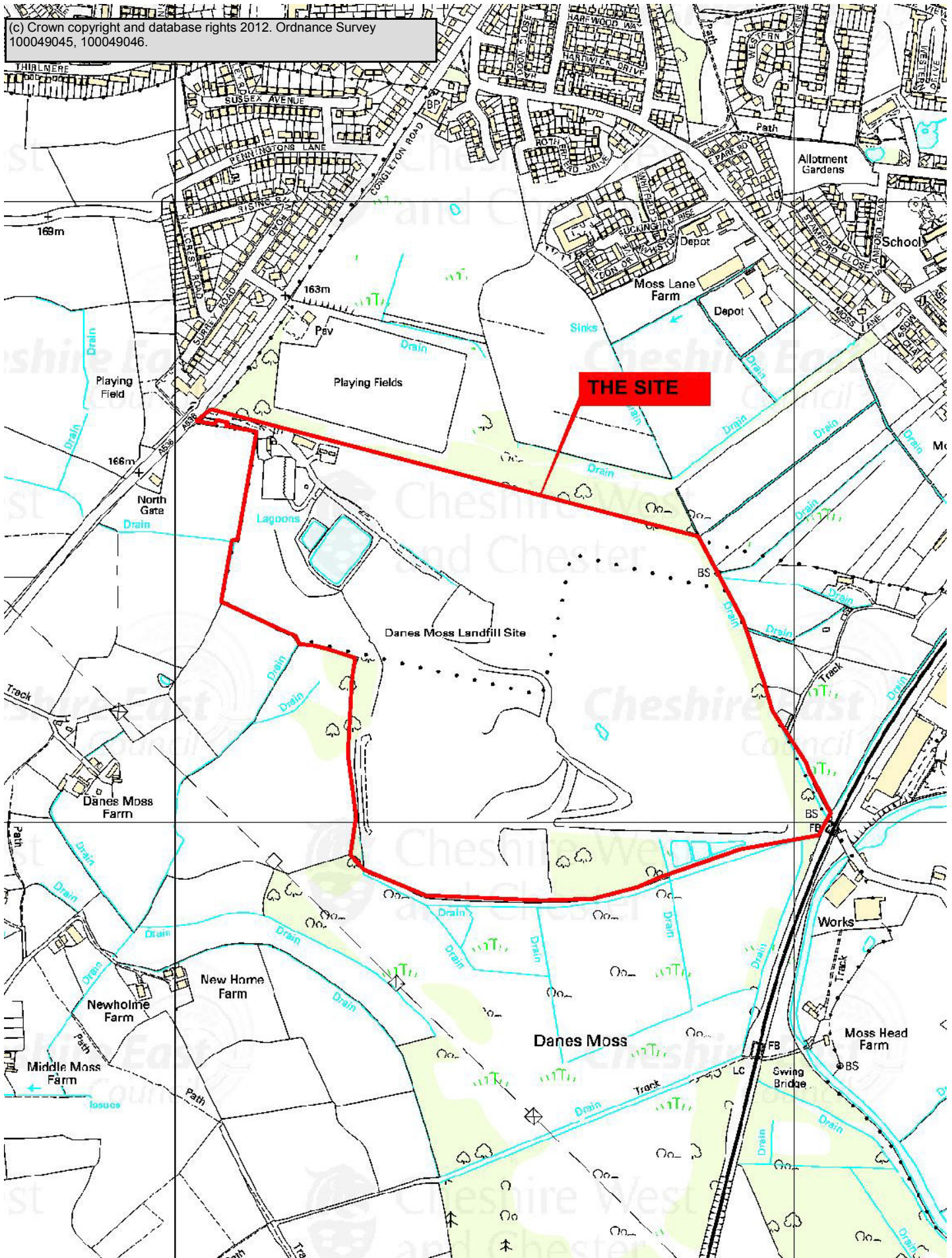
It is of merit to note that should Members decide to refuse the application which would prevent the consented landform to be achieved, a further planning application would be required to vary the approved levels to provide revised contours and a revised restoration programme at a lower level to that already consented. This would result in an unsustainable, unsuitable and alien landform within the context of the site.

RECOMMENDATION

THAT:

- (1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**
- (2) Planning permission should be granted subject to conditions covering in particular:-**
 - All the conditions attached to permission 09/0761W unless amended by those below**
 - Extension of time to 31st December 2014 with full restoration of the site within 12 months or no later than 31st December 2015**
 -

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Application No: 12/2217C

Location: FORMER FISONS SITE, LONDON ROAD, HOLMES CHAPEL, CW4 8BE

Proposal: Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

Applicant: Bellway Homes Limited &, J S Bloor (Wilmslow) Limited

Expiry Date: 11-Sep-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and signing of a S106 legal agreement

MAIN ISSUES

Principle of Development
Housing Land Supply
Sustainability
Design Considerations
Highway Safety and Traffic Generation
Landscape and Tree Matters
Impact on Setting of Adjacent Listed Building
Provision of Open Space
Impact on Protected Species
Impact on Residential Amenity
Contaminated Land
Flooding and Drainage
Provision of Affordable Housing
Impact on Education Capacity

REFERRAL

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

1. SITE DESCRIPTION

This application relates to part of the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off Marsh Lane. The site was previously occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by the former Fison's building (also known as 'Benger House') fronting London Road, to the northwest by the Manchester to Crewe railway line, recreational / sports facilities to the north, Marsh Lane and the grade II listed Marsh Hall to the north east, and open countryside to the south east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south and west.

The site is irregular in shape and wraps around the northern and eastern perimeter of Sanofi Aventis. This application covers approximately 8ha of the larger 12 h site. The topography is generally flat. However, the site rises towards the north-eastern boundary, sloping gently towards the southwest. The majority of the site is previously developed. However, many of the buildings towards the western portion of the site have now been removed.

2. DETAILS OF PROPOSAL

This application seeks approval of the reserved matters (appearance, landscaping, layout and scale) for the residential element of outline planning approval 11/1682C. Members will recall that this granted permission (with details of access) for:

"the comprehensive redevelopment of the site for a mix of uses including up to 231 residential units; local needs retail foodstore (A1), commercial development comprising B1(a) offices, B1(c) light industrial, medical facility (D1), care home (C2) and children's day care facility (D1), part retention of the former Fisons building (frontage), demolition of rear wings and change of use to public house (A4), restaurant (A3), care home (C2) and hotel (C1) in addition to provision of public open space, landscaping and other ancillary works".

The residential units are to be focused on the eastern and southern portions of the site and it is this application which seeks to bring 224 of these forward.

3. RELEVANT PLANNING HISTORY

The applications site's lawful use as a pharmaceutical manufacturing plant pre-dates the advent of the Town and Country Planning Act in 1947. Accordingly there are no planning records associated with the original development of the site. Planning applications for the site post 1947 are associated with the plant's incremental growth and do not have any relevance to the current application.

The only application of relevance is outline planning approval 11/1682C as referred above. It was approved on 9th December 2011.

4. PLANNING POLICIES

National Policy

National Planning Policy Framework.

Local Plan Policy

PS3 Settlement Hierarchy
PS5 Villages Inset in The Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 and GR7 Amenity and Health
GR9 and GR10 Accessibility, servicing and provision of parking
GR13 Public Transport Measures
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
GR22 Open Space Provision
GR23 Provision of Services and Facilities
BH4 Listed Buildings Effect of Proposals
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR5 Habitats
H5 Residential Development in Villages
H13 Affordable Housing and Low-cost Housing

Other Material Policy Considerations

Cheshire East Local Plan – Draft Development Strategy & Policy Principles
Interim Planning Policy: Release of Housing Land (Mar 2012)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions / informative addressing the following:

- Recommend condition for supplemental contaminated land investigations on Plot B
- Submission of an Environmental Management Plan
- Require a condition for hours of construction and pile driving

Highways

No objections. The access to the site was determined at outline stage where it was agreed that a priority access to the site would be provided and a new roundabout constructed at the junction of Marsh Lane/Manor Lane.

There have been changes made to the internal layout following highway comments on the original submitted scheme. The main changes relate to the amount of shared surface being provided and that the internal roads will generally be at one level to promote lower traffic speeds and priority for pedestrian usage.

The proposed width of carriageways and service verges are now acceptable for the adoption of the internal roads to take place.

Education

No comments have been received. However, when the previous outline submission was considered, there were sufficient places within the local primary and secondary schools to accommodate the pupils generated by the development.

Environment Agency:

No objection, subject to the following comments / conditions:

- Submit a scheme to limit the discharge of surface water from the proposed development such that it does not exceed the run-off from the existing site.
- Submit a scheme to manage the risk of flooding from overland flow of surface water.
- A scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include; plans showing the extent and layout of the buffer zone around the River Croco and ditch; details of the planting scheme (for example, native species); details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term; details of any footpaths, fencing, lighting etc.
- Contaminated land conditions including development not to be occupied until a verification report to demonstrate that the remediation required by the contaminated land investigations is carried out.

United Utilities

No objection - the drainage details submitted are acceptable in principle. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

English Heritage

There has been a recent listing request for the former Fisons building (referred to as 'Benger House'). Until a decision has been reached, it would be premature to determine the application. Nonetheless, the application should be determined in accordance with national and local policy and the Council's specialist conservation advice.

Network Rail

No objection subject provided the development does not encroach onto Network Rail land and subject to conditions relating to boundary treatment, drainage, construction, noise / vibration, landscaping including hard-standing.

Public Rights of Way (PROW)

The proposal does not affect a public right of way

6. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL

- In general terms the Council support the application because it follows the outline planning consent for the site
- The Council supports the inclusion of the proposed roundabout at the junctions of Manor Lane / Marsh lane / Station Road
- Notwithstanding the terms of the outline planning consent, it is still considered preferable to have two access / egress points to and from the site
- There should be appropriate conditions relating to the provision and maintenance of the open space
- There should be conditions relating to landscaping and tree planting to protect houses within the development from traffic noise and to protect the listed building at Marsh Hall
- Enquiries were made to see if the amount of public open space could be reduced to allow more affordable housing which would allow the developer to contribute towards improvements of other facilities in the village by way of s.106 money

7. OTHER REPRESENTATIONS

None

8. OFFICER APPRAISAL

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, sustainability, design, highway safety and traffic generation, landscape and tree matters, provision of open space, ecology, amenity, drainage and flooding, affordable housing, education and loss of agricultural land.

Principle of Development

The principle of the development has already been accepted by the granting of outline planning approval ref; 11/01682C, which included the provision of up to 231 residential units.

This reserved matters application seeks to bring 224 residential units forward and the partial loss of this former wider vacant employment site has already been considered. The only material change since the outline application was considered is the introduction of the National Planning Policy Framework (NPPF).

NPPF Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF (the closer the policies are to the Framework, the greater the weight that may be given).

Housing Land Supply

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. Progress has been made with the drafting of the Cheshire East Local Plan – Draft Development Strategy & Policy Principles, which Members have agreed the contents of. This will be published for consultation in January 2013 and will set the benchmark for the delivery of new housing across the borough.

With respect to this proposal, the site is already within the settlement zone line of Holmes Chapel and is predominantly previously developed land. Further, the provision of residential development on the site has already been accepted and therefore the principle is found to be acceptable and in accordance with national local and emerging policy.

Sustainability

In terms of sustainability, the application site is located on the south-easterly edge of the village. The village centre is only 600m to the north of the London Road frontage and the proposed access off Marsh Lane. Connectivity with the centre by would be improved by the provision of a Puffin pedestrian crossing near to the proposed Marsh Lane access which was secured at outline stage. This will ensure that the site is easily accessible on foot. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account and the issues covered above, the site is considered to be in a sustainable location and therefore accords with the NPPFs aims of fostering sustainable development.

Design Considerations

In general terms, the proposed layout follows the general pattern of development as shown on the indicative masterplan that was tabled at the outline stage. The main difference is that there is now a mini roundabout proposed at the junction where Marsh Lane meets with Manor Lane, which has partly eaten into the site frontage. Additionally, the part of the site

immediately adjacent to the proposed roundabout and the existing access to the adjacent leisure facilities will accommodate residential units instead of the A1 local food retail store that was previously shown.

The Marsh Lane frontage is extremely prominent with views from Manor Lane directly terminating on the site. Following extensive discussions with the applicants and agent, the design and layout of the scheme has been amended to help address concerns regarding the need to provide a strong gateway into the site. Minor improvements on the Marsh Lane frontage have been made and whilst further improvements could be made, the impositions created by the inclusion of the roundabout need to be borne in mind. Although illustrative, the Masterplan accompanying the outline approval showed a less than attractive edge on this part of the site and the therefore the proposal as amended is improved.

Turning to the internal arrangements, the dwellings occupying the eastern portion of the site would be positioned around a central core of open space. The proposed dwellings would comprise a mixture of two to three storey buildings. This density would decrease towards the eastern perimeter of the site to ease the transition with the open countryside to the southeast and to maximise opportunities for planting and open space.

In respect to the internal street design, there has also been some minor improvement to include additional trees and landscape to help reduce the visual impact of frontage car parking. Details relating to hard landscape (i.e. the choice of materials) will be conditioned, to secure an appropriate palette alongside the soft landscaping as proposed in the revised plans.

With respect to the boundaries with the existing Sanofi Aventis site to the south, an easement has been provided to try to increase separation with the site and to safeguard the amenity afforded to the residential properties backing or siding on to the neighbouring site.

Given the mix and character of the area and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Access was determined at outline stage with the proposed residential units being served via a new access onto the A54 Marsh Lane. This new junction will be a simple priority junction and will be supplemented by a ghost island right turn lane system. Members will recall that there was concern regarding the existing junction where Marsh Lane meets with Manor Lane and, as a result, Members felt that it would be better served by a mini roundabout. To reflect this, a condition was added requiring the provision of a mini roundabout and this has now been incorporated into the proposed layout.

The right turn lane system coupled with the mini roundabout will assist with vehicle turning movements. This junction provision requires some widening of the A54 using part of the site frontage. This widening work will include both carriageway widening and the provision of a frontage footpath to carry pedestrians towards the railway station and village centre via a new proposed PUFFIN crossing located to the northwest, which was secured at outline stage.

There have been changes made to the internal layout following highway comments on the original submitted scheme. The main changes relate to the amount of shared surface being provided and that the internal roads will generally be at one level to promote lower traffic speeds and priority for pedestrian usage. As amended, the proposed width of carriageways and service verges are acceptable and will ensure that the internal roads can be formally adopted.

With respect to accessibility, pedestrian accessibility has been designed for permeability. The internal housing layout is conscious of the need for pedestrians to cross the A54 Marsh Lane to access the railway station and the village centre. Members will recall that the off-site proposals include a new Puffin crossing on the A54 which will enable pedestrians to cross to the village side of the A54.

Cycle access will use existing infrastructure and clearly the village centre plus other existing local facilities such as Brereton Heath are all within appropriate cycling distance via existing and good network routes.

Bus facilities are to be improved locally. The outline approval secured the provision of two new quality partnership bus stops on Marsh Lane.

Rail access is good with the local railway station in the immediate vicinity of the site. The provision of site frontage footpaths and the Puffin crossing will allow easy access to the railway station which is served by the main north/south Crewe line. The Strategic Highways Manager, whilst recognising that Holmes Chapel is a rural village, acknowledges that with the local nature of village amenities and the improvements on offer for pedestrian accessibility, this site should be considered sustainable as it is reasonably served by existing facilities.

Landscape and Tree Matters

In landscape terms, the most significant effect on public views resulting from the development is anticipated to be minor adverse for receptors using Marsh Lane, Manor Lane and Mill Lane where there would be views towards the proposed dwellings. Views would diminish as the landscape framework matured.

It is inevitable that there will be change to its landscape character. In the long term, it appears that with the Landscape Framework, the development proposed can be accommodated without significant visual impact. In the short term, the loss of the tree screening on Marsh Lane will have a significant visual impact, allowing clear views both of the new development and of the retained offices on the site. Nevertheless, notwithstanding the suggestion in the submission that views from within the site to the Sanofi Aventis site

would be mitigated by a strong landscaped buffer proposed using the 5m easement on the site boundary, it is considered that the mitigating benefits of such planting would be limited. However, they would not be so significant as to warrant a refusal.

Conditions to cover tree and hedgerow protection, works to retained trees, submission of arboricultural method statements, submission of landscape and boundary treatment details are recommended. In addition, a mechanism for securing the management of the proposed areas of POS and all the buffer areas (including retained plantation woodland), together with a mechanism to ensure that a framework of advanced boundary planting was established at an early stage rather than be provided piecemeal as the site is developed.

The planting close to Marsh Lane is on mounding and includes Sycamore, Ash, Beech, Scots Pine, Norway Maple and Poplar species. A further plantation is located on the south east boundary and extends some distance north into the site. This planting was originally intended to provide screening of the previous industrial buildings on the site and to degree offers some screening of the buildings that remain.

The proposed development would result in the loss of trees throughout the site, comprising:

- significant sections of the linear plantations adjoining Marsh Lane,
- a large mid site plantation extending into the site from the south east,
- a small number of trees close to the access with London Road and part of a group of trees to the south of the sports ground.

The Implications Assessment states that the most numerous and significant tree losses will be incurred in the loss of the plantation trees, to the detriment of the screening, landscape delineation, wildlife and habitat values currently provided.

The level of screening to the industrial works currently afforded by trees on the eastern boundary is considerable and their removal would open up views into the site when viewed from Marsh Lane and the junction of Manor Road.

It is considered that it will be possible to mitigate for the significant tree losses. However, the provision must be for planting to include a significant proportion of trees with a large mature size and for planting to be implemented to a sufficiently high standard to ensure that the ultimate size and longevity of trees will not be compromised particularly along the Marsh Lane frontage.

It should be noted that the plantations were planted to screen an industrial use, and given their character and form, they may not be appropriate for retention in the context of a new mixed use development which needs to be integrated into Holmes Chapel. In the light of a new use for the site, on balance the losses are deemed to be acceptable.

In respect of hedgerows, there are two sections of hedgerow on the site both worthy of retention. On the southeast boundary of the site there is a well establish mixed species hedge with trees. On the boundary of the site with Marsh Lane, running from the junction with Mill Lane, there is a Hawthorn hedge. It appears that the new access arrangement would result in minor hedgerow loss along Marsh Lane.

Impact on Setting of Adjacent Listed Building

Marsh Hall, a grade II listed residential property is situated towards the east of the site on the opposite side of Marsh Lane.

Previously, the owner of this property has raised concerns with reference made to the impact that the proposed access off Marsh Lane would have on the setting of Marsh Hall. In response to this, prior to the outline submission, the access was moved towards the west as far as practicable to help minimise any impact whilst having regard to highway safety requirements. As access has already been determined, the impact that this would have on the adjacent listed building has already been determined.

Nonetheless, the position of the access would not be situated directly adjacent to the listed building. Marsh Hall's boundary along Marsh Lane is well screened and only glimpses of the listed building can be obtained. This has led to Marsh Hall 'turning its back' on the Marsh Lane frontage. Additionally, the nearest part of the proposed built development (i.e. along the eastern boundary), has been set back approximately 30 metres to help minimise the visual impact from Marsh Lane and assist in the retention / provision of a landscape buffer along the eastern boundary. Conditions can be imposed to ensure that this landscaping buffer is retained and supplemented as far as is practicable.

Taking this into account, the listed building would not be read in the context of the proposed access or the nearest part of the built development. Whilst the development and proposed access would feature from views of Marsh Lane, the proposal would not cause significant detrimental impact on the setting of the listed building. This view is supported by the Council's Conservation Officer Provided that the landscaping along the eastern boundary can be supplemented..

Provision of Open Space

As per the outline application, the scheme proposes the provision of both green amenity space and Public Open Space (POS) within the development. The developer has explained that this will be provided in accordance with the Council's Supplementary Planning Guidance and will be maintained by a management company.

The eastern portion of the site will be arranged around a central core of open space which will also encompass a Locally Equipped Area for Play (LEAP). A second LEAP will also be provided in the far north-western corner of the site. Given the size of the proposal, and its location on the outer perimeter of the village, such provision is preferable to a reliance on existing facilities in the village. Such provision was outlined within the S106 pursuant to the outline application.

Subject to comments being received from the Council's Greenspaces section, this detailed scheme is found to be in accordance with SPD6.

Impact on Protected Species

This reserved matters application has been supported by an updated protected species survey in line with the requirements of the outline approval. The Council's Nature

Conservation Officer (NCO) has advised that the impacts of the development upon protected species are still of the same scale as anticipated when the outline consent was granted. As such, the NCO has no objection, subject to conditions. Such conditions relate to the implementation of the proposed protected species mitigation and a breeding birds condition. Further comments are also made in respect of the landscaping.

The proposed landscaping and in particular the amount of tree planting/retention proposed is reduced in comparison with that shown on the outline indicate plan particularly to the north of plots B80 – A112 and to the boundary north of B35 – B69. A small block of existing woodland is present to the southern tip of the site. This woodland does not appear on the proposed landscape layout. It is advised that this woodland should be retained and incorporated into the proposed landscaping scheme for the site. Given that this area is not proposed for development, it is considered that this could be secured through condition.

Similarly a relatively important hedgerow was identified along the south-eastern boundary of the site. This hedgerow is not clearly shown as being retained as part of the proposed landscaping plans. It is recommended that the hedgerow should be retained and incorporated into the proposed landscaping for the site. Subject to this, the proposal is deemed to be acceptable in ecological terms.

Impact on Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The proposed layout enjoys generous separation (approximately 50 metres) with the nearest neighbouring property Marsh Hall and as such the proposal would not materially harm neighbouring amenity by reason of loss of light, visual intrusion or overlooking.

The proposed layout and the orientation of the properties have been designed to respect the advised separation distances. There are examples where some plots fall short of the required distance. However, these are only marginal and therefore not significant. There are some flanking elevations (for example on corner plots) that will need to have permitted development rights for openings removed in order to control the introduction of any future openings. Additionally some of the smaller plots will require permitted development rights to be removed for extensions etc to protect future amenity. Such measures can be imposed by condition.

Those properties sharing boundaries with the neighbouring commercial / industrial uses would exceed the minimum separation. All of the proposed units will enjoy an adequate provision of private amenity space having regard to the size of the unit that it would be intended to serve. As such, the residential amenity of future occupants would be acceptable in terms of overlooking, privacy, and daylight.

With regard to noise, a Noise Assessment was submitted to support the outline application. The assessment recommended a series of mitigation measures to be carried out to reduce the impact of noise on the future occupants of the proposed dwellings, primarily from the adjacent Crewe to Manchester Railway Line and adjacent commercial and industrial uses. The assessment concluded that any harm could be addressed through the incorporation of appropriate glazing, acoustic ventilation and materials in the development to help minimise any noise impact. This was conditioned at outline stage. The Councils' Environmental Protection Unit is satisfied that the noise considerations and therefore the scheme is deemed to accord with local plan policy GR6.

Contaminated Land

Owing to the previous land uses, parts of the site have been subjected to contamination and require remedial works. Detailed site investigation reports have been submitted with the outline application and subsequent reports have followed.

The far eastern part of the site is relatively unaffected by contamination and is likely to be developed in the first phase of the development. It is envisaged that the remaining part of the site, i.e. the limb that adjoins the western portions of the former Fison's site will be remediated whilst the first phase is being built. It is understood that this remediation has already begun. The Council's Environmental Protection Unit has reviewed the site investigation reports and has offered no objection, subject to conditions.

Flooding and Drainage

Part of the application site is located within Flood Zone 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land. The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources.

In accordance with the NPPF and local policy, the applicant has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions. Such conditions include a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco. These conditions were imposed on the outline approval and do not need to be repeated.

Provision of Affordable Housing

The proposed development will provide 67 affordable units (44 affordable or social rent and 23 for intermediate tenure) within the proposed 224 units. 57 of the properties are 3 bed houses and 10 are 2 bed properties. Although this mix of properties does not meet the highest need for social rented housing identified from Cheshire Homechoice (the choice based lettings system used to allocate social housing in Cheshire East), it does meet the highest need for property type in Holmes Chapel identified from the SHMA 2010. As such, the Housing Strategy and Needs Manager has stated that this provision is acceptable and that it accords with the Interim Affordable Housing Statement requirements that

developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented (with potential for affordable rent) and 35% should be intermediate tenure.

Impact on Education Capacity

The proposed development is of a scale which has the potential to create greater demand on schools in the local area. The Education department has confirmed that there is sufficient capacity within local primary and secondary schools to accommodate the likely number of pupils generated. As such, no contribution has been requested.

10. REASONS FOR APPROVAL

The proposal involves the redevelopment of a brownfield site within the settlement boundary, for residential use, the principle of which has already been accepted at outline stage (planning ref; 11/1682C). The scheme also has a number of other positive planning benefits, including the remediation of the site, the removal of potentially heavy industrial uses and more crucially it will assist in meeting the Council's 5 year housing land supply requirement and in the delivery of much needed affordable housing within a sustainable location.

As amended, the general layout and design is found to be acceptable with suitable Public Open Space. The impact on the local landscape would change as a result of the proposal due to the removal of a former screening bund and some planting. However, the proposed density and scale of development would not be as significant as the former buildings on site that the bund was designed to screen and the impact on the local landscape would not be significant, provided that it can be supplemented along the eastern boundary with Marsh Lane.

With regard to the traffic generation from this site, such impacts were considered and dealt with at outline stage and this proposal does not result in any change to these considerations. The only deviance in highways terms is the provision of a mini roundabout at the junction where Marsh Lane meets with Manor Lane. However, this was requested by Members previously and the Strategic Highways Manager has not objected to the detail. The development will provide accessibility options which include pedestrian, cycle, bus and rail modes of travel, including new puffin crossing along Marsh Lane and other highway improvements which will improve connectivity with Holmes Chapel Village Centre.

The proposals are considered to be acceptable in terms of their impact on the adjacent listed Marsh Hall and the development is not anticipated to result in increased risk of off-site or on site flooding.

The developer has offered to provide 30% affordable housing based on 65% social rented and 35% intermediate tenure, and to be provided in a variety of unit sizes to meet local requirements.

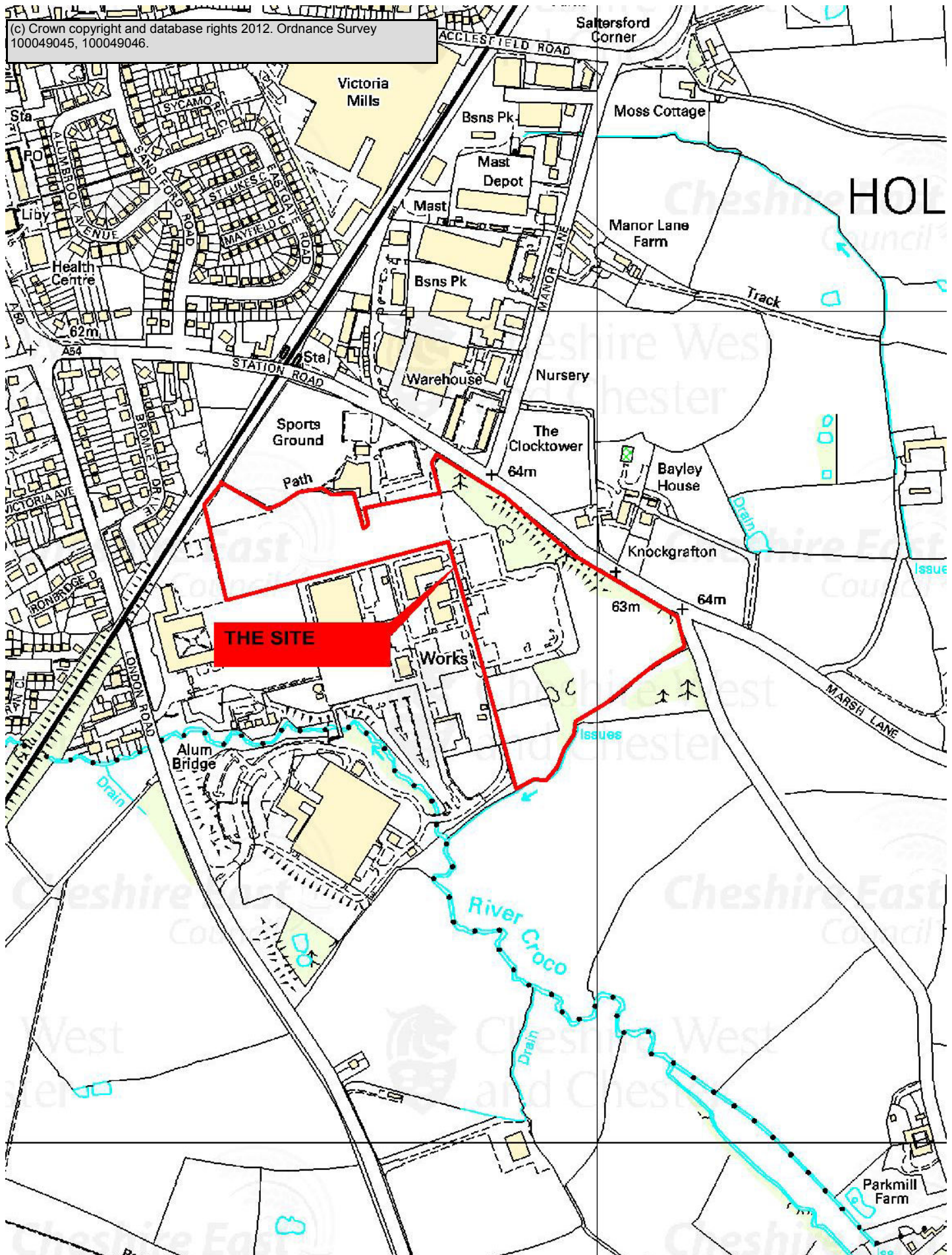
Any impacts on protected species have been minimised through appropriately agreed mitigation.

Subject to conditions, the residential amenity of future occupants would be adequately mitigated for and the contamination on parts of the site can be remediated appropriately. The proposal complies with the relevant local plan policies and accordingly it is recommended for approval subject to a Section 106 agreement and appropriate conditions.

11. RECOMMENDATION

APPROVE subject to comments from Greenspaces and the following conditions:-

- 1. Standard**
- 2. Approval for reserved matters relates only to Plots A & B (residential element of outline approval 11/1682C)**
- 3. Approved Plans / amended plans**
- 4. Notwithstanding detail shown – landscaping scheme to be submitted to show retention/management of area of woodland to south of site, retention of hedgerow along south-eastern boundary and supplementary planting along Marsh Lane frontage**
- 5. Implementation of Landscaping Scheme**
- 6. Retention of trees and hedgerows**
- 7. Submission of Arboricultural Impact Assessment**
- 8. Submission of Arboricultural Method Statement**
- 9. Submission of Comprehensive tree protection measures**
- 10. Materials to be submitted inc hard-landscaping and surfacing**
- 11. Recommendations and mitigation within submitted Protected Species survey to be carried out**
- 12. Breeding birds survey**
- 13. Further contaminated land investigations / mitigation for Plot B (western portion of site)**
- 14. Detailed design and construction drawings for the proposed access junction, related carriageway widening and footway provision and mini roundabout. Delivered prior to first occupation**
- 15. Submission of Environmental Management Plan**
- 16. Submission of existing and proposed levels survey**
- 17. Removal of Permitted Development Rights Classes A-E on selected plots**
- 18. Removal of Permitted Development Rights for openings including obscured glazing requirement on selected plots**



Application No: 12/3536C

Location: Land East of, Meadow Avenue, Congleton, Cheshire, CW12 4BX

Proposal: Outline Application With Access For Erection Of Up To 14 No. Dwellinghouses With Ancillary Facilities And Associated Infrastructure.

Applicant: Mr Robert Pedley

Expiry Date: 12-Dec-2012

SUMMARY RECOMMENDATION

APPROVE subject to completion of Section 106 Agreement and Conditions

MAIN ISSUES

Planning Policy And Housing Land Supply
Sustainability
Affordable Housing,
Highway Safety And Traffic Generation.
Flood risk and drainage
Layout and design
Amenity
Landscape Impact and Hedge and Tree Matters
Ecology

REFERRAL

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

SITE DESCRIPTION

The application site is some 0.77 hectares of land to the east of Meadow Avenue and north of Waggs Road, Congleton. To the south and east is open countryside. Stony Lane, which is the route of a public footpath, runs along the western boundary of the site. The site is generally level hedgerows and trees on the boundaries.

The site is identified in the Strategic Housing Land Availability Assessment as suitable, achievable and developable. Its' availability is described as marginal/uncertain; however as the owners of the land have submitted this application, it would now appear to be available.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 14 dwellings, with ancillary facilities and associated infrastructure. Access is to be taken from the eastern end of Meadow Avenue, with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application.

RELEVANT PLANNING HISTORY

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

PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

Cheshire East

Development Strategy

Congleton Borough Local Plan First Review 2005

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

GR21 Flood Prevention

GR 22 Open Space Provision

NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 Affordable Housing and Low Cost Housing

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure

DP5 Managing travel demand

DP7 Promote environmental quality

DP9 Reduce emissions and adapt to climate change

RDF1 Spatial Priorities

L4 Regional Housing Provision

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM3 Green Infrastructure

EM18 Decentralised Energy Supply

MCR3 Southern Part of the Manchester City Region

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

OBSERVATIONS OF CONSULTEES

Natural England

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has also been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: Bats and Great Crested Newts. Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take

a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i) we reached box (v) - We looked at the survey report and determined that the survey was not clear enough to decide whether there are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal. We were unable to progress further through the flow chart. Please refer to page 14 of the ecological report which indicates that further survey effort is required.

We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts beginning at box (i) we reached box (viii) which advises the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act. Please refer to page 15 of the ecological report which makes recommendations in relation to mitigation.

For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met. If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Environment Agency

We have no objection in principle to the proposed development.

Howty Brook is designated 'main river'. Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of

a designated 'main river'.

This will include any proposed surface water outfall structure, which should be built wholly within the bank profile using materials in keeping with the local area. The discharge exit velocity should not exceed 1.0 metre/second and be angled with the direction of flow in the Brook.

United Utilities

None received at the time of report writing.

County Archeologist

No objection subject to condition that the site should be subject to a scheme of archaeological mitigation. This should consist of a programme of supervised metal detecting across the rest of the area to identify and record any artefacts present. If particular concentrations of material are located, more intensive work may be required at these specific localities. If only a general spread of artefacts is located, no further fieldwork is likely to be required. A report on the work will need to be produced and the mitigation may be secured by the condition given below:

Public Right of Way

The development will affect Public Footpath Congleton No. 6, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached).

We have met with Grant Dinsdale from Dolphin Land & Development Consultancy Ltd regarding the application and have no objection providing that a safe crossing point is provided for pedestrians where the access road crosses the public footpath. We also discussed improvements to the footpath and are happy for these to go ahead.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent as follows:

"No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- *there is no diminution in the width of the right of way available for use by members of the public*
- *no building materials are stored on the right of way*
- *no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way*
- *vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way*

- *no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature*
- *no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way*
- *the safety of members of the public using the right of way is ensured at all times"*

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

Greenspaces

With reference to the plans for 14 dwellings consisting of seven 5 bedroom, three 4 bedroom, two 3 bedroom and two 2 bedroom houses the following Streetscape comments and observations are made.

Amenity Greenspace

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. There is no Public Open Space indicated on the site layout plan

Alternatively quality enhancements of the infrastructure at Astbury Mere Country Park would benefit the new development

Given that an opportunity has been identified for enhancing the quality of existing Amenity Greenspace to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be :

Enhanced Provision:	£3,011.31
Maintenance:	£6,740.25

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning

permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The Council recognises that smaller developments will not always practically be able to provide open space and/or play provision on site where less than 20 dwellings are proposed and financial contributions would be sought towards enhancement of public open space/play provision within an 800m radius.

An opportunity has been identified for the enhancing the quality of an existing facility at West Road Play where the existing facilities are substandard

Given that an opportunity has been identified for upgrading the /quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	£ 5,219.00
Maintenance:	£ 17, 014.50

Streetscape would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds

Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

Highways

This is a full planning application for 14 residential units on land that is accessed from the eastern end of Meadow Avenue. The access crosses Stony Lane which is a public right of way.

The main highway consideration is whether the development will have any traffic impact on the local highway network and whether the existing infrastructure is sufficient to accommodate the additional development.

Meadow Lane connects with Waggs Road and serves some 21 existing dwellings, there is a footpath one side of Meadow Lane and a verge on the opposite side. The carriageway width of Meadow Lane is 4.8m wide which is the standard width for small residential estate roads, the addition of a further 14 dwellings would not a raise a technical problem as it is generally accepted that a 4.8m road can serve up to 50 units.

The traffic generation that can be expected from the proposed development is low and even though the access roads including Waggs Lane and Fol Hollow are very narrow in places and certainly not suited to serve any new large developments, this level of development does not raise a material impact on traffic flows that are currently using these roads.

As the proposed access crosses a public right of way, the views of the public rights of way officer should be sought as to whether the additional vehicular traffic will cause a problem.

In summary, as the proposed development is only small in number the impact on the highway network is minimal and even though the main access roads to the site are not designed to accommodate high traffic flows, it would be extremely difficult to defend a traffic impact reason for refusal for 14 units.

No highway objections are raised.

VIEWS OF THE PARISH / TOWN COUNCIL

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

- Outside the development zone
- Proposed on open countryside, not meeting the criteria in CDC local plan
- Unsustainable on highways grounds
- Traffic problems around Marlfields school
- Plans are premature prior to the adoption of the Town Strategy and Local Plan
- Wildlife and biodiversity

OTHER REPRESENTATIONS

In excess of 180 representations have been received, including ones from the local MP and the three local ward members and a five page petition, full copies of which can be seen on the application file, expressing concerns about the following matters:

Principle

- Loss of green field site
- Loss of agricultural land
- The houses are not needed. There are plenty of properties for sale in Congleton
- The land is not allocated for housing
- Will lead to further development around the site and Astbury will be swallowed by Congleton
- Creation of urban sprawl towards the A34
- Proposal is premature coming before the adoption of the local plan
- Not in accordance with the Congleton Town Plan
- Will open the flood gates for future development
- Will undermine the spatial vision for the area
- Planning driven by greed
- The applicant has not undertaken an assessment of the sustainability of the site
- Does not meet affordable housing requirements

Highways

- Congestion on Waggs Road and Fol Hollow
- Fol Hollow is not suitable for additional traffic
- Danger from traffic to children at the nearby school
- Danger from HGVs during development because of unsuitable roads
- There would be more car movements generated from the site than those stated in the application
- Inadequate transport statement
- Traffic survey does not reflect the local knowledge of the traffic issues in the locality
- Impact on footpaths

Infrastructure

- No plans for extra hospitals, schools, nurseries and police
- No provision of community facilities or open space
- The application offers no infrastructure benefits

Loss of Open Countryside

- Damage to the landscape character of Priestly Fields
- Adverse visual impact on the area
- Threat to the unique natural heritage of enormous value to Congleton
- Loss of a rare example of access to the centre of a town through wooded countryside
- Green spaces are beneficial to the mental health of the nation

Amenity

- Loss of privacy to the properties on Waggs Road
- Increase in noise levels
- Quality of life will be severely affected during construction

Ecology

- Adverse impact on wildlife
- The development will crowd the wildlife corridor
- Adverse impact on many protected species that are known to be in the area
- A pond has been filled in the adjacent field and newts are appearing in neighbouring gardens

Drainage and Flooding

- Inadequate drainage on Waggs Road
- Flood Risk
- Scale of the pumping station is unnecessary for a development of this size

Design

- Development is out of character with the area
- Houses would not be in keeping with those in the locality

Other Matters

- The Council should stand up against these developments and take the risk of appeal costs
- The Council should have been better organized and had a functioning local plan
- Lack of democratic accountability because of decisions going to appeal
- The land is not completely in the ownership of the developer
- “What would our forefathers who gave their lives in the world wars have thought? The very land they fought and died for. The people of Britain have had enough and the people of Congleton have had enough. One life, one country and when it’s gone it’s gone.”

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline form with only the access points being applied for, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of planning policy, housing land supply, the sustainability of the location, affordable housing, highway safety, traffic generation, landscape impact, hedge and tree matters, ecology, amenity, open space and drainage.

Principle of Development

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

The proposed development would not fall within any of these categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

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

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

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

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.

The SHLAA 2010, identifies the site as part of a larger site with capacity of up to 30 units (2321). It is described as suitable with policy change, achievable and developable.

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 as required by the NPPF 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 Cheshire East Development Strategy is now a material consideration in the determination of planning applications this document identifies the preferred sites for residential in the borough. This site is not one of those identified; however a development such as this for 14 dwellings is not considered to conflict with the strategic objectives of the Strategy, given its limited size and sustainable location.

Appeals

Four appeals are of particular relevance to this application.

An appeal was allowed on a site with very similar policy considerations in August 2011, at Elworth Hall Farm, Sandbach. Here the inspector concluded that:

“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight.”

The Inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”

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 which is within the open countryside and a departure from the Local Plan, would 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'

Conclusion

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is considered to be available, suitable and achievable by the SHLAA
- Appeals in Cheshire East plus others elsewhere 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."*

- There is scope for new development in other towns in the Borough.
- *Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.*
- *There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions which form a much larger incursion of built development into the surrounding open countryside.*

Additionally a scheme for up to 80 dwellings at Rope Lane, Shavington determined that, although there was harm to the character and appearance of the area and the site being in the Green Gap, that the lack of a 5 year housing land supply and provision of affordable housing outweighed these elements. As such the appeal was allowed.

More recently a scheme for up to 269 dwellings was allowed by the Secretary of State and the Planning Inspectorate at Hind Heath Road, Sandbach. Here the Inspector and Secretary of State said that despite the development:

- causing a material harm to countryside protection policies;
- resulting in the loss of a sizeable area of good quality agricultural land;
- being in an area where there is a shortage of local employment;
- being some distance from the town centre and its facilities;
- "the appeal site is not wholly consistent with Government policies on sustainable development and climate change."

That the Councils' lack of a 5 year housing land supply and the provision of affordable housing, outweighed the disadvantages of the development.

In the light of these decisions and the primacy of the NPPF in the light of the lack of a 5 year housing land supply, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable and costs may be awarded against the Council should it be 'unreasonable'.

Location of the Site

The site is part of a larger site which is considered to be suitable, achievable and developable by the SHLAA. To aid the assessment as to whether this site comprises sustainable development, the applicant has submitted a services assessment to support the application. This assessment shows the distances that the development would be from local services and seeks to demonstrate its sustainability. These distances are shown below:

- | | |
|-------------------------------------|---|
| • Shop selling food and grocery | Several in town centre 800m |
| • Post box | Junction of Waggs Road/Meadow Avenue |
| • Playground/amenity area | Several within 500m including Astbury Mere, Banky |
| Fields and Marlfields School fields | |
| • Post Office | Congleton Post Office within 1,000m |
| • Bank or cash point | Several along Bridge Street 800m |
| • Pharmacy | Swan Bank 800m |
| • Primary School | Marlfields 400m |
| • Medical Centre | West Street 800m |
| • Leisure Facilities | Tennis club 600m and Astbury Mere 400m |
| • Local Meeting Place | Trinity Methodist Church Hall 600m |
| • Child Care Facility | Marlfields 400m |

The SHLAA also shows that the site is within 300m of a bus stop and 2,700m of a railway station.

It is considered in the light of this assessment that the proposed development would be within a sustainable location.

Overall, it is concluded that the site is sustainably located and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF should apply.

The application turns therefore on whether there are any **significant** and **demonstrable** adverse effects that indicate that the presumption in favour of the development should not apply. This is considered in more detail below.

Affordable Housing

The site is located in Congleton, which comes under the Congleton sub-area, in the SHMA 2010 which has identified a requirement for 33 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 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 246 applicants on the housing register who have selected Congleton as their first choice. These applicants require 91 x 1 bed, 94 x 2 bed, 40 x 3 bed and 3 x 4 bed.

The Interim Planning Statement: Affordable Housing states that affordable housing will be required on any Windfall Sites that are for 15 dwellings or more or are greater than 0.4ha in size in settlements with a population of 3,000 or more. It states that the affordable housing requirement will be 30%, in accordance with the recommendation of the Strategic Housing Market Assessment 2010. The SHMA 2010 recommends a tenure split for affordable housing of 65% social rent and 35% intermediate.

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. It 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.

Although the site is for only 14 dwellings, as it is larger than 0.4ha, there is a requirement for affordable housing to be provided. As the revised Interim Planning Policy: Release of Housing Land has not yet been adopted the affordable housing provision should meet the requirements of the Interim Planning Statement: Affordable Housing this should be 4 dwellings, with 3 provided as social or affordable rent and 1 provided as an intermediate tenure dwelling.

If the application is approved it is recommended that the affordable housing secured by way of a s106 agreement which includes provisions requiring a scheme to be submitted with the reserved matters application, which the scheme to include the following:

- A requirement for provision of 4 affordable dwellings.
- 3 of the affordable dwellings are to be provided as social or affordable rent, and 1 as an intermediate tenure dwelling
- That the location and type of dwellings to make up the affordable homes are shown on a plan identifying which are the rented and which are the intermediate dwellings.
- That timing for delivery of the affordable housing, as this is a relatively small development and phasing would not be expected that affordable housing should be provided no later than occupation of 50% of the open market dwellings.

- That the affordable homes are constructed to comply with the standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3.

The Affordable Housing Interim Planning Statement states that

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

It also goes on to state

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

It is therefore the preferred option that the developer undertakes to provide any social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

Loss of Agricultural Land

The site is classified as Grade 3 (subject to urban pressures) agricultural land and the applicants state that it has had limited agricultural use over recent use due to the discontinuation of New Bank Farm for farming purposes.

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

These are where there is need for the development in the local plan; the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings

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'

Due to its limited size, the site does not offer a significant contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to reduce pressure on less sustainable and preferential Greenfield sites elsewhere.

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 decisions at Loachbrook Farm and Hind Heath Road which comprised significantly larger development areas (over 10 hectares) of Grade 2 and 3a land.

Highway Safety and Traffic Generation.

Access is being formally applied for with this application. This is to be via the existing highway network within the Meadow Avenue.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

- *'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;*
- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The most common concern expressed within the objections received as part of the neighbour consultation process is whether Waggs Road and Fol Hollow can accommodate any further development feeding onto them, having specific concern about the safety of the pedestrian environment on both these roads. Much comment is also made about existing problems on Waggs Road.

The Strategic Highways Manager considers that, due to the small amount of housing proposed, the impact on the highway network would be minimal and a refusal on highway safety grounds could not be sustained.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

The Environment Agency has 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.

Scale and Layout

The indicative layout plan shows 14 houses, twelve 2 storey and two 2½ storey. This is considered to be an acceptable form of development, in keeping with the character of the surrounding development. This character comprises a mixture of dwelling types, both bungalows and two-storey dwellings.

Given that this application is in outline form and only access is to be determined at this stage, the appearance and layout will be determined at reserved matters stage.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21.3m between principal windows and 13.4m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 14 dwellings could reasonably be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Landscape Impact and Trees/Hedgerows

The application site is identified as Open Countryside in the Congleton Borough Local Plan. There are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods 2 landscape, specifically Character Area 11, Brereton Heath Area. The site displays many of the characteristics of the Brereton Heath Character Area, the character of the site is influenced by the development of bungalows along the northern boundary, along Waggs Road. Dwellings to the west of Stony Lane, the western boundary pathway, are largely screened by the existing boundary vegetation that runs alongside this sunken track along the western boundary of the application site.

The site has a network of existing hedgerows and trees and is agricultural in character. The site, local and wider topography provide an attractive setting especially to the south and east, where there are longer distance views towards the Peak Fringe. The site is strongly influenced by the existing boundary hedgerows and longer distance views, so that visually the site is very well connected to the wider agricultural landscape, rather than Congleton to the north.

No assessment of the landscape or visual impacts have been included with the application, yet the application (Supporting Planning statement 1.3 (8)) indicates that 'A preliminary overview of

the landscape and ecology has confirmed that its value in these regards as 'relatively low' with the proposals leading to a net gain in landscaping and diversity'. Officers do not feel that the application has addressed the landscape and visual effects that the proposals will and they have the potential to be detrimental.

This is an outline application and although an illustrative layout has been included, it is considered that in the development of a site masterplan should be provided, the key objectives being:

- Respect the existing landscape characteristics of the site (principally the mature trees and hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing properties.

These issues can be addressed at the reserved matters stage.

Tree Comments

The application is supported by a Tree Survey Report dated August 2102 (Ref DF/4183/Tree Survey report 'A') by Trevor Bridge Associates. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report states that it has been carried out to act as an aid to layout by identifying the better trees, specifying protective measures and also any work that might be necessary to maintain the trees in an improved or safer condition.

The submitted Site Analysis plan and the Illustrative Site Layout plan show tree / hedge root protection areas and crown spreads. In addition, the Tree Survey recommends the production of an Arboricultural Method Statement and Tree Protection Plan once a final layout is agreed. The Illustrative layout plan indicates that the existing trees and most of the boundary hedgerows would be retained as part of the proposed layout.

Should a decision be made to approve the proposals as they stand, it would be essential to ensure that a reserved matters submission provided comprehensive details of proposed new levels, an Arboricultural Impact Assessment in accordance with BS 5837:2012, tree protection measures and an Arboricultural Method Statement if appropriate.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. (CBC Local Plan policy NR3 refers).

The original submission included some documentation in respect of hedgerows but it was not comprehensive.

Additional information has now been received and it is now considered that the removal of the small element of hedgerow would be acceptable.

Ecology

Great Crested Newts

The submitted report refers to a garden pond that is located 200m to the west of the proposed development site which was not inspected during the survey.

The location of this pond is not annotated on the maps included with the submitted survey report. However, considering the scale of the development, the relatively limited habitat available and the distance from the pond, it is considered that the proposed development is unlikely to have a significant impact upon Great Crested Newts, even if they did occur at this pond. No further surveys in respect of this species are therefore required.

Bats

The submitted report recommends that a bat activity survey is undertaken to allow an assessment to be made of the potential impacts of the proposed development upon this species group.

No report of this recommended survey has been submitted in support of the planning application. From the submitted indicative layout plan it appears that all the trees on site can be retained as part of the development. Therefore, there is unlikely to be any loss of bat roosting habitat. However it is currently not possible to assess the potential impacts of the development upon foraging and commuting bats. Therefore, it is considered that it would be acceptable to approve the application with a condition requiring a bat survey with mitigation measures at reserved matters stage.

Badgers

The submitted report states that there are no badger setts on site. There is however evidence of badgers accessing an adjacent garden where foraging may be taking place. The isolation of a badger sett from foraging habitat can amount to a material consideration for planning.

The submitted report recommends the retention of the western and eastern hedgerow boundaries and the provision of a buffer zone adjacent the hedgerows to allow badgers to be able to still move freely across the site.

Breeding Birds

The proposed development site has the potential to support breeding birds including the more widespread biodiversity action plan priority species which are a material consideration for planning.

The retention of the hedgerows on site will reduce the potential impacts of the development upon breeding birds. However, if planning consent is granted, it is recommended conditions be attached along the lines of the following:

(Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.

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

Polecat, Hedgehog and Brown Hare

Brown Hare, Polecat and Hedgehog are all Biodiversity Action Plan priority species and a material consideration for planning. The desk survey has indicated that these species are present within 1km of the proposed development. Whilst there is no evidence to suggest that these species are present on the application site, there is a reasonable likelihood that the site may be used at least occasionally by these species.

The buffer zones described above in respect of badgers would also assist in ensuring that polecat and hedgehog are able to move freely through the site.

Brown Hare however, is likely to be deterred from using the site due to the increased level of disturbance associated with the residential development. The level of impact on these three species is however likely to be very localised.

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.

As explained within the main report, affordable housing and contributions to amenity Greenspace and children and young person's provision 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.

CONCLUSIONS

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

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

Or

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

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

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a smaller, non strategic land release adjacent to existing development.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide contributions to public open space, the necessary affordable housing requirements.

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

Whilst the proposal will result in the loss of some grade 3 agricultural land, this is not a significantly large site and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss. Much of the sites identified within the SHLAA would also result in the loss of the better grades of agricultural land.

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

The Town Strategy for Congleton has allocated this as housing site F. An area intended for development after Areas A-E. It forms part of local people’s vision for the future of their own community after other sites in the area have been developed.

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

RECOMMENDATION

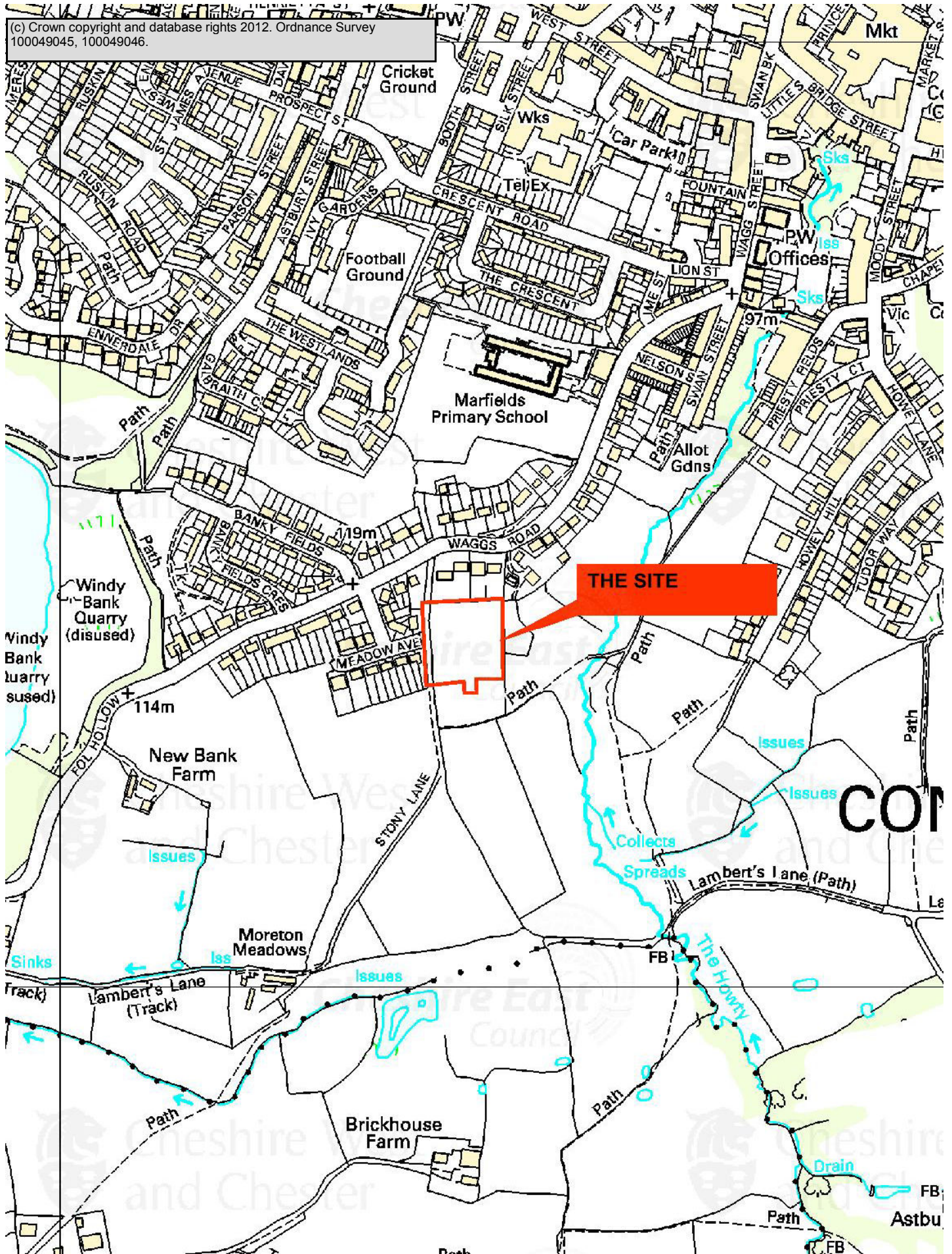
APPROVE subject to a Section 106 Legal Agreement to secure affordable housing and contributions to public open space.

And the following conditions

- 1. Commencement**
- 2. Submission of reserved matters (all matter other than access)**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Arboricultural Method statement**
- 6. Landscape maintenance and management**
- 7. Boundary treatment to be submitted with reserved matters**
- 8. Breeding Bird Survey for works in nesting season**
- 9. Bats and bird boxes**
- 10. Updated protected species survey and method statement prior to commencement**
- 11. Submission of a scheme to limit the surface water run-off generated by the proposed development,**
- 12. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.**
- 13. Submission of a scheme of Sustainable Urban Drainage**
- 14. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.**
- 15. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.**
- 16. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 17. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil**
- 18. Submission of scheme to minimise dust emissions arising from construction activities on the site**
- 19. Submission of Construction Management Plan**
- 20. Reserved Matters to include details of bin storage.**
- 21. Details of improvements to public footpath**
- 22. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters**
- 23. Implementation of a programme of archaeological work in accordance with a written scheme of investigation**
- 24. Reserved matters to incorporate existing and proposed levels and boundary treatments**
- 25. Submission of a Phase I contaminated land survey**

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

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 9th January 2012

Report of: Steve Irvine – Development Management and Building Control Manager

Title: Deed of Variation to the Section 106 Agreement for Planning Permission 11/3956C

Site: The Former Fodens Factory, Land off Moss Lane, Sandbach CW11 3JN

1.0 Purpose of Report

- 1.1 To consider a Deed of Variation to the S106 Agreement in respect of planning permission 11/3956C. This application was approved on 13th July 2012.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board at the SPB meeting on 8th February 2012.

2.0 Decision Required

- 2.1 To agree the Deed of Variation to the S106 Agreement.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary.
- 3.2 The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively

large plots. To the south of the site is the former test track. This site has a resolution to approve and is awaiting the completion of a S106 Agreement.

- 3.3 The site is relatively open and the former factory buildings which stood on the site have now been demolished and the residential development has commenced. The site has 2 vehicular access points, one to the south and one to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

4 Previous Planning Permission

- 4.1 Members may recall that on 8th February 2012, the Strategic Planning Board resolved to grant planning permission for a residential development of the former Foden Truck Factory site. The development would comprise 269 dwellings at a density of 30 dwellings per hectare.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions. The Heads of Terms agreed by the SPB were amended as part of a further report to the Strategic Planning Board on 2nd May 2012 to include the following:

'Affordable housing – the number and tenure split of the affordable housing will be no less than 19.7% (53 units in total) comprising at least 65% (34 units) affordable rent and 35% intermediate housing (19 units)'

- 4.3 The S106 was signed and the decision was issued with work now underway on the site. The S106 Agreement identifies which dwellings are the affordable housing units and cross reference is made to a plan attached to the S106 Agreement. The developer now wishes to vary the S106 Agreement to alter which plots are the intermediate units.

5 Officer Comment

- 5.1 The proposal will not alter the amount of intermediate units on this site which will remain at 20 it will just alter which units are the intermediate dwellings. The proposed affordable units would still be pepper-potted in clusters and the Affordable Housing Officer and the Registered Social Landlord are both happy with the amended plan.
- 5.2 In terms of the type of units the proposed plots change the property types by reducing the number of 2 bed apartments by 1, but increasing the number of 2 bed houses by 1 and again the Affordable Housing Officer and the Registered Social Landlord are happy with this minor change.

6 Conclusion

- 6.1 On the basis of the above, the proposed Deed of Variation to the S106 is considered to be acceptable.

7 Recommendation

- 7.1 That the Board resolve to approve to the Deed of Variation for the S106 Agreement attached to planning permission 11/3956C to alter the location of the intermediate units on the site.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the variation of the S106 Agreement, to enable the development works to continue on site to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Les Gilbert
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Background Documents:

- *Application 11/3956C.*

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 9th January 2012
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Erection of up to 65No. dwellings (Outline) at Crewe Road, Alsager

1.0 Purpose of Report

- 1.1 To consider an additional consultation response received from the Health and Safety Executive.

2.0 Decision Required

- 2.1 For the Board to resolve that its previous resolution in respect of application 12/0893C for the erection of up to 65No. dwellings still stands, subject to additional conditions as appropriate.

3.0 Background

- 3.1 The application relates to some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house, Alsager Hall Farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook.
- 3.2 There is one built structure within the site. A former garage or agricultural barn is situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.
- 3.3 There are a number of trees within the site, but all are located around the site's periphery. A copse is located in the south western corner of the site. Formal access to the site is gained via a gate off Crewe Road at the north eastern corner of the site. On the Crewe Road frontage, the boundary is set back from the highway. There is no footway and the adopted managed grass highway verge with mature trees is separated from the site by a hedgerow.

- 3.4 Existing residential development lies to the north and east of the site. Existing dwellings in Goldfinch Drive back on to the south eastern site boundary, whilst further north, dwellings on the opposite side of Goldfinch Drive face towards the site. On the opposite side of Crewe Road lie the rear boundaries and gardens of the existing dwellings in Bude Close, whilst to the eastern side of the Crewe Road frontage is no.214 Crewe Road, a small bungalow. To the east and south of the site lies open countryside.
- 3.5 Members may recall that Strategic Planning Board resolved on 1st August 2012 to grant outline planning permission for the erection of 65 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application, subject to the signing of a Section 106 Legal Agreement.
- 3.6 Since that date, work has been progressing towards completing the Section 106 Agreement. However, as Members may be aware, the Council is currently considering an application for the adjoining site at Hall Drive, which has been the subject of consultation with the Health and Safety Executive (HSE) due to its proximity to the Royal Ordnance (BAe Systems) Factory at Radway Green. The HSE in commenting on the Hall Drive scheme have said that they also wish to be consulted in respect of the Crewe Road site, which was the subject of Members previous resolution in August.

4.0 HSE Consultation Response

- 4.1 The HSE have stated that from the plans provided it is clear that the proposed development falls within the outer (Band 3) consultation zone of the nearby licensed explosives facility. Therefore, the Explosives Inspectorate has no objection to it proceeding provided that the development is no more than three storeys (12 metres) high and is of traditional brick construction.
- 4.2 If any part of the development within Band 3 is of a “vulnerable” nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey ‘curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would wish to be consulted further.

5.0 Officer Comment and Conclusion

- 5.1 The previous resolution of the Board has established the acceptability in principle of this development. The receipt of this consultation response does not represent an opportunity to re-open the debate in respect of these matters. The only issue for consideration in respect of this report is the HSE consultation response and its implications for the previous resolution, particular in respect of any necessary additional conditions.
- 5.2 The proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations.
- 5.3 Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey, brick built, detached, semi-detached and terraced housing. It is therefore likely to comply with the requirements of the HSE.
- 5.4 However, to ensure that this is the case it is recommended that conditions are attached requiring the reserved matters to make provision for the properties to be of traditional brick construction and no more than 12m in height.

6 Recommendation

- 6.1 **That the Board resolve that its previous resolution in respect of application 12/0893C should still stand, with the addition of the following condition:**
- **Properties to be of traditional brick construction and no more than 12m in height.**

7 Financial Implications

- 7.1 There are no financial implications.

8 Legal Implications

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

9 Risk Assessment

- 9.1 There are no risks associated with this decision.

10 Reasons for Recommendation

- 10.1 To ensure that the views of the HSE are taken into account, and that in making their decision the board has taken into account all material considerations in the case in order to protect the Council against any potential Judicial Review of its decision.

For further information:

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Background Documents:

- *Application 12/0893C*