

Strategic Planning Board

Agenda

Date:	Wednesday, 19th June, 2013
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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 at the foot of 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.

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

3. **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

4. **12/4874C-Outline Application for Residential Development, Comprising 50 Homes, including 15 Affordable Homes to include an Area of Public Open Space and a Children's Play Area, Land Off Hawthorne Drive, Sandbach for Adele Snook, Persimmon Homes North West** (Pages 1 - 20)

To consider the above application.

5. **13/1408N-Removal of Condition 9 (Restricted Use) to Planning Application 12/3106N-Erection of 3 Bed Dormer Bungalow for Wheelchair User and Family, Land At Chapel Lane, Baddiley For Mr D Cundall** (Pages 21 - 26)

To consider the above application.

6. **13/1418c-Substitution of House Types, at Increase from 22 Dwellings to 39 Dwellings on the North West Part of the Site, Land at The Green Middlewich For Lucy Hawley, Persimmon Homes North West** (Pages 27 - 40)

To consider the above application.

7. **13/1210C-Reserved Matters Planning Application to Erect 65No. Dwellings with Associated Highway and External Works, Land Off, Crewe Road, Alsager For Miller Homes Ltd** (Pages 41 - 62)

To consider the above application.

8. **12/3746N-New Highway Access Road, including Footways and Cycleway and Associated Works, Land Off Peter Destapeleigh Way, Nantwich for Mr Carl Davey, Muller Property Group** (Pages 63 - 90)

To consider the above application.

9. **13/1559C-Outline Application for up to 13no. Residential Dwelling Houses, Associated Infrastructure and Ancillary Facilities, Land East of School Lane, Sandbach Heath, Sandbach for Jean Pierpoint, Paul Ferguson, and Grant and Helen Dinsdale (Pages 91 - 106)**

To consider the above application.

10. **13/0580C-Creation of a New 27no. Bedroom Hotel, 6no. Garden Suites with Minor Modifications to the Golf Course & Construction of 7no Dwellings with Community Leisure Facilities (Resub 12/0682C), Woodside Golf Club, Knutsford Road, Cranage, Crewe For Woodside Golf Club (Pages 107 - 124)**

To consider the above application.

11. **13/1215C-Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 68 Dwellings, Land South of Hind Heath Road, Sandbach for Bovis Homes (Pages 125 - 138)**

To consider the above application.

12. **13/1324N-Variation of Condition 2 (Reserved Matters), 6 (External Lighting), 15 (Drainage), 19 (Affordable Housing) and Removal of Condition 12 (Flooding) on 12/4654N for Residential Development of up to 240 Dwellings, Land Off Queens Drive, Nantwich For Mr S Gladman, Gladman Developments (Pages 139 - 150)**

To consider the above application.

13. **13/1986N-Variation of Condition 4 of Application 11/4346N- A Hybrid Application, Comprising (i) Full Application for the Demolition of Existing Buildings on the Site and the Construction of a Surface Grade Car Park (240 Spaces Plus 11 Disabled), a Taxi Rank, Improved Subway Access (ii) An Outline Application with All Matters Reserved for New Two-Storey Commercial Building Towards North West of the Site With Potential to Incorporate A3 (Restaurants And Cafes) or A5 (Hot Food Takeaways), Former Railway and Royal Mail Buildings, Weston Road, Crewe for Andrew Ross, Cheshire East Council (Pages 151 - 158)**

To consider the above application.

14. **13/1305N-Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access Off Close Lane (76 Family Dwellings Comprising One to Four Bedrooms And 56 Dwellings for the Over 55's Comprising 1 And 2 Bedrooms), Land to the West of Close Lane and North of Crewe Road, Alsager for Muller Property Group (Pages 159 - 186)**

To consider the above application.

15. **Brereton Neighbourhood Area Application** (Pages 187 - 218)

To consider the Brereton Neighbourhood Area Application.

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

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information in accordance with paragraph 5, pursuant to part 1 of Schedule 12 (A) of the Act.

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

17. **Update Following the Refusal of Planning Application 12/4872C-Land Off Sandbach Road North, Alsager** (Pages 219 - 228)

To consider the above report.

Application No: 12/4874C

Location: LAND OFF HAWTHORNE DRIVE, SANDBACH, CHESHIRE

Proposal: Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area.

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 21-Mar-2013

Date Report Prepared: 10 April 2013

SUMMARY RECOMMENDATION

Approve subject to s106 agreement and conditions

MAIN ISSUES

- Planning Policy And Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises grazed paddocks with barns, stables, orchards and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both

sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

DETAILS OF PROPOSAL

The application seeks outline planning permission, with all matters reserved, for a residential development comprising 50 dwellings including 15 affordable dwellings and an area of public open space and a children's play area.

RELEVANT HISTORY

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

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)

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR16 (Footpath, Bridleway and Cycleway networks)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

National Planning Policy

National Planning Policy Framework

Other Material Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Draft Development Strategy
North West Sustainability Checklist
Strategic Housing Land Availability Assessment (Update January 2013)
Congleton SPD Sustainability (2005)

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water

Natural England – No objections, but enhancements could be sought

Environmental Health – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

Public Rights of Way – Object as public footpath no.14 is not shown on the plans and there is no proposal for the path to be diverted.

Archaeology - The limited archaeological potential of the site is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work

United Utilities – No objection subject to condition requiring submission of drainage details

Strategic Highways Manager – Formal comments are awaited, verbal comments have confirmed that whilst concerns are raised regarding the impact upon the local highway network, no objections are raised.

Education – Local primary schools are forecast to be oversubscribed, and local secondary schools are also anticipated to be at capacity. In light of this S106 contributions are sought on a per pupil basis

Housing Strategy & Needs Manager – No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council - Members unanimously objected to the proposed development based on the following:

- The application anticipates the local plan and does not address the Heath Road access issues.
- Proposals overburden existing infrastructure
- The development is not sustainable

OTHER REPRESENTATIONS

Approximately 170 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Pre-determining local plan for area
- Intended expansion to 250 houses
- Layout unimaginative
- Urban sprawl
- Impact of single access on adjoining neighbours and congestion
- Impact on over subscribed schools and doctor's surgery
- Highway safety concerns
- Impact on local highway network
- Development strategy identifies a need for a masterplan for the area
- Application is premature
- Impact on Public Right of Way
- Land is allocated as open countryside
- Unsustainable for of development
- Natural environment of Sandbach Heath should be retained
- S106 contributions inadequate
- Out of scale / character
- Does not comply with strategy of "brownfield first"
- Sandbach needs employment not houses

- Impact on wildlife
- Flooding impact
- Impact upon amenity of neighbouring properties
- Agricultural land should be retained
- Green spaces should be retained
- Other previously developed sites do exist in the area
- Code level 3 is the minimum required
- Village character of Sandbach Heath will be lost
- Increased noise from extra traffic
- Impact on local house values
- Footways identified in Transport statement should be upgraded to shared pedestrian / cycle tracks

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an ecology assessment, a noise assessment, a contaminated land report, a transport statement and travel plan, a sustainability strategy, an arboricultural survey / report, an agricultural land classification report, a site waste management plan, a design and access statement, an air quality assessment, a planning statement, a construction phase management plan, a landscape and visual impact assessment, a flood risk assessment and drainage strategy, an archaeology assessment, a consultation statement, an affordable housing statement, and draft heads of terms.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.
- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Emerging planning policy strengthens the case for the development. The site (and land up to J17) is allocated in the Sandbach Town Strategy and the Draft Development Strategy for up to 700 houses.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.

- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

OFFICER APPRAISAL

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, and sustainability.

PLANNING POLICY AND HOUSING LAND SUPPLY

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

Housing Land Supply

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 the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

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 most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA.

The SHLAA 2013 identifies the current application site, as suitable, available, achievable, and deliverable. It is anticipated that it will bring forward 240 units within the first 5 years (together with the land up to junction 17 of the M6). It therefore forms an important part of the identified 5 year housing land supply.

Emerging Policy

The application site forms part of one of the Strategic Sites (Sandbach 1) identified within the Development Strategy, which finished its period of consultation on 26 February. The strategy envisages:

- Development of the site would be dependent on the prior delivery of improvements to Junction 17 of the M6 and demonstration to the Highways Agency and the Council that the impact of development traffic continues to allow the efficient and safe operation of the junction.
- Provision of about 700 new homes (at approximately 30 dwellings per hectare);
- 20 hectares of employment land, including: a hotel; and other uses complementary to a business / science park;
- A new local centre, including:
- Small scale local retail development in the region of 200-300sqm;
- 1 new primary school;
- Community facility / place of worship;
- Public house / take away / restaurant;
- Sports and leisure facilities
- Incorporation of Green Infrastructure including: retention and enhancement of the wildlife corridor; and allotments;
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
- On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Sustainability

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the region's carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and is also a preferred site for housing development within the Draft Sandbach Town Strategy. The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

The supporting documentation submitted with the application lists a number of proposed sustainability credentials for the development, but does not appear to provide details on how it will provide some of its energy through decentralised or renewable sources. This could be adequately dealt with by condition.

The environmental role of sustainable development is further satisfied within the proposed development as the applicant is willing to compensate the inevitable loss of biodiversity on this greenfield site, which is explained further in the ecology section of this report.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 50 new family homes, including 15 affordable homes, a children's play area, on site public open space, and financial contributions towards education provision

Conclusions on policy and housing land supply

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies H6 and PS8 of the Local Plan restrict new residential development within the Open Countryside, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The Strategic Housing Market Assessment 2010 identified that for the Sandbach sub-area there is a need for 75 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 375 new affordable homes for the period and is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation.

There are also currently 628 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. Sandbach Heath, Sandbach or Sandbach Town Centre were chosen as the first choice of 453 applicants. These applicants require 157 x 1 bed, 161 x 2 bed, 71 x 3 bed & 5 x 4 bed (59 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more than 0.4 hectare in size.

The applicant is offering 15 dwellings as affordable housing, with 10 provided as social/affordable rented and 5 provided as intermediate tenure, this meets the requirements of

the IPS. They also suggest that the majority of the affordable homes will be provided as 2 & 3 bed properties but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The applicant's affordable housing statement states that the affordable housing will be indistinguishable from the private sale properties and located throughout the development. Pepper-potting the affordable housing in clusters is acceptable.

The IPS also states that in order to ensure the proper integration of affordable housing with open market housing, the delivery of affordable units should be phased to ensure that they are delivered periodically throughout the construction period. Persimmon set out in their affordable housing statement that they will not occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing, this works out that half of the affordable housing will be provided no later than 36% of the market housing is occupied and the remainder of the affordable housing will be provided no later than 60% of the market housing is occupied, which is acceptable.

In addition to the proposed affordable housing provision, the applicants state they will also make their own shared equity product available at Hawthorne Drive. This involves selling properties as shared equity at 80 -85% of market value, which will offer help to people who cannot buy at the full open market value but are not counted towards the planning obligation requirement for 30% affordable housing.

HIGHWAY SAFETY AND TRAFFIC GENERATION

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

Whilst formal comments from the Strategic Highways Manager are awaited, it has been verbally confirmed that some concern is raised regarding the impact of the proposal upon the junction of Old Mill Road / The Hill. There are existing congestion issues at this junction.

The applicants transport statement identifies that the proposed 50 dwellings would add 1% to existing traffic flows at this junction. This equates to 24 vehicles in the morning peak hour and 26 in the evening peak hour.

The Strategic Highways Manager does not dispute the submitted information, and accepts that the numbers of vehicle movements will not result in a significant adverse impact. Therefore whilst concerns are raised regarding this junction, the requirements of the Framework, and policy GR18 of the Local Plan, are such that planning permission cannot be withheld on this basis.

No capacity issues have been identified at other nearby junctions (Heath Road / Hawthorn Drive, Heath Road / The Hill / Hassall Road, and The Hill / Smithfield Lane), and no highway safety concerns are raised regarding the proposed access point.

PUBLIC RIGHTS OF WAY

The Public Rights of Way Unit has objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be obstructed by the proposed development. The right of way is not shown on plans submitted with the application but it appears to cross a number of gardens in the development. There is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

Section 2.3 of the Transport Statement refers to “the provision of a number of pedestrian and cycle link paths permeating the site” and the Planning Statement refers to “provision of cycle infrastructure and pathways”. These are to be welcomed, designed to best practice with destination signage and maintained under the public open space management arrangements. In the current application documents it is noted that the Masterplan indicates only one such route: a ‘Footpath link to Daisybank Drive’ and the Figure 04.01, The Wide Site Masterplan, within the Design and Access Statement refers only to ‘strategic footpaths’. These routes may be more beneficial to residents if they were designed and constructed for use by pedestrians and cyclists, as suggested by the Transport Statement. Further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, is therefore also required at the reserved matters stage.

CONTAMINATED LAND

The application area has a history of landfill use and therefore the land may be contaminated, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the Site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required. Conditions requiring further Phase II investigations are therefore necessary.

AIR QUALITY

An Air Quality Impact Assessment has been submitted with the application. Environmental Health initially required further clarification relating to the methodology used in preparing the report and whether the cumulative impact of developments has been considered. This has now been received, and it has been confirmed that the air quality impact assessment undertaken did include a form of sensitivity analysis which was required for the methodology

and did consider cumulative impacts of other developments, which satisfies the concerns of Environmental Health. The proposal will therefore have an acceptable impact upon air quality.

In order to mitigate any negative air quality impacts, the proposed Travel Plan should outline measures aimed at encouraging and incentivising Low Carbon Travel Options, which will help to offset any impact. Environmental Health recommends an appropriate condition relating to this in the event the application is approved.

NOISE IMPACT

A scheme of acoustic insulation has been submitted with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the M6 and Old Mill Road.

The proposed mitigation includes:

- A two metre high close boarded acoustic fence with no holes shall be installed along the northern boundary between the proposed development and Old Mill Road.
- Properties on the northern boundary (property facades facing Old Mill Road) and the eastern boundary (property facades facing the M6) shall be designed so non habitable rooms provide additional attenuation from the potential noise sources.
- Bedrooms on facades closest to and facing Old Mill Road and the M6 shall be fitted with acoustically-attenuated trickle ventilation.
- The first row of houses facing the M6 shall be designed so the gardens are at the rear of the premises in order to provide appropriate attenuation.

Further details on these features will be needed prior to the commencement of development of all properties that will and may be affected by traffic noise and more detailed mitigation requirements in order to ensure that no property is adversely affected. This can be dealt with by condition.

LANDSCAPE AND TREES

The application site comprises grazed paddocks with barns, stables and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. The public right of way which crosses the site from Hawthorne Drive in a north easterly alignment is fenced on both sides

There are established hedgerows to the north and south east and a small number of trees on / adjacent to the site. These include a mature Oak tree TPO protected in the garden of a property on Wrights Lane and off site trees to the south, (one of which is subject to TPO protection) to the rear of properties on Hawthorn Drive.

Overall the arboricultural officer is satisfied that the submitted arboricultural survey and constraints report together with constraints plan provide information which largely meets the recommendations in the BS5837 (2012): *Trees in relation to design, demolition and construction – Recommendations*. However, the tree constraints data provided with the submission is not cross referenced with Root Protection Areas and respective tree protection

details onto the proposed illustrative Masterplan. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees at this stage. Given the number of retained trees within the site, this is not considered to be a significant impediment on the development, but this information will be required at the reserved matters stage to ensure a satisfactory relationship with trees.

In terms of the landscape impact, to the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a landscape and visual assessment has been submitted, this includes a visual assessment for 7 viewpoints. There will clearly be a dramatic visual change within the immediate area. However given that the site is set against existing housing development, whilst the application is in outline and it is difficult to comment on the illustrative layout in any detail, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact. Notwithstanding this view, in the development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the trees and hedgerows);
- Conserve and enhance the vast majority of the existing trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment of the existing and new planting and landscape areas.

In addition, due to the undulations of the land within the site it is considered that details of proposed land levels should be submitted with the reserved matters application to allow full consideration of the landscape impact, and the impact on neighbouring properties.

ECOLOGY

The Nature Conservation Officer has stated that the application is supported by an acceptable ecological assessment. No significant protected species issues associated with the proposed development are anticipated.

However, if outline planning permission is granted it on-site hedgerows should be retained and enhanced as part of any detailed layout scheme. The public space provision on site also provides opportunities for habitat creation which should be maximised to secure an enhancement for nature conservation in accordance with the Framework. These matters may be dealt with by means of an appropriate condition.

None of the habitats on site, except the hedgerows, are significant enough to amount to a material consideration in their own right. However, as with any green field development there is always some loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity. It was recommended by the nature

conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The area of the site is approximately 1.67ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (1.67ha x £17,298 cost per ha) = £28,887.66 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 1.67ha x £4,946 (cost per ha) = £8259.82 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £37,147.44.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore we would seek a commuted sum of £12,000. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. The applicant has confirmed that they would be willing to make this contribution.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

LAYOUT & DESIGN

With all matters reserved for subsequent approval, only an illustrative layout has been submitted. The submitted layout seeks to provide a strong green frontage to Hawthorne Drive with the main access road leading into the site to an area of public open space and shared surface squares providing focal points and public realm areas. Tree planting is used to soften boundaries, and the density is considered to be appropriate to its setting. These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are either single or two storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

AMENITY

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

The proposed access is considered to be sufficiently wide to provide the access road and some landscaping to help to minimise the impact on the living conditions of properties either side of the access.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of policy GR6 of the Local Plan.

FLOODING

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

OPEN SPACE

The Greenspaces Officer has commented on the application and have based their comments on the erection of 50 dwellings and 2.4 persons per dwelling, in the absence of a housing schedule. This is in accordance with Interim Policy Note on Public Open Space. The submitted masterplan drawing shows an excess of amenity green space provision, but a deficiency in the quantity of children and young persons provision, having regard to the adopted local standards set out in the Council's Open Space Study.

It is also noted that it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside the suggested adoptable area for the Council and if necessary consideration should be made to be transferred to a management company.

Amenity Greenspace

Whilst there is no requirement for new amenity greenspace to meet the future needs arising from the development. It is understood that an amount of amenity greenspace is to be provided at two areas. One area is at the entrance to the site, the other located around the LEAP facility. As this is an outline application, no details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application. The Greenspace Officer advises that the Council will consider adopting these areas subject to detailed plans. A commuted sum for maintenance is required and as a guide a rate of £11.85 per square metre should be used.

Children and Young Persons Provision

Following an assessment of the existing provision of children and young persons provision accessible to the proposed development, there would be a deficiency in the quantity of provision, having regard to the local

standards set out in the Council's Open Space Study for Children and Young Persons Provision. This has also been identified in the Design and Access Statement and Planning Statement.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. This will be a LEAP facility provided by the developer containing at least 8 items of equipment and would take into account play area infrastructure, items including elements of DDA inclusive equipment and safer surfacing. The specification and full plans must be submitted and approved, in writing prior to the commencement of any works. It is also requested that landscaping is kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

The Council will consider adopting these areas subject to detailed plans, but is unable to calculate a commuted sum for maintenance at this outline application stage.

EDUCATION

A development of 50 dwellings will generate (50×0.17) 9 primary age pupils and (50×0.13) 7 secondary age pupils.

Primary Schools

The local primary schools are already forecast to be oversubscribed and where necessary S106 contributions have been sought on a per pupil basis. Therefore the sum of $9 \times 11919 \times 0.91 = £97,617$ towards primary accommodation will be required.

Secondary Schools

The secondary schools are forecast to have 54 places available by 2046, however this does not include any developments which have resolutions to approve subject to completion of a S106 agreement such as Albion Inorganic Chemicals (49 secondary age pupils), Fodens Test Track (15 Secondary Pupils) or the potential development off Hind Heath Road (35 secondary pupils.) In light of this a contribution of $7 \times 17959 \times 0.91 = £114,399$ towards secondary provision will be required.

ARCHAEOLOGY

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the

form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

AGRICULTURAL LAND

The Framework states that:

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

The applicant has submitted an agricultural land classification study which concludes that the application site comprises grade 3a (good quality) agricultural land. However, other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site.

Previous Inspectors have considered the need for housing land supply outweighs the loss of agricultural land. Whilst the Council does now have a five year housing supply, this site forms part of that identified supply, and as such the need for the development is considered to outweigh the loss of agricultural land in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required to secure:

- Education contributions of £97,617 (9 places) towards primary accommodation and £114,399 (7 places) towards secondary.
- The provision of a LEAP facility (comprising a minimum of 8 items of equipment) and agreement of management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% (15 units) affordable housing with 65% (10 units) to be provided as social/affordable rent and 35% (5 units) provided as intermediate tenure
- Phasing of affordable housing – Not to occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing.
- The payment of £12,000 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

Community Infrastructure Levy (CIL) Regulations

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

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space provision and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Council's identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle and is considered to be a sustainable form of development.

The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of open countryside, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of a commuted sum to offset any loss in biodiversity is considered to be acceptable. It is also acknowledged that there will be some additional impact upon existing congestion at The Hill / Old Mill Road junction, however this is minimal and cannot be identified as a significant adverse impact that would justify a refusal of planning permission in this case.

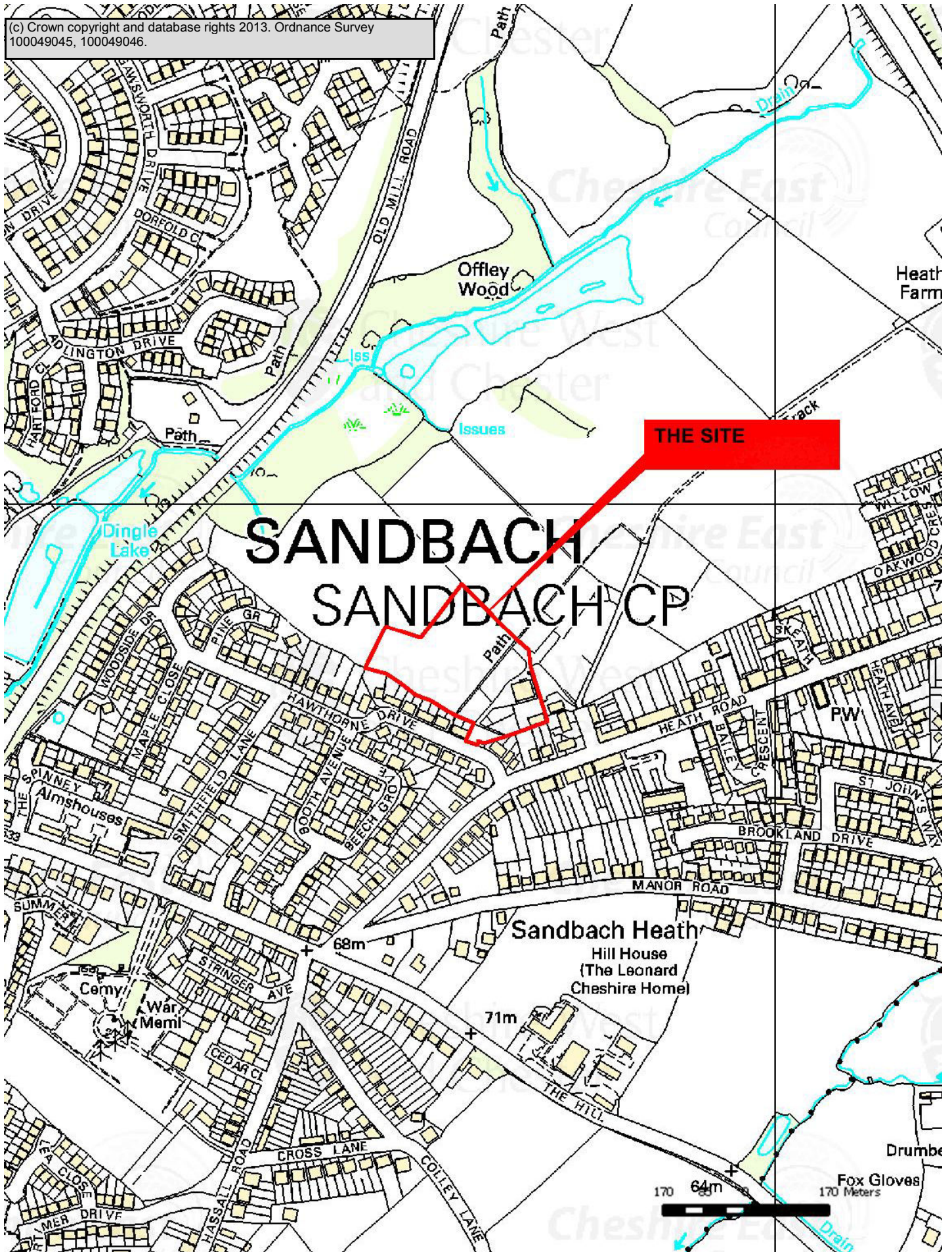
The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made subject to the Heads of Terms above and the following conditions.

Application for Outline Planning

RECOMMENDATION:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. Reserved matters application to incorporate public right of way route
11. Scheme to limit surface water runoff to be submitted
12. Scheme to manage the risk of flooding to be submitted
13. Hedgerow retention and enhancement
14. Habitat creation and enhancement
15. Safeguarding breeding birds
16. Provision for breeding birds and roosting bats
17. Provision for pedestrians and cyclists
18. Written scheme of archaeological investigation to be submitted
19. Submission of environmental management plan
20. Noise mitigation scheme to be submitted
21. Submission of a travel plan
22. Additional Phase II investigation including gas monitoring and assessment to be submitted
23. Drainage details
24. Energy from decentralised and renewable or low-carbon energy sources
25. Submission of arboricultural details

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Application No: 13/1408N

Location: LAND AT, CHAPEL LANE, BADDILEY, CW5 8PT

Proposal: Removal of condition 9 (restricted use) to planning application 12/3106N -
Erection of 3 bed dormer bungalow for wheelchair user and family

Applicant: Mr D Cundall

Expiry Date: 04-Jun-2013

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principle of Development;
- Site History; and
- Removal of Condition 9.

REFERRAL

The application has been referred to Strategic Planning Board as the proposal represents a departure from the Development Plan and the previous applications 11/2017N and 12/3106N were also determined by Board Members.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a paddock area to the front of an existing property known as Fields Farm, which lies to the north of the site. The application site would be accessed off an existing track which serves the farmhouse. The site is situated wholly within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

DETAILS OF PROPOSAL

This application seeks permission to remove condition 9 (restricted use) to planning application 12/3106N for the erection of 3 bed dormer bungalow for wheelchair user and family at Land at Chapel Lane, Baddiley.

RELEVANT HISTORY

11/2017N – Outline Planning- 3 Bedroom dormer bungalow(for wheelchair user and his family) – Approved – 5th December 2011

12/3106N - Erection of 3-Bed Dormer Bungalow for Wheelchair User and Family – Approved
– 4th October 2012

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

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

Other Material Considerations

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Environmental Health: No objections subject to the following informative being attached to the Decision Notice.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

VIEWS OF THE PARISH / TOWN COUNCIL

No objections

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

Letter from the Halifax dated 13th December 2012

OFFICER APPRAISAL

Principle of Development

The application site is located wholly within the Open Countryside. According to Local Plan policy NE2 (Open Countryside) states that within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area will be permitted. This policy does however, allow as an exception, the infilling of a small gap with one or two dwellings in an otherwise built up frontage. RES5 (Housing in the Open Countryside) is consistent with the 'exception' of NE2 (Open Countryside).

Site History

Members may recall that the principle of residential development has already been accepted under planning permission 11/2017N. Outline consent was granted with a personal permission for a detached 3 bedroom dormer bungalow for a wheelchair user, Mr Dan Cundall. The appellant's personal circumstances were considered to be of a sufficient material consideration to outweigh the general presumption against new residential development in the Open Countryside, as set out in the Development Plan.

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

Condition 15 stated:

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

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

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

Consequently, the condition was varied so that it took into account Mr. Dan Cundall, his spouse, family, dependants or carers. Following the grant of this planning permission, the applicant is now seeking to remove this condition. In particular, condition 9 attached to planning permission 12/3106N.

Removal of Condition 9

The use allowed by this permission must only be carried out by Mr. Dan Cundall or his spouse, carers and any resident dependants.

Reason: Due to the special circumstances of the case the planning permission would have been refused for unrestricted use within Class C3 of the Use Classes Order. This is in accordance with the requirements of policy NE2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

The applicant states that the reason they need to remove this condition is due to being unable to obtain a mortgage. The applicant has submitted a letter from a mortgage provider, which states *'They are unable to consider a mortgage application on a property which is subject to a planning restriction limiting its occupation to a class of occupier'*. The applicant also confirms that they have tried several other lenders, but have received the same response.

The original application was approved as it was determined the personal circumstances of the applicant was sufficient to outweigh local plan policies restricting new development in the open countryside. The applicant had demonstrated that there was no alternative accommodation available within the vicinity that could his requirements and that the only way in which his needs can be adequately catered for this through the construction of a new-build property adjacent to his parent's house in Chapel Lane, Ravensmoor. Furthermore, the applicant demonstrated that the building contained 'essential' requirements rather than 'desirable' requirements.

It is considered that the removal of this condition will remove the special justifications for allowing the dwellinghouse in the first place. If the condition was removed, the proposal would be an open market property within the open countryside, where there is a strong presumption against any form of inappropriate development. The application site does not constitute a small gap in an otherwise built up frontage and as such the proposal does not meet the exception of policy NE.2 (Open Countryside). Therefore, the principle of development for a dwelling within the Open Countryside is therefore unacceptable and as such the removal of the condition is not justified.

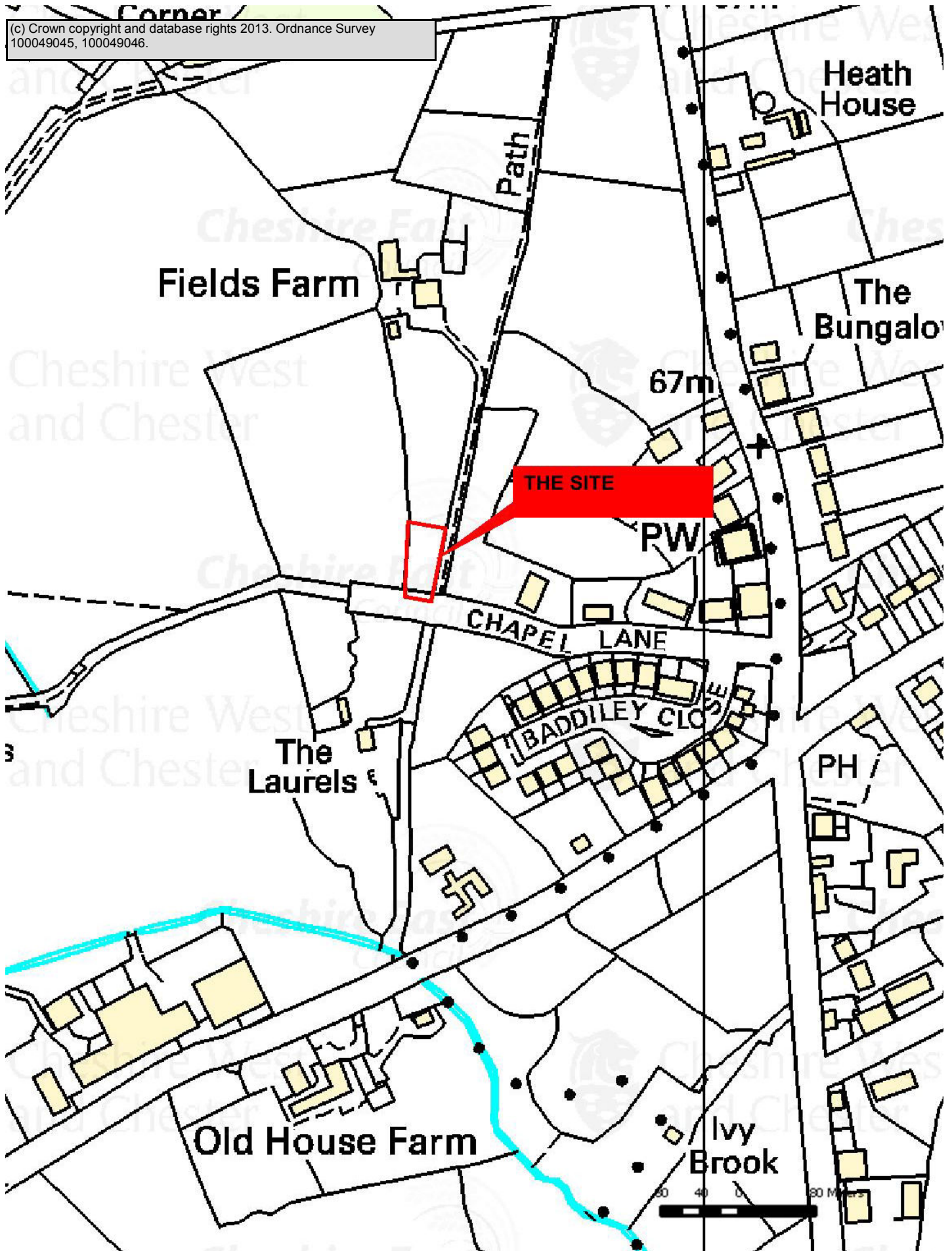
CONCLUSIONS AND REASON(S) FOR THE DECISION

The site lies in an area of open countryside where there is strict control over new development. The application site does not constitute a small gap in an otherwise built up frontage as such the proposed dwelling represents an unjustified and unwarranted intrusion into the open countryside. Furthermore the site is located within an isolated location away from any settlement with the associated services to support a dwelling and as such the application site is considered to be an unsustainable location.

While there is sympathy with the applicant's difficulties in obtaining a mortgage, the removal of Condition 9 will remove the special justifications for approving the dwellinghouse as a departure to normal policy. As such the proposal is therefore contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich

Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework

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Application No: 13/1418C

Location: Land at THE GREEN, MIDDLEWICH

Proposal: Substitution of house types, at increase from 22 dwellings to 39 dwellings on the north west part of the site

Applicant: Lucy Hawley, Persimmon Homes North West

Expiry Date: 08-Jul-2013

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES**

Affordable Housing
Amenity
Ecology
Landscape
Trees
Drainage and Flooding
Design
Loss of Agricultural Land
Open space
Highway Safety and Traffic Generation
Infrastructure
Ground Conditions

REFERRAL

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

1. SITE DESCRIPTION

The application relates to 0.69ha of land, which forms part of a larger development site of 2.25ha in area, situated to the south-west side of The Green. The site lies within the Open Countryside adjacent to the Middlewich Settlement Boundary and is bordered by residential properties to its northern, southern and eastern boundaries, with open fields to the west.

The site is relatively flat although it is set at a higher level than The Green. Hedgerows and fencing form the boundaries to the site and there are a number of trees along the boundaries of the site. The surrounding residential development consists of bungalows fronting onto The Green with two-storey detached and semi-detached properties to the north, east and south.

2. DETAILS OF PROPOSAL

Full planning permission was granted in 2012 for 63 homes together with associated public open space, access and highway works. The scheme included a mix of affordable and open market housing within the site, with affordable units making up 30% of the total development. The site has one vehicular access taken from The Green. The proposed open space is located on either side of the access road with properties fronting onto this public open space in a crescent shape. Work has now commenced on implementing this consent.

This application seeks consent for substitution of house types, and an increase from 22 dwellings to 39 dwellings on the north-west part of the site, bringing the total number of properties on the site to 80.

3. RELEVANT PLANNING HISTORY

10/4065C	Outline Application for 68 Residential Dwellings over 2.25 Hectares. Access from The Green with some Matters Reserved – Refused 4 th February 2011
11/2833C	Outline planning permission is sought for up to 68 homes together with associated public open space, and highway works. – Approved 9 th January 2012
11/4545C	Residential Development Comprising 64 Dwellings (Including 30% Affordable Housing) and Associated Highways, Landscaping and Public Open Space – Approved 30 th March 2012

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR 22 Open Space Provision
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

5. OBSERVATIONS OF CONSULTTEES

Environment Agency

No comments to make on the proposed development

United Utilities

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

- The site is drained in complete accordance with the strategy submitted, which ultimately states that all surface water flows generated by the new development will discharge to soak-away or watercourse only.

Highways

- Highways have had a look at the previous transport submissions for App 11/2833C. The increase in traffic will be small and they cannot imagine any significant traffic issue. Nevertheless, given the objections citing traffic including from Middlewich Town Council, it would be wise to ask the Applicant for revised capacity assessment at the junction of The Green with Chadwick Road in order that this point can be addressed as part of the response.

Education

- This application will generate 7 primary and 5 secondary aged pupils.
- Based on the pupil forecasts and already approved development then there will be sufficient capacity in the local primary schools to accommodate the pupils generated of this age range. Secondary however is different and the service is seeking contributions.
- $5 \times £17,959 \times 0.91 = \textbf{£81,713}$

Environmental Health

Recommend the following conditions:

- The hours of demolition / construction works taking place during 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details:
 1. Details of the method of piling
 2. Days / hours of work
 3. Duration of the pile driving operations (expected starting date and completion date)
 4. Prior notification to the occupiers of potentially affected properties
 5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - The applicant has previously submitted reports for contaminated land under previous planning applications for the site
- As such, and in accordance with the NPPF, this section recommends conditions, stating that should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

6. VIEWS OF MIDDLEWICH TOWN COUNCIL

Middlewich Town Council objects to this application on the grounds that an increase in dwellings will exacerbate the traffic problems in the area, which the Town Council highlighted in its comments on the original planning application.

7. OTHER REPRESENTATIONS

2 representations have been received making the following points:

- Following a rejection for the first planning submitted for The Green, the application was withdrawn.
- This was replaced with a further application with very little amendment, virtually immediately. Neighbours feel this second application was extremely underhanded, with no notification or consultation period offered to the neighbours, indeed exactly like the first application.
- Notification for a planning application from the council, does not constitute any consideration for the surrounding residents. Despite all the concerns and complaints, neighbours, were totally over ruled and planning was granted.
- Now, they wish to increase the number of dwellings from 22 to 39 on the north west part of the site.
- Residents strongly object to this application as this will be adding yet more traffic to a totally unsuitable access route to the estate and an already heavily congested and dangerous road, namely, Chadwick Road.
- 63 properties should not have been granted permission initially, but to increase that by 17 up to a staggering 80 properties overall, is nothing short of sheer greed by the house builder to squeeze every last single penny out of every square inch of the beautiful 'Green Belt' site residents once overlooked.
- The application is submitted because the large 3 to 4 bedroom houses are not selling so they want to build 17 smaller houses instead.
- This is totally wrong as it will mean at least another 30 cars travelling down a narrow road and at least another 30 people in a small area.
- The schools in the area are already overcrowded.
- They strongly object to this application

8. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement

9. OFFICER APPRAISAL

Main Issues

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 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.

However, the granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission is being, and can continue to be, implemented, this application does not present an opportunity to re-examine those issues.

This proposal, is a full planning application for 39 dwellings on the north-west part of the site, which will increase the total number of properties on the site to 80. Although a greater

number of dwellings is now proposed, the site boundaries remain the same. Therefore, it will not result in any greater loss of open countryside, than that which has already been accepted and by increasing the density, it will make better use of the land which will increase the contribution that the site makes to housing land supply, and will ease the pressure to develop other greenfield sites elsewhere in the Borough.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are the acceptability of the revised scheme in terms of affordable housing, amenity, ecology, landscape and tree matters, drainage and flooding, infrastructure, highway safety and traffic generation.

Affordable Housing

The Interim Planning Statement: Affordable Housing requires provision of a minimum of 30% affordable housing on any sites over 15 dwellings or in excess of 0.4ha in settlements with a population of more than 3,000. It also requires a tenure split for affordable dwellings of 65% social rent and 35% intermediate tenure. This is the preferred split which was identified in the Strategic Housing Market Assessment (SHMA) 2010.

As this is a re-plan of part of a wider development site, it is necessary to consider the affordable housing requirements for the whole site. The SHMA 2010 shows that for Middlewich there is a requirement for 280 new affordable units between 2009/10 – 2013/14. This equates to a net requirement of 56 new affordable units per year, made up of 13 x 1bed, 8 x 2bed, 30 x 3bed and 6 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, information from Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 657 applicants on the waiting list who have selected Middlewich as their first choice. These applicants require 154 x 1 bed, 276 x 2 bed, 146 x 3 bed & 23 x 4 bed units. 58 applicants did not state how many bedrooms were required.

The existing planning approval on this site, under application 11/4545C for 63 dwellings has a s106 agreement in place securing 12 affordable dwellings as social rented and 7 as intermediate tenure, which is as per the requirements of the Interim Planning Statement: Affordable Housing.

This proposal would increase the total dwellings across the whole development site to 81 and therefore increase the affordable housing requirement to 24 dwellings with 16 provided as social rent (affordable rent would also be acceptable) and 8 provided as intermediate tenure.

Based on the increase in numbers on the site overall the applicant needs to provide 5 additional affordable dwellings as part of the re-plan in order to meet the 30% requirement across the whole site, with 4 of the additional affordable dwellings provided as social rent or affordable rent and 1 as intermediate tenure in order to ensure the tenure split of 65/35 between rent/intermediate continues.

The applicant was initially offering an additional 7 affordable dwellings which exceeded the number required by 2. However, the tenure split offered with the additional dwellings was 3 rented and 4 intermediate which across the whole site would equate to a provision of 26, of which 15 would be rented and 11 intermediate. This would represent provision of 32% affordable housing on a tenure split of 58% rented, 42% intermediate.

Given that conditions or planning obligations can only secure the minimum policy requirement of 30% affordable housing, there would be no control in respect of tenure or eligibility criteria for the 2 of the affordable units being offered on this scheme and therefore these should be disregarded and not counted towards the affordable housing provision on this site.

Taking account of this only 5 of the additional proposed affordable dwellings can be counted towards the 30% requirement, based on the tenure split offered if 3 were rented and 2 intermediate this would result in the affordable housing provision across the whole site being 15 rented and 9 intermediate which represents a tenure split of 62.5% rented and 37.5% intermediate and does not meet the requirements of the Interim Planning Statement: Affordable Housing.

Housing Officers, have confirmed, however, that they would have no objection if the affordable housing was 4 social or affordable rented units and 1 intermediate dwelling. In addition the properties should also meet all the requirements of the Interim Planning Statement: Affordable Housing. Their preference is that any additional affordable housing required at this site is secured by way of a s106 agreement, with a requirement that any affordable or social rented dwellings are transferred to a Registered Provider of affordable housing.

Discussions have taken place between the developer and Housing Officers and an offer of 5 additional affordable units as part of the re-plan on a tenure split of 3 social rented dwellings and 2 intermediate dwellings, has been agreed.

Overall this would provide a total of 24 affordable dwellings on the site, which represents provision of 30% of the dwellings as affordable. The tenure split would be 15 social rented and 9 intermediate which equates to 62.5% social rented and 37.5% intermediate dwellings. Although this does not quite meet the 65/35 split identified in Interim Planning Statement, it is satisfactory, as the provision of the 3 social rented dwellings and 2 intermediate dwellings as part of the re-plan is more practical in terms of management implications for a Registered Provider, given that the 3 social rented are in one block and the intermediate another.

On this basis, it is considered that the proposal complies with the relevant policies in respect of affordable housing, and Housing Officers have no objection.

Amenity

The site is bounded to the south by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Eardswick Road to the north, Broxton Avenue to the east and Beeston Close and Bunbury Close to the south. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation

and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties in those roads listed above, the recommended minimum distances will be achieved.

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases with the exception of the separation distance between the rear of plots 48 to 51 and plots 25 to 27, where the separation distance will fall as low as 14m. This is particularly problematic given that plots 48 to 51 are 3 storey developments. Also the separation between the rear of plots 43 to 45 and the gable of lot 28, is only 10m rather than 13.7m as advocated by the standard

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. A number of plots will fail to achieve this standard. In particular the three storey plots, which are clearly family houses, will have approximately 40 to 45sq of amenity space, which is considered to be unsatisfactory. The proposal therefore fails to meet the requirements of the Council's SPG and Policy GR6 of the adopted Local Plan.

With regard to noise pollution, air pollution and light pollution caused by the development, the Environmental Health Department, have raised no objection to the development subject to conditions. Similar conditions were imposed on the previous consent and therefore these could be carried over to any further approval. As a result, it is not considered that these issues would warrant the refusal of this application.

Ecology

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

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that

Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

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

In this case, ecological issues were given full consideration at the time of previous approval, and it was concluded that subject to the imposition of certain conditions, the proposal would not have a detrimental impact on protected species within or adjoining the site. Given that the site area remains unchanged, provided that the same conditions are imposed, the proposed re-plan and increase in the numbers of dwellings will not have a materially different or greater impact than the approved scheme.

Landscape

In respect of the previous application, the Council's Landscape Officer expressed the view that the proposals would not have a significant landscape or visual impact and therefore offers no objections to this application. Given that no change is proposed to the extent of the development area, or the site boundaries, it is not considered that any additional landscape impact would occur as a result of this proposal.

Trees

The Council's Landscape Officer has examined the application, and commented that the submitted Arboricultural Impact Assessment indicates that the development would encroach into the Root Protection Area (RPA) of several trees on the northern boundary and that the crowns of the trees will encroach some distances over several plots. The applicant's arboricultural consultant appears to consider that the trees could tolerate the RPA encroachment and indicates that they could be crown reduced to reduce the impact on properties.

British Standard 5857:2012 Trees in relation to design, demolition and construction-Recommendations advises that the default position should be that structures are located outside the RPAs of trees to be retained. The BS also makes reference to the relationship between buildings and large trees and the apprehension caused to occupiers. Consequently, there are concerns that the layout proposed is not fully sympathetic to the trees and the constraints they pose. The proposal should therefore be refused on the grounds of threat to mature trees of amenity value.

Drainage and Flooding

United Utilities and the Environment Agency have raised no objection to the proposed modifications subject to a condition requiring the site to be drained in complete accordance with the previously submitted and approved strategy which ultimately states that all surface water flows generated by the new development will discharge to soak-away or watercourse only.

Design

With regard to the layout of the site, the re-planned part of the site would be arranged around a cul-de-sac with a turning head at the end, which is the same as the approved scheme. The only difference is the inclusion of a small private drive to serve 3 properties at the end of the cul-de-sac. The properties are orientated in such a way that active frontage is provided to the roads and, despite the introduction of the private driveway a sense of enclosure and overlooking is maintained at the end of the turning heads. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. Whilst greater than that of the approved scheme, the density, of the development, and the spacing between the dwellings, will not appear out of character with that of the remaining part of the site and the adjoining development.

However, the increase in the density has resulted in the majority of plots now having frontage parking on both sides of the road. This will create the impression of a car dominated frontage which will detract from the character and appearance of the proposed street scene contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Of the 7 housetypes proposed in the re-planned area, three are incorporated within the existing approved scheme and are therefore deemed to be appropriate. Two of the other 4 housetypes, the “Moulton” and the “Hadfield” are 2 stories in height which reflects the more recent developments in the surrounding area. The “Mossley” and “Soutar” include accommodation within the roofspace, and are 9m and 9.5m in overall height respectively, which is significantly greater than the 2 storey dwellings on the remainder of the development and within the surrounding area which are all around 7.5m in overall height. This disparity will be more noticeable given that some of the three storey units are proposed on the boundary with existing development. Furthermore, the height of the 3 storey units on plots, which are already impacted by trees, as detailed above, will exacerbate the extent of overshadowing and over-domination.

The properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that add visual interest to the

elevations and are similar to other properties in the vicinity. The proposals are in keeping with those on the previously approved scheme, and the remaining part of the site. Similar designs have been employed on the neighbouring developments and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Loss of Agricultural Land

The proposal will not result in any greater loss of agricultural land than the previously approved scheme.

Open space

The size, shape and location of the proposed on-site open space provision are identical to that shown on the previously approved scheme. This was also previously, considered to be adequate to serve a development of 68 homes. However, it would not be sufficient to provide for a development of 80 dwellings and it therefore follows that either additional open space should be provided within the site or a commuted sum towards off-site provision. The Greenspaces Officer was calculating the level of this contribution at the time of report preparation and a further update will be provided to Members in due course.

With regard to Children and Young Persons Provision, following an assessment of the existing provision accessible to the proposed development, carried out as part of the previous application, if permission were to be granted, 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 for Children and Young Persons Provision.

To meet the needs of the development, an opportunity was identified for the upgrading of an existing facility at Moss Drive, to increase its capacity. The existing facility is a Local Equipped Area for Play (LEAP), located off Chadwick Road/ Moss Drive. This facility is within 800m of the entrance of the proposed development accessed via a footpath off Chadwick Road, close to the existing road called The Green.

The existing facilities at the identified site are substandard in quality and consequently the applicant agreed to provide a financial contribution of £21,152.67 for capital works for the upgrade of its play area in accordance with Council standards. This equates to £335.76 per dwelling. The increase in the number of dwellings to 80 would clearly increase the demand for play facilities and the pressure on the Chadwick Road / Moss Drive site. It is therefore recommended that the contribution should be increased accordingly. A figure will be provided as part of the update report.

The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contribution and the establishment of the management company, it is considered that the revised proposal is acceptable in Open Space terms.

Highway Safety and Traffic Generation

The Strategic Highways Manager has looked at the previous transport submissions for application 11/2833C. The increase in traffic will be small and he does not consider that there will be any significant traffic issue. Nevertheless, given the objections citing traffic

including from Middlewich Town Council, it is considered that it would be appropriate to ask the Applicant for revised capacity assessment at the junction of The Green with Chadwick Road. This has been requested and an update on these matters will be provided prior to the Strategic Planning Board Meeting.

Infrastructure

The Councils Education Department were consulted as part of the previous application and stated that the existing schools in the area should be able to accommodate the additional pupils from this development and therefore no Section 106 Developer contributions were required in respect of that proposal.

The Education Officer has confirmed that the revised application will generate 7 primary and 5 secondary aged pupils. Based on the pupil forecasts and the already approved development there will be sufficient capacity in the local primary schools to accommodate the pupils generated of this age range. However there is a shortfall in secondary provision and therefore a contribution of £81,713 is required.

Ground Conditions

A consultation response was received from the Cheshire Brine Board in respect of the previous application which raised no objection to the proposed development. Given that there is no change to the site area, no additional concerns are raised in this respect.

Matters of contaminated land were also addressed as part of the previous permission, and the conditions attached thereto, and consequently, Environmental Health have raised no objection subject to a condition being added requiring all work to cease in the event that previously unsuspected contamination is encountered.

9. CONCLUSIONS

The previous planning permission granted in January 2013, established the acceptability in principle of residential development on this site and given that the previous permission can still be implemented, this application does not present an opportunity to re-examine those issues.

However, the application raises concerns in respect of the level of residential amenity provided within the site for future occupants. It is also likely to result in a threat to mature trees of amenity value, both as a result of construction and the long term impact of living in close proximity to overbearing trees. In terms of design there are concerns regarding the three storey nature of the development and car dominated frontages.

The application makes provision for an adequate level of affordable housing, which can be secured through an appropriate Section 106 Agreement. The proposal will not have any adverse effects in terms of ecology, landscape, drainage and flooding, loss of agricultural land, highway safety and traffic generation and ground conditions. Subject to additional Section 106 contributions, the proposal will be acceptable in terms of education and open

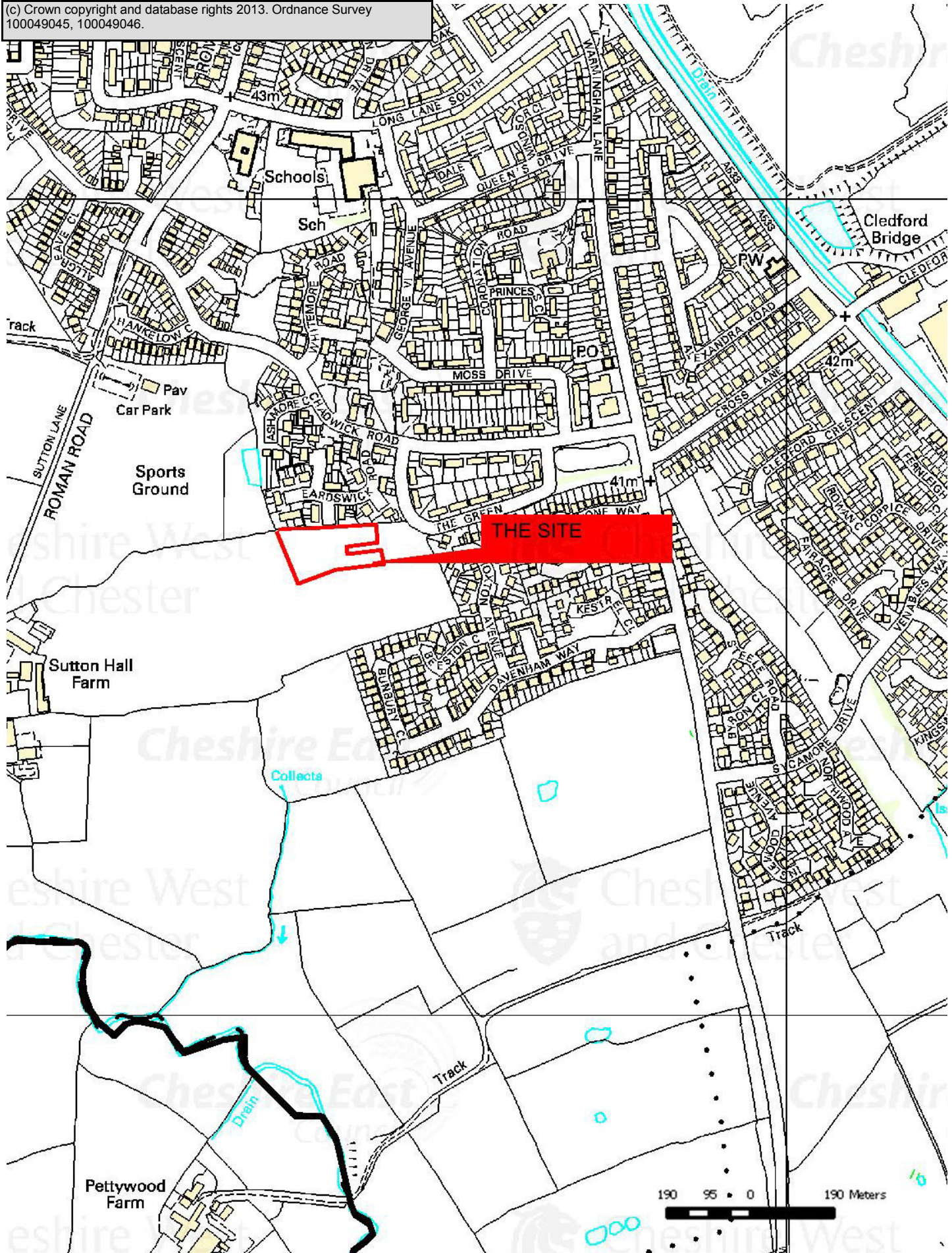
space provision. However, these are insufficient considerations to outweigh the concerns as outlined above and accordingly the proposal is recommended for refusal.

10. RECOMMENDATION

REFUSE for the following reason:

- 1. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing mature trees of amenity value, both as a direct result of construction activity and as a result of overbearing impact on the proposed properties leading to long term pressure from future residents to inappropriately prune or remove trees. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NR1 (Trees and Woodlands) of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to conserve and enhance biodiversity and the prevent loss or deterioration of irreplaceable habitats including trees.**
- 2. The proposed 3 storey development would be out of keeping with the character and appearance of the surrounding area and the remainder of the properties within the development site as a whole. This would be contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function.**
- 3. The proposed parking arrangements would lead to a car dominated frontage which would detract from the character and appearance of the proposed street scene and the development as a whole contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function.**
- 4. The proposed development provides insufficient separation between dwellings and levels of private amenity space and would lead to an inadequate standard of residential amenity for future occupiers contrary Policies GR1, GR2 and GR6 of the adopted Congleton Borough Local Plan First Review and the provisions of the Council's Supplementary Planning Guidance on Private Open Space in New Residential Developments, as well as the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function.**

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Application No: 13/1210C

Location: LAND OFF, CREWE ROAD, ALSAGER

Proposal: Reserved Matters planning application to erect 65No. Dwellings with associated Highway and External Works

Applicant: Miller Homes Ltd

Expiry Date: 27-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Access
Design and Layout
Landscape
Forestry
Affordable Housing
Ecology
Public Open Space
Impact on Radway Green
Amenity
Drainage and Flooding
Other matters

REFERRAL

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

1. SITE DESCRIPTION

The application site is some 3.3ha in extent and is greenfield land located on the south side of Crewe Road, immediately adjacent to the settlement boundary of Alsager. The site is defined by Crewe Road to the north and Goldfinch Drive to the east. To the west is a narrow lane (which also carries a public right of way) leading to the Old Mill public house, Alsager Hall Farm and Hall Farm Shop, residential properties, a pond used for recreational fishing and to the equestrian use south of the site. The southern boundary follows the line of the Valley Brook. There is one built structure within the site. A former garage or agricultural barn is

situated adjacent to the eastern boundary. It is redundant, has suffered from graffiti, fly tipping and is also fire damaged.

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

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

2.DETAILS OF PROPOSAL

Members may recall that Strategic Planning Board resolved on 1st August 2012 to grant outline planning permission for the erection of 65 dwellings. Approval was also given for means of access with all other matters, reserved for a subsequent application. The permission was issued following the signing of a Section 106 Agreement on 18th January 2013.

This application seeks approval of the reserved matters which comprise appearance, landscaping, layout and scale.

3.RELEVANT PLANNING HISTORY

12/0893C - Erection of up to 65 dwellings (Outline) – Approved 18th January 2013

Erecti

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking

GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

4. OBSERVATIONS OF CONSULTÉES

Environment Agency

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

- The final surface water management scheme submitted (Drawing number: 5672/SK04) is acceptable in principle, surface water is restricted to existing rates and attenuation for the 1 in 100 year climate change event is provided (dry detention basin and storage in the carriage way).
- Condition number 23 requested on the outline application requests that a scheme for the management of overland flow be submitted and approved by the local planning authority; we have received no information regarding this.
- Furthermore based on discussions with the developer they are now proposing raising site levels in the flood zone 3 area of the site and providing compensatory flood storage. As this represents a material change from the proposals at outline planning we would like to add the following condition.
 - The development hereby permitted shall not be commenced until such time as a scheme to provide compensatory flood storage is submitted and approved by the local planning authority.
 - The developer is currently in the process of commissioning a 1D hydraulic model of Valley Brook. The results of this modelling as well as their calculations and designs for compensatory flood storage should be submitted for approval.
- Pleased to see that the applicant has left an undeveloped buffer zone and the green open space adjacent to Valley Brook and that the houses are facing to the watercourse so integrating it as a feature of the development.
- From the 'Scale Layout' map there appears to be an outfall into Valley Brook. According to the Ecological Report no water vole survey was undertaken because no works to the river bank was intended. If this outfall is new then the applicant may need to undertake a water vole survey. If a Flood Defence Consent is required for this outfall the EA may request to see a water vole survey as part of that application.

United Utilities

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

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the soakaway/watercourse and may require the consent of the Environment Agency.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Rights of Way

No objection subject to:

- Standard informatives to protect the Right of Way during construction.
- The proposed footpath link from the site onto public footpath No. 7 would be supported as a key resource for prospective residents in accessing the public rights of way network which leads to open countryside to the south.
- The footpaths should be designed and constructed to best practice.
- Prospective residents may wish to use the link to Goldfinch Drive as a route on which to cycle as well as to walk to the town centre facilities and therefore the design and construction of this route should be appropriate to its predicted usage.
- Destination signage should be provided on site and information on routes for leisure as well as journeys provided to prospective residents in the home information pack. The developer would be required to include the maintenance of these paths within arrangements for open space management.

Health and Safety Executive (Explosives Inspectorate)

- 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 stories (12 metres) high and is of traditional brick construction
- If any part of the development within Band 3 is of a 'vulnerable' nature 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 Explosive Inspectorate would wish to be consulted further.

Greenspaces

- Comments relate to the formally maintained amenity areas
- The planting schedule is generally appropriate but some concern about species on plots 33, 30 and 28
- Plan does not show any low level planting or landscaping in formal Public Open Space
- Request details of LEAP- design and choice of equipment
- The position of the path does not follow the shortest route from the new housing area to the play area
- The grass surrounding the play area needs to be cut fortnightly

- Landscape Management And Maintenance Plan needs to include details of maintenance and management of the play area, and fortnightly grass cutting need to be included within this document
- Area around the LEAP needs to be labelled on the plan as Amenity Grass

Highways

- This is a reserved matters application to determine the internal layout of the site only, access was determined at the outline stage as was any issues regarding traffic impact.
- The internal roads are designed to accord with the Council's adoption standards and although it would have been preferable to join the long cul-de-sacs together to provide a loop road there are no technical reasons to object to the submitted design of the cul-de-sacs.
- The areas indicated to be block paved are acceptable but these will not have any vertical deflections and are to be designed to be at grade.
- Car parking provision is at 200% for the development and therefore accords with parking requirements for residential units.
- No highway objections are raised to the application.

Environmental Health

No objection subject to conditions relating to

- Hours of demolition / construction
- Hours of piling
- Submission of piling method statement
- Submission of scheme to minimise dust emissions
- Phase II site investigation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council has the following concerns. Reference is made to a pond known as 'the Cops' which is detailed to be made bigger and improvements made to this area, the Town Council has concerns over who will maintain this part of the site once developed. Serious concerns are expressed regarding pedestrian access to and from the site and would suggest a crossing be put in place to allow children to cross Crewe Road safely. Any footpaths that are developed on the site must also be wide enough for cyclists. Alsager Town Council suggest that any contributions from the developer go towards highway improvements and road safety.

6. OTHER REPRESENTATIONS

Representations have been received from neighbouring residents making the following points:

Principle of Development

- Development is not necessary
- There are other brownfield sites available within Alsager, (MMU, White Moss Quarry, Twyfords)
- Priority must be given for Greenfield over Brownfield
- Residents are sick of developers trying to build on Greenfield sites.
- It has been awarded outline planning permission hastily.
- The development is contradiction to the Alsager Town Strategy which "supports residential development on previously developed land, including the re-use of land at the former MMU campus and Twyfords." These 2 sites should be utilised first with no planning granted on other sites until MMU and Twyfords have been fully utilised.
- The Alsager Town strategy document also wishes to conserve and enhance the network of green spaces and improve access to the open countryside.
- The proposed building on open countryside is totally against this vision.
- The land is not part of the local plan for Alsager or Cheshire East Council's Strategic Land Housing Availability Assessment.
- Claims that the proposed site has been used as a garage are completely spurious - the field to the west of Mill Lane was used as a temporary lorry park when the Radway Green factory was built in 1940 but has never been developed and is therefore a green field site.
- The site abuts Mill Lane and Alsager Hall Farm which are of historical value both dating from medieval times - although the existing buildings are early Victorian
- This land is a valuable green space between Alsager and the Radway Green Factory which should be preserved, as it prevents the town spreading out into an urban/industrial sprawl.
- This was just the first of a large number of proposed developments on Greenfield sites around Alsager. The only reason that this site got outline planning permission approved originally when the subsequent sites did not is that it slipped through the planning process during the summer holidays before the residents of Alsager realised the significance of the situation and started to campaign against them. It is not required and, not wanted.
- The governments new guidelines state that "local planning authorities must encourage brownfield sites to be brought back into use rather than building on greenfield sites and to protect greenfield land wherever possible".

Ecology

- Very few of the trees which create the habitat for birds and bats are being retained.
- A considerable number of trees have already been felled in Alsager and to continue to remove them from this development area will only make Alsager a poorer place to live with regard to local wildlife.
- There will be destruction to the ecological environment for wildlife if building takes place. Great Crested Newts, water Voles, Woodpeckers, Herons, Kingfishers, Hawks, Owls, bats, badgers, foxcubs, pheasant chicks, Foxes, various bird species and many more.
- The pumping station in the buffer zone will impact wildlife

- The plan to net the hedgerows and copses to stop birds nesting before they start the development will be fine, birds should just go and find somewhere else anyway.
- The developer states 'there are no trees or other features suitable for the installation of a barn owl box' and that they propose to appeal the need for this condition
- One of the aged Oak trees is to be sacrificed for the access. The Council should be ashamed of itself. This is unacceptable when an access could be made on the small lane adjoining the site leading from the Old Mill and the Hall Farm Shop, a far more safe and sensible access.
- Such a build would be a huge detriment to the precious local environment and the beauty that attracts many people to Alsager
- In a letter recently printed in the Crewe Chronicle Councillor Michael E Jones, Leader of the Council, was appalled by the felling of mature oak trees to enable a development and where he wanted to reassure residents of Cheshire East that this was unacceptable

Traffic

- Concern about safety of access to Cranberry Lane school for Parents
- It is already very difficult to exit from Hall Farm shop, Cranberry Lane or Arrowsmith Drive due to the bend in the road and the bus stop that both limit visibility, and the volume of traffic along Crewe Road.
- It is already extremely difficult to cross Crewe Road
- There is already congestion on Crewe Road especially if there are problems on the M6 or A500
- Crewe Road is very narrow and extremely busy with traffic of all sizes and descriptions using it - although it is allegedly a 40 mph road the speed of drivers using including huge HGV vehicles is generally far more than that.
- The Mill driveway has already seen a recent increase in traffic due to the success of Hall Farm shop
- Another entrance onto Crewe Road in this area is dangerous. It is incredibly close to another busy junction, two bus stops, a mini roundabout, a pedestrian crossing, another access road, 2 oak trees, Hassall Road and Cranberry Lane, which leads to Cranberry School, Cranberry Nursery & Whizz Kids out-of-school club and is directly on the route of the Cranberry pupils walking bus.
- This stretch of road is already congested and more traffic trying to access the main road will create another hazard.
- Crewe Road is extremely busy between 8.00 – 9.00am and between 4.30 and 6.00pm.
- It is close to a dangerous junction into Arrowsmith Drive and an awful junction at Hassall Road.
- The pelican crossing and roundabout at Poppyfields entrance is also in the close vicinity.
- The traffic through Alsager is already congested
- Children have to cross the main Crewe Road, morning/lunch time/afternoon can only put them at more risk of an accident.
- Residents have witnessed many misses especially in the morning.
- The land already earmarked for housing Hassall Road, and Twyfords will cause absolute deadlock through Alsager village.

- To propose over one thousand plus houses in a small designed village area with only one totally inadequate main road exit and access IS stupid and dangerous beyond belief.
- There are existing problems coming out of Poppyfields onto Crewe Road,
- The development would add 130 cars (based on the proposal of 2 cars per household for the planned 65 houses)
- Pedestrians crossing to use the bus stops on either side of Crewe Road would be put in danger.
- Bus stops towards Hanley have not been identified on the plan!
- The speed limit is 40 mph only 200 yards away from the Cranberry Lane T junction and already causes traffic problems for vehicles turning onto Crewe Road.
- Neither the speed limit or volume of traffic has seemed to be addressed in these revised plans.
- The entrance to the site is proposed and is exactly where the police constantly set up speed traps.
- Land is already earmarked for housing at Hassall Road and Twyfords, so why do we need more housing? This is likely to cause major congestion in a small village.
- Despite the 30mph zone, regular experiences walking and driving along this stretch of road will tell you that little heed is paid to this speed limit. Unless speed cameras or a further reduction in speed limit is imposed, there is a high likelihood of accidents and traffic congestion in this area.
- Further family housing will result in more children wishing to cross the road to access the schools. Crossing will soon become an absolute nightmare as will exiting the development onto Crewe Road. This too must be given much further consideration and a re-drawing of the plans.
- Contractors vehicles will further accelerate the degradation of the existing poor road surface on Crewe Road.
- Cars turning right out of the proposed exit will be bring yet another traffic hazard to the Cranberry Lane junction, those turning left will joining the Crewe Road virtually in front of Arrowsmith Drive.
- It is a complete accident waiting to happen.

Design

- The land lowers as it approaches the Radway Green area, so why propose 3 story houses at the front? Why not propose the 3 storey houses towards Radway Green then the height of the houses on the site will be level.
- Object to the number of houses planned for this unsuitable site and in particular the 5 bedroomed houses which may be three storey or possibly a 2.5 storey.
- The outline would detract from the roadside view. You do not expect to have 2 or 3 storey houses in a "Coppice" on a country road
- The application states that "no unacceptable harm" would be caused to the area and its appearance and character would benefit from the development. The area will not benefit from being covered in bricks and mortar rather than trees
- A review of the planning document submitted for street scenes does not include plots 1-8 14-22 39 and 48-52. Yet plots 34-37 are shown twice. Have plots 1-8 been deliberately omitted as plot 4 is for 2.5 storey house (London type) which fronts the entrance to the estate and will block light and views from existing housing? Plot 37 is

also at the front of the estate and is also a 2.5 storey house. This height of proposed house is not in keeping with the existing housing on this road.

Schools

- Schools are already full and additional houses will make the situation worse
- There are already waiting lists
- No provision has been made for safe crossing points for families wishing to walk to Cranberry, Pikemere or Alsager School by the new development.

Radway Green

- Should the close vicinity of the site to Radway Green Ammunition factory be considered? Could it be thought a dangerous area?
- Would the sound of testing of constant firing of bullets not be a problem to the new houses?

Amenity

- 214 Crewe Road, immediately next to the land in question is a small two bedroomed single storey bungalow. It will lose all privacy in the living areas. The house proposed immediately next to it is a large 5 bedroomed, three storey dwelling, which will totally dwarf 214 and look ridiculous. The back garden will back onto the side of 214 property, so that all the rear bedroom windows will look directly into the lounge via the window in the side elevation of the property and also into the conservatory (not shown on the plan).
- Plots 41 – 44, the two storey dwellings, are angled in such a way that the rear bedroom windows will also look directly into the conservatory and lounge at 214, plus the kitchen extension (also not shown in the plan) and dining room. The occupants would have absolutely no privacy whatsoever in the living areas of their home.
- This could be avoided with some thought and consideration. If the large property proposed for next door were to be turned to face Crewe Road with the garage next to 214 and the garden running parallel to ours, this would be tolerable. Also, if plots 41 - 44 were either turned to overlook the rear of the garden to 214 and not directly into the back of the house, this too would be tolerable. Better still, if the position of these houses were to be swapped for the position of the battery of garages the privacy of 214 would not be compromised.
- The height and size of the houses at the front of the development are huge compared to the houses opposite (in Bude Close) and will completely block any view that these houses currently have. There is a strong risk that there will be a loss of light as the development sits on the south side of Crewe Road - in the exact location where the sun rises and sets and offers much needed light to the houses on the north side of the road - particularly in winter.
- Effectively another parallel road is to be created along Crewe Road which will be the entrance where vehicles come into the development. This will increase traffic noise massively and also fumes etc. A revised layout must be considered whereby traffic is funnelled into the development so that there is immediate speed reduction and also noise. The impact on neighbouring properties will otherwise be greatly affected

- Style and placement of properties will take natural light & privacy from existing properties on Goldfinch Drive, Crewe Road & Bude Close.
- Residents we want to live opposite green fields and trees (that is why they moved here) and not buildings.
- This development will also cause more noise and dirt pollution while it is being built and afterwards. What will be done to keep this to a minimum?

Footpath and Play Area

- Residents object to the application due to the linking path that connects the proposed new development to Goldfinch Drive via the proposed new "play" area.
- The play area will not be used as intended e.g. a safe play area for young children supervised by their parents but become an area for teenagers to congregate.
- The proposed park will bring antisocial behaviour, vandalism and will again cause a safety issue for residents of Goldfinch Drive.
- The existing play area has experienced problems with litter, underage drinking and unruly behaviour in general.
- The prospect of hitting a child with a car will be a major concern. The road is extremely narrow-having small children running out of a play area in a state of excitement will, end in the serious injury or even death of a child given the size of the road, lack of path and the limited parking (which means that visitors and household with numerous cars often use the grass verge to park).
- There is no requirement for the proposed path and play area close to Goldfinch Drive.
- A logical location for any proposed play area that serves the new proposed housing development would be within the new development.
- Information is unclear as to whether there will be a playground and where it will be.
- The existing playground on Swallow Drive should be refurbished by the developer with on-going maintenance provided in consultation with the Town Council. This playground would then serve the Hall Drive estate, Poppyfields estate and the new 'Coppice' development.
- Maintenance of the park will also be a major issue. The park off Swallow drive is in a terrible state of disrepair and rather than replace this with another park to get into the same state - the existing park should be renovated.
- Is another play area needed?
- It is totally unnecessary as there is another local park close by which is completely neglected and in a state of disrepair.
- Leave the 'meadow' in its natural and wildlife friendly state.
- The significant impact upon me personally would be the noise from this park (residents have small children who sleep in front bedrooms)
- Finally, do we really need another Playground that won't be maintained? The play area off Swallow Drive has been left to be abused by teenagers that often cause trouble, smash bottles and set fires. Is this what is needed for a neighbourhood that is predominately families with young children?

Affordable Housing

- The development states it will include affordable housing. What is the definition of affordable housing? There are already approx 250 houses of varying price levels and

sizes already on the market in Alsager estate agents. Given the reduction in employment opportunities in the local area and the recent redundancies at Astra Zeneca, Barclays and Britannia where is the requirement for new housing in this area?

7. APPLICANT'S SUPPORTING INFORMATION:

- None submitted

8. OFFICER APPRAISAL

Main Issues

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues in question in this application, therefore, are the acceptability of the appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Access

The vehicular access to the site would be taken from a point mid-way along the Crewe Road frontage. Details of access were agreed at the outline stage.

Residents have raised various traffic and highway safety issues including implications on the wider network, traffic generation, speed of vehicles, the position of the access, traffic congestion in the town centre, danger to pedestrians, and proximity to bus stops and schools. Whilst these concerns are noted, access matters cannot be re-examined at this stage given their approval on the outline application.

Therefore, the only issue in terms of access, which is under consideration in this application, is the internal site layout and parking provision. The Strategic Highways Manager has examined the proposals and raised no objections in respect of these matters and therefore the proposal complies with Policy GR9 of the adopted Local Plan in respect of access and parking.

Design and Layout

The Principal Design Officer has examined the application and commented that the submission has addressed most comments made at pre-app stage. In terms of layout, the arrival square could be less formal in shape, taking account of building arrangement around the space. There is more scope for trees to be a feature of the space. The applicant has commented that the square has been designed to form a place setting, with a clear and defining directional point of reference. The units have been placed so as to form a strong frontage and positive vistas from the approaches and exits, with the main spine continuing down the tree/hedge lined boulevard to the POS and the secondary arm guided through to the two corner post trees. It is their opinion that that the planting of additional trees in the

square would detract from this sense of place by over-crowding it and that it would therefore lose its definition. However, additional tree planting could be secured by condition.

The majority of the house designs and materials are considered to be acceptable. The apartment block is quite plain and, and will be very visible from areas of POS, it needs to have landmark quality. The developer has commented that, it has been designed to form an attractive point of reference at the end of the tree/hedge lined boulevard and at the entrance to the POS. The main elevation tangential to the boulevard is greater in height than the surrounding plots (28, 46 & 47), which defines its place. This then wraps around to face the POS and subsequently reduces to a reduced scale adjacent to the existing, neighbouring dwellings. The simple detailing to heads and cills, coupled with the dentil and plinth banding will further serve to enhance this clean and simple form of detailing common to the surrounding area, and serves to ensure the building forms a cohesive relationship with existing and proposed dwellings.

With regard to sustainability, the energy statement in the addendum does not give sufficient information and there is no mention of wider sustainable design measures such as passive solar gain or climate change adaptation measures designed into the scheme (enhanced tree coverage and vegetation could be one such measure). The developer has subsequently commented, however, that the layout does demonstrate that the majority of the proposed dwellings are sited so that main elevations (front or rear) face south, therefore enabling them to benefit from passive solar gain. The landscaping proposed, together with the existing trees, will ensure that shaded areas are available throughout the development, providing relief from the sun in summer months.

Therefore the proposal is considered to be acceptable in design terms and meets the requirements of policies GR1 and GR2 of the adopted Local Plan and the provisions of the NPPF in terms of design.

Landscape

The Landscape Officer has examined the proposal and commented that the submission provides no information on proposed levels. As it appears there is a proposal to raise levels to the south of the site adjacent to the Valley Brook watercourse and protected trees this information needs to be provided. Sections may be required.

The submission shows a retaining wall to the south and south east of the site but no details are provided.

Whilst a proposed footpath link is indicated to the south of the site, no details are provided of surfacing or how the link to footpath 7 would be secured. A footpath link should also be provided to the play area, which appears rather isolated.

The soft landscape proposals on the detailed planting plan D3780.001A are generally reasonable in so far as they extend. However, there are no landscape proposals for the area of POS, The Landscape Officer has questioned the suitability of some of the proposed species which are planted close to residential property frontages. The Greenspaces Officer has raised similar concerns. Furthermore, the scheme provided very limited enhancement for the waterside woodland or pond areas.

In response to these comments, the developer has submitted a revised, Landscape Management and Maintenance Plan; External Works Layout Plan; Detailed Landscaping Planting Plan; and Site Layout Plan. The external works plan provides details of levels. It is proposed that the footpath will have a cinder finish. The amended layout shows the footpath continuing to the LEAP and the Management and Maintenance plan provides comfort on management of landscaped areas. They have commented that details of the proposed retaining wall will be forwarded in due course.

The Landscape Officer has examined the revised information and stated that the draft landscape management plan appears to be reasonable. However, in the absence of sections and details of the proposed retaining wall the impact of levels changes on the copse area, Valley Brook watercourse and protected trees remains unclear. The proposed footpath link to the Leap does not follow a natural desire line. It is not clear how the footpath link to the south of the site negotiates the retaining wall and further details will be required. The landscape proposals for the area of POS are still outstanding. The scheme provided very limited enhancement for the waterside woodland or pond areas. These comments have been forwarded to the developer and a further response was awaited at the time of report preparation. An update in respect of this matter will be prepared for Members prior to their meeting.

The Landscape Officer has also commented that appropriate measures would need to be secured to ensure ongoing management and maintenance of public open space, footpath routes and ecological corridors. Indian Balsam has been found on the site. This invasive species requires control and measures could be required by condition. However, the outline consent imposes a condition requiring a scheme for the eradication of Indian Balsam to be submitted and approved prior to commencement of development (condition 8).

With regard to boundary treatment, there is an existing boundary hedgerow to the western boundary. The hedge must be retained and it is considered that a 1.8m fence is not necessary or appropriate for plots 1,9,10,11,12,13. A lower fence may be adequate. This has been brought to the attention of the developer who confirmed that an amended boundary treatment plan will follow shortly.

In addition, the Principal Design Officer has commented that there is scope to include more trees in the scheme. He has also questioned the practicality of some tree placements, such as the specimen proposed outside plot 38. More trees could be achieved in front gardens and incidental spaces. This should be supplemented by shrub and hedge planting to help to 'green' the streets.

In response, the developer has stated that whilst they consider the level of planting proposed to be appropriate they would be willing to introduce additional planting if necessary. This could be secured by condition.

Forestry

Several of the trees on the periphery of the site are protected by the Congleton Borough Council (Alsager Hall, Alsager) TPO 1998. These include the belt of trees along the watercourse and individual specimens to the north, west and north eastern boundaries.

The submission is supported by:

- A Tree survey plan ref.1819.01
- A Tree protection plan ref. 1819_03 Rev B
- An Arboricultural Method Statement (AMS)

The submission does not include an Arboricultural Impact Assessment as recommended in BS 5837:2012 Trees in relation to design, demolition and construction although there are some references to impacts in the AMS.

Whilst the tree protection plan indicates the proposed tree protection measures, the underlying base plan does not show the site layout. Therefore it is not possible to ascertain if the fence line can be achieved. The tree protection measures need to be shown on a site layout plan with the line of protective fencing and areas where special construction measures will be required identified. The measures need to include protection for the hedgerows.

The AMS indicates that there will be impact on TPO protected trees alongside the Valley Brook and loss of some unprotected trees in the copse adjacent to the pond as a result of the proposed retaining structure. Condition 15 of the Outline stated there should be no loss of trees in the copse and it is most regrettable that the layout results in the construction of a retaining structure which impacts on protected trees adjacent to the watercourse. This was not made apparent during pre-application discussions and it would be preferable if the layout could be amended to avoid these impacts.

It appears that works associated with the pumping station will result in work in the root protection area (RPA) of tree T2 on the Tree protection plan. If there is work proposed in the circle annotated 'Stone infill', the extent of encroachment will not be acceptable. It also appears there is conflict between the tree protection plan and the proposal to excavate a pond in the copse to the south west.

Therefore the following additional arboricultural information is required prior to determination of the application:

- Tree protection plan overlaid on site layout with areas. Clear identification of areas where special construction required. Protection measures provided for hedgerows.
- AMS amended to cover hard surfacing in vicinity of trees on Crewe Road frontage (on Crewe road side and internal access road) and to include contact details for relevant personnel
- Details of Service routes & method statement if impacting on tree RPA.

This has been brought to the attention of the developer and further information was awaited at the time of report preparation and a further update will be provided for Members in due course.

Affordable Housing

The affordable housing requirements as per the s106 agreement for the outline application on this site are –

- 6 x 1 bed units as social or affordable rent

- 7 x 2 bed units as social or affordable rent
- 7 x 2 bed units as discounted for sale or other form of intermediate tenure agreed by the Council.

The s106 agreement also requires a scheme for the affordable housing to be submitted with the first reserved matters application. It should detail the location, plot boundaries, layout, type and specification for the rented affordable units and the location, plot boundaries, layout, type and specification for the discounted for sale affordable dwellings.

A written affordable housing scheme has not been submitted with the application and the Design & Access Statement does not detail which properties are proposed as affordable or provide any other details required from the affordable housing scheme.

The site layout plan has plots 54 – 65 which are the 6 x 2 bed & 7 x 1 bed apartments and plots 46 – 52 which are 2 bed houses marked as AH and it is assumed that these are the affordable housing dwellings.

The developer has however now confirmed that the affordable units are plots 46 – 65, with 6 x 1-bed apartments, 7 x 2-bed apartments and 7 x 2 dwellings (as per the 106 agreement). However they still have not clarified, which are the rented and which are the discounted for sale (or other intermediate tenure) dwellings. Nevertheless Plus Dane Housing have contacted the Housing Department about this site, as they are likely to take on the affordable units, and they have advised their intention is to take the 13 apartments and deliver them as rented and the 7 x 2 bed houses as shared ownership. Housing Officers have agreed, with Plus Dane the principle of the intermediate tenure changing from Discounted for Sale to Shared Ownership which is permitted within the terms of the s106 agreement.

The affordable dwellings marked AH on the plan are all located in one corner of the site and not pepper-potted. Whilst it is appreciated that the practicalities mean the apartments will be provided in one block the houses could potentially have been pepper-potted with the open market dwellings.

Finally the s106 agreement stated that 7 of the properties should be provided as discounted for sale. The definition for Discounted Housing for Sale in the agreement is as follows –

thirty five percent (35%) of the Affordable Units which are to be provided pursuant to a scheme previously approved in writing by the Council such scheme to include those elements of the First Schedule that are relevant to Discounted Housing for Sale Units and the Third Schedule and to be in accordance with the Council's Interim Planning Statement on Affordable Housing PROVIDED ALWAYS that, with the Council's agreement in writing (such consent not to be unreasonably withheld or delayed), the scheme for Discounted Housing for Sale Units may include Units of another form of intermediate tenure, as envisaged by the NPPF, and in accordance with the Council's Interim Planning Statement on Affordable Housing, and in the case of shared equity tenure, this shall be at the same discount as set out in paragraph 4.8.2 (i) of the First Schedule, and in the case of shared ownership tenure, the discount to an AHP shall be such as will enable an AHP (as confirmed by such AHP) to offer a shared ownership lease on affordable terms.

However, there are only a small number of lenders who will provide mortgages for discounted for sale housing and these lenders require high deposits. Also if a Registered Provider wishes to take transfer of the affordable dwellings they are unlikely to want to deliver the intermediate ones as discounted for sale and would have no problem with a different form of intermediate tenure such as shared ownership being provided at this site

In summary, therefore, the affordable housing provision within the site is considered to be acceptable and in compliance with the Section 106 Agreement attached to the outline consent and there are no objections on affordable housing grounds.

Ecology

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

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

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

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

In this case, these issues were considered at the outline stage, and the principle of development of this site has been established. Therefore, the only ecological issues in the

consideration of this application relate to the detailed layout and design of the scheme and whether it accords with the principles and conditions which were laid down at the outline stage.

The Council's Ecologist has examined the application and made the following observations:

Great Crested Newts

Great Crested Newts have been recorded as breeding at a pond adjacent to the proposed development. In the absence of mitigation the proposed development would result in a 'medium' adverse impact on great crested newts as assessed in accordance with the Natural England Great Crested Newt Mitigation Guidelines. These impacts result from the loss of intermediate terrestrial habitat and the risk posed of killing/injuring animals during the construction process.

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

Council's Ecologist has advised that if planning consent is granted the submitted mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species concerned. However, it should be noted that a pumping station is now proposed within the ecological mitigation area identified by the ecological mitigation strategy submitted in support of the outline application. Whilst it is stated that the total above ground area of the pumping station will be minor there appears to be a more significant area marked with a circle around the pumping station. Clarification is required to confirm what is represented by this marked area.

In response the developer has submitted and amended plan showing the circle to be removed and has stated that it was only there to indicate a "no build zone" around the pumping station. The Council's Ecologist has therefore raised no objection on Great Crested Newt grounds subject to a condition requiring the proposed development to proceed in accordance with the submitted Great Crested Newt Mitigation Strategy dated May 2012 (updated February 2013) unless varied by a subsequent Natural England License.

Badgers

Whilst the submitted letter from the applicant's ecological consultant refers to an updated badger survey accompanying the letter as an appendix the survey report does not appear to have been submitted in support of the application. A copy of this report is required. This has been requested from the developer, who has confirmed that it will be submitted shortly. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

Valley Brook

The outline planning permission requires the provision of an undeveloped 10m buffer zone between the development and the brook.

For the most part this requirement has been implemented as part of the reserved matters proposals. However, on the original drawings, in the south western corner of the site the retaining wall and footpath encroached into the buffer. However, the amended plan now shows that the buffer zone is free from development. This has resolved this concern.

Hedgerows

The site currently supports a number of hedgerows. All the existing hedgerows, with the exception of those to be removed to facilitate the site entrance, should be retained and enhanced as part of the development. As originally submitted the retained hedgerows were not clearly shown on the proposed plans. However, the retention of the existing hedgerows is also now shown on the amended plans and hedgerows are retained wherever possible. Consequently, the Council's Ecologist has no objection on these grounds.

Ecological/Copse Area

The proposed pond within the copse area is supported. However the new pond may be shaded by the existing trees. The Council's Ecologist has required confirmation as to whether it will be necessary to remove any trees to avoid the shading of the new pond. This information has been requested from the developer who has stated that their ecologist will be providing confirmation as to whether trees need to be removed. A further update on this question will be provided in due course.

Public Open Space

The Section 106 Agreement attached to the outline planning permission gave the Council the option of requesting a commuted sum payment towards the upgrading of the Swallow Drive play area or the construction of a new play area within the site. The Greenspaces Officer has confirmed that their preference is the creation of a new play area and they have requested details of the design and choice of equipment. This request has been passed to the developer who has confirmed that the information will be forwarded shortly. A further update on this matter will be provided in due course.

Local residents have queried the need for the proposed play area and raised concerns regarding the potential for antisocial behaviour, maintenance and vandalism at such a facility. However, this was considered as part of the outline consent, and Strategic Planning Board resolved to include the option for on-site play area provision within the Section 106 Agreement. Therefore the principle of this matter cannot be reconsidered at the reserved matters stage.

A substantial amount of general amenity space has been provided within the site, in accordance with the outline permission. The Greenspaces Officer has been consulted and raised no objection to the extent or location of amenity space provision. She has commented that the planting schedule would seem appropriate for the development and location.

However, a small number of trees are closer to the dwellings than are ideal and could cause future problems for residents – such as those close to plots 28, 30 and 33. Furthermore, the detailed planting plan does not show any low level planting or landscaping in the area of formal Public Open Space where the children's play area is proposed. However, these concerns have been addressed through the revised landscaping plan.

The position of the path which is indicated on the site layout plan does not follow a desire line from the new housing area to the play area (i.e the shortest route) and therefore it is likely a secondary informal path will be formed across the amenity green which is not desirable. The revised landscaping plan still contains no details of landscaping and low level planting in this area. Similarly, the LEAP and surrounding area not included on the planting plan showing low level planting and any hard landscaping. The area around the LEAP needs to be labelled on the plan as Amenity Grass and maintained as such.

In addition, the Public Rights of Way Officer has commented that the plans should include detail of signage and surfacing for the proposed footpaths within the site.

With regard to the submitted Landscape Management and Maintenance Plan the grass surrounding the play area needs to be maintained as Amenity Grassland and kept short (minimum of fortnightly cuts) and details of maintenance and management of the play area need to be included within this document.

These issues have been brought to the attention of the developer and a further update will be provided prior to the meeting.

Impact on Radway Green

The site is within the consultation zone for the BAe Systems ordnance plant at Radway Green. The Health and Safety Executive (Explosives Inspectorate) have been consulted and raised no objections provided that the buildings do not exceed 12m in height, are of traditional brick and tile construction, and do not involve any "vulnerable" uses such as swimming pools and hospitals. The reserved matters submission complies with all of these requirements and therefore the proposal is acceptable in terms of its relationship with Radway Green.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring properties are Bude Close, Cranberry Lane and the other dwellings on the opposite side of Crewe Road to the north, and the dwellings in Goldfinch Drive and fronting on to Crewe Road to the east. A minimum distance of 40m will be achieved between the front elevations of proposed dwellings and the properties on the opposite side of Crewe Road. A distance of 22m will be maintained between the proposed apartment building and the closest dwelling in Goldfinch Drive, and 15m will be achieved between the rear elevation of plot 34 and the neighbouring property to the east fronting on to Crewe Road. Therefore, given that the minimum separation distance of 21.3m, as set out in the Council's Supplementary Planning Guidance, will be achieved, and exceeded in most cases, notwithstanding the

concerns raised by neighbours in respect of the proposed 3 storey development, it is considered that an adequate level of privacy and light will be maintained to existing properties.

The scheme also meets the required minimum distances between elevations of proposed dwellings within the site. .

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The submitted layout indicates that this can be achieved in all cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR6 of the Local Plan.

Drainage and Flooding

The Environment Agency has commented that a number of details required by condition have not submitted. However, these would form part of a Discharge of Conditions application, and would not normally accompany a Reserved Matters submission which seeks approval only of appearance, landscaping, layout and scale. They have also requested an additional condition due to the increase in ground levels at the south west corner of the site. As this detail was not shown on the original outline drawing and has only been introduced as part of the reserved matters, it is considered to be necessary and reasonable to add this condition.

United Utilities have also requested a number of conditions. However, these matters were addressed at the outline stage and appropriate conditions were added to the outline permission.

Other matters

Objectors have raised a number of issues with regard to the principle of residential development on this site including the need for the development, loss of open countryside, the view that priority should be given to development of brownfield sites and conflict with the town strategy. However, as stated above, outline planning permission has already been granted and this application relates only to reserved matters. The principle is therefore firmly established and cannot be revisited.

Impacts on education infrastructure have also been raised by residents. However, these were addressed at the outline stage and appropriate Section 106 obligations were imposed accordingly.

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. These issues have also been raised by residents. However, these issues were also considered at the outline stage and conditions were imposed to address them. Therefore no further conditions are required at this stage.

9. CONCLUSIONS

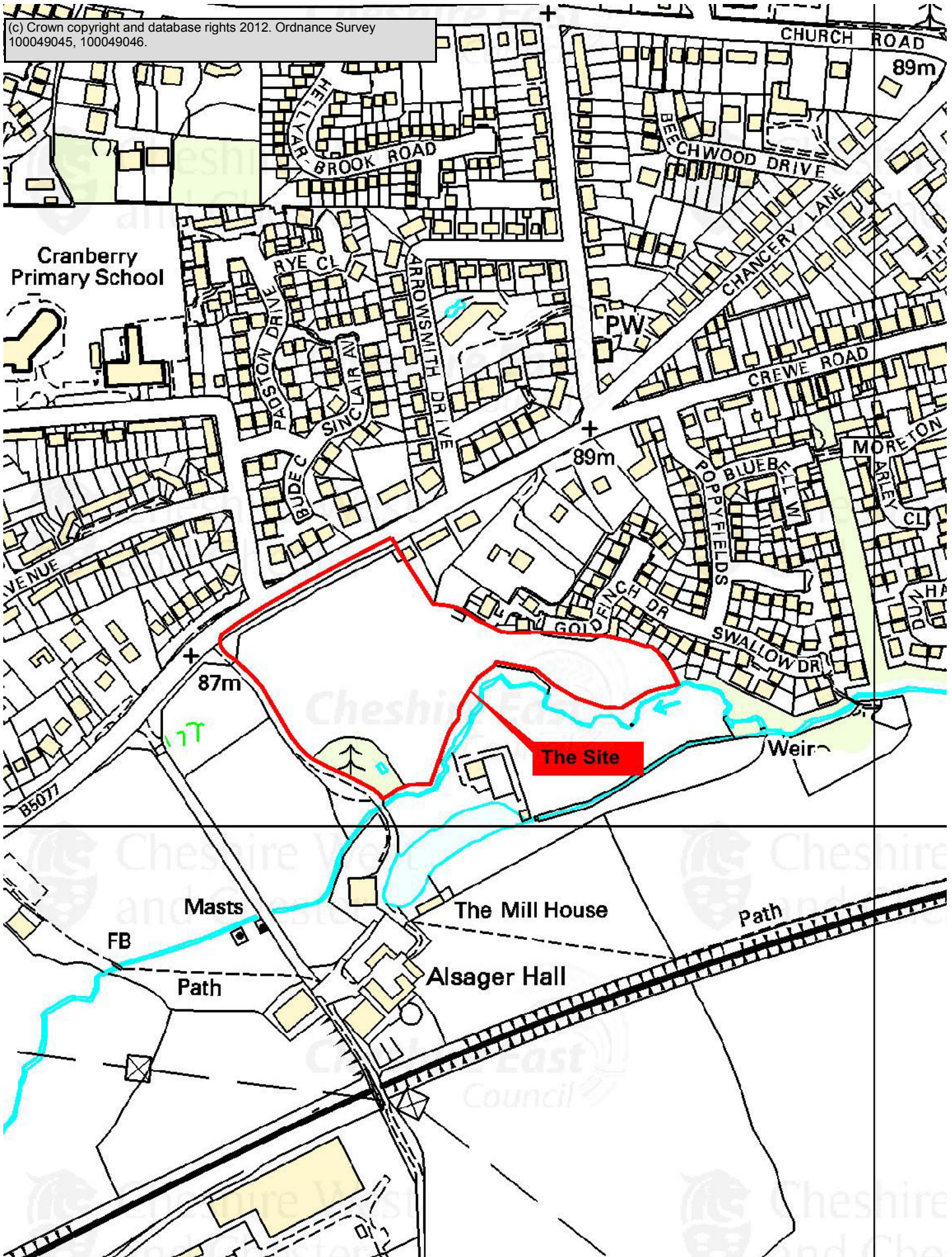
Subject to the receipt of the amended plans and additional supporting information referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant

local plan policies and accordingly it is recommended for approval subject to conditions as set out below.

10. RECOMMENDATIONS

APPROVE Subject to the following Conditions:

- 1. Standard**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatment**
- 5. Landscaping**
- 6. Landscape implementation**
- 7. Scheme to provide compensatory flood storage**
- 8. Submission of results of 1D hydraulic model of Valley Brook.**
- 9. Development to proceed in accordance with the submitted Great Crested Newt Mitigation Strategy**



Application No: 12/3746N

Location: Land off Peter Destapeleigh Way, Nantwich

Proposal: New highway access road, including footways and cycleway and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 30-Nov-2012

SUMMARY RECOMMENDATION

- “Minded” to Approve

MAIN ISSUES

Principle of Development
Highway Safety And Traffic Generation.
Landscape Impact
Hedge and Tree Matters
Ecology,
Drainage And Flooding,
Footpaths
Previous Section 106

REFERRAL

The application has been referred to Strategic Planning Board because it is related to a largescale major development and a departure from the Development Plan considered elsewhere on this agenda.

The application has also been called in by Cllr Peter Groves for the following reasons:

- The land concerned should now be in the ownership of Cheshire East Council.
- There has allegedly been non compliance with a Planning condition and Non-Implementation of Landscaped Nature Conservation Area referred to in S.106 Agreement relating to Residential Development land at Cronkinson Farm, Stapeley, Nantwich . Please refer to Planning Application No. P97/0786.

- It is a Great Crested Newt habitat . The mitigation plan for the newt ponds has been licensed by English Nature.
- There are grave concerns locally about the capability of the existing road network to cope with any further increase in traffic volumes in and around the proposed area.

Members may recall that, as a result of the felling of some of the trees this item was deferred by Strategic Planning Board for further information regarding:-

- (1) The arboricultural impact of the proposed development following the felling of three of the four 'Category A' oak trees identified in the refusal recommendation, together with advice regarding the lawfulness of the felling and the possibilities of replacement planting.
- (2) The impact of the proposed re-alignment upon open countryside, in comparison with the route previously permitted.
- (3) The impact of the proposed re-alignment upon ecology.

Upon learning of this resolution, the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

Therefore the purpose of this report is merely to seek the committee's resolution as to what its decision would have been had it been able to determine the application, and this will form part of the Authority's Statement of Case on the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible costs implications.

The reasons for deferral are addressed in the relevant sections of the report below.

1. SITE DESCRIPTION

The application site is 1.71 hectares and in essence comprises of part of a single field which adjoins Peter Destaplegh Way to the north.

The western and southern boundaries of the site comprise of existing hedgerows, interspersed in places with trees. The eastern boundary of the site will run through the centre of the field and will follow the edge of the new highway. Further to the east of this site boundary is another hedgerow and the site of the former Stapeley Water Gardens.

There are two existing ponds within the site and to the west and south-east are areas set aside for great crested newt mitigation, the former relating to the Cronkinson Farm development and the latter relating to the Stapeley Water Garden development. The site comprises of mixture of unmanaged semi-improved grassland, bramble/scrub and a drainage ditch.

2. DETAILS OF PROPOSAL

Planning permission was granted on the 4th January 2001 for the 'Construction Of New Access Road Into Stapeley Water Gardens (Ref. No. P00/0829).

This permission allowed the construction of a carriageway on a north-south alignment similar to that now being proposed in this planning application, with a connection to the Peter Destaplegh Way/Pear Tree Field highway junction via a fourth arm. Two roundabouts were also included providing two separate accesses into Stapeley Water Gardens.

As can be seen on the ground the spur for this fourth arm off the junction is in place and, this spur has been constructed in accordance with the approved planning permission. This 2001 permission is therefore extant.

In March 2006 the former Crewe and Nantwich Borough Council produced a Draft Development Brief and Sustainability Appraisal for Stapeley Water Gardens. Two redevelopment options were put forward, both of which included a new access off Peter Destaplegh Way.

At that point in time it was envisaged that Stapeley Water Gardens would continue to operate on a smaller scale and the access road would have provided a link to this smaller operation, as well as an area of new employment development within the Water Gardens site.

The remainder of the site was to have been developed for housing and this would have been accessed off London Road via the existing access point. The Sustainability Appraisal noted that the Highway Authority had confirmed their requirements for the new Peter Destaplegh Way access.

In July 2006 the former Borough Council adopted the Development Brief as a Supplementary Planning Document. The Peter Destaplegh Way access was retained in the SPD but rather than only servicing the Garden Centre and employment area it was to be used for the entire site with the London Road access closed.

This application proposes an access onto Peter Destaplegh Way at its junction with Pear Tree Field, together with a section of carriageway and footway/cycleway on a north-south alignment from Peter Destaplegh Way to the southern boundary of the site. Prior to this section of highway reaching the southern boundary a roundabout and associated highway stub to the site's eastern boundary will be provided.

The application is submitted in parallel with an outline planning application for a mixed use development comprising of up to 189 dwellings a local centre, employment, primary school, public open space and green infrastructure on land immediately adjoining the southern site boundary of this planning application (considered elsewhere on this agenda). Whilst that proposal has its own independent access from Broad Lane, the application which is the subject of this report will provide an additional access option for the adjoining mixed-use proposals, albeit these can be served solely from Broad Lane

As noted above the spur for a fourth arm off the signalised Peter Destaplegh Way/Pear Tree Field junction has already been constructed as part of the extant planning permission P00/0829 with signals, street lighting and tactile paving. This planning application will utilise

this but with some revisions to it so that the arm is widened to accommodate the introduction of an additional lane and there will also be a new left turn lane on Peter Destapleigh Way.

The new carriageway itself will be 7.3m wide. On its western side there will be a 3m shared footway/cycleway and on its eastern side a 2m wide footway. Before the southern boundary of the application site a compact roundabout will be accommodated with a stub to the site's eastern boundary. As a result, as well as giving an alternative access option for the mixed-use proposals to the south, the application proposals have the ability to connect the former Stapeley Water Gardens land directly to Peter Destapleigh Way in a similar way to that envisaged by the Development Brief and the extant planning permission.

3. RELEVANT PLANNING HISTORY

P00/0829 (2001) Construction of New Access Road Into Stapeley Water Gardens

4. PLANNING POLICIES

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Wildlife Trust

Cheshire Wildlife Trust (CWT) **objects** to this application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of

GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Our information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.

2. The current proposal (Drawing BIR3790_01-1E) keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

Environment Agency

- The Environment Agency has received a Flood Risk Assessment (FRA) on 7th December 2012.
- Having reviewed the report they are now able to withdraw their previous objection subject to the following planning conditions being included on any planning approval as set out below.
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken to demonstrate whether this is a feasible option for the disposal of surface water from the proposed development. If surface water is to discharge to watercourse, and a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The road layout is to be designed to contain any such flooding within the application boundary, to ensure that any flood risk is not increase elsewhere. As such we request that the following conditions is also attached to any planning approval.
 - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

- According to the 'Protected Species Impact Assessment and Mitigations Strategy (2012)' great crested newts are present.
- A watercourse is present on site and the drawing SCD/10141/D03 'Site Access General Arrangement' shows the proposed road crossing this watercourse. However the documents supplied do not provide any specifics on how this watercourse will be crossed.
- The Environment Agency are generally opposed to culverting because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife including fish. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- However, in view of the type of development and the relatively small length of watercourse that would be lost, it may be that compensatory works elsewhere on the water course / in the catchment could adequately off-set the loss of habitat and river corridor disruption. Ideally this should be an open span bridge. If culverting can not be avoided then it should be as short a length as possible.

Natural England

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.

- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Highways

Key issues

The key issues for the Strategic Highways Manager (SHM) relate to:

1. Achieving a safe and convenient junction layout.
2. Ensuring traffic and safety impact is mitigated at the junction.

Access

The Applicant has put forward a junction as per drawing SCP/10141/D03 Rev C.

Off-site Traffic Impact

Peter De Stapleigh Way/Pear Tree Fields

Whilst the Applicant has submitted a Transport Statement in support of the proposed junction which states that the junction is suitable in terms of capacity with their proposed future development of the Nantwich South site over and above the development in application 12/3747N, the SHM has not reviewed in detail nor agreed to these assumptions regarding the traffic impact of any development in excess of that proposed in 12/3747N and other locally committed development. These assumptions will have to be agreed if/when the application for any additional development is made.

The proposed junction layout is acceptable, providing that suitable forward visibility is protected on the new approach to the junction from the development site to the south and subject to agreement of a Section 278 agreement, in order to serve the proposed development in the application 12/3747N as well as the extant permission on the Stapeley Water Gardens site.

Recommendation

Subject to the agreement of the Section 278 agreement to deliver the proposed junction, the SHM recommends APPROVAL of the application.

Environmental Health

- The hours of construction works taking place during 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
- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

Public Rights of Way

- The Design and Access Statement of the application states, in section 4.8, that “Cyclists will be accommodated within the main carriageway”. In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required.
- The provision of a cycleway/footway facility alongside the spine road would provide continuity of an off-carriageway route between the current and new communities and facilities of Stapeley and Nantwich. It would also provide a continuous pedestrian/cyclist link to Broad Lane School, a request which was registered under consultation for the Council’s statutory Rights of Way Improvement Plan (ref. T19 and T75). With this strategic and sustainable active travel route proposal, the footway on the southern side of Peter de Stapleigh Way between London Road and Pear Tree Field could be upgraded to cycle track status in order to provide a continuous off-road route. This upgrade would negate the need for residents of the Stapeley Water Gardens development site to travel to the proposed local centre facilities and onwards to Broad Lane School, without having to cross Peter de Stapleigh Way twice.
- The Road Plan drawing shows crossings of Peter de Stapleigh Way and the northern end of the proposed spine road at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities

already in existence and those proposed, will need to be suitable crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site – it is therefore essential that this facility can be accessed by a suitable crossing of the road.

- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Object – The Town Council considers that development to the south of Peter de Stapleigh Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.
- There is also a legal agreement relating to this land and it is not clear how the measures proposed in this agreement will be satisfied if this application is approved.

Stapeley Parish Council

The Parish Council has considered the applications and makes the following comments numbered 1 -3, together with a summary of the technical highway appraisal carried out by Bob Hindhaugh Associates Limited on behalf of the Parish Council. The company's summary appraisal is included below.

The Parish Council requests that the Borough Council take into account the observations made and recommends that both applications be refused for the reasons given.

1. Objections on highways grounds as detailed in the consultant's report summarised below.
2. Crewe and Nantwich Borough Council's Adopted Replacement Local Plan 2011 which was also adopted by Cheshire East Council (Pending the development and adopted of a new Local Plan) states under RES.5 (Housing in the Open Countryside) pages 61/62 that:

“Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that:

- A) Meet the criteria for infilling contained in Policy NE.2; or*
- B) Are required for a person engaged full-time in agriculture or forestry in which case planning permission will not be given unless:*

- *Applicants can demonstrate that a location in the open countryside is essential for the efficient working of the enterprise.*
- *It can be demonstrated that the new dwelling cannot be accommodated within a defined settlement.*
- *There is no suitable, existing dwelling on the site or nearby*
- *There are no suitable buildings on the site or nearby which could be converted into a dwelling.*
- *Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building complex*
- *The new dwelling is of a form, bulk, design and materials which reflects the locality's rural character and the needs of the enterprise; and*
- *The new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income.*

The land which is the site of the application is outside the settlement boundary and the Parish Council considers that none of the criteria apply.

3. The current drainage system is already inadequate and additional development will exacerbate the problem.
4. 3 major reports have been submitted by Singleton Clamp Consulting Engineers in support of the application. The Parish Council has obtained independent professional advice to provide a detailed analysis of these documents. The key findings are summarised below and clearly demonstrate that there are a number of serious and fundamental flaws which have major impact on the local area.

The applicant's traffic count was 10% lower at the Newcastle Road / Elwood Road junction. This would provide some explanation as to why the application used an evening peak hour count of 16.45 -17.45 instead of the traditional peak of 17.00 – 18.00. This would account for the consultant's traffic flow data being represented in a lower number and providing a full and proper account of the actual traffic situation on the local highway network around Stapeley. This, of course, is only one of the four junctions very close to the application site which gives the general public and the Parish Council grave concerns that the traffic assessment is flawed.

If after considering all the objection responses to these applications, the local planning authority is still minded to recommend approval of the applications, the Parish Council would want to see and be allowed to comment on what would be expected to be an extensive list of mitigation measures and improvements, which would demonstrate that with these measures would make the situation better for road users, or at the very least, make it no worse.

It is Members opinion as a Parish council that together with a number of other objections from the residents of the Parish, that these proposals in their current form would cause severe impact on the local highway network and would be detrimental to that already congested flow of traffic and not in the interests of highway and pedestrian safety.

The Parish Council would urge the Local Planning Authority to recommend refusal of both these applications in the interests of public safety.

Summary of Technical Highway Appraisal by Bob Hindhaugh Associates Limited on behalf of Stapeley Parish Council

1.1 *The Muller Group provided the following major documents and reports as part of their planning submissions for applications, 12/3746N and 12/3747N.*

- **TRANSPORT ASSESSMENT (TA) for 12/3747N**
- **TRANSPORT STATEMENT (TS) for 12/3746N**
- **A51 ROUTE STUDY for 2/3746N and 12/3747N.**

1.2 *This document is a summary of the three main sections taken from the Technical Highways Appraisal document prepared by Bob Hindhaugh Associates on behalf of Stapeley & District Parish Council 13th November 2012.*

2.0 SUMMARY OF THE TRAFFIC ASSESMENT (FOR APPLICATION 12/3747N)

2.1 THE ROUNDABOUT LAYOUT

2.2 *The design principles of this roundabout are inappropriate, as the A529 at Broad Lane is a classified road and as such should come under the design manual for roads and bridges, not Manual for Streets. Broad Lane is on the edge of the built-up area, rural in nature and has an 85th percentile speed reading higher than the existing speed limit of 30 mph. For these reasons the proposed roundabout should have been designed in accordance with TD 16/07 DMRB.*

2.3 *No speed data was supplied within the TA but this was obtained on behalf of the Parish Council by Access hdpc. The results of the speed survey showed a higher average speed than the existing speed limit of 30 mph along Broad Lane close to the location of the proposed roundabout.*

2.4 *A swept path analysis drawing should have been provided as part of the planning application 12/3747N as the proposed access is to be considered with all remaining elements outline, coming forward as reserve matters applications.*

2.5 *Pedestrian and cyclists crossing facilities are inadequate for the speed and type of road at the proposed access on Broad Lane. When considering that 1215 dwelling and mixed-use site is proposed near to a primary school, already suffering with traffic-related issues, a PUFFIN or TOUCAN should have been considered to offer pedestrians and cyclists safe passage.*

- 2.6 *In view of the lack of information in support of an achievable safe working compact roundabout to serve all road users safely.*

RECOMMENDATION: I recommend that the Local Planning Authority refuses planning application 12/3747N on highways safety grounds and lack of information.

- 2.7 *In addition to the roundabout concerns, the site does not embrace or consider in any detail sustainability. There are no recommendations as to how sustainable links will reduce the reliance of car-borne journeys from this site with no mitigation measures or improvements suggested. On this point alone I consider the application can be recommended for refusal as it does not meet with current sustainable policies or requirements of the adopted Local Plan.*

- 2.8 *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions,*

RECOMMENDATION: I recommend that the Local Planning Authority refuse planning application 12/3747N.

3.0 THE TRANSPORT STATEMENT

- 3.1 *I do not consider the correct pm peak hour has been used in this case. The traditional peak in 17.00 -18.00 and not 16.45 – 17.45 as used in the TS. In my view this does not give an accurate reflection of full traffic operations on the link. The key quartile 17.45 – 18.00 is omitted and this is when the link is at its most congested.*

- 3.2 *The TS makes no attempt to discuss any mitigation measures required to ensure reasonable sustainable links other than a footway link opposite Hawksey Drive; although this application is solely for access there is no indication as to how this footway will be achieved.*

- 3.3 *In my professional view, planning application No 12/3746N should have come forward for consideration for an access for both pedestrians and vehicles in the first instance and as part of an outline planning application, where all the principles for future development mentioned could have been considered at this stage, Along the same lines as the Broad Lane application.*

- 3.4 *In view of the lack of information in support of sustainable links, **I recommend that the Local Planning Authority refuse planning application 12/3746N on highways safety grounds and lack of information.***

- 3.5 *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major traffic corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N.***

4.0 SUMMARY OF SECTION 5.0 – THE A51 ROUTE STUDY

- 4.1** *Having looked in detail at both the Singleton Clamp and Mouchel studies it is quite clear that the main areas of concern identified within the independent Mouchel report have not been fully considered in the Singleton Clamp report. They do not mention the key findings of the Mouchel report! (ie that the A51/A500 as a regional route, has a high collision rate and that the collision severity indices is above the National Average, 5.1.3 Mouchel Report 2010). In addition HGV collision rates on the route are also significantly above the National average.*
- 4.2** *In view of the lack of supporting evidence in terms of available peak time road capacity at and around the development site and adjacent major 'A' road corridors and priority junctions, **I recommend that the Local Planning Authority refuse planning application 12/3746N and 12/3747N.***

5.0 SUMMARY OF AREAS OF MAJOR CONCERN

- *The roundabout is not designed in accordance with the relevant design manual and specification.*
- *The complete lack of any provision or measures to support alternative modes of travel and encourage sustainability.*
- *It is evident that congestion occurs at every peak time and this is confirmed in the Mouchel (A500/M6 2010) document on this route. We also have photographic evidence to the extent of the queue lengths causing congestion at all the relevant junctions and 'A' road corridors.*
- *I fail to accept that the traffic generation from the development proposals will not significantly worsen the capacity of the local highway network, as a result of the proposed development coming forward, as set out in 10.11 of the Singleton Clamp transport assessment.*

Based on the findings contained with the technical highways report and summary above, I would recommend that the Parish Council formally objects to planning applications 12/3746N and 12/3747N. These proposed developments would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions, impacting onto the A530 and A51 corridors as well as the A500 and M6 at junction 16.

All of the above is classed as "Severe" as mentioned in the National Planning Policy Framework (NPPF) and on that basis alone should be recommended for refusal.

6. OTHER REPRESENTATIONS

Reaseheath College

- *The proposed access will create major traffic congestion at the junction with Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.*

- The proposal does not offer any substantive traffic movement improvements.
- The proposal is to facilitate the development of a major housing scheme at “Nantwich South” and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site nor does it address the needs of the wider area.
- The transport statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely and as a precursor to a much larger scheme the traffic figures appear misleading.
- We are of the opinion that development schemes need to encompass the whole of the proposals which are indicated through the linked planning application reference 12/3747N where large areas of land are shown as potential future development phases. Any road improvements and junctions should address these wider issues. As such, this application is premature. Steps are being taken to resolve future development for Nantwich. The outcome of that will identify where development should take place.

Local Residents

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and are therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.
- The majority of this site is subject to an existing section 106 agreement and should now be a Landscaped Nature Conservation area in the ownership of Cheshire East council to be used for public open spaces purposes only. The proposed access road does not constitute public open space.
- The basis of the Transport Statement is fundamentally flawed modelling a year of opening of 2014 which is tied in as representative of a full proposal of circa 1215 dwellings as a maximum development size. This is clearly not feasible. As no definitive information on the additional 1215 homes and associated growth in infrastructure such as health facilities and schools which will generate extra trips is available, the trip generation and distribution cannot be accurate.
- The Transport Statement has failed to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road / Peter DeStapleigh Way, whilst assessing other junctions further afield. This casts doubt on the redistribution of trips suggested by the developer.
- With traffic regularly queuing along Peter DeStapleigh Way, the addition of another access road at the Cronkinsons Pub will only exacerbate the problem.
- The Transport Statement has failed to consider the existence of an additional afternoon peak period when children are collected from four primary schools and one secondary school in the locality.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of this third peak period of high traffic volumes (in excess of those experienced during the later pm peak period)
- The proposal does not offer any substantive traffic movement improvements.

- The proposal is to facilitate the development of a major housing scheme at 'Nantwich South' and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site, nor does it address the needs of the wider area.
- The Transport Statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic, the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely as a precursor to a much larger scheme the traffic figures appear misleading.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse
- The stub roundabout at the junction by the Cronkinson pub was planned to be an alternative access road to the newly located Stapeley Water Gardens. It was not intended to be an access to a huge housing estate
- As part of the mitigation for the Cronkinson Farm development, it appears that an area to the south of the main road, Peter DeStapeley Way, was designated a protected habitat for GCNs. The proposal to build an access road from DeStapeley way to the development will fragment this area.
- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's
- It has been found that animal abundance of most species is negatively affected by roads and that amphibians, including newts, are amongst those animals most adversely affected. The development would greatly increase the traffic and the risk to newts and other wildlife.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- Whilst Broad Lane is designated an 'A' road the road is narrow and housing is close to the road. Additional traffic is not a sustainable or acceptable option.
- Concerns regarding traffic along London Road is already very busy.
- Why is the development under way without formal approval having been granted?
- Although it is claimed that traffic surveys have been carried out these were somewhat limited as they missed the 8.30 – 9 am period when the roads in this area are a particular problem with schools traffic. Such surveys should be carried out over longer periods as events such as poor weather and travel problems on other local and major routes e.g. A500 and M6 have a huge bearing on traffic levels in the area.
- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day

(3 there and three back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288

- It would be good if the Council took a lesson from history when the railways wanted to site a junction in Nantwich and were told 'not wanted here'.
- The roads (complete with railway crossings) are not suitable for increased traffic load.
- When there is a closure or major incident of on the M6 many drivers leave the motorway and, using the A500, try and bypass the problem using the roads around Nantwich. This exacerbates the problem on Peter DeStapleigh Way and other roads around Nantwich.
- No provision to turn right into London Road from Peter DeStapleigh Way

Objection Report by M Williams BSc, MSc

An extensive and detailed objection report has been received from Mr M. Williams, the executive summary of which states:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The majority of the application site (land edged red) is designated under saved policy 'NE.10 New Woodland Planting and Landscaping' of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposed access road passes over land that is covered by saved policy NE.10 therefore the proposed development is not policy-compliant as a road does not constitute new woodland planting and landscaping.*
3. *An exhaustive review of a wide range of documentary sources has established that the majority of the application site is existing Great Crested Newt mitigation land implemented as mitigation for the Cronkinson Farm development. One of the documents reviewed (dated 2005) refers to this land as a 'newt reserve' before stating that 'The newt reserve is protected against development under a Section 106 agreement' (underlining added for emphasis).*
4. *The majority of the application site is subject to an existing Section 106 agreement (referred to in point 3 above) and should now be a Landscaped Nature Conservation Area in the ownership of Cheshire East Council to be used for public open space purposes only. No provision exists in the S106 Agreement for a future road through this land (as proposed by Muller) and the proposed access road does not constitute public open space.*
5. *The majority of the application site is existing Great Crested Newt mitigation land but it is also proposed as compensation land in planning application 12/3746N. However, existing mitigation land cannot be reallocated as proposed compensation land for a separate development proposal.*
6. *A private practice of planning solicitors has advised that the aforementioned S106 agreement is still enforceable. The key test is whether the S106 agreement still serves*

a useful planning purpose. Clearly it does, as the S106 Agreement is the mechanism for securing the majority of the application site as Great Crested Newt mitigation/compensation land implemented as mitigation for the Cronkinson Farm development (refer to points 3 and 4 above). Therefore, it is considered that Cheshire East Council should refuse this planning application and enforce the existing S106 legal agreement.

- 7. The basis of the Transport Statement is fundamentally flawed, modelling a year of opening of 2014 for the full proposal of circa 1,215 dwellings. As no definitive information on the additional 1,215 homes and associated infrastructure such as health facilities and schools is available, the trip generation and distribution cannot be accurate.*
- 8. The Transport Statement (TS) fails to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road/Peter Destaplegh Way, whilst assessing other junctions further afield. A technical critique of the TS- commissioned by Stapeley Parish Council- recommends that the council refuses this application.*
- 9. The full text of the report can be read on the Council's website*

7. APPLICANT'S SUPPORTING INFORMATION:

- Great Crested Newt Survey
- Protected Species Survey
- Transport Statement
- Planning Statement
- Design and Access Statement
- Transport Statement

8. OFFICER APPRAISAL

Principle of Development and Main Issues

The previous approval (P00/0829), which remains extant, established the acceptability, in principle of an access road in this position to serve the former water gardens site. This application does not present an opportunity to revisit that issue. The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south, in terms of impact on open countryside, highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, drainage and flooding.

Open Countryside

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to

agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

Whilst the proposed development does not fall within any of the above categories of development, the previous approval for an access road through this land is a material consideration in the determination of the application. The issue which Members must consider, therefore, is whether the access road, as now proposed, will have any greater impact on the character and appearance of the Open Countryside than the previously approved scheme.

Comparison of the drawing labelled P00/0829 (the previously approved plan) and drawing number SCP/10141/D03 (the proposed plan), included within the Key Plans booklet, shows that whilst the proposed alignment of the main part of the road has changed, and it is slightly wider, it will not have a significantly greater impact on the openness of the countryside. The only additional impact of any significance is the creation of an additional spur from the second roundabout into the proposed development site to the south which as stated above is currently subject to a parallel Appeal. It is not considered that this additional spur will have such a significantly urbanising visual impact on the Open Countryside, as to justify a refusal of the amended access scheme.

Highway Safety and Traffic Generation.

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

- *The proposals involve amendments to the existing layout of the A5301 Peter Destapleigh Way / Pear Tree Field signalised junction and the creation of a new access road running south into the site. The access road will have a carriageway width of 7.3m and will provide a 3m wide shared footway / cycleway on the western side of the access road and a 2m wide footway on the eastern side of the access road. A compact roundabout is proposed at the southern end of the access road which will serve potential development on the former SWG site.*
- *It is anticipated that the proposed access road has potential to serve additional development on land to the south of the A5301 Peter Destapleigh Way and on the former SWG Site, with a number of development options being considered.*
- *The development option that will generate the highest volume of traffic involves the creation of 1215 dwellings (200 of these being on the SWG site), 3,700 sq. m of employment use and a local centre. The traffic generated by this development has been estimated and operational assessments of the proposed layout of the A5301 Peter Destapleigh Way / Pear Tree Field signalised junction undertaken which demonstrate that the junction will operate well within capacity in a future assessment year of 2019, with the proposed development in place.*
- *It is therefore concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

The Strategic Highways Manager has considered the submitted Transport Assessment, which makes reference to the access being suitable to serve, not only the former water gardens site, and the site for 189 dwellings, for which planning permission is sought under reference 12/3747N, but also the further land, for c. 1000 houses, which is being pursued through the local plan process.

As no application has yet been received for this land, the Strategic Highways Manager has assessed the application, purely on the basis of the access serving the former water gardens and the site referred to in application 12/3747N. He has confirmed that on this basis alone, the proposed access and its design are acceptable and would not result in any “severe” impacts in terms of highway safety or congestion. On this basis the scheme complies with the provisions of both local plan policy and the NPPF.

However, he has reserved his position in respect of any future development of land beyond that covered by application 12/3747N. In the event that an application for further development were received, it would need to be judged on its own merits, and there may be cause for objection or a requirement for further highway junction upgrading / mitigation based on the increased impact caused by any houses over and above the 189 for which consent is currently being sought.

Landscape Impact

The Council’s Landscape Officer has examined the application and commented that this is an application for a new highway access road, including footway and cycleway off Peter Destapeleigh Way, located to the south of Nantwich; the application site covers approximately 1.54 ha of agricultural land. There are no landscape designations on the application site and he does not feel that the proposed development would result in any significant landscape or visual impacts, on the wider landscape.

Hedge and Tree Matters

The proposed access off Peter Destapeleigh Way shown on the General Arrangement Drawing (Drawing SCP/10141/D03) would have impacted upon a mature category 'A' Oak located to the west of the existing formed access on the southern section of Peter Destapeleigh Way. This tree was shown for retention on the previously approved extant scheme (Ref P.00/0829) . This permission allowed for a 7.3m wide access road; 2metre footpath and 0.9 metre verge. The current access arrangements as shown on the site access general arrangement drawing (SCP/10141/DO3) now appears wider at a point opposite the Oak tree, with a proposed footpath and cycleway now located within the root protection area of this tree. The revised Arboricultural Impact Assessment (Revision D) has now identified this as Tree T175 (and not as previously suggested the two Oaks that were shown on the extant permission which have since been removed) . The Arboricultural report indicates that this tree will be retained and protected, however despite assurances during the site meeting by the project Arboriculturist that the access could be amended to accommodate this tree no further amendments to the access were received that would allow for satisfactory retention of this tree in accordance with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*.

The revised Arboricultural Report at para 6.6 identified the loss of a further three category A1 Oak trees (T148, 149 and 150).to facilitate the construction of the southern spur of the proposed internal roundabout (see site access general arrangement drawing SCP/10141/DO3), although the Arboricultural Implications and Assessment Table at Appendix A states that there are four A1 Category Oak trees to be removed (T147, 148, 149 and 150)

The revised position of this roundabout and arm represent a departure from the previous approval which allowed for the retention of all four Oak trees and would have required only the loss of a poor quality Willow and Sycamore. The submitted Arboricultural report recognises the importance of these trees as '*significant components of the wider pastoral landscape*' (para 6.8) and states that these can be mitigated through a landscape scheme. It should be noted however that any sequence of mitigation should in the first instance seek to avoid by all practical means any adverse impacts, or minimising the said impact. Rectifying the impact through compensatory planting should be the final consideration, but not the only consideration.

In this regard the Council's Landscape Officer was of the view that due regard had not been given to alternatives to avoid the loss of the trees identified and that the scheme relied primarily on the provision of replacement planting to offset any tree losses. He therefore recommended refusal of the application.

However, the mature category 'A' Oak located to the west of the existing formed access on the southern section of Peter Destapeleigh Way (T175) which was to be retained on the general arrangement drawing and the three category A1 Oak trees (T148, 149 and 150) shown for removal to facilitate the construction of the southern spur of the proposed internal roundabout were felled on or around the 27th March 2013 in advance of the planning application being determined by the Council.

Discussions between the Forestry Commission and the Council's Forestry Officers have concluded that a felling licence for the felling of the trees had not been obtained and therefore the felling of the four trees constitutes an offence under the provisions of Section 17 of the Forestry Act 1967. This matter has now been investigated by the Forestry Commission and a report has been forwarded to the National Office for determination. A decision on the outcome of this report is now awaited.

In this regard the Forestry Commission have three options:-

- to pursue a prosecution.
- to proceed with a restocking notice (replacing the trees that have been felled).
- serving a warning letter on the owner of the land.

Notwithstanding the on-going investigation of the matter by the Forestry Commission, and any action which may result, the felling of the four 'A' category Oak trees has effectively removed the Council's reason for refusal on this application; in the light of the loss of these trees a Tree Preservation Order was served on 30th April 2013 to protect the remaining trees located on the land that is the subject of this application. It is not therefore considered that an objection on tree grounds could be sustained at the forthcoming Appeal against non-determination.

Ecology

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

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

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

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

In this case the Council's Ecologist has examined the application and commented that the proposed development is supported by an acceptable protected species impact assessment.

Great Crested Newts

The proposed development is located within an area of land subject to habitat enhancement undertaken under a section 106 agreement and the site has been subject to habitat creation works specifically for great crested newts.

In the absence of mitigation/compensation the proposed development will result in the loss of an identified great crested newt breeding pond (pond NS2). The development would also result in the loss of terrestrial habitat utilised by this species and also be likely to isolate the

remaining area of the Cronkinson Farm compensatory habitat from the surrounding landscape and the SWG mitigation area. Finally, the works would also pose a significant risk of killing/injuring any newts within the area of the proposed works.

The submitted ecological assessment identifies the unmitigated impacts of the proposed development as being 'High'.

To compensate for the loss the pond on site (pond NS2) the applicant's consultant is recommending the construction of a new larger pond. The creation of a newt compensation area is also proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. Newts will also be cleared and excluded from the development site using standard best practise methodologies under license by Natural England. In response to the initial consultation response by the Council's Ecologist the submitted mitigation strategy has been amended to include an additional wetland scrape and associated bunds to increase the ecological value of the retained habitat.

It is now considered that the proposals for the removal and exclusion of newts from the development site and the proposed replacement pond are acceptable to mitigate the risk of animals being killed or injured by the proposed works.

Following a recent site visit the Council's Ecologist advises that whilst the site of the proposed development has been subject to past habitat creation works the site still has potential for further ecological enhancements to be implemented to compensate for the proposed access road.

Therefore it is advised that if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population. The implementation of the proposed mitigation/compensation should be secured by means of a condition if planning consent is granted.

It is acknowledged that the land subject to this application has been previously utilised for habitat creation works to enhance its potential for great crested newts. This work was undertaken as part of an ecological mitigation/compensation package developed in respect of the nearby Cronkinson Farm development. Natural England have advised that, due to the works taking place prior to recent changes in the relevant legislation, no enforcement action would be open to them if the proposed works resulted in the terms of the original license issued by them being breached. Accordingly, the Council's ecologist has advised that regardless of whether the land has previously been subject to licensed habitat creation works, the application should, on balance, be treated in the same manner as any other planning application affecting a site supporting this protected species.

The Council's ecologist has further advised that if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population. The implementation of the proposed mitigation/compensation should be secured by means of a condition if planning consent is granted.

Badgers, bats, water vole and barn owls

The proposed development is unlikely to have a significant impact on these species.

Breeding birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species; however the submitted report recommends that it is safeguarded by an 8m buffer zone. As the proposed road terminates within a short distance of the ditch it appears unlikely that this recommendation could be implemented by the developer. The need for the access road to be located in such close proximity to the ditch appears to be dependent upon the determination of planning application 12-3747n.

Hedgerows

Hedgerows are a Biodiversity action plan priority habitat and hence a material consideration. It appears likely that the proposed development will result in the loss of some sections of hedgerow. However, it is likely that the proposed hedgerow along the boundary of the new access road would be adequate compensation for any losses.

Natural England's Consultation response

The Council's Ecologist has had further discussions with Natural England with regard to their consultation response. Natural England raised three areas of concern in respect of applications 12/3746n and 12/3747n. There were:

- Lack of a detailed protected species survey report
- The proposed development of land subject to a section 106 agreement for nature conservation
- The lack of a master plan detailing any future development proposals.

The first of these concerns has been addressed through the applicant's provision of a detailed protected species survey report. With regard to the second point Natural England advise that this matter rests with the Council. In respect of the third point, Natural England have advised that, as no master plan is currently available, the Council should seek assurance from the applicant's ecologist that the current mitigation strategy has been mindful of the potential future developments to the south of the site. This confirmation has now been provided.

Conditions

If planning consent is granted the following conditions will be required:

- Implementation of submitted protected species mitigation unless varied by a subsequent natural England license.
- Safeguarding of breeding birds

- Provision of bat and bird boxes
- Detailed design of proposed pond and scrape including fencing to prevent public access.
- 8m buffer zone adjacent to ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas.

Footpaths and Rights of Way

The Rights of Way Officer has queried the Design and Access Statement which states, in section 4.8, that “Cyclists will be accommodated within the main carriageway”. In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required. The applicant has confirmed that there is an off-road shared footway / cycleway incorporated within the proposals. The Rights of Way Officer has stated that this is important in order to provide a link with the proposed development site for which permission is sought under application 12/3747N and Broad Lane School beyond. This can be secured by condition.

The Public Rights of Way Officer has also noted that crossings of Peter de Stapleigh Way and the northern end of the proposed spine road are proposed at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities already in existence and those proposed, will need to be toucan crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site and it is therefore essential that this facility can be accessed by a suitable crossing of the road

Furthermore, destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

These provisions can also be secured by appropriate conditions.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). In summary, it states that:

- *The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.*
- *It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options described in the report to discharge surface water to the ground or to a watercourse crossing the site. It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU*

requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697 and Building Regulations.

- *The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage. The Position of any attenuation can be designed to suit the final site master plan layout.*
- *This report has considered flood risks in accordance with current UK guidelines. The implementations of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:*
 - *Flood risk to surrounding properties and future developments should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.*
 - *Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage.*

The Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions relating to the provision of a scheme to limit surface water run-off and manage the risk of flooding from overland flow. Concern has also been expressed about the means by which the road crosses the watercourse on site. The Environment Agency discourages the use of culverts and would prefer the use of a single span bridge. However, they stated noted that if a culvert is the only option, given the sort length involved, they would not raise an objection on this basis. It is considered that this could be addressed through a condition requiring the watercourse to be crossed by means of a single span bridge, unless it can be demonstrated that a culvert is the only feasible option.

Subject to adherence to these conditions, it is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Previous Section 106 Agreement

Local residents have expressed concern that the application site forms part of the mitigation for the Cronkinson Farm development, which is a large residential housing estate, developed over the last 10 years, located to the north of Peter DeStapeley Way. They have stated that a significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' for Great Crested Newts. They therefore believe that the land should remain undisturbed.

The residential scheme for Cronkinson Farm was approved by the former Crewe & Nantwich Borough Council after the completion of an S106 legal agreement in March 2000. The legal agreement required, amongst other things, a Landscape Nature Conservation Area (LNCA) (rather than a "new terrestrial habitat" as has been suggested) to be provided on the area of land currently subject to this application.

The S106 agreement required a scheme for the LNCA to be submitted by the landowner and approved by the Local Planning Authority, then the approved scheme to be implemented and maintained for 18 months and transferred to the Council. On the ground it

appears that some works were undertaken to the land some years ago, ponds and a part completed hibernacula are visible on site. The Landscaped Nature Conservation Area has still not been fully implemented and therefore there has been no transfer of the land to Council ownership.

Notwithstanding the requirement of the 2000 S106 agreement, the current proposal should be considered on its own merits. Land ownership is not a material consideration so regardless of whether the land had progressed to transfer to the Council, it still would not be a consideration for this application.

It should also be noted that there is an extant permission for an access road to the former Water Gardens site across this land, and therefore, the principle of the proposal has been established. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road. The only issue, therefore, which can be considered as part of this application is the impact that this realignment and the additional length of road would have on the ecology within the site.

Furthermore, the current proposal and delivering enhancements and improvements to the area of land are not mutually exclusive and the applicant has attempted to demonstrate through the information submitted that the impact on conservation can be mitigated, a view supported by the Councils Ecologist, subject to receipt of amended plans showing the agreed mitigation proposals as referred to in the Ecology Section of this report.

9. CONCLUSIONS

Whilst it is noted that the site forms part of a Landscape Nature Conservation Area, the provision of which was a requirement of the Section 106 Agreement attached to the nearby Cronkinson Farm residential development, and should have been transferred to the Council, the ownership of the land is immaterial to the consideration of the application and the proposal should be considered on its own merits.

Furthermore, there is a previous approval (P00/0829), which remains extant, and has established the acceptability, in principle of an access road in this position to serve the former water gardens site. This application does not present an opportunity to revisit that issue. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road.

The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south.

Furthermore, the current proposal and delivering enhancements and improvements to the area of land are not mutually exclusive and proposals have been put forward to mitigate the ecological impacts.

The proposal raises concern in respect of the loss of 4 “Category A” Oak trees. In this regard the Council’s Landscape Officer is of the view that due regard has not been given to alternatives to avoid the loss of the trees identified and that the scheme relies primarily on the provision of replacement planting to offset any tree losses. This is contrary to established Local Plan policy and the provisions of the NPPF. However, these trees have now been removed, which has eliminated the grounds for the Landscape Officer’s objection to the scheme.

The access road as now proposed is considered to be acceptable in terms of drainage and flooding, footpaths and rights of way, its wider landscape impact and, subject to the receipt of amended plans, ecology. With regard to highway and traffic generation, the Strategic Highways Manager has confirmed that based on the new access being utilised by the former water gardens site plus the 189 dwellings for which consent is being sought under application 12/3747N, there would be no grounds for refusal. However, any further development of land beyond the site referred to in application 12/3747N, or any increase in housing numbers within that site may result in objection or further mitigation measures becoming necessary.

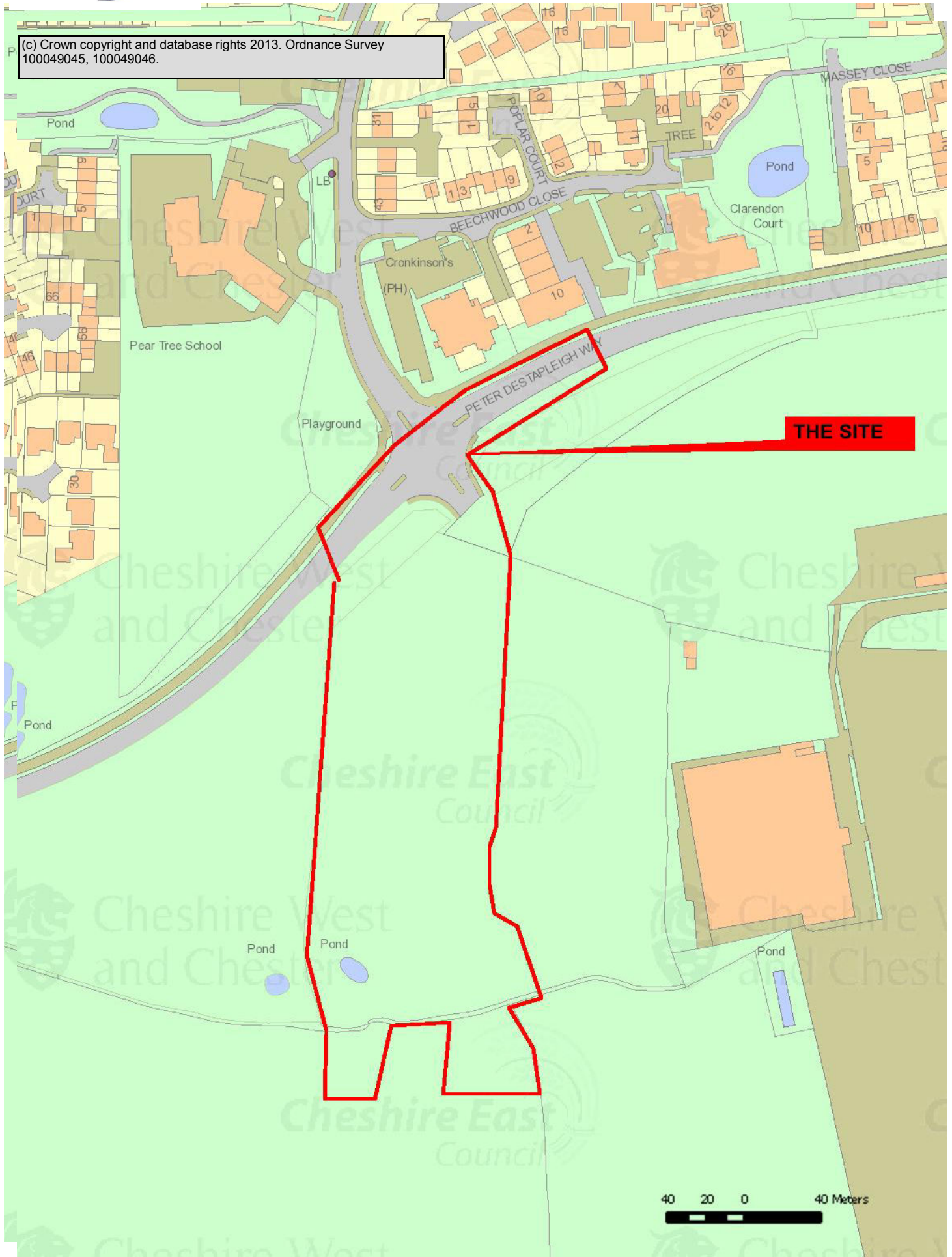
Whilst previously these issues were considered to be insufficient to outweigh the concerns regarding trees and accordingly the proposal was recommended for refusal, given that the trees in question have now been removed, it is not considered that it an objection to the forthcoming appeal on tree grounds could be sustained. Accordingly it is recommended that the the Strategic Planning Board resolve that it would have been “minded” to approve the application, subject to conditions and not to contest the Appeal Against non-determination.

10. RECOMMENDATION

That the Strategic Planning Board resolve that it would have been “minded” to approve the application and not to contest the Appeal Against non-determination.

- 1. Standard**
- 2. Scheme of landscaping / Replacement Planting**
- 3. Implementation of Landscaping**
- 4. Tree Protection**
- 5. Implementation of Tree Protection**

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Application No: 13/1559C

Location: Land East of School Lane, Sandbach Heath, Sandbach, Cheshire CW11 2LS

Proposal: Outline application for up to 13no. residential dwelling houses, associated infrastructure and ancillary facilities

Applicant: Jean Pierpoint, Paul Ferguson, and Grant and Helen Dinsdale

Expiry Date: 16-Jul-2013

**SUMMARY RECOMMENDATION
REFUSE**

MAIN ISSUES

Principal of the Development

Planning Policy and Housing Land Supply

Landscape and Trees

Affordable Housing

Highway Implications

Amenity

Design

Ecology

Open Space

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a paddock 0.63 hectare in size, currently used for grazing horses. It is a generally level site which is bounded by St John's School to the north, a detached dwelling that was formerly the Vicarage to the south and to the west there is a variety of residential properties fronting School Lane and a cul-de-sac known as Pear Tree Close. To the east is an area of protected open space used by the school for sports activities.

The boundaries of the site to the north, west and east contain existing hedgerows, which has undergone some cutting before submission of the application.

The site is designated as being within the Open Countryside in the adopted local plan and is classed as Grade 3 (subject to urban pressures) agricultural land. It is also identified in the Strategic Housing Land Assessment (SHLAA), reference 2607. It is described as being suitable with policy change, available, achievable and developable.

DETAILS OF PROPOSAL

The application is for outline planning permission for the erection of up to 13 dwellings with ancillary facilities and associated infrastructure. Access is to be determined at this stage with appearance, landscaping, layout and scale to be determined at reserved matters stage. The access would be taken on to School Lane from a central point on the plot.

An **indicative** layout plan has been submitted with the application, which shows a 'T' shaped cul-de-sac with the dwellings arranged around this.

RELEVANT HISTORY

8430/1 1979 Refusal for outline permission for residential development

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy
PS8 - Open Countryside
GR1- New Development
GR2 – Design
GR3 - Residential Development
GR4 – Landscaping
GR5 – Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Sandbach Town Strategy

CONSULTATIONS (External to Planning)

Environment Agency:

No objections.

United Utilities:

None received at the time of report writing.

Strategic Highways Manager:

Traffic Generation.

This proposal for the development of a small number of residential units will not generate sufficient traffic to cause a material impact on the public highway network and the Strategic Highways Manager has no concern in this regard. The Strategic Highways Manager is however mindful of the concerns expressed by objectors and makes the following observations:

- Traffic congestion at school arrival and dispersal times - this is not a sustainable reason for refusal and the traffic generation from 13 dwellings would be approximately 9 trips in the morning peak hour. This equates to less than one trip every 6 minutes and the S.H.M. cannot consider this to be a material impact.
- Rat running manifests itself on local roads when there is stress on other parts of the highway network and is best managed through representations to the traffic management section of the highway authority. The S.H.M. does not find that local rat-running is a material reason to resist this application.
- Road safety should not be taken lightly and the concerns regarding construction traffic can be effectively managed by the production of a construction management plan. Should this proposal gain a permission this would be a recommended condition.

Access

The junction geometry provided for this development proposal is in excess of that required to serve a development of this scale and has the potential to serve a significant number of dwellings. In addition, the visibility splays provided are taken from Manual for Streets which whilst not unacceptable does conflict with the indicative layout and the provided junction geometry.

The Strategic Highways Manager finds that this type of design approach unsuccessfully combines differing design guidance and specifications and this does not inform quality design and the creation of a place.

There is therefore a need for the proposed design and layout to follow the guidance of one document so that an appropriate layout, design and junction arrangement can be produced.

Indicative Layout.

Parking ratios are shown at a minimum of 200% provision which is acceptable for 2/3 bed units whilst the larger units have 300% plus provision which is also acceptable.

The frontage footpath which is indicated is a requirement for this site however the placement of the affordable element of the development on the frontage of School Lane excludes them from the overall design of the site and puts their vehicle turning movements onto School Lane when they should be served from the main site access if the social realm of the site is to be maximised.

The internal layout should follow the pedestrian priority design principles in Manual for Streets and provide a legible adoptable boundary inclusive of service strips.

Conclusion.

The proposal does not provide a coordinated approach to design through consistent use of design guidance. The Strategic Highways Manager cannot support this application in its current detail and recommends that the developer revisit the design strategy for the site.

It must therefore recommend refusal on lack of appropriate information at this time.

Environmental Health:

Recommend that conditions are imposed relating to the hours of construction and piling. They have recommended that the application be refused due to lack of information relating to mitigation to protect future residents from noise generated from the M6.

Public Open Space:

Contributions anticipated to be used to enhance existing facilities in the vicinity of the development.

Children & Young Persons Provision

£3,754.37 Enhancement

£12,238.50 Maintenance

Amenity Greenspace

£2,271.69 Enhancement

£5,084.75 Maintenance

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council has no objection.

OTHER REPRESENTATIONS

Letters of objection have been received from around 30 local households raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the Cheshire East Development Strategy
- The proposed development would not result in sustainable development due to the distance to services and facilities
- Loss of Greenfield land
- Impact upon the rural landscape
- The proposal is contrary to the Congleton Local Plan

- The proposal would harm the rural character of the site
- No benefit to the residents of Sandbach Heath
- Loss of Open Countryside
- A previous application has been refused on this site
- Priority should be given to brownfield sites
- The proposal is contrary to the NPPF
- Loss of agricultural land
- The proposal would bring commuters who would not integrate into the community
- The cumulative impact of all the developments proposed in Sandbach
- Brownfield land should be used first
- The proposal would 'open the door' for future development
- The strain on existing infrastructure including schools
- Will increase the need for car travel

Highways

- Increase in the levels of traffic in the area
- Danger and disruption due to construction traffic
- Congestion – the area is already used as a rat run from the M6
- Increased pollution due to additional traffic
- Proximity to air pollution from the M6
- Proximity of accesses to the school and play group
- Narrowness of the local roads
- Danger to school children from increased traffic
- Junction 17 of the M6 is already under great pressure
- All vehicles should be able to enter and leave in forward gear

Green Issues

- Loss of green land
- Removal and trimming of trees before the tree survey was undertaken
- Impact upon wildlife
- Impact upon protected species including Buzzards
- Impact upon local ecology
- Loss of trees and hedgerows
- Loss of agricultural land

Infrastructure

- Increased pressure on existing infrastructure
- The local schools are almost at capacity
- The local water supply is inadequate
- The local foul water system is inadequate
- S106 monies should be secured for local infrastructure

Design Issues

- The properties would be out of character with those in the locality
- The properties would be over dominant
- Noise and disruption from construction of the dwellings

Other issues

- "Greedy gold digging" developers who do not live in the area

- The boundary treatments with the school should be retained or replaced like for like
- The argument that the development would support the economic development of the M6 corridor is flawed

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Supporting Planning Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Tree Survey Report

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal 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 the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

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

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

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

Housing Land Supply

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

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

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

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

The figures contained within the Regional Spatial Strategy (now revoked) 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. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 and as a material consideration, directs additional housing in Sandbach to two strategic sites: Land adjacent to Junction 17 of M6 south east of Congleton road (700 dwellings) and Albion Chemicals (375 dwellings)

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing; it is considered that a prematurity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

Location of the site

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

The applicant’s assessment of the accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (within 500m)
- Children’s Play Space (within 500m)
- Outdoor Sports (within 1,000m)
- Public Park or Village Green (within 1,000m)
- Convenience Store (within 500m)
- Bus Stop (within 500m)
- Post Box (within 500m)
- Primary School (within 1000m)
- Public House (1000m) – 310m
- Secondary School (within 1000m)
- Medical Centre (within 1,000m)
- Local Meeting Place/Community Centre (within 1,000m)
- Public House (within 1,000m)
- Child Care Facility (within 1,000m)

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is a sustainable one.

Landscape and Trees

The application site is a relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding development. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features. In consideration of the site being located in Open Countryside, it is considered that green edges should be used where possible. This would allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider landscape. The anticipated loss of the roadside hedge for access, footway and visibility would be regrettable and it is questioned whether there is a need for a footway to the south of the access as this has no connection. Should the hedge loss be accepted soft landscape boundary treatment should be provided in mitigation. This should ideally comprise a native species hedge.

The submission is supported by a tree survey plan and report. The trees and their respective root protection areas are also identified on the controlling parameter plan. The submission does not include an arboricultural impact assessment as recommended in BS 5837:2012 Trees in relation to design demolition and construction. Nevertheless, given the nature of the site, from the information provided it is considered that subject to appropriate protection measures, the indicative layout could be achieved without harm to trees. Tree protection measures should be secured by condition.

As indicated above, it appears from the submission that in order to accommodate the access, footway and visibility splays on School Lane, it would be necessary to remove the existing boundary hedgerow. Whilst this is regrettable the applicant did have pre-application correspondence with the Cheshire Archaeological Planning Advisory Service, who raised no issues with its removal.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

This site is 0.63 hectares in size and as such there is a requirement for 30% affordable housing. The applicant is offering 4 dwellings as affordable housing, this meets the requirements of the IPS. As per the tenure split highlighted above 3 social or affordable rent and 1 intermediate dwelling will be required.

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

The affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The IPS also states: In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50% of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

The IPS 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."

The Housing Section would prefer that the applicant is required to enter into a s106 agreement requiring them to submit an affordable housing scheme as part of their reserved matters application. The developer should undertake to provide the rented affordable units through a Registered Provider of Affordable Housing.

Having regard to the issues discussed above the indicative layout shows the affordable units facing on to School Lane and not integrated in to the development. While not objectionable now, this would not be acceptable should the developer come forward with a similar arrangement at reserved matters stage.

Highways Implications

Access to the site would be taken from School Lane and the majority of the objections to the proposal relate to highway safety. The Strategic Highways Manager has given a comprehensive consultation response to the proposal which addresses the major issues raised by the objectors. This, in summary is that the traffic generated from the proposal would not be so significant as to exacerbate the existing problems caused by parents collecting their children from school in cars or 'rat running'. As such a reason for refusal on these grounds could not be sustained at appeal.

The issue of the junction design is however an issue that needs to be addressed. The junction geometry is suitable to serve a significant number of dwellings, but the visibility splays are in accordance with Manual for Streets. This is an uncoordinated approach which should not be accepted. Access is not one of the reserved matters for this application, therefore it is important to ensure that the access is appropriate for the proposed development, which in its current form it is not. It is therefore recommended that this should be included as a reason for refusal.

Amenity

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

In terms of air quality, the Environmental Health Officer has confirmed that there are no issues with this matter.

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

The Environmental Health Officer has recommended refusal of the application on the grounds of lack of information about mitigation against noise from the M6. This application is in outline form and therefore detailed construction details are not contained within it. It is considered that this can be adequately dealt with by means of a condition requiring that this information is provided at reserved matters stage.

Design

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

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

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has indicated that the development would comprise a mix of 2, 3, 4 and 5 bedroom, terraced and detached dwellings. There is a variety of styles and sizes of dwelling types in the locality, therefore the indicative designs would not be out of character with the surrounding development. As such it is considered that the indicative proposals would be acceptable.

Ecology

The application is supported by an ecological assessment. Whilst, the field work to inform the assessment was undertaken at a poor time of year, officers are confident that enough information has been gathered to allow an assessment of the nature conservation value of the site to be made.

The grassland habitats on site are of limited nature conservation value. Hedgerows are a Biodiversity Action Plan Priority habitat and so the hedgerows around the site should be retained as far as possible and enhanced as part of the development. This matter may be dealt with by means of a condition attached to the outline permission if this application is granted.

If planning permission is granted it is also recommended that conditions be attached to safeguard breeding birds and ensure some additional provision is made for roosting bats and breeding birds:

Public Open Space

At the time of report writing, the Open Space Development has requested that contributions are required for provision of Children and Young Persons Provision and Amenity Greenspace. These are as follows.

Children and Young Persons Provision

£3,754.37 for enhancement

£12,238.50 for maintenance

Amenity Greenspace

£2,271.69 for enhancement

£5,084.75 for maintenance

This should be secured with a Section 106 Legal Agreement.

Agricultural Land Quality

The National Planning Policy Framework highlights that the use of agricultural land should be taken into account when determining planning applications. It advises local planning

authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case a survey of the agricultural land quality has been undertaken and this identifies that the land is classified as Grade 3 (subject to urban pressures). However there are no farm buildings and the site is bounded by non-agricultural uses on three sides and it is considered that, due to its size and location, it is unlikely that it would be a viable parcel of land for future agricultural use.

LEVY (CIL) REGULATIONS

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

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

The requirements for open space and considered to be in compliance with the CIL Regulations 2010.

CONCLUSIONS

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The benefits of allowing development on this site are insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and as a result the proposal is considered to be unsustainable and contrary to Policy PS8 of the local plan and the provisions of the NPPF in this regard.

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

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

There is however concerns over the junction design and visibility splays on the proposal which requires alteration before it can be accepted.

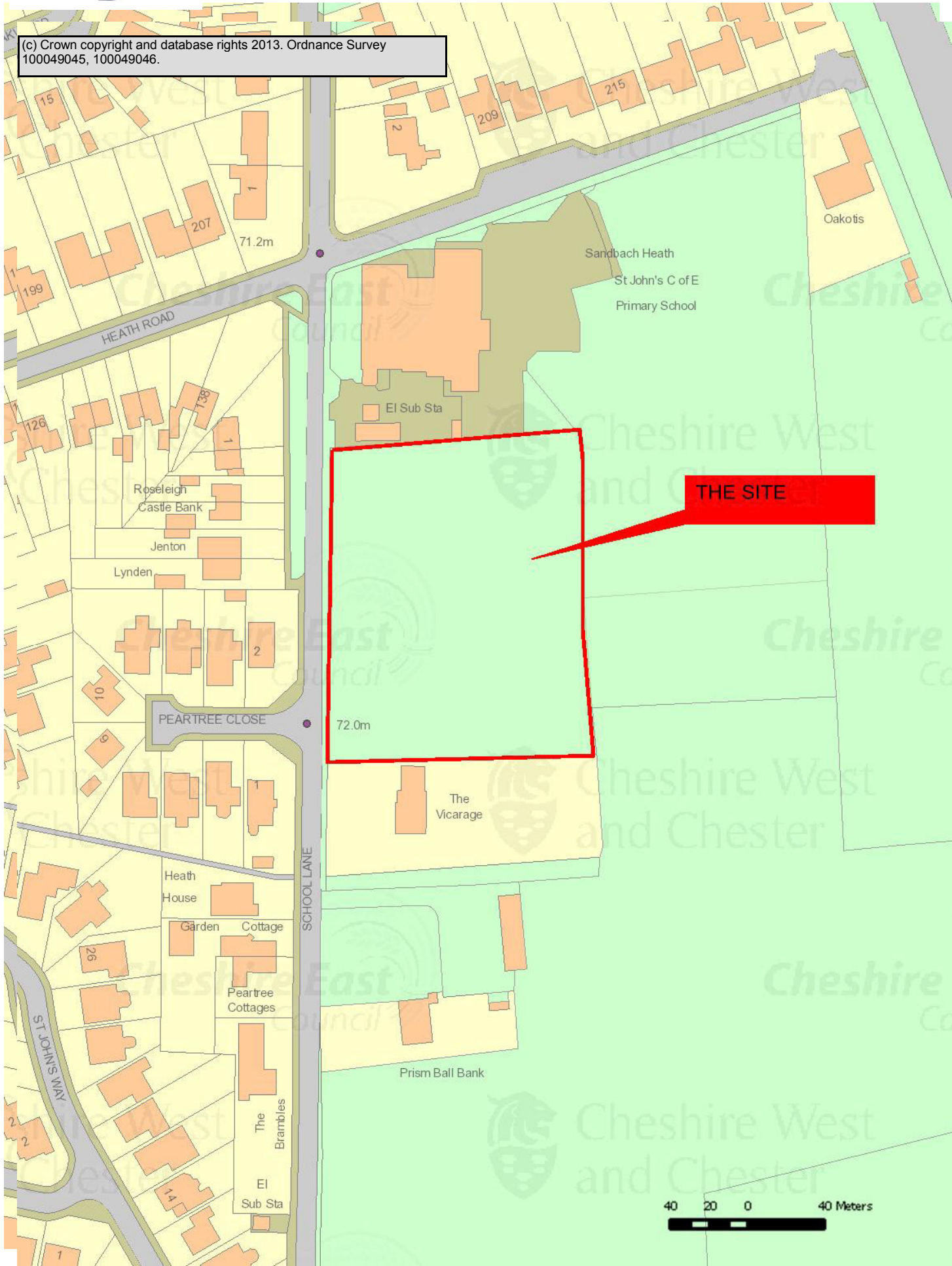
RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The visibility splays which are required by Manual for Streets are in conflict with the indicative layout and the provided junction geometry. It is therefore not possible to ensure that the development will be served by a safe and appropriate access. The proposal is therefore contrary to Policy GR9 (II) of the adopted Congleton Borough Local Plan 2005.**

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

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Application No: 13/0580C

Location: WOODSIDE GOLF CLUB, KNUTSFORD ROAD, CRANAGE, CREWE, CHESHIRE, CW4 8HJ

Proposal: Creation of a new 27no. bedroom hotel, 6no. garden suites with minor modifications to the golf course & construction of 7no dwellings with community leisure facilities (resub 12/0682C)

Applicant: Woodside Golf Club

Expiry Date: 10-May-2013

SUMMARY RECOMMENDATION**Refuse****MAIN ISSUES**

The principle of enabling development

Housing Land Supply

Sustainable Development

Affordable Housing

Tourism Related development

Jodrell Bank Interference

Landscape and Visual Impact

Design and layout

Highway Safety

REFERRAL

The application has been referred to Strategic Board because it is a major development comprising housing in the open countryside and is a departure from the Development Plan

SITE DESCRIPTION

The site comprises part of Woodside golf course which lies in the open countryside to the north of Holmes Chapel on the A50. The golf course comprises 9 holes, associated club house, car park and golf driving range. The golf course is accessed via the A50, a long drive leads to the club house and golf driving range. The application site comprises circa 3.9 hectares of the golf course

comprising the existing club house, car park, parts of the existing golf course playing area and a practice green. The site also extends to a circa 100m length of Kings Lane to the south of the site.

The application site is characterised by a large number of trees which define the nature of the area. A woodland tree preservation order (Kings Lane/Sandy lane (South) TPO 1997) adjoins the site and there are a considerable number of trees within the site. The golf course itself comprises 9 holes, tees, putting greens and fairways. A Bridleway passes through the golf course

The site is close to the M6 motorway. A small number of residential dwellings are located to the Kings Lane frontage and a further small number of large dwellings in generous gardens are located to Oak Tree Lane.

DETAILS OF PROPOSAL

The proposals are for a number of buildings across the application site. To the south, along the boundary with King's Lane the proposals include a small development of 7 no dwellings (5 detached and 2 semi detached), all of which are accessed off Kings Lane. To the north of these is a 27 bedroom hotel with 6 no detached suites next to the hotel, one of which is 'the 19th hole' function room, associated car parking and to the northwest the proposals include a multi-use games facility and a bowling green,, outdoor gym, and children's play area and .

The houses are submitted as an enabling development for the provision of the multi-use games area, children's playground, outdoor gym and bowling green which are proposed as being community facilities for use by local people secured by a Charitable Trust.

The car parking provision for the hotel and lodges will be 40 spaces. The existing car park comprising 92 spaces to the rear of the club house is unchanged.

RELEVANT PLANNING HISTORY

12/0682C - Withdrawn application for the 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.

PLANNING POLICIES

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Local Plan Policy

PS5 Villages in the Open Countryside

PS8 Open Countryside

NR4 Non-statutory sites

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
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E5 Employment development in the Open Countryside
E16 Tourism and Visitor Development
PS10 Jodrell Bank Radio Telescope Consultation Zone
RC1 Recreation and Community facilities Policies

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

OBSERVATIONS OF CONSULTÉES

Jodrell Bank

None received at the time of report writing; however objections were received on the previous application which is similar to this proposal.

United Utilities

No objection.

Environmental Health

Recommend conditions relating to hours of construction, piling, a travel plan, dust control and contaminated land.

Strategic Highways Manager

No objections have been raised on highway safety grounds, but the Strategic Highways Manager does raise objections to the community facilities being unsustainably located.

Housing

None received at the time of report writing.

Visitor Economy

None received at the time of report writing.

Leisure and Play Development Manager

Having received this letter with regards the planning application I would like to make the following assessment and we are only addressing the sport element not the housing. My colleagues went out last year to meet with the owners with regards their plans for development and we fed back to them and planning at the time our thoughts:

“Woodside is well established as a pay and play golf facility which can accommodate beginners with its driving range and par 3 course as well as a 9 hole course. It is difficult to see from the plans but they have mentioned the shortening of holes which may prove to be a negative point for the course against the traditional set up of a golf course.

I would also like to comment on a couple of other aspects of the proposed development as to whether there is a need from a community use point of view.

There is already a number of tennis courts and clubs in the local area. Cranage Hall (1 mile away) has 1 court, Goostrey Tennis Club (2 miles away) has 3 courts, Holmes Chapel Leisure Centre (2.5 miles away) has 4 courts and The Victoria Club, Holmes Chapel (2.5 miles away) has 3 courts. There is also community tennis facilities in Sandbach, Middlewich and Knutsford.

There are also bowls facilities at Cranage (1 mile away), Goostrey (2 miles away) and The Victoria Club, Holmes Chapel (2.5 miles away) which have clubs operating from them.

Finally I can't see from the plans but a jogging track is mentioned. I was worried on a possible health and safety point of view as people on the jogging track if it is near the golf course which I presume it would be in danger of being hit by stray golf balls.

One area for consideration may be around the proposed tennis courts and whether the Astroturf surface could be used for team sports. It may not fit in with the image they are trying to portray but this need could be argued more strongly in terms of community need as the nearest artificial pitches are in Sandbach (7 miles away) and Knutsford (8 miles away) since the Astroturf at Middlewich LC (4.5 miles away) was closed.”

Whilst we are very much for increased participation and sustainable opportunities so any provision would be supported from our service but we would be unsure of the need in this particular area of need for all the facilities and what effect this may have on local neighbouring facilities.

VIEWS OF THE PARISH / TOWN COUNCIL

There needs to be a protection for users of the bridleway by installing hunter gates either side of drive with a short stretch of fencing. There needs to be no access/exit from Kings Lane to golf club site.

To be noted that the facilities for locals is a great benefit and the local jobs it will create is excellent.

OTHER REPRESENTATIONS

In excess of 200 representations have been received in relation to this application including responses to a questionnaire distributed by the applicant. The majority of the representations were in support of the application.

The objectors expressed the following concerns:

- Adverse impact on the open countryside
- Highway safety

- Lack of need for a hotel
- The sports facilities cannot be secured for use by local people
- Disruption during construction
- Most of the support is for members of the golf club
- Noise from the hotel

The supporters expressed the following views:

- Welcomed provision of low cost sports facilities
- Employment creation
- Attractive new dwellings
- Inspiration for future athletes
- Benefits for the tourism economy
- Valuable addition to a place for local people to socialise
- Family run business

The local MP, Fiona Bruce has also expressed support for the proposal.

OFFICER APPRAISAL

The Concept of Enabling Development.

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

In this case the 7 new dwellings that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development. Accordingly, the application has been advertised as a departure. The case for the Applicant for the housing being treated as enabling development is that the funds that would be generated by the development of these houses would enable the Applicant to fund the delivery of the community facilities in the form of a bowling green/hut and 3no tennis courts for the use of the people of Cranage (the tennis courts are also referred by the Applicant as Multi -Use Games facility however no plans have been provided to illustrate this).

The proposal also includes a 27 bedroom hotel, with swimming pool, fitness suite, restaurant, and function rooms. None of these items however, are put forward within the planning application as part of the community facilities.

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.

With specific regard to Enabling Development, Para 55 of the NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and specifically refers to the circumstances where enabling development is appropriate and states;

*‘.. Local planning authorities should avoid new isolated homes in the countryside unless there are **special circumstances** such as (amongst other things)*

- *where such development would represent the optimal viable use of a **Heritage asset** or would be **appropriate enabling development** to secure the future of **heritage assets**;*

The NPPF goes on to say at paragraph 140:

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

In determining this case, the housing is put forward as being the enabling development to fund the delivery of the community facilities - the multi-use games area, playground, outdoor gym and the bowling green.

The community facilities are not a heritage asset as referred to within the NPPF and there are no listed buildings/heritage assets on this site. Accordingly, it is considered that to treat the housing as enabling development would be a mis-application of planning policy in this instance.

It is not possible for the Local Planning Authority to split a planning decision. Given the location of the site in Open Countryside and the general presumption against housing proposals in such locations, it therefore follows that consideration should be given to whether there are any other material planning considerations which would outweigh the general presumption against the creation of housing in the open countryside. These will be dealt with below:

Housing Land Supply

The NPPF clearly states at paragraph 49 that:

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

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

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

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

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The location of the houses

The site is in an isolated position as part of an existing golf course accessed via Knutsford Road and having a small area of frontage to Kings Lane. The houses will be accessed via Kings Lane.

To aid the assessment as to whether this site comprises a sustainable location for the residential development, and thus whether the policy presumption in favour of the sustainable housing development in the light of Para 49 of NPPF should apply in this case. The toolkit which was developed by the former North West Development Agency is a good rule of thumb.

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

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

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

- bus stop (500m)
- railway station (2000m).

In this case, the application, in keeping with the isolated rural nature of this site, significantly fails the majority of these sustainability distances.

An assessment undertaken by Officers indicates that the houses were within a sustainability compliant distance for a post box (Kings Lane/Oak Lane) and a bus stop on Knutsford Road (which has an infrequent service)

The purpose of this assessment is to provide an indication of the extent to which potential future users of a site could walk to access key services and amenities.

The Applicant considers that the golf club house is a community facility with a club room that can be available, the applicant also proposes to provide a post office on site and a retail store and a bank machine will be provided in the hotel. However, it is clear, even if there was a retail shop selling day to day groceries and/or a post office performing all the functions such as payment of bills/car tax etc to be provided on this Golf Course part of the site, such facilities could not be controlled in planning terms. Such facilities/works of operation development do not form part of the application, in any event.

However, it is acknowledged that sustainable development extends to more than merely locational characteristics of a site. Key extracts from the NPPF which have a significant bearing on the appraisal and determination of this application, including the hotel are:

There are three dimensions to sustainable development: economic, social and environmental...The economic role is about...contributing to building a strong, responsive and competitive economy...The environmental role is about...contributing to protecting and enhancing our natural, built and historic environment...These roles should not be undertaken in isolation...

A set of core land use planning principles underpin plan-making and decision-taking, which include (amongst many other things)...*supporting a prosperous rural economy by taking a positive approach to sustainable new development...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.* (Para 28 NPPF)

It is noted that tourism is an important factor in diversifying and strengthening the rural economy but needs to be sustainably located.

Tourism Related Development and the Community Facilities

A 27 bedroom hotel and 6 garden suites forms part of the application. The proposed multi-use games area, playground, outdoor gym and bowling green do not appear to be for the exclusive use of local residents so it is entirely likely the facilities would also be available to any future guests of

the hotel or users of the golf course (as suggested by the representations submitted in support of the application).

The Tourism Department on the previous application advised the following (with respect to tourism related development in Cheshire East as a whole):

- Cheshire East figures for 2010 (latest figures available) show that staying visitors are increasing but the proportion of staying visitors needs to be increased:
 - Day visitors contributed £402m (70% of the visitor spend)
 - Staying Visitors contributed £176m (30% of the visitor spend)
- Within a radius of 3 miles of Cranage there is only one medium/large hotel currently open; Cranage Hall. It is anticipated that the target market of these 2 hotels will be sufficiently different to compliment each other. There is one other hotel close by, Ye Olde Vicarage Hotel which has been closed for 2 years. This hotel is currently closed but is in the process of being renovated.
- The nearest hotel and golf course accommodation is the Mere Golf & Spa Hotel outside of Knutsford. The clientele for this establishment would be different to that of Woodside Golf Club.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.
- Total value of east Cheshire's visitor economy is worth £578m, however the accommodation sector only accounts for £66m, highlighting the potential for growth within that sector.
- Over three quarters of establishments in Cheshire East are categorised as small with 10 or fewer rooms or units, highlighting the need for larger establishments.
- Guest Accommodation accounts for over half (55%) of all establishments in Cheshire East with Self Catering accounting for 28% of the total. Hotels make up just 6% of establishments in the area, albeit that they account for over 30% of total bed spaces.

The Hotel Accommodation will be aimed at golfing clientele and will comprise a modular construction in three parts which the applicant will develop over time. 27 bedrooms, a Michelin Star restaurant, a swimming pool and fitness suite, 6 garden suites with a '19th' hole function suite will be developed overlooking the golf course. The Business Plan sets a series of aspirations.

There are undoubted benefits of the proposal in terms of job creation within the tourism sector and the additional economic activity in the local economy that this would bring. The site is however, very isolated and future guests, particularly if they are on a golfing holiday will more than likely arrive at this site via their own car. Given the isolation of the site and lack of connectivity via footpaths/PROW's there would be little choice other than to use their car if future guests wished to visit the wider area or the village of Cranage. The development therefore is very likely to be almost exclusively car based. Whilst the Travel Plan submitted refers to possible car sharing by workers, and this is a benefit, little consideration has been given to how visitors to the hotel and users of the community facilities will be able to utilise a choice of means of transport to the site.

Jodrell Bank Interference

The University of Manchester objected to the proposals on the withdrawn application (12/0682C), on the basis of the potential interference from electrical items within the properties and the hotel affecting the working of the telescopes at Jodrell Bank.

No objection has been received in relation to this proposal from the University, and in the light of the appeal decision at the affordable housing in Twemlow (10/2647C, APP/R0660/A/12/2174710), which is in much closer proximity to the telescope than this site, it is considered that a refusal on the grounds of adverse impact on the operations at Jodrell Bank could not be sustained.

Landscape Impact

The Landscape and Visual Impact Assessment submitted with the application identifies the National and Cheshire East baseline landscape character and describes the landscape in the locality of the application site.

The Cheshire Landscape Assessment 2008, adopted in March 2009, identifies this area as being in Landscape character Type 1, Sandy Woods. The key characteristics of which are large areas of woodland, active and inactive sand quarries, low density settlement and recreation features such as golf courses. Within this character type the application site is within the Rudheath character area (SW2), an area that appears as a flat, large scale landscape due to large fields, many of which are defined by blocks of trees. The M6 forms a significant impact in this landscape, although the presence of mature roadside planting means that it is not as visually intrusive as it might be. The application site itself has many of these characteristics and is very representative of this character area.

To the north of the application site, set well within the grounds of the golf course and screened by substantial tree belts in the wider landscape there lies the hotel building with a number of detached suites and associated car parking. To the northwest of these the proposals include the tennis courts and a bowling green.

The visual analysis does indicate that there will be views of the hotel building from the bridleway (BR8 Cranage) that crosses the golf course, but states that the proposed residential properties along King's Lane 'will themselves screen the proposed hotel complex from the southwest'. While it may be the case that the proposed residential dwellings along King's Lane may screen the proposed hotel complex, these dwellings will themselves have a significant and detrimental landscape and visual impact upon the area.

To the south, along the boundary with King's Lane the proposals include a number of dwellings, the Council's Principal Landscape Architect is of the opinion that the significance of landscape impact of the proposed dwellings along King's Lane would be moderately adverse, rather than 'neutral' or slightly adverse, as indicated in the landscape assessment submitted in support of the application. It is also considered that the visual impact will be far more significant than the assessment indicates, especially for the proposed dwellings along King's Lane, an area that is currently agricultural in character and that will, with these proposals become suburban in character.

The proposals need to address the landscape and visual impact at the hotel complex itself would have, particularly from Bridleway BR8, located to the north of the proposed hotel. The proposed site plan shows little attempt at mitigation.

Whilst this could be addressed by condition, the same could not be said in respect of the proposed residential development along King's Lane which would have a significantly adverse landscape and visual impact on the surrounding area. The housing part of the proposals is considered

contrary to Policy GR5 of the Congleton Borough Local Plan, since in landscape character terms it neither respects nor enhances the landscape character of the area.

Trees

The site is situated within open countryside and forms part of an established golf course. The site has a parkland character with a significant number of trees and. On the Kings Lane frontage there are a number of mature trees and a length of remnant hedge.

The tree survey covers 23 individual trees and ten groups or woodlands. None of the trees are currently subject of TPO protection. The development would require the removal of some trees. The losses which would be incurred are mainly young and early mature trees which form part of the golf course landscape. It is considered that the loss of these specimens could be mitigated by additional planting. In addition, it appears a length of Leylandii hedge which currently screens the golf driving range would have to be removed. The loss of this screening would open up the driving range and associated perimeter ball stop fencing to wider view.

In the vicinity of the proposed residential dwellings, the roadside trees and hedge on Kings Lane would be retained with minor encroachment of access into the Root protection areas of two trees. The submitted method statement provides details of proposed tree protection measures.

Overall subject to a comprehensive landscape scheme providing tree planting to mitigate for the proposed tree losses and provision of comprehensive tree protection measures the proposal does not raise significant forestry concerns.

Design and Layout

The Hotel and Garden Suites

The hotel is a substantial building comprising part basement, ground and 2 upper floors. It is sited close to the existing single storey club house and car park. The building would contain timber framed details to the frontage but would in the main be of brick construction with extensive areas of glazing to the frontage.

Whilst a tall building, it is relatively well screened from areas outside the site. The Garden Suites are in essence self catering units adjoining the hotel. Their design mirrors that of the hotel.

The Houses

The properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses. From a design perspective, there are other substantial detached properties in the vicinity on Kings Lane, it is therefore considered that the design of proposed dwellings would be in keeping with the character of the surrounding houses.

Highways – Traffic Generation, Sustainability

The site is located in a rural location and some distance from Holmes Chapel, whilst, the A50 Knutsford Road does not have congestion problems and therefore the traffic associated with this

proposal can be accommodated on the road network. There is likely to be sufficient parking capacity on site to not give rise to any highway safety concerns on the surrounding road network.

The main concern regarding the development is one of sustainability and accessibility of the site to a choice of means of transport. It is considered that the proposals various elements will almost be totally car based as the site is situated in an isolated rural location.

There are community based facilities proposed at the site. A great deal of representation has been received from community groups, local residents and members of the golf club.

The site, however, is isolated and not close to a choice of means of transport. The area is not well served by public transport and the A50 Knutsford Road contains no pavement for its length to the closest bus stops. In addition, the local bus service is infrequent. If use is to be made of these facilities by the community then as the site is not linked by footpaths, walking to the site is not possible and using the limited bus services along the A50 is not a realistically practical alternative.

The applicant has provided a travel plan as part of the application to encourage modal shift. However, it is considered most green travel initiatives will struggle as the Hotel guests will be car based, trips to use the community facilities would also be car based as public transport is very infrequent.

It would be possible for the staff to car share but this depends usually on staff living or travelling from similar locations. Therefore, overall the travel plan would not have any effect on modal shift for visitors to the site, in the opinion of the Highways Manager.

Traffic generation would not have a material impact on the local highway network and there would be sufficient car parking. However, sites are required to be sustainably located and this development does not have good footpath links and also have very infrequent bus service that passes the site.

Therefore, there are elements of the proposal such as use of community facilities that are not sustainably located and as such the Highways Manager objects to the proposal.

Ecology - Protected Species & Nature Conservation

A tree on site has been identified as having potential to support roosting bats. This tree is identified as Target Note 1 on the submitted phase 1 habitat survey map. However, the application detail is unclear as to whether the tree is to be removed. A condition, could however, ensure the tree is retained.

The Council's Nature Conservation Officer has confirmed that Great Crested Newts are unlikely to be affected by the proposed development.

Hedgehog activity has been recorded on the site, however the development is unlikely to significantly affect this species, but a condition should be imposed requiring that the development is carried out in accordance with the mitigation measures recommended in the Phase One habitat survey.

Conditions could be imposed to ensure the protection of breeding birds and that the hedgerow on the eastern boundary of the site should be retained and it is considered that these would meet the necessary tests in Circular 11/95.

Affordable Housing

The IPS for Affordable Housing states -

Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

Cranage is located in the Holmes Chapel Rural sub-area in the Strategic Housing Market Assessment, this sub-area also includes Goostrey, Swettenham and Twemlow and it identifies a need for 45 new affordable units between 2009/10 – 2014/15, requiring 9 new units each year, made up of 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons units.

There are currently 37 applicants on Cheshire Homechoice who have selected one of the Holmes Chapel Rural sub-areas, the breakdown of applicants per each of the areas is 7 x Cranage, 26 x Goostrey, 3 x Swettenham and 1 x Twemlow.

There has been provision of 10 units of affordable housing at Big Stone House, Cranage and there is a proposed mixed tenure affordable housing scheme at a site on Middlewich Road which has planning permission to provide 10 affordable homes. Combined the 2 sites will provide a total of 20 new affordable units, however it is not clear when the Middlewich Road site will be developed as the Parish Council took a vote and opted to not sell the site.

The provision of the 20 properties over the 2 sites would leave a requirement for 25 new affordable units between 2009/10 – 2014/14 in the Holmes Chapel Rural sub-area, there is no other development currently on site or proposed which will provide affordable housing at present, therefore there is still need for affordable housing in the Holmes Chapel Rural sub-area, which Cranage is part of.

There is a requirement for 30% of the properties on site to be provided as affordable units, which would equate to 2 properties, split as 65% rent, 35% intermediate tenure – the split would have to be 1 rented affordable property and 1 intermediate tenure property.

The affordable housing statement submitted by the applicant indicates that they are offering on site provision with 30% of the total dwellings being affordable which meets the number of affordable dwellings required. Properties with 2 bedrooms (houses) should be provided as the affordable houses to meet the highest need. I note that the Planning Statement sets out that there will be 2 x 2 bed houses will be provided as affordable.

If the application is approved affordable housing should be provided as per the following requirements:

- 30% of the dwellings should be affordable, this equates to up to 2 dwellings.
- The affordable dwellings to be 2 bed houses in order to meet the highest need identified for the area.
- The tenure split of the affordable housing required is 65% social or affordable rented, 35% intermediate tenure, as only 2 affordable dwellings would be required a 50/50 split between rented & intermediate would be acceptable, with a requirement that the rented dwelling is transferred to a Registered Provider.
- Affordable Homes should be pepper-potted (in clusters is acceptable) – although it is not clear from the layout it appears plots 6 & 7 will be provided as affordable dwellings and due to the smaller number of residential properties on the site I am happy to accept the affordable housing being located next to each other.
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least CFSH L3
- The affordable homes should be provided no later than occupation of 50% of the market dwellings. The Interim Planning Statement: Affordable Housing 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 Section 106 of the Town and County Planning Act 1990 (as amended)”

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenity of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. There is no objection to the dwellings in amenity terms. In addition, the hotel element and the proposed sporting facilities are some distance from the

Whilst some objections have been raised by local residents concerning disturbance during building works, it is considered that conditions could be imposed that would adequately safeguard amenity.

Charitable Trust

The applicant has submitted a Draft Trust Deed for a proposed charitable trust to manage the community facilities and therefore ensure that they remain available for local people. Whilst this is laudable, it would not be possible for the Council to enforce this. As such, in the future the community facilities could stop being made available to the local community. As the justification for the creation of the housing on the site is to finance the community facilities, which is only justifiable if there is a satisfactory mechanism in place to ensure that they remain open to the local community. The Draft Trust Deed would be unable to perform this function as the Council would not be able to enforce it.

RECOMMENDATION

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

There are benefits, namely the contribution to tourism and potential employment generation in the rural area and the economic benefits that would be generated as a result of the tourist and employment development, however; these would not outweigh the policy presumption against the housing in the Open Countryside.

The proposal as put forward cannot be treated as enabling development because the provision of the houses to put the funding in place for the provision of 'community facilities, which will be made available for the use of local residents as well as others is not a heritage asset nor or there any heritage assets on the site.

In addition, there is insufficient public benefit arising from the proposed dwellings as an enabling development for the community facilities given the isolated nature of the site away from the main settlement of Cranage the proposed community facilities will be car dependent and therefore unsustainable.

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The community facilities as proposed are remote and inaccessible to a choice of means of transport. Users will be reliant upon their car and whilst a Travel Plan has been submitted, it fails to mitigate for the inherently unsustainable location of the proposed community facilities.

The proposed dwellings will adversely impact upon the Landscaped and Visual Character of the area.

The proposed housing development would be contrary to the Open Countryside Policies and for the reasons identified cannot be treated as being enabling development. The economic benefits and tourism generated would not outweigh the presumption against the inappropriate and unsustainable development.

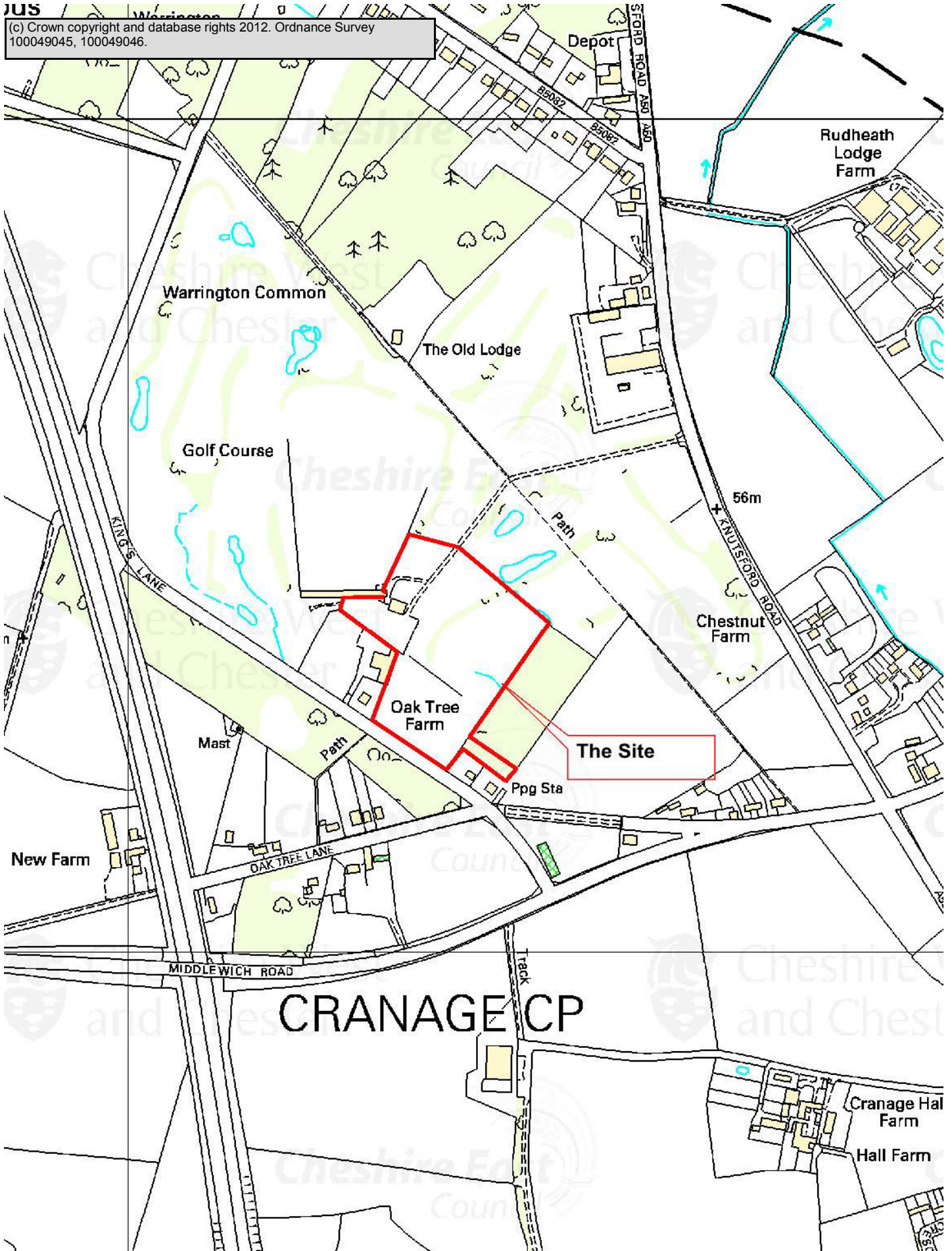
RECOMMENDATION

Refuse for the following reasons:

1. In the opinion of the Local Planning Authority, there is insufficient public benefit arising from the scheme to outweigh the harm in terms of new residential development in the Open Countryside. The proposal is therefore contrary to the provisions of Policy PS8 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the advice given in the National Planning Policy Framework in respect of enabling development.

2. The proposed dwellings located to the Kings Lane frontage will result in the erosion of the landscaped character of this rural location. To allow the development would be detrimental to the visual amenity and landscape character of this area of open countryside, contrary to policies PS5 (Villages in Open Countryside) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review 2005.

3. The proposed site for the community facilities are in an isolated position away from the village of Cranage. Roads from the site to Cranage are unlit, do not have footways and do not have a frequent bus service. Accordingly users of the community facilities would be reliant upon the motor vehicle to access the site. This is contrary to Policy RC1 of the Congleton Borough Local Plan First Review and Policy L1 of the North West of England Plan Regional Spatial Strategy to 2021



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Application No: 13/1215C

Location: LAND SOUTH OF HIND HEATH ROAD, SANDBACH, CHESHIRE

Proposal: Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 68 Dwellings

Applicant: Bovis Homes

Expiry Date: 19-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Access

Design and Layout

Trees and Landscape

Affordable Housing

Amenity

Other matters

1. SITE DESCRIPTION

The application relates to 7.5ha of land, situated on the southern side of Hind Heath Road, approximately 1.6 miles south west of the centre of Sandbach. It is bordered by residential properties to its north and eastern side, the Trent and Mersey canal located to the south and an open field to the western side.

The site rises slightly from the front northern boundary to the southern boundary. There is quite a steep fall to the southern edge of the site, down to the canal. The west of the site has an access road to the water treatment works running along the boundary.

2. DETAILS OF PROPOSAL

Outline planning permission has been granted at appeal for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction.

Reserved matters approval has already been granted under delegated powers for 3 detached dwellings and a pair of semi-detached in the north-west corner of the site to form

the show complex. This reserved matters application relates to the first main phase of the development, which would take place in the north western quarter of the site and comprises 68 dwellings.

2. RELEVANT PLANNING HISTORY

- 10/2608C Outline planning permission for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Outline planning permission is sought for up to 269 family-led homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction. - Refused 28th October 2010 (Appeal Allowed)
- 13/0915C Reserved matters following Outline Approval 10/2508C for the appearance, layout and scale for the show home area to include 5 dwellings – Approved 17th May 2013

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE2 (Design)

BE.3 (Access and Parking)

4. OBSERVATIONS OF CONSULTEES

Environment Agency

- The Environment Agency has no objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval as set out below.
 - The development hereby permitted shall not be commenced until such time as a scheme for the provision of, and implementation of, a surface water regulation system (based on sustainable drainage principles) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.
 - The scheme shall also include details of how the scheme shall be maintained and managed after completion.
 - The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of the proposed finished floor levels and ground levels.

- Pleased to see from the 'Landscaping Proposes' diagram that the applicant intends to place the open greenspace adjacent to the canal. This will help to establish the canal as a wildlife corridor improving its overall connectivity and creates a valued asset to the development.
- The applicant intends to use a balancing lake as part of the SuDS scheme. The balancing lake should be designed in a way that maximised benefits for both people and wildlife.
- The 'Drainage Strategy Plan' (SAND-O5-102) shows a drainage outfall from the site on the non-main tributary of the River Wheelock. Would like to make the applicant aware that there are records of water vole in the area and so the outfall construction may need a water vole survey.

Canal and River Trust

No objections

Highways

No objection

Environmental Health

No objection subject to the following conditions

- Hours of demolition / construction
- Hours of piling
- Submission of piling method statement
- Submission of Travel Plan
- Scheme to minimise dust emissions
- Standard contaminated land conditions

5. VIEWS OF THE PARISH / TOWN COUNCIL

Due to the on-going legal challenge relating to this site Members felt it inappropriate to comment on the details stated within the application but note their previous concern with regard to cycle and pedestrian path improvements on Hind Heath Road.

6. OTHER REPRESENTATIONS

Representations have been received from neighbouring residents making the following points:

- Object to any of the proposed constructions being higher than 2-storey. This site is on rising ground with a general site level 2-3m above existing surrounding properties. 2.5

and 3-storey buildings will excessively dominate these properties and constitute a further outrage to their residents who already pay council tax to be protected from unplanned, unsustainable, opportunistic developments such as this, and have been badly served by CEC planners.

- These high rise buildings seek to cram as many shoe-box size rooms as possible onto the smallest ground footprint to maximise the obscene profits of landowners and developers. They are an abominable carbuncle on the landscape, a miserable accommodation for the occupants and must be rejected.
- There are issues with drainage of the site. Phase 1 is on the highest part of the whole site and the height of these houses will affect future phases. Land to the east of Phase 1 is on lower ground and water will naturally fall to these lower levels. Some of the existing properties on the east side of the development already suffer from water logging and there is concern that this development will worsen the problem.
- The proposed scheme does not appear to allow for adequate drainage.
- The reserved matters application for each phase of the development does not include full details of the amenity greenspace to be provided on site as part of that phase. or details of all proposed finished levels or contours, as required by the conditions imposed on the outline
- Does Wheelock really need all of the extra houses?
- Only recently Sandbach Girls/Boys schools have had massive cuts but are going to be expected to accommodate more children. There will be difficulties with school places for any new children
- Green site land should not be built on the local wildlife is losing its habitat.
- There must be more suitable locations with better supporting roads.
- The land proposed for development is agricultural land used for growing food crops, and is also an important area for wildlife badgers etc,
- Development is not sustainable as it erodes the "green lung" between Sandbach, Wheelock, Ettiley Heath and Elworth and would be a further step to undermining and destroying some of the unique features of these distinct and different communities.
- At the public inquiry for this development in February 2011, the developer made documented assurances that the new footpath/cycleway along the B5079 would be located BEHIND the existing hedgerow and that the existing hedgerow would be preserved. The Secretary of State classified the hedgerow as "important" and it's "loss would be undesirable" .
- There is no mention of the road improvements and foot/cycle way which must be completed prior to occupation of any houses as stated in the conditions of approval, determined by The Secretary Of State
- The present application does not identify or make reference to the mandatory road works along the B5079 Hind Heath Road which must be completed prior to habitation of any property.
- Hind Heath Road is already a very busy road in the morning and evening rush hours.
- Potentially 2 cars per new household for the first stage alone this could be in excess of 130 cars the current road can not handle this extra volume.
- During quieter times there is also an issue with speeding cars well in excess of the 30 mph speed limit which are a risk to children crossing this road. Some type of traffic calming should be provided.
- The idea of putting lights on Crewe Road and Hind Heath Road will be foolish as at busy times the traffic will be at a standstill due to tail backs.

- How can the road support all of this extra traffic?
- There are already developments including one near the canal at Ettiley Heath which will also add to current traffic volumes and which will cause severe traffic problems at Middlewich Rd and Crewe Rd and The Hall Lane,
- Telephone pole on Hind Heath Road opposite No. 46 needs to be set back 5 metres and road widened in order that lorries can pass. Currently lorries have to screech to a stop and mount pavement. This is a danger to children and pedestrians.
- Front houses in line on to Hind Heath Road need to be set back 5 metres to accommodate this road requirement.
- There have been a number of near misses involving cars, pedestrians, cyclists and animals on Hind Heath Road despite the reduced speed limit.
- There also have been a number of actual incidents or collisions on this road recently (the Cheshire Police Web site lists details). It is only through good luck and good judgement that these have not been more serious. These near misses and incidents occur on all stretches of Hind Heath Road, not just the areas adjacent to the proposed developments.
- Development of further dwellings will undoubtedly increase the risk of occurrence.
- There is nothing in the plans nor the possibility of anything in the plans which will mitigate the possibility of risk nor the seriousness of outcome
- The more near misses and low level incidents there are (which will increase with increased use) then the more certain that it is that there are serious incidents leading to serious injury and fatality.
- To allow further development off this road is to consciously and deliberately put increased risk on existing local residents and road users.
- A number of years ago any further development in this area was predicated on a relief road being constructed to completely remove through traffic. This it would seem is now not possible but without this development is contrary to the existing public good.
- Cheshire East Council is not mandated or elected to put existing residents at demonstrably higher risk for the sake of housing developments undertaken for private profit not the public good, especially when local plans are in place to cover all local housing needs for the surrounding area for the required term.
- The residents of the B5079 Hind Heath Road carried out a manual count (and therefore entirely accurate) of traffic movements during a typical 4 day period in October 2012 and compared the results with a previous traffic count, carried out using ATC methods by PTB Transport Planning in March 2010 on behalf of the developer Richborough Estates. Results and reports from all counts are available.
- In summary, traffic movements along the B5079 have increased from 15,848 over a 4 day period in March 2010 to 18,740 over typically the same 4 days in October 2012. This represents a massive 18.25% increase in traffic flow during the past 2 years, against a predicted annual increase rate of 1.036% as submitted by the developer. Furthermore, the numbers already exceed the developer's predicted figure for 2020 (based upon a 1.107% annual increase rate during 2014-2020).
- Adequate traffic calming and control measures must be implemented along the B5079 to accommodate traffic movements of 40,000/week. These figures EXCLUDE any future increases from housing developments viz. Old Fodens factory, Prings Wire Factory and emerging new housing developments e.g. Abbeyfields, Yoewood Farm, Elworth Hall Farm.

- As a minimum, a roundabout should be located at the entrance to the proposed site. This would help control traffic flow and reduce the speed of passing traffic.
- The overall site area is grossly overdeveloped with 269 dwellings.
- The houses running adjacent to the B5079 Hind Heath Road are too close to the road for both traffic and pedestrian safety reasons. They should be moved back by 4-5 metres.

7. APPLICANT'S SUPPORTING INFORMATION:

- None submitted

8. OFFICER APPRAISAL

Main Issues

Given that the principle of development has been established by the granting of outline planning permission at appeal this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. A recent High Court challenge by the Council against the decision of the Secretary of State to grant outline planning permission has now failed.

The key issues in question in this application, therefore, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Access

The proposal involves the formation of the main access to the site mid-way along the Hind Heath Road frontage. The 5 proposed dwellings would be served from a shared private drive running at 90 degrees to the main access road parallel to Hind Heath Road. Each property would be provided with a minimum of 2 off road parking spaces, one of which would be within a detached garage.

The Strategic Highways Manager has examined the proposals and has raised a few points of a minor nature with the applicant in respect of the road layout. These are

- Where entering shared-use areas, footways must continue past the entrance block-paving demarker
- Turning heads on cul-de-sacs on western boundary need to accommodate refuse vehicles, so would require 6m radii (or confirmation through swept paths that acceptable)
- Footways sharply kinked in alignment and need to follow desire lines

He is confident, however, that all these points should be capable of resolution and he envisages a revised drawing being produced prior to determination which he can then confirm as acceptable. This was awaited at the time of report preparation, and a further update will be provided to Members prior to their meeting.

Subject to these minor amendments, it is considered that the proposal complies with Policy GR9 in respect of highways and parking.

Neighbours have raised various traffic and highway safety matters including traffic generation, the 30mph limit, the position of the existing telegraph pole, the need for road widening, a roundabout access, traffic calming, new/wider footways, as well as the concerns about the proposed traffic lights at the junction of Hind Heath Road and Crewe Road. However, access, highway safety and traffic were addressed at the outline stage and cannot be reconsidered as part of a reserved matters application.

Design and Layout

The Principal Design Officer has examined the application and commented that some concepts discussed at outline have been diluted as the detailed design has developed, which will reduce the quality landscape infrastructure that would be the key attribute of the development. Specific key issues arising from the application are discussed below.

House type design/materials

Without the design rationale of a Design and Access Statement it is difficult to see how some of the elevational detailing of the proposed house types is particularly relevant. Whilst inevitably there will be the use of volume house types, and that the character will be equally determined by the landscape, it is important that the houses also reflect local characteristics and have a sense of quality. The apartment building is particularly disappointing and is likely to detract from rather than add to the sense of place within the development.

These concerns have been brought to the attention of the developers who have agreed to submit a Design Statement to provide the rationale for the approach that has been taken. Furthermore, they have agreed to make a number of improvements and modifications to the elevational detailing of the proposed dwellings, and, in particular, the apartment block. Revised drawings were awaited at the time of report preparation and a further update will be provided to Members prior to their meeting.

However, there are also positive aspects to the scheme, for example, that materials are being grouped. Given the proximity to barns opposite, there is the potential to use a natural slate or plain tile on properties on the frontage. This could be controlled by condition.

Layout

Compared to the layout of the illustrative Masterplan, there has been watering down of the urban design concept. The Masterplan had a layout that had a looser, less engineered character, where buildings and spaces more effectively determined layout. Within this layout, street arrangement and design has had a weakening, standardising impact, the departure from which is the inclusion of the feature spaces. The route linking through the site to the landscape to the edge of the canal was one of the strengths within the illustrative proposals. Again, this seems to have been weakened and has become more standardised, rather than creating an interesting townscape element within the scheme.

In terms of landmarks, focal points and legibility, whilst there is a distinct street hierarchy, the focal buildings will only have limited impact in reinforcing the structure of the scheme.

The developer has acknowledged these concerns and agreed that they will also address these within the amended package of drawings that has been requested.

Parking

Frontage car parking dominates in certain areas, most notably in the area associated with the apartment block and plots 30-33, but also in the cul-de-sacs leading up to the buffer from the principal street. Normally banks of parking spaces would be subdivided by landscaping to reduce visual impact and it is suggested that this be undertaken for these areas, either with trees or hedging (or both).

However, the developer has agreed to provide additional landscaping to break up these areas of parking as part of the revised plans submission.

Drainage

The Principal Design Officer has queried the reason for the swale not running the full length of the landscape buffer. The applicant has confirmed the swale cannot run along the whole length of the site due to the sloping ground levels in parts. A query has also been raised whether there is an informal footpath running through the buffer to Hind Heath Road to link the areas of public open space to the new footpath along the road. The developer has confirmed that this will be provided.

At the pre-application, there was discussion that the swale corridor would be designed to enable interaction with the water feature as an informal Trim trail as part of the leisure footpath through the space. However, after further discussion with the developer, it has been agreed that this would be inappropriate in this case and would detract from the landscape design of this of this space, which along with the space alongside the canal is intended to have a naturalised and/or seasonal character.

There is a danger these areas will merely become a regularly maintained area of grass, rather than an interesting and more diverse space that creates a positive backdrop to the canal and a quality foreground to properties along the northern edge of the site. Therefore further detail in respect of the landscaping of these areas will also need to be provided.

Quality assessment

At pre-application the possibility of using the “Building for Life 12” (BfL12) standard as an iterative tool to help develop the detailed design beyond the conceptual stage was discussed. However, no information was provided with the submission as to whether this had been used, or whether it had triggered any red issues (i.e. those that needed to be addressed to make the scheme good enough to approve).

The Applicant has confirmed that a BfL12 assessment has been undertaken and has agreed to submit the results as part of the package of additional information that is in the process of preparation.

Sustainable design

There is nothing within the application that explains how the scheme performs in terms of sustainable design. This is a crucial aspect of the NPPF to ensure that new development is as sustainable as possible in terms of its design. The developer has confirmed that this will also be submitted as part of the forthcoming Design Statement submission.

Trees and Landscape

The Landscape Officer has examined the proposal and commented that in so far as it relates to the current application, the vegetation retention and removal plan ref SAND 03 081 is acceptable. The line of protection fencing on this plan to protect areas to be landscaped is welcomed and the implementation of the fencing is needs to be covered by condition.

In general the soft landscape proposals appear to be reasonable. However, she considers that the planting of the western buffer would benefit from some minor amendment with a simplified mix for the native buffer planting to reflect species more commonly found in the locality and substitution of the amended native buffer mix in place of the native shrub mix (which currently contains some non native species). There are some areas of planting in the western area which do not appear to be specified on the landscape proposals and specification plan Sand-03-109 Sheets 1 and 2. She also considers that the proposed fencing to the eastern boundary of this area should include some pedestrian access breaks at the end of the cul-de-sacs.

The Principal Design Officer has also considered the landscaping proposals and commented that from the outset it was stressed that the landscape structure of the development would be fundamental to its success, and there was some concern as to whether this could be achieved, based on the numbers being proposed.

The layout as submitted illustrates that these initial concerns were well founded and that density and overall numbers are impacting on the capacity to achieve meaningful landscaping, particularly on the principal street. More trees would help to further green this key route and help in delivering the 'lines' of trees within the layout that were discussed and agreed as a design concept at pre-application. The applicant has agreed that these will be provided as part of the revised plans referred to above.

Whilst a solid screen of landscaping in the northern buffer would be inappropriate, the inclusion of a few more trees would help to strengthen the strategy of creating the filtered views of buildings when viewed from the north. This will also be addressed as part of the revisions.

The Principal Design Officer has also commented that the hedge line on the eastern boundary with Hind Heath Road is also important in signifying that this site is on the rural edge of the town, but, it is difficult to tell how much is to be retained and whether lost hedging will be replaced. A significant amount of hedgerow will need to be removed to create the access, footway and visibility splays. The precise extent of the removal was agreed as part of the reserved matters application for the 5 dwellings comprising the show complex. Neighbours have also raised concern about the removal of the existing hedgerow. However, this was considered at the Appeal, as one of the reasons for refusal. The Inspector concluded that the desire to retain the hedge was outweighed by the need in terms of housing land supply. Furthermore, a replacement native hedge will be planted behind the visibility splay. This is a crucial requirement to help reduce the urbanising effect of the development and has been secured as part of the show complex approval.

Within the site, in certain areas, hedging is located directly in front of houses rather than forming the boundary with the street. Hedging along street edges will help to reinforce the green character of the street and provide personalised landscaping opportunities between the boundary and the front of dwellings, whilst creating a robust defensible edge to houses. The majority of plots should have a green boundary to the garden reflecting the rural context of the site. The developer has acknowledged this point and agreed to address it as part of the revised site layout and landscaping plans.

Affordable Housing

A Unilateral Undertaking (UU) dated 25th February 2011 is in place in relation to the outline application which was approved on appeal.

Housing Officers provided the headline information on what the UU requires in relation to the affordable housing and made comments in relation to each of these items.

The UU for the reserved matters application requires that 40% of the total dwellings are provided as affordable. They should comprise 50% social rented and 50% intermediate dwellings.

Based on the total proposed dwellings on the site being 269, this equates to a requirement for 108 affordable dwellings, with 54 provided as social rent and 54 provided as intermediate tenure dwellings.

The site plan shows a total of 64 dwellings on phase 1 of which 34 are affordable. This represents 50% of the first phase and as a result there is no objection to the number of affordable dwellings proposed. Based on the numbers of properties on the outline application this will leave a requirement for 74 affordable dwellings across the subsequent phases.

The site plan identifies 20 of the affordable dwellings as shared ownership/intermediate tenure dwellings and 14 dwellings as social rented. Although this does not represent a 50/50 split between social rent and intermediate dwellings on this phase Housing Officer have no objection to it provided that the overall tenure split on the site meets the requirement. Following the development of this phase, the remaining requirement will be for 40 social rented dwellings and 34 intermediate dwellings.

Intermediate dwellings to be – 48 x 2 bed houses, 4 x 3 bed houses & 2 x 4 bed houses. Social rented dwellings to be – 16 x 1 bed flats, 8 x 2 bed flats, 15 x 2 bed houses, 12 x 3 bed houses & 3 x 4 bed houses:

The site plan shows 8 x 2 bed flats, 1 x 1 bed flat, 2 x 2 bed houses and 1 x 3 bed house as social rented. These properties go towards providing some of the social rented dwellings which are required. The plan also shows 18 x 2 bed houses and 2 x 3 bed houses as intermediate dwellings and again these will go towards providing some of the required intermediate tenure dwellings.

Following the development of this phase, the affordable housing which will remain to be provided on the site will be 30 x 2 bed houses, 2 x 3 bed houses and 2 x 4 bed houses as intermediate tenure dwellings and 15 x 1 bed flats, 13 x 2 bed houses, 11 x 3 bed houses and 1 x 4 bed house as social rented.

The affordable housing should be provided in clusters of no more than 15 units and any cluster shall not have a boundary with another cluster:

The affordable housing is in a fairly large cluster to the centre of phase 1 which exceeds 15 units, although the road does break this up slightly. As 50% of the dwellings on this phase are

affordable the location of the affordable housing seems reasonable and Housing Officers have no objection to this.

Whilst consideration can be given to this application only it appears from the site plan that a further phase of development will have affordable housing with a boundary with the cluster on the first phase which will form a larger cluster of affordable housing, which will not be acceptable. However, this can be addressed as part of a subsequent application.

There is a requirement that no more than 50% of the open market units can be disposed of until 50% of the affordable housing has been constructed. No more than 70% of the open market units can be disposed of until 100% of the affordable housing has been constructed and no more than 90% of the open market dwellings can be disposed of until all the affordable housing (except any discounted for sale) have been transferred to an RP.

Based on the number of dwellings from the outline application which gives a total of 161 open market dwellings this means that no more than 81 open market dwellings can be disposed of until 54 affordable homes are constructed. No more than 113 open market dwellings can be disposed until all the affordable homes are constructed and no more than 155 affordable homes can be disposed of until all the affordable dwellings (except any discounted for sale) have been transferred to an RP.

There are no concerns about this item in relation to the provision on the first phase of the development and therefore no objection to this point.

The affordable homes have to be built to comply with the Homes & Communities Agency Design & Quality Standards 2007, CFSH Level 3, Housing Quality Indicators v.4 and have at least the following minimum gross internal floor areas, 1 bed 2 person flats – 45m², 2 bed 3 person flats – 57m², 2 bed 4 person houses – 67m², 3 bed 5 person houses – 82m², 4 bed 6 person houses – 95m²:

Bovis have advised that the property sizes are as follows –

- S241 (2 bed houses) - 764sqft (71sqm)
- S351 (3 bed houses) - 890 sqft (83sqm)
- S461 (4 bed houses) -1149sqft (107sqm)
- AF17 (flats) - 650sqft (60sqm) this applies to both the 1 and 2 bed version

These all meet the minimum sizes required for each property type. In addition Bovis have also confirmed that they will provide the affordable homes to meet all the current HCA Design and Quality Standards.

Based on the above, Housing Officers, have confirmed that they have no objections to the proposals.

Amenity

The nearest neighbouring properties are Brock Hollow and the other dwellings on the opposite side of Hind Heath Road to the north, and the dwellings in Oldfield Road, Marriott Road and fronting on to Hind Heath Road to the east. The nearest neighbouring properties are at Brick Hollow, which are over 40m away and screened by the approved dwellings which make up the show complex. The dwellings in Marriott Road and the surrounding roads to the east are also over 40m away, at the closest point, from the dwellings for which this application seeks consent. Therefore, given that the minimum separation distance of 21.3m, as set out in

the Council's Supplementary Planning Guidance, will be considerably exceeded, notwithstanding the concerns raised by neighbours in respect of the proposed 3 storey development, it is considered that an adequate level of privacy and light will be maintained to existing properties.

To turn to the standard of amenity within the site, the scheme falls substantially short of the recommended 21.3m between principal windows, 13.7m between principal elevations and flank elevations and 65sq.m of private amenity space per dwelling, as set out in the Supplementary Planning Guidance, in a number of cases. Between some plots, as little as 10m will be achieved between principal windows.

However, Government advice indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. This would in turn increase pressure to develop further Greenfield sites in order to meet the Borough's housing land supply requirements. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. It also helps to create different character areas within the scheme, varying from tightly knit streets and spaces in the centre of the development, to a lower density, more spacious, character on the rural fringe.

Other matters

Objectors have expressed concern and frustration that this is an unplanned, unsustainable, opportunistic development. It should be noted, however, that despite the Council's refusal of the initial outline application for this site and its defence of the case at the subsequent Public Inquiry, the Appeal against the refusal was allowed by the Secretary of State. A subsequent High Court challenge against that decision was also unsuccessful. The Council therefore took all possible steps to resist the principle of development on this site. However, as stated above, it was unsuccessful and the principle of residential development on this site is firmly established and cannot be revisited.

The need for the development, loss of open countryside and agricultural land, impacts on education infrastructure, air quality, noise, drainage and flooding and ecology have been raised by residents. However, these were addressed at the outline stage and appropriate Section 106 obligations and conditions were imposed by the Secretary of State accordingly.

Residents have also raised the issue of the timing and delivery of the proposed footpath link. This is secured under the provisions of the Section 106 undertaking. They have also commented that the scheme does not include full details of the amenity greenspace. Open Space provision was also addressed in the Section 106 undertaking attached to the outline permission and open space within the development will be provided in subsequent phases and therefore this issue is not material to the determination of this reserved matters application for the first phase.

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. However, these issues were also

considered at the outline stage by the Inspector, who imposed the conditions that they found to be necessary. It would be unreasonable to add further conditions of this nature at the reserved matters stage.

The Environment Agency has requested a number of conditions in respect of drainage. However, as stated above, the matter of drainage was considered by the Inspector at the Appeal and any necessary conditions were imposed at that stage.

9. CONCLUSIONS

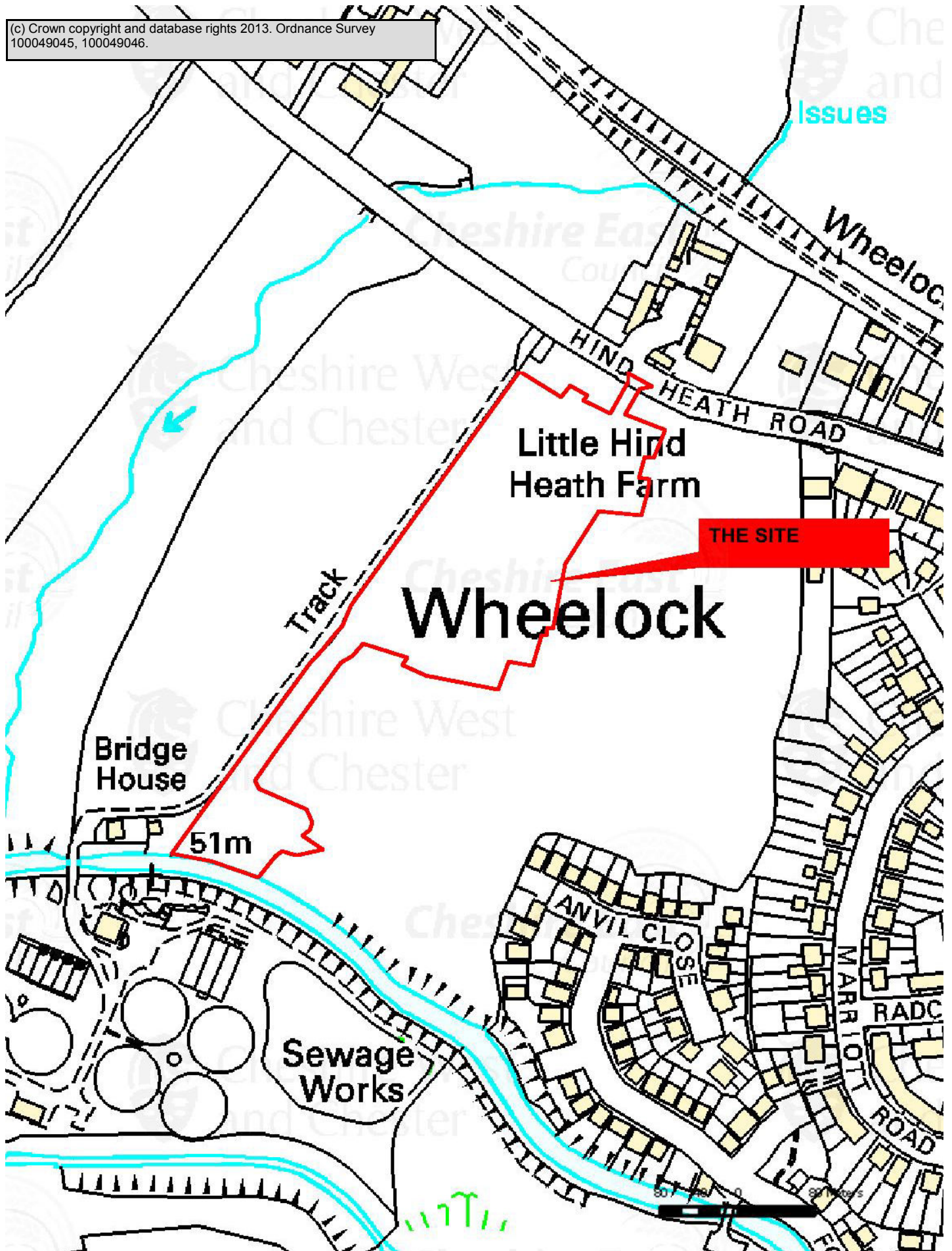
Subject to the receipt of the amended plans and additional supporting information referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant local plan policies and accordingly it is recommended for approval subject to the standard conditions relating to approved plans, materials, boundary treatment and landscaping.

10. RECOMMENDATIONS

APPROVE Subject to the following Conditions:

- 1 Standard**
- 2 Approved plans**
- 3 Materials**
- 4 Boundary treatment**
- 5 Landscaping**
- 6 Landscape implementation**

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Application No: 13/1324N

Location: LAND OFF, QUEENS DRIVE, NANTWICH

Proposal: Variation of Condition 2 (Reserved Matters), 6 (External Lighting), 15 (Drainage), 19 (Affordable Housing) and Removal of Condition 12 (Flooding) on 12/4654N for Residential Development of up to 240 Dwellings

Applicant: Mr S Gladman, Gladman Developments

Expiry Date: 24-Jun-2013

SUMMARY RECOMMENDATION:

Approve subject to Deed of Variation and Conditions

MAIN ISSUES:

- Compliance with the tests in Circular 11/95

REFERRAL

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

1. SITE DESCRIPTION

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

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

There are 2 public footpaths that run along the boundaries of the site (one within the site boundary). Immediately west of the site, the towpath of the Shropshire and Union Canal

is a well used path by walkers and fishers, with a seating area adjacent to the site and a listed milepost. The hedgerow along this boundary is intermittent with occasional trees.

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

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

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

2. DETAILS OF PROPOSAL

Members may recall an outline planning application (12/2440N) for a total of 7.6 hectares of residential development, providing up to 270 dwellings. The scheme included a broad range of block densities from 30-40 dwellings per hectare (dph). The development would provide for a broad mix of dwellings and house types, ranging from 2 to 5 bedroom units, offering a mix of market housing from first time homes to larger family homes. The housing mix would include affordable housing, which will be accommodated in small clusters and evenly distributed around the development.

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

However, before the application could be determined, the Applicant appealed against non-determination and the Council were able to issue a decision. The Strategic Planning Board subsequently resolved to contest the Appeal on two grounds. They were, firstly, housing land supply, and secondly, highways concerns.

In addition, the Applicant resubmitted a smaller scheme for 240 dwellings, (application 12/4654N) so that this second application was running in parallel with the Appeal on the first. After receiving legal advice at that time, (prior to the recent publication of the 2012 SHLAA) Members resolved to remove the housing land supply reason for refusal from the appeal as it was considered not sustainable - leaving only the highways reason. Ongoing negotiations with the developer, culminated in the Taylor Drive link solution being identified to address the highways concerns. This effectively eliminated the second reason for refusal. On this basis the 240 scheme was put to committee with a recommendation to approve, which was duly followed and permission granted for 240 dwellings, subject to a S106 agreement to deliver the Taylor Drive improvement and a number of conditions.

The Board then resolved to withdraw the highways objection to the Appeal for application 12/2440N). Consequently, when the public inquiry opened, the Council's case was one of no objection subject to a Section 106 requiring the Taylor Drive link to be undertaken. The Inspector heard why the Council considered this to be necessary and carried out a site visit and we are awaiting a formal decision. The Inspector also chaired a discussion between the Council and the Appellant over the conditions which should be attached to the permission, if we were minded to allow the Appeal.

This application seeks to vary the conditions attached to permission, 12/4654N so that they reflect the outcome of the discussion in front of the Inspector in respect of the Appeal scheme 12/2440N

3. RELEVANT PLANNING HISTORY

12/2440N	(2012)	Outline planning permission for 270 dwellings – Appealed
12/4654N	(2012)	Outline planning permission for 240 dwellings - Approved

4. PLANNING POLICIES

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

5. OBSERVATIONS OF CONSULTEES

Canal and River Trust

- After due consideration of the application details, the Canal & River Trust has no comments to make.

Environment Agency

Make the following comments.

- Condition 12 relates to event exceedence conditions, when the site's surface water drainage system becomes surcharged and overland flow results. This Condition should remain.
- Condition 13 relates to the regulation of the discharge of surface water from the proposed development, for up to the 1 in 100 years design event, such that flood risk elsewhere is not increased.
- Condition 15 relates to the discharge of foul water from the proposed development and is for the water company to comment on.

United Utilities

- United Utilities do not agree to the variation of condition 15 as the 10 l/s limitation imposed relates to the foul water discharge rate and not the surface water discharge rate.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- The Town Council has no objection to this application.

Acton, Edleston & Henhull Parish Council

- No objections re Conditions 2, 6, and 12.

- Condition 15 (drainage) seems to be alright to the Parish Council without change.
- Condition 19 (affordable housing) reflects the '270' application and should be changed for this application of 240

7. OTHER REPRESENTATIONS

2 letters of representation have been received making the following points:

- Should the proposed development go ahead the extra traffic using the local roads has not been given serious enough thought
- Looking at the plans it seems the entry /exit is very close to Marsh Lane bridge surely this presents a traffic risk given that cars entering Nantwich from the Wrenbury Road (Marsh Lane) are faced with a greater chance of collision with the extra traffic exiting the estate. This bridge has been a concern for locals and motorists for some years with its poor visibility on the twisted junction. Would it not be in everyone's interest to consider moving the entrance/exit further down Queens drive if this development should happen.
- It is a disappointment that these developments are changing the views and landscape that people bought their homes for over the years and surely have a right to enjoy.
- This application is being railroaded through without any consultation with the general public regarding the suggestions about excess traffic along Queens Drive and Welsh Row. No-one has the right to agree to closing off Welsh Row, or making it a one-way street, before a full, and proper, public consultation has taken place. If the granting of this application depends upon that then it should be refused.
- Travelling from the Ravensmoor direction into Queens Drive, the right-hand turn is already difficult with visibility obscured from the northern approach of Marsh Lane. To also have to contend with traffic using the proposed access road will be even more difficult and dangerous.
- When Taylor Drive was proposed there should have been a condition applied that a new Welsh Row by-pass route would be created along Taylor Drive, Edmund Wright Way to Millfields, joining Waterlode via a new access road and bridge over the River Weaver. Due to an error by Crewe and Nantwich Borough Planning Department this condition was not imposed and, obviously, the builders failed to provide this facility.
- Cheshire East Council should now correct this error and this condition should be included in this application. This would ease the enormous pressure which already exists and which would be increased with this proposal, by the amount of traffic using Welsh Row, Queens Drive and Marsh Lane.

8. APPLICANT'S SUPPORTING INFORMATION:

- Supporting Statement

9. OFFICER APPRAISAL

Main Issues

The previous planning permission has established the acceptability, in principle of this development, and, therefore, this application does not present an opportunity to re-examine those issues. The only issues in the consideration of this application are the acceptability of the proposed amendments to the conditions that have already been imposed on that planning permission.

Advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the Circular, *"Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be:*

- i. necessary;*
- ii. relevant to planning;*
- iii. relevant to the development to be permitted;*
- iv. enforceable;*
- v. precise; and*
- vi. reasonable in all other respects."*

The Circular continues by stating at para.15 that *"the same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so."*

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

Condition 2

Currently this condition requires the submission of all reserved matters within 18 months of the date of the planning permission. This is a standard condition for outline consents. The developer has advised that the site may be disposed of to more than one house builder who may, in turn, develop the site in phases. Accordingly they have requested that the condition is varied to read as follows:

Application for approval of reserved matters in the first phase of the development must be made not later than the expiration of 18 months beginning with the date of this permission. Application for the reserved matters in all subsequent phases must be made no later than the expiration of 3 years beginning with the date of this permission. The development to be begun on or before the expiration of 18 months from the final approval of the last reserved matters.

This is the standard time limit condition for phased outline planning permission, as advocated by the Government and the Planning Inspectorate. The equivalent condition was agreed for the appeal proposal and has been imposed by the Strategic Planning Board on other phased schemes. Given that this is likely to be a phased development it would be unreasonable to refuse to amend the condition accordingly.

Condition 6

Condition 6 requires the submission of external lighting details for the site, and includes a reference to providing details of the floodlighting to a 5-aside football pitch. This is a typographical error as the public open space on this particular scheme, as secured through the Section 106 agreement does not, and was never intended to include a 5-aside pitch. The condition as it stands is therefore unnecessary and should be amended to remove the reference to the 5-aside pitch.

Condition 12

Condition 12 states that the site layout shall be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected. The developer has argued that it should be removed as it does not make sense and is not necessary. They say that Condition 13 provides the necessary controls to prevent flooding.

The Environment Agency have stated that the condition relates to event exceedence conditions, when the site's surface water drainage system becomes surcharged and overland flow result and should remain.

However, it is considered that other conditions require the detailed design of the drainage system to be submitted and approved. The site layout is subject to a further application for reserved matters approval. The Environment Agency would be a consultee on any application to discharge conditions or for reserved matters approval and at that stage they could check to ensure that the design of the drainage and layout of the scheme were such that any flooding was contained within the site to ensure that existing and new buildings were not affected and could object to the applications if the scheme failed to meet these requirements. On this basis it is considered that the condition is unnecessary and should be removed.

Condition 13

Condition 13 relates to the regulation of the discharge of surface water from the proposed development, for up to the 1 in 100 years design event, such that flood risk elsewhere is not increased. The developer has suggested that condition 15 needs to be amended to clarify that the discharge rate of 10l/s should relate to 10l/s per hectare.

The Environment Agency has stated that Condition 15 relates to the discharge of foul water from the proposed development and is for the water company to comment on. United Utilities have objected to the variation of condition 15 as the 10 l/s limitation imposed relates to the foul water discharge rate and not the surface water discharge rate.

On this basis, to include a reference to l/s per hectare would seem inappropriate. However, it is considered that the condition should be varied to make specific reference to foul water discharge.

Condition 19

Condition 19 relates to the provision of affordable housing. The policy requirement is 30%. However, the condition states that 81 units should be affordable housing, which does not equate to 30%. This is also a typographical error. It is recommended that this condition is varied to state 72 units.

Other Matters

A number of other matters have been raised by third parties, relating specifically to highway safety matters, and loss of views. These relate to the principle of the development, and were considered at the time that the outline planning permission was granted. They are not material to the determination of this application for variation of conditions relating to time limits, drainage and lighting.

10. CONCLUSIONS

The previous planning permission has established the acceptability and the principle of this development, and, therefore, this application does not present an opportunity to re-examine those issues. The only issues in the consideration of this application are the acceptability of the proposed amendments to the conditions that have already been imposed on that planning permission.

The proposed amendment to the time limit condition to reflect the fact that this is likely to be a phased development is considered to be reasonable and appropriate. Given that the scheme does not include the provision of a 5-aside pitch the omission of the reference to such a facility from the external lighting condition is clearly acceptable.

With regard to drainage, condition 12 is considered to be unnecessary as the Local Planning Authority and the Environment Agency, have control over the design of the drainage and layout of the scheme to ensure that any flooding was contained within the site and that existing and new buildings were not affected. United Utilities have confirmed that the discharge rates referred to in condition 15 relate to foul water rather than surface water. Therefore, the condition should be amended to reflect this rather than a run-off rate per hectare, as suggested by the applicant.

Condition 19 is clearly a typographical error, as the policy requirement for affordable housing is 30% of the total, which in the case of this 240 unit scheme equals 72 units, not 81 as stated in the condition. This should be amended accordingly.

The application is therefore recommended for approval, subject to the conditions that were attached to the original consent, albeit amended in accordance with the above, and a Deed of Variation to the Section 106 Agreement to reference the new consent.

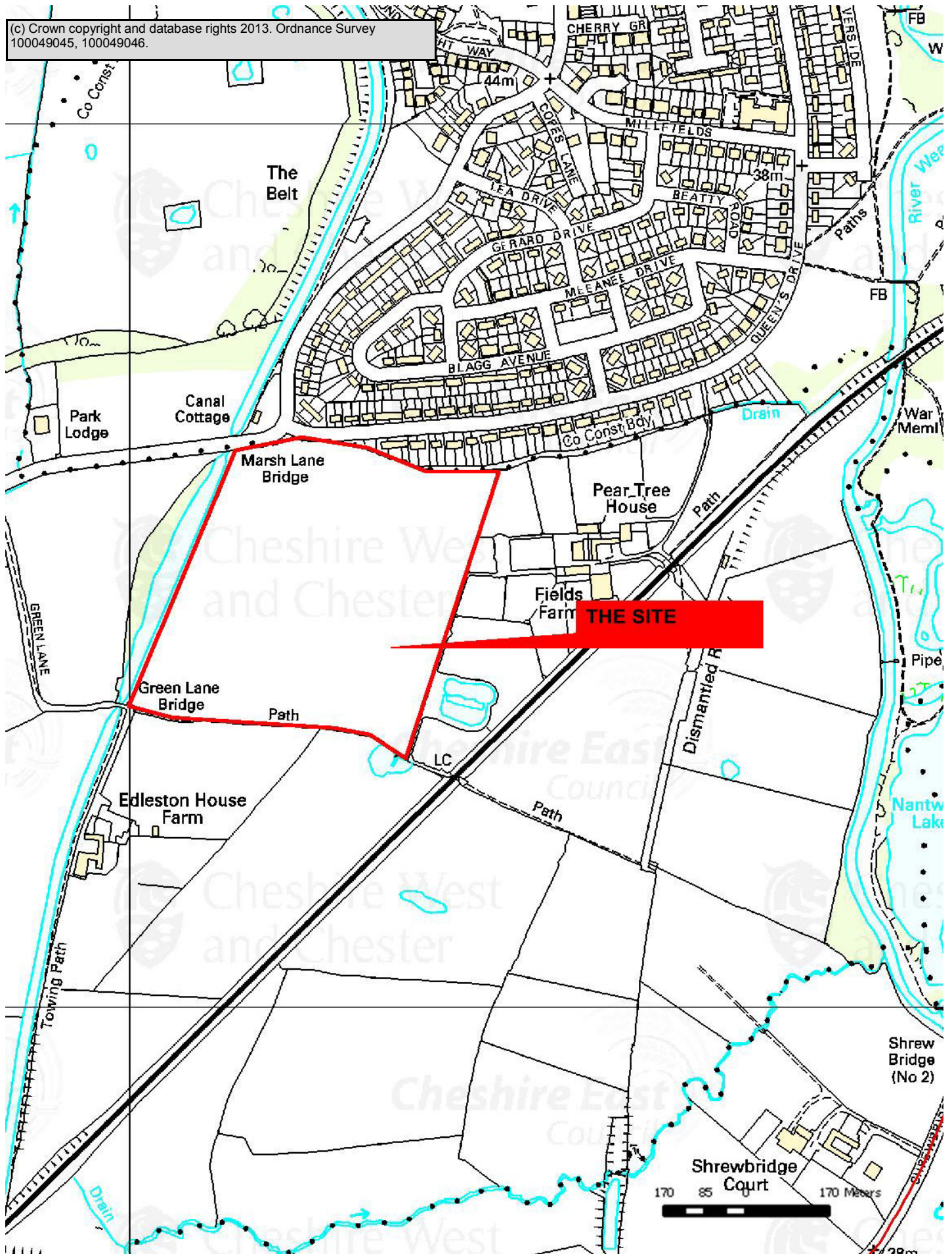
9. RECOMMENDATION

APPROVE subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions: (Amendments underlined)

1. Standard outline (Phased)
2. Standard outline (Phased)
3. Plans
4. Submission / Approval / Implementation of details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal
5. Submission / Approval / Implementation of Environmental Management Plan
6. Submission / Approval / Implementation of External Lighting (no reference to 5-aside pitch)
7. Submission / Approval / Implementation of noise mitigation measures
8. Submission / Approval / Implementation of Contaminated Land Assessment
9. No access to level crossing from site.
10. Discharge of surface water from the proposed development to mimic that which discharges from the existing site.
11. Submission / Approval / Implementation of Sustainable Urban Drainage System
12. ~~DELETED~~
13. Submission / Approval / Implementation of a scheme to limit the surface water run-off generated by the proposed development,
14. Submission / Approval / Implementation of a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal
15. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Foul water to discharge at a maximum discharge rate of 10 l/s.
16. Surface water should discharge to soakaway and or watercourse as stated within the FRA submitted.
17. Reserved matters to make provision for 10% renewable energy
18. Submission / Approval / Implementation of sustainability framework/strategy
19. Submission / Approval / Implementation of scheme for affordable housing to make provision for
20. 30% of the dwellings to be affordable, (at 240 units this equates to up to 72 dwellings.)
21. The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure
22. Affordable Homes should be pepper-potted (in clusters is acceptable.)
23. The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3
24. The affordable homes should be provided no later than occupation of 50% of the market dwellings (or 80% if the development is phased and there is a high level of pepper potting of the affordable units)
25. Any rented units/shared ownership housing to be transferred to an RSL

26. Submission / Approval / Implementation of tree and hedge protection measures,
27. Submission / Approval / Implementation of a programme of tree works, an Arboricultural Method Statement
28. Submission / Approval / Implementation of a landscape scheme,
29. Submission / Approval / Implementation of details of services locations
30. Submission / Approval / Implementation of proposed future management of the new areas of planting,
31. Reserved matters to make provision for retention of Important Hedgerows.
32. All reserved matters applications to comply with provisions of the Masterplan and Design Code
33. Safeguard breeding birds
34. Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.
35. Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
36. Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
37. Ensure any reserved matters application includes a 10 year habitat management plan.
38. Details of bin storage to be submitted to the Local Planning Authority
39. Submission of Construction Method Statement
40. Reserved matters to make provision for a total of 9,450 sqm open space comprising of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space to include:
 - a. NEAP to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children including a cantilever swing with two support legs plus basket seat and a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
 - b. Multi Use Games Area.

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Application No: 13/1986N

Location: Former Railway and Royal Mail Buildings Weston Road Crewe, CW1 6AA

Proposal: Variation of condition 4 of application 11/4346N- A hybrid application, comprising (i) full application for the demolition of existing buildings on the site and the construction of a surface grade car park (240 spaces plus 11 disabled), a Taxi rank, improved subway access (ii) An outline application with all matters reserved for new two-storey commercial building towards north west of the site with potential to incorporate A3 (restaurants and cafes) or A5 (hot food takeaways).

Applicant: Andrew Ross, Cheshire East Council

Expiry Date: 12-Aug-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions and an amended layout

MAIN ISSUES

Main Issues

Design & Landscape Considerations

Parking, Highway Safety and Traffic Generation

Flooding and Drainage

Impact On Protected Species

Impact on Residential Amenity

Other Issues

1. REFERRAL

The application has been referred to Strategic Planning Board because the proposal seeks to amend an application that was originally determined by the Strategic Planning Board. This is because the site was over 1ha in size and the applicant is Cheshire East Borough Council.

2. SITE DESCRIPTION

This application relates to the former Royal Mail site positioned at the junction of the A534 Nantwich Road and the A5020 Weston Road in Crewe. Demolition of the buildings on site has already taken place in order to implement planning permission for a new car park and pedestrian access serving Crewe Railway Station to the west.

The site is adjoined to the south by light industrial commercial units as well as a Premier Inn Hotel. On the opposite side of Weston Road, to the east, is a large B&Q Warehouse and associated car parking. The Crewe Arms hotel is situated on the opposite side of Nantwich Road to the north where there is a narrowing of Nantwich Road caused by the railway bridge.

The application site measures approximately 1.48ha and is roughly rectangular in shape.

Prior to the commencement of development, there was a grassed area with some tree specimens located on the corner of the site bordering the Crewe Arms Roundabout behind which there is an access road which provided limited parking.

The site falls within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3. DETAILS OF PROPOSAL

In January 2012, the Strategic Planning Board granted full planning permission (ref;11/4346N) for the demolition of existing buildings, construction of a car park and the provision of a new access to the station (Plot A). The application was hybrid and also granted outline planning permission for a new commercial building to the north west of the site (Plot B).

This application seeks to amend the approved car parking scheme so that a number of improvements can be made and to aid its delivery by reducing the requirement to move some key utilities. The amended scheme will still provide a maximum of 240 spaces plus 14 disabled, a Taxi rank and improvements to an existing subway access.

As such, this application seeks to vary the approved plans condition (condition no. 4) attached to the original consent by substituting the previously approved plans with the amended plans.

4. RELEVANT PLANNING HISTORY

There are a number of planning applications associated with the site's former use in connection with the railway industry and Royal Mail operations. The application relevant to this scheme is:

11/4346N - A hybrid application, comprising (i) full application for the demolition of existing buildings on the site and the construction of a surface grade car park (240 spaces plus 11 disabled), a Taxi rank, improved subway access (ii) An outline application with all matters reserved for new two-storey commercial building towards north west of the site with potential to incorporate A3 (restaurants and cafes) or A5 (hot food takeaways) – Approved 11-Jan-2012

5. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.6 Development on Potentially Contaminated Land
TRAN.1 Public Transport
TRAN.3 Pedestrians
TRAN.4 Access for the Disabled
TRAN.5 Provision for Cyclists
TRAN.7 Crewe Railway Station
TRAN.8 Existing Car Parks
TRAN.9 Car Parking Standards
NE.10 New Woodland Planting and Landscaping
NE.20 Flood Prevention

Other Material Policy Considerations

Supplementary Planning Document: Crewe Rail Gateway (Adopted Development Brief and Sustainability Appraisal)

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

6. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Strategic Highways Manager

No objection

Any further consultation responses that are received will be reported to Members by way of an update report.

7. VIEWS OF THE TOWN COUNCIL

N/A

8. OTHER REPRESENTATIONS

None received at the time of report preparation

9. OFFICER APPRAISAL

Main Issues

The principle of the development has already been established. It is not the purpose of this report to re-examine these matters. The key issues for Members to consider are the impact that the amended proposals would have on the character and appearance of the Crewe

Railway Gateway (CRG) and whether or not there would be any further considerations with respect to landscaping, parking / highway safety, flooding and drainage, protected species and neighbouring amenity.

Design and Landscape Considerations

The site is located on a major roundabout at an important gateway into Crewe opposite the Crewe Arms Hotel and next to Crewe Railway Station. The former Royal Mail buildings which occupied the site have now been removed and the site is currently fenced off with works well under way to implement the current permission referenced 11/4346N.

The proposed changes would offer an amended layout, which instead segregates the taxi area from the car park by retaining the existing taxi holding area on Weston Close. The car park would no longer be split into sections for long and short-term parking and the number of parking and disabled spaces would be increased to 244 and 14 respectively. These amendments would allow for greater separation at the north-eastern corner of the site at the roundabout. As such, the car park would not travel hard up to the perimeter edge of the site.

The proposed amendments to the layout would result in a more consolidated parking arrangement without a reduction in the parking provision, and would allow more space for additional landscaping and planting to be secured. This would further soften the visual impact of the proposals on the most prominent part of the site and as such would provide an improved and better quality scheme. As such, the revised scheme would be more respectful of the boulevard style which characterises this approach to the Crewe Arms Roundabout.

The boundaries with the site would be fenced with a 1 metre high boundary treatment which will be high quality and will align with boundary details already approved. Submission of a revised comprehensive soft landscape scheme to reflect the revised layout will be required and therefore it is recommended that original condition be amended.

With respect to the subway access, this would be accommodated inside an entrance building rather than a canopy as previously proposed. The propose building would still be located in the same position and would be set towards the back of the site. The proposal would still be contemporary in terms of its style and appearance and would comprise of a predominantly glazed structure. As such, the proposed alterations and amendments would improve the general appearance, landscaping and quality of the scheme and is therefore acceptable in design terms.

Parking, Highway Safety and Traffic Generation

The development will increase parking available at the station and will also improve the pickup and drop off facilities in close proximity to it. The reopening of the existing subway will provide a direct link into the station for pedestrian users and this will reduce pressure on the use of the Station Top along Nantwich Road which currently serves as the existing drop off and pick up point.

The proposed amendments will not impact directly on the access configuration originally envisaged. Vehicular access to the proposed car park is still to be provided by a priority controlled give way access off Weston Road. The access would be offset towards the

southern end of the site to increase separation with the roundabout junction at the location of the former Royal Mail access junction. Some minor modifications to the existing junction are proposed in order to provide a wider right-turn lane for traffic turning into the site from the north. The only change would be that the existing taxi rank and its access would be retained, which is further north of the proposed access.

The Strategic Highways Manager has not objected to the proposed revisions. The traffic impact from this development will not be significantly different from that previously approved. The proposal will reduce traffic needing to pass the station to park in the existing Pedley Street car park and also traffic needing to either pick up or drop off at the existing Station Top facility. As such, the proposals are acceptable having regard to highways and parking considerations.

Flooding and Drainage

A Flood Risk Assessment (FRA) has already been carried out to determine the impact of the proposed development on flooding and an acceptable drainage strategy and surface water scheme has already been approved. The proposed changes to the scheme would allow for the inclusion of additional soft landscaping and a smaller area of hard standing and therefore there is likely to have less impact on the surface water regime in the area. However, the drainage conditions will need to be amended to reflect the revised layout.

Impact on Protected Species

An ecological assessment was submitted with the original application and it was concluded that bats were not reasonably likely to be present or affected by the proposed development. The buildings have now since been demolished and 3 mature trees that were previously on the site have been removed. As such, the Nature Conservation has confirmed that the proposal would not be likely to cause significant ecological issues. Accordingly the requirements of the NPPF and the EC Habitats Directive are satisfied.

Impact on Residential Amenity

The surrounding uses are predominantly commercial and industrial. The proposed changes will not directly impact on the amenity afforded to any neighbouring residential uses.

Other Matters

The pre-commencement conditions attached to the original approval have already been discharged. As such, it is recommended that they be amended to reflect the details already agreed as approval of this scheme will result in a fresh decision being issued. Conditions relating to landscaping, drainage will need to be amended to reflect the proposed changes in the layout.

10. REASONS FOR APPROVAL

The principle of the development has already been accepted and is supported by local and national planning policy. This proposed scheme would facilitate the delivery of additional parking close to the station and would improve access and pedestrians links with the station.

The proposed alterations to the layout would enable the provision of a greater landscape buffer with the roundabout and the proposed changes to the subway access building would also improve the appearance of the back of the site. This would lead to a better designed scheme which would be more respectful of the character and appearance of the surroundings.

The parking, traffic and highways arrangements would not deviate significantly from the approved scheme and would lead to a reduction in traffic needing to pass the station to park in the existing Pedley Street car park and also traffic needing to either pick up or drop off at the existing Station Top facility.

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 and accordingly is recommended for approval subject to the imposition of conditions originally attached except those requiring amendment.

11. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Standard 3 year time limit (Phase A – Car Park)**
- 1. Standard outline time limit (Phase B – Two-Storey Commercial Building)**
- 2. Submission of reserved matters shall be made within 3 years (Phase B - Two-Storey Commercial Building)**
- 3. Approved Plans including Amended Layout**
- 4. Materials as already agreed and specified**
- 5. Details of Boundary Treatment**
- 6. Revised Landscaping scheme to be submitted**
- 7. Landscaping implementation**
- 8. Breeding bird survey to be carried out prior to commencement of any works during nesting season for Plot B**
- 9. Submission of details of bin storage**
- 10. Revised Surface Water Drainage Strategy to be submitted**
- 11. Revised scheme of Surface Water Regulation to be submitted**
- 12. Construction of access prior to first use**
- 13. Hours of construction restricted**
- 14. Hours of pile driving operations restricted**
- 15. Revised details of Sustainable Urban Drainage System to be submitted**
- 16. Only foul drainage to be connected to sewer**
- 17. Limit retail floorspace to 549m2 with subdivisions to provide 6 units**
- 18. Construction Method Statement in accordance with agreed details**
- 19. Traffic Management Plan in accordance with agreed details**
- 20. Scheme for of real time parking information in accordance with agreed details**
- 21. Details of CCTV in accordance with agreed details**
- 22. Demolition to take place in accordance with submitted demolition strategy**
- 23. Details of the proposed finishes and hard landscape treatments of the subway and stair facilities**
- 24. Submission of details of cycle racks**

25. Submission of details of external lighting

26. Dust Management Plan in accordance with agreed details



Application No: 13/1305N

Location: Land to the West of Close Lane and North of Crewe Road, Alsager, Cheshire, ST7 2TJ

Proposal: Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space and new access off Close Lane (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms).

Applicant: Muller Property Group

Expiry Date: 25-Jun-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

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

REFERRAL

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

1. SITE DESCRIPTION

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Oakhanger ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The application site is currently rough grassland subdivided into a number of small paddocks, abutted to the north by an area of woodland and to the west by the wider agricultural landscape and beyond this the M6 motorway. To the south the site is bound by the residential development at Delamere Court, Close Lane forms the eastern boundary of the site, to the east of which is an extensive area of residential development. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The eastern side of Close Lane features the mixed 1960's onwards bungalow and housing development of Alsager.

The site contains a single Tree Preservation Order identified as CNBC (Delamere Close Lane Alsager) Area 1 located within the south eastern corner of the site with the Order served in 1984.

1. DETAILS OF PROPOSAL

The application seeks outline planning permission for 76 family (1 to 4 bed) dwellings and 56 dwellings for the over 55's (1 and 2 beds) with all matters reserved. All matters, including the access onto Close Lane, are reserved for future consideration. An illustrative site layout is provided in support of the application which indicates access, however, the scheme has been amended to remove the access point. Thus all matters are now reserved.

The illustrative masterplan indicates development zones for the 76 family sized units of which 23 are required to be affordable/shared ownership homes (one to three bed) adjoining the existing modern developments in Delamere Court and Kensington Close. A further zone of sheltered market and affordable units is indicated to the north of the site. Overall there is 1.28 hect of open space, including a play area. A undeveloped zone comprising the Yew Tree Farm Local Wildlife Site (formerly Site of Biological Importance) forms part of the site adjoins the proposed Public Open Space and play area to the western part of the site.

30% of the dwellings and sheltered accommodation are proposed to meet affordable housing criteria in accordance with policy requirements. .

2. RELEVANT PLANNING HISTORY

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

4. PLANNING POLICIES

Crewe and Nantwich Local Plan Policy

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

Other Material Policy Considerations

National Planning Policy Framework

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

North West Sustainability Checklist

Strategic Housing Land Availability Assessment

Draft Development Strategy

4. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted FRA demonstrates that the maximum discharge rate is to be restricted to approximately 5 litres/second, which is acceptable in principle. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate

- A 5 metre wide undeveloped buffer zone alongside the *watercourses* shall be provided
- A scheme to manage the risk of flooding from overland flow of surface water shall be

approved

- The Indicative Masterplan indicates that access will be gained over the ordinary watercourses in several places. It is unclear if it is intended to use culverts. The Agency seeks to resist the use of culverts. If culverting can not be avoided then it should be as short a length as possible. The plans should demonstrate to our satisfaction what impact the proposed culverting would have and how compensatory works would address this. Full details of working methods and timing, treatment of bed material would be required.

Greenspaces

Public Open Space

On site provision is located to the southern part of the site adjoining the local wildlife site, and in a linear strip through the central portion of the site.

It is not the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

Children and Young Persons Provision

For a development of this size a LEAP as detailed below is required.

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. The Greenspace Division would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

The future maintenance would require a management plan and regime.

United Utilities

No objection to the proposal subject to the following conditions:

- This site is drained using a total separate system with only foul drainage connected into the public sewerage system.
- Surface water should discharge directly in to the watercourse crossing the site which may require the consent of the Local Authority.
- For the avoidance of doubt, no surface water flows shall communicate with the public sewerage system via direct or indirect means.

Strategic Manager Highways

Recommends that the application is refused on sustainability grounds . The site is some distance from day to day services which are in the town centre. Public transport accessibility is poor along Close Lane.

The access has been reserved for future assessment, however, the Strategic Highways Manager recommends that the site can be satisfactorily accessed .

Environmental Health

No objection subject to standard conditions including hours of development, air quality, contamination and the provision of acoustic 2m high fencing to those boundaries of the site closest to the motorway.

Adult Services

No objection to the provision of sheltered accommodation for the over 55's

Education

A development of 76 dwellings will generate 14 primary and 10 secondary aged pupils.

The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. The primary schools are showing that there are forecast to be 48 unfilled places by 2016 and 52 unfilled places by 2016 . The secondary school is showing 166 unfilled places by 2019.

Currently there are a number of planning applications within the Alsager area, with an application on Crewe Road approved and generating 11 primary aged pupils and an application in on the former Twyfords site having a resolution to approve subject to conditions generating 54 primary aged pupils. By including these pupil numbers then a contribution will be required towards primary education. The required contribution is therefore $14 \times 11919 \times 0.91 = £151,848$

No contribution will be required towards secondary education as there is sufficient capacity in the local secondary school.

PROW UNIT

Footpath Haslington No 48 runs through part of the site.

Inclusion of the Public Footpath within the Public open space of the site would appear a sensible proposal should the development proceed. The route could be left as a grass-surface path to be maintained within the Open Space management arrangements. The suggestion of a line of trees on the bound ary of the site adjacent to the public right of way is viewed with caution, as tree limbs and roots may impede on the public footpath and will require more management.

The link from Close Lane to the public footpath across the top of the site would be supported as it would provide both new and existing residents with a connection to the wider public rights of way network.

The proposal for pedestrian and cyclist access on to Close Lane be would match with prospective users' main desire lines to the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Haslington Parish Council objects on the following grounds -

The majority of the proposed development site is based on Grade 2 "best and most versatile land" which is outside the settlement boundary for Alsager and located in the open countryside of Oakhanger.

The proposed development is in open countryside, is not infilling a small gap or essential for agriculture etc. and therefore contrary to Crewe & Nantwich Borough Council policy NE.2

The site is not identified in the 2012 SHLAA, it is not included as a development site in the agreed Alsager Town Plan. Cheshire East state that they have in excess of the required 5 years supply of land identified in the SHLAA, so the Close Lane site is not required for residential development.

The proposed development includes properties very close to the existing dwellings in Delamere Close and Kensington Close contrary to policy BE.1 Amenity

The houses indicated in the Landscape Visual Impact Assessment appear to be very "boxy", they appear to be contrary to policy BE.1 Amenity and BE.2 Design Standards, they adversely impact the streetscene by reason of scale, height and proportions. The inclusion of hipped or half-hipped roof would reduce the impact on existing neighbours.

The proposed development is not in Alsager, but is in the rural community of Oakhanger, part of the parish of Haslington. The rural area is not in need of development on the proposed scale, the urban area of Alsager has available brownfield sites that should be developed before greenfield land in adjoining rural communities is considered for development.

The Flood Risk Assessment details several open and culverted ditches that accept water from surrounding land, road drains and a United Utilities (UU) pumping Station. The UU plans in Appendix 5 in the report show only foul sewers feeding the Close Lane pumping station, which has a consent to pass water into the adjoining ditch. Appendix 8 shows photographs of various ditches around the site, photo 4 shows the ditch closest to the Close Lane pumping Station with discoloured water flowing into the site. The implication is that this is overflow from the foul sewerage pumping station i.e. untreated domestic sewage. The plans shown in Appendix 7 show the outfall from the pumping station to flow through the development via the

area proposed for sheltered housing, alongside the SUDS and through the public open space and play area into adjoining fields. So the application proposes to run untreated sewage through most of the watercourses within the development which must be considered a health risk and unacceptable design.

The single access point to the proposed development would become the 5th road junction on Close Lane within 250m, adding to road safety concerns for pedestrians, cyclists and motorists.

The proposed location of affordable homes and those aimed at more elderly residents requiring sheltered accommodation, so far away from the main shopping, health services and schools towards the centre of Alsager seems perverse and unsustainable.

Alsager Town Council :

Strongly objects to the proposed development on the following grounds:

1. The site is not contained for development within the approved Alsager Town Strategy which is being used as an evidence base to inform Cheshire East Council's developing Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area.
1. The application is an intrusion into the surrounding countryside and no development should take place on Greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. It is the Town Council's policy contained in the Alsager Town strategy that sustained development should take place on existing brownfield sites and there are enough brownfield sites in Alsager to meet the towns future needs.
2. Cheshire East Council in its document "Cheshire East Local Plan – Draft Development – Strategy and Policy Principles" state that Town Strategies are intended to inform the Cheshire East Local Plan and that consequently the Development Strategy endeavours to reflect the approved documents deposited with Cheshire East and reflects the wishes and aspirations of its residents This Strategy clearly accepts the need of the housing growth but strongly emphasises that the towns brownfield site should be fully utilised before greenfield sites are developed which is sympathy with Cheshire East Report.
3. The Town Council contend that once Greenfield sites are developed they are gone forever, and therefore Greenfield sites should be saved in order to protect our local environment, open spaces and wildlife.
4. A fundamental aim of Greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such Greenfield sites safeguard the countryside and prevent joined up settlements.
5. This particular application, in conjunction with other current large resident development applications in Alsager. If approved would have a serious detrimental impact on the town highway infrastructure, education doctors surgeries, medical centre, local facilities

and amenities. Such applications, if approved would be a threat to the character and atmosphere to the town as a whole.

6. The Cheshire East Development Strategy Document indicates that the authority must protect as much of our natural environment as possible and safeguard the best of Cheshire countryside. The Town Strategy accepts that an additional 1,000 homes will be required by 2030, an average of 55.6 per year but planning applications have recently been approved for 400 homes, which equates to a 7.2 year supply of housing land which more than satisfies the requirements of the National Planning Policy Framework. Therefore, as far as housing development in Alsager is concerned all necessary consultation has been completed and the Alsager Town Strategy should already be considered as the Emerging Plan for the purposes of considering planning application which conflict with that Adopted town strategy.
7. The Town Council have concerns that there is insufficient information in the application relating to the impact of the development on Local Air Quality.
8. The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application.

6. OTHER REPRESENTATIONS

662 individual representations have been received making the following points:

Policy Issues

- Contrary to the Alsager Town Strategy policy to build on brownfield sites (such as MMU and Twyfords)
- There is sufficient brownfield land in Alsager to accommodate new houses that need to be built without any greenfield or open space being used

Lack of Need

- This proposed development is excessive in its use of green land, would produce excessive traffic nuisance on Close Lane and would create a precedent of free for all and reckless development of the Cheshire countryside.

Sustainability

- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars
- Poor bus service on Close Lane limit opportunities for the residents of the any new development to travel by public transport.

Ecology

- The site is home to a diversity of wildlife including protected species, inc Great Crested Newts
- There are several healthy oak trees which deserve protection.

- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.

Compromises Road Safety / Traffic Generation

- Close Lane is a country lane that is badly in need of repair. There is no footpath in many parts including outside my own property. There are bad bends and in parts it is not possible for 2 vehicles to pass. I regularly walk in Close Lane and feel extremely vulnerable because of this. The road is used by residents of Close Lane, Dunnocksfold Road and all the Housing Estate behind these. It has never been adapted to accommodate the level of traffic pedestrians and children walking to school so how can this country lane possibly accommodate a new housing estate?

7. APPLICANT'S SUPPORTING INFORMATION:

- Statement of Community Involvement
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Agricultural Land Classification Assessment
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Surveys
- Tree Survey
- Landscape and Visual Impact Analysis

This are all available to view on the case file. In precise, it is the Applicants case that the Council does not have a deliverable 5 year supply of housing; that in previous agreed Statements of Common Ground that this has been accepted by the Council, there is a significant benefit in the form of the sheltered accommodation for which there is a need in the area and that these factors weigh significantly in favour of the proposal. The Applicant also considers that the site is sustainably located.

8. OFFICER APPRAISAL

Main Issues

Thhe main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

Policy Position

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011. Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of 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 National Planning Policy Framework endorses and reinforces the system of statutory development Plans. Paragraph 12 states that the:

“National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The NPPF also sets a distinction between development plans adopted “since 2004” (paragraph 214) and other Plans in use. By implication 2004 is a benchmark date in considering whether plans are ‘out of date’ or not. All the plans listed below were adopted since the start of 2004 – and therefore should not fall within the category of being, necessarily, out of date in the context of Paragraph 14 of the framework

The following Development Plans in use in Cheshire East have been adopted since 1 January 2004. They are:

Macclesfield Local Plan
Congleton Local Plan
Crewe & Nantwich Local Plan
Cheshire Waste Local Plan

When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Cheshire East Plans policies, although saved in accordance with the 2004 Act are not adopted under it.

Consequently following the guidance in paragraph 215;

“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”

The issue in question is whether the policy in the Plan of relevance to this proposal is in line with the NPPF.

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

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

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

Housing Land Supply

National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

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

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

Whilst the Regional Spatial Strategy has now been revoked, 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. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8th February and adopted by the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policy NE.2 and RES.5 of the Crewe and Nantwich Local Plan which protect Open Countryside are out of date and furthermore, the provisions of paragraphs 49 and 14 do not apply in this case.

Paragraph 35 of the NPPF states,

'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.'

- *Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to*
- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

It is considered that the NPPF and Local Planning policy are consistent as both seek create development which will be sustainable in terms of accessibility to a choice of means of transport.

Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is still applicable. On this basis the application should be refused.

Emerging Policy

Whilst the site is within the area of the Crewe and Nantwich Local Plan, the site is closer to Alsager and would be served via schools, services etc within Alsager.

The Draft Alsager Town Strategy identified a selection of Potential Development Options within and adjacent to Alsager, these were consulted on between 2nd March and 2nd April 2012. The application site was included in the Strategy consultation as part of 'Site H: Radway Green North'. 222 responses were received in relation to this consultation and these were reported, including a number of alternative sites, to the Stakeholder Panel in June 2012. Following this Stakeholder Panel meeting it was decided to take forward, a 6 sites within the town, including 2 parts of site H (H1 Employment and H3 – Residential). However, the area being considered for development as part of this application does not fall within either area.

The Cheshire East Development Strategy approved by Strategic Planning Board as a material consideration, directs additional housing in Sandbach to three strategic sites:

- **Twyfords** - Circa 450 new homes, Employment development and retention of existing B1 development, A local centre with community facilities and retail space (2-300sqm)
- **Former Manchester Metropolitan University Campus** - Circa 400 new homes, A local centre with community facilities and retail space (2-300sqm)
- **Radway Green** - Circa 10 hectares of employment land

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan –led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a prematurity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 and RES.5 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis the application should be refused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

- secondary school (2000m)
- Public Right of Way (500m)
- Childrens playground (500m)

In this case the development site meets the following sustainability distances:

Amenity Open Space - on site
Children's Play Space - on site
Playground / amenity area - on site
Bank or cash machine - 960m
Primary school - 660m
Secondary School - 1580m
Public house -1000m
Public park or village green -950m

A significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

Convenience Store	900m
Post box	850m
Outdoor Sports Facility	1580m
Supermarket	1650m
Dentist	1580m
Post office	2450m
Pharmacy	1900m
Medical Centre	2580m
Railway station	2650m
Nursery	1650m
Local meeting place / community centre	2350m
Library	2250m

On the basis of the above assessment the proposal to be generally unsustainable in purely locational terms.

Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Dwellings will for the most part face south, south east or south west, SUDS will be used. The Over 55's units will be Lifetime Homes.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how these principles of sustainable development would be met within the development. Nevertheless, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

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

The Statement goes on to say *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development."* They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring economic benefit to local shops, potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

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

In conclusion, however, the lack of locational sustainability and the inevitable reliance on the private car that the lack of access to everyday goods and services brings, the loss of open countryside, when there is no need in order to provide a 5 year (plus buffer) housing land supply requirement are all reasons why this proposal is contrary to policy as expressed in the NPPF and the local plan. Further, it is considered that these policy contraventions outweigh any benefits of the scheme that might accrue by virtue of the delivery of affordable housing and sheltered housing (over 55') .

Loss of Agricultural Land

Policy NE12 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.

However, the National Planning Policy Framework highlights that the use agricultural land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has submitted an agricultural land classification study which concludes that 2.9 hectares of the site (5.2 hect in total) is an area of Grade 2 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grade 5 and non agricultural land, the latter confined to a woodland and Local Wildlife site (formerly SBI) located within the site.

Given the proposal involves the loss of an element of Grade 2 land, it is necessary to refer to the other tests in Policy NE12. Given that the Council now has a housing land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan. However the proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of grade 2 land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

Affordable Housing

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

The IPS also sets out that the preferred tenure split of the affordable is 65% social rent (affordable rent would also be acceptable in Alsager), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment 2010.

As the proposals for both the family dwellings and over 55's dwellings contain more than 15 units there is a requirement for affordable housing on both.

The site is located in Haslington ward. However it is directly adjacent to Alsager and the built up area of Haslington is physically remote from the site at the opposite side of the parish. The affordable housing need for Alsager has been considered;

The Strategic Housing Market Assessment 2010 identified a net requirement for 36 new affordable homes each year between 2009/10 – 2013/14, made up of a need for

13 x 2 beds

12 x 3 beds

12 x 4/5 beds

10 x 1/2 bed older persons dwellings.

(The SHMA identified an over-supply of 12 x 1 bed dwellings resulting in the net requirement for 36 affordable homes)

There are currently 220 active applicants on the waiting list with Cheshire Homechoice, these applicants have stated they require 83 x 1 bed, 76 x 2 bed, 41 x 3 bed & 5 x 4 bed properties (15 applicants did state how many bedrooms they needed).

The total affordable housing requirement the SHMA 2010 identified over the 5 year period is 180 affordable homes. 81 affordable homes are anticipated due to planning approvals / resolutions to approve, however none have been delivered yet.

The affordable housing requirements for this site are 30% of the family dwellings and 30% of the over 55's dwellings, based on the numbers on the application this would equate to a requirement for 23 affordable family dwellings, 15 of which should be social or affordable rent & 8 intermediate tenure and a requirement for 17 affordable over 55's dwellings, 11 should be social or affordable rent & 6 intermediate tenure.

The applicant has given an indicative mix of affordable housing as 6 x 1 bed and 5 x 2 bed social/affordable rented dwellings, 3 x 2 bed and 3 x 3 bed intermediate dwellings and 11 x 1 bed over 55's social/affordable rented dwelling, 6 intermediate over 55's dwellings. Although the SHMA 2010 identified a slight over supply of 1 bed dwellings in Alsager there are more applicants who require 1 bed properties than any over type in Alsager on the Homechoice waiting list and the Housing Strategy Manager accepts this indicative mix.

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

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

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

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning

obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

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

In terms of the over 55's dwellings, the IPS recognises that some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution (30%) from these schemes. The Applicant considers that this part of the scheme adds weight in the planning balance, although the application details do not elaborate upon the nature of the sheltered accommodation.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. Nevertheless, given the proximity of the M6 and the size of the site at the request of Environmental Health Officers, an Air Quality Assessment has been submitted by the developer and was being considered by Environmental Health at the time of report preparation.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Design

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

Access, originally having been applied for but later reserved for future consideration given the original position of the access which would require removal of two Oak trees of high amenity value. The removal of the trees would have been necessary for visibility reasons. It is

considered that there are suitable points where access can be achieved along the Close Lane frontage of the site which would not compromise high value trees.

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

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

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway, parking areas and the public open space /children’s play area. The properties located at corner plots have the potential for dual-frontages.

To the Close Lane frontage the dwellings would be set behind a hedgerow and mature high amenity trees along the frontage are retained to act as a green buffer to the proposed development. According to the indicative plan, the open space would be located centrally and along the stream which would act as green corridor along the eastern boundary of the site. The indicative layout is therefore considered to be an appropriate coverage of the site in principle.

Amenity

The layout and design of the site are reserved matters. 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, although this will need to be considered further via reserved matters, if the principal of development is accepted It is therefore concluded that a development could be designed to be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Landscape Impact

The site itself is open farmland with a pattern of hedgerows, a Site of Biological Importance and has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a mature Oak and a Pine located

There is no landscape designation on the application site. The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain.

The assessment also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 10: Lower Farms and Woods; within this character type the application site is located within the Barthomley Character Area: LFW7. As part of the assessment the area has been further characterised into a number of smaller character types including LCT 1: Settlement, LCT 2: Urban Edge

Horsiculture Farmland, LCT 3: Mixed Agricultural Fringe, LCT 4: Transport Corridors, LCT 5: Peat workings and LCT 6: Undulating Rural Plain. The site is identified as being within the LCT 2: Urban Edge Horsiculture Farmland type.

There are a number of farmsteads and more isolated residential dwellings surrounding the site, including Yew Tree Farm, Moss End Farm, Orchard Cottage and Ashfields. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The application site is an attractive relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees and woodland, but influenced by the surrounding residential developments. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan has been included, the Landscape Architect that in the site Masterplanning, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape 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 surrounding properties.

Overall, subject to the retention in important features and consideration of the sensitive receptors within the site (such as the PROW Haslington FP48) the site has the landscape capacity to accommodate future residential development of the scale indicated, providing that it is well planned and designed and takes due account of the existing landscape features of the site.

Trees and Forestry

There are a number of trees and lengths of hedgerow are within the site. Two high amenity value Oak trees and a high amenity Pine tree would be affected by the proposed site access.

The application is supported by a Tree Survey Report. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection.

The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

The Council's Tree Officer is satisfied that a layout can be accommodated on this site which can adequately safeguard protected and trees of high amenity value to the Close Lane frontage.

Ecology

The site contains a non-statutory Local wildlife site Yew Tree Farm Local Wildlife Site (formally known as Sites of Biological Importance). Policy NE8 states that permission will only be granted for development on such sites which adversely affect such sites will only be granted where the reasons for the development outweigh the nature conservation value and subject to appropriate mitigation

In this instance it is being proposed that the Local Wildlife Site be incorporated into the open space provision for the development. This approach is acceptable to the Council's Ecologist provided that the proposed usage of the open space is low key and restricted to informal foot paths or similar and secondly that outline proposals for the enhancement and ongoing management of the SBI are adhered to. These proposals could then be made the subject of a condition if consent was granted. Appropriate long term management may include low level grazing by traditional breed cattle. No tree planting should be proposed within the boundary of the local wildlife site.

Great Crested Newts

No evidence of this species was recorded during the submitted surveys and the Ecologist is satisfied that the proposed development is not reasonably likely to have an adverse impact on this species.

Reptiles

A grass snake has been recorded on site. This species is likely to range over much of the site, however only a certain proportion of the site is likely to provide habitat of any particular value. In the absence of mitigation the proposed development poses the risk of killing or injuring any animals present on site when the works are undertaken and the proposed development would also result in the loss of foraging opportunities for the species.

Reptile mitigation proposals have been submitted. Mitigation for the loss of foraging habitat be compensated for by the construction of a pond designed to provide breeding habitat for frogs, a major prey item of the species. A hibernacula and compost heap (for egg laying) should also be provided. The compost heap could potentially be created with grassland arisings generated by the management of the proposed open space area.

The reptile mitigation should be located adjacent to but not within the SBI.

Botanical Survey of field adjacent to SBI

After considering the survey information submitted in respect of this application the Ecologist is satisfied that this field is not of significant enough ecological value to present a constraint on the proposed development.

WaterVole

The submitted Phase One habitat survey identifies a ditch in the south eastern corner of the site as having potential to support water voles. To avoid the need for a full water vole survey is suggested that an undeveloped 8m buffer zone be provided along the ditch. This matter could be secured by condition

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The hedgerow along the western boundary of the site should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

Breeding Birds

Standard conditions are required to safeguard breeding birds.

Highway Safety and Traffic Generation.

This application is an outline form. Access is also reserved for future consideration, having been withdrawn by the Applicant to address Officer concerns regarding trees on the frontage.

The site's road layout details are not yet provided and would be dealt with via a reserved matters application

Policy BE3 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.*

A Transport Assessment has been submitted. The Strategic Highways Manager is of the opinion that the site can be appropriately and safely accessed via Close Lane .

Although Close Lane is a narrow road, the Strategic Highways Manager is of the opinion that it would be extremely difficult to justify a traffic impact reason for refusal given the low traffic generation figures from the development and that Close Lane already serves a large quantum of development.

This is also the case for the wider impact of the development on the road network where the very small increase in trips is not sufficient to warrant a severe impact on the highway in NPPF terms.

However, the locational sustainability of the site is considered poor, the site is a considerable walking distance from the town centre and local facilities. Public transport provision in the local area is very infrequent and only limited destinations can be reached. The bus service on Close Lane itself only runs after 10 am on a weekday until mid afternoon. Therefore, it is likely that this development would be a fully car reliant development and is not consistent with policy concerning sustainable development.

No mitigation has been put forward, however, it is likely that an extension to the bus service to run during peak times and at weekends, and an increase in the frequency of buses that serve Close Lane for a meaningful period of time to enable patronage to be established by future residents would require significant monies from the developer via S106 which potentially would have impacts upon the viability of this scheme.

HEADS OF TERMS

If the proposal were to be approved the following Heads of Terms comprising a s106 legal agreement would be necessary -

1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units) 35% intermediate tenure.

2 The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private residents management company. The private management company to maintain all Amentiy Greenspace, public footpaths and greenways within the site, play areas, and other other areas of incidental open space not forming private gardens or part of the adopted highway'

3. Education contribution in respect of primary provision of £151,848

In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.

Community Infrastructure Levy (CIL) Regulations

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

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

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

As explained within the main report, POS and children's play space would help to make the comply with local plan policies and the NPPF.

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

CONCLUSIONS

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified a deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

It is considered that the NPPF and Local Planning policy are consistent as both seek to avoid unsustainable development.

The site relates more to the settlement of Alsager than it does to Haslington. The proposal does not accord with the emerging Development Strategy for the Alsager area. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

The proposal would have a significant landscape and visual impact given that a rural landscape will change, however, a development could be accommodated provided that existing landscape features are sympathetically treated, particularly from within the sensitive receptors adjoining the site such as the PROW network and Close Lane. It is inevitable that the proposal would affect the visual character of the landscape by building upon it.

This proposal will subject to an appropriate access being accommodated on Close Lane can safeguard trees that contribute to the amenity of the area.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

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

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

The site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit for a significant number of those amenities/facilities. Whilst the Checklist does not require full compliance, such are the distances involved, on a road that has only limited bus services, that all such facilities are considered inaccessible to site.

The proposal will result in the loss of Grade 2 agricultural land. The sequential approach to the development of agricultural land as set out in the NPPF has not been complied with.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

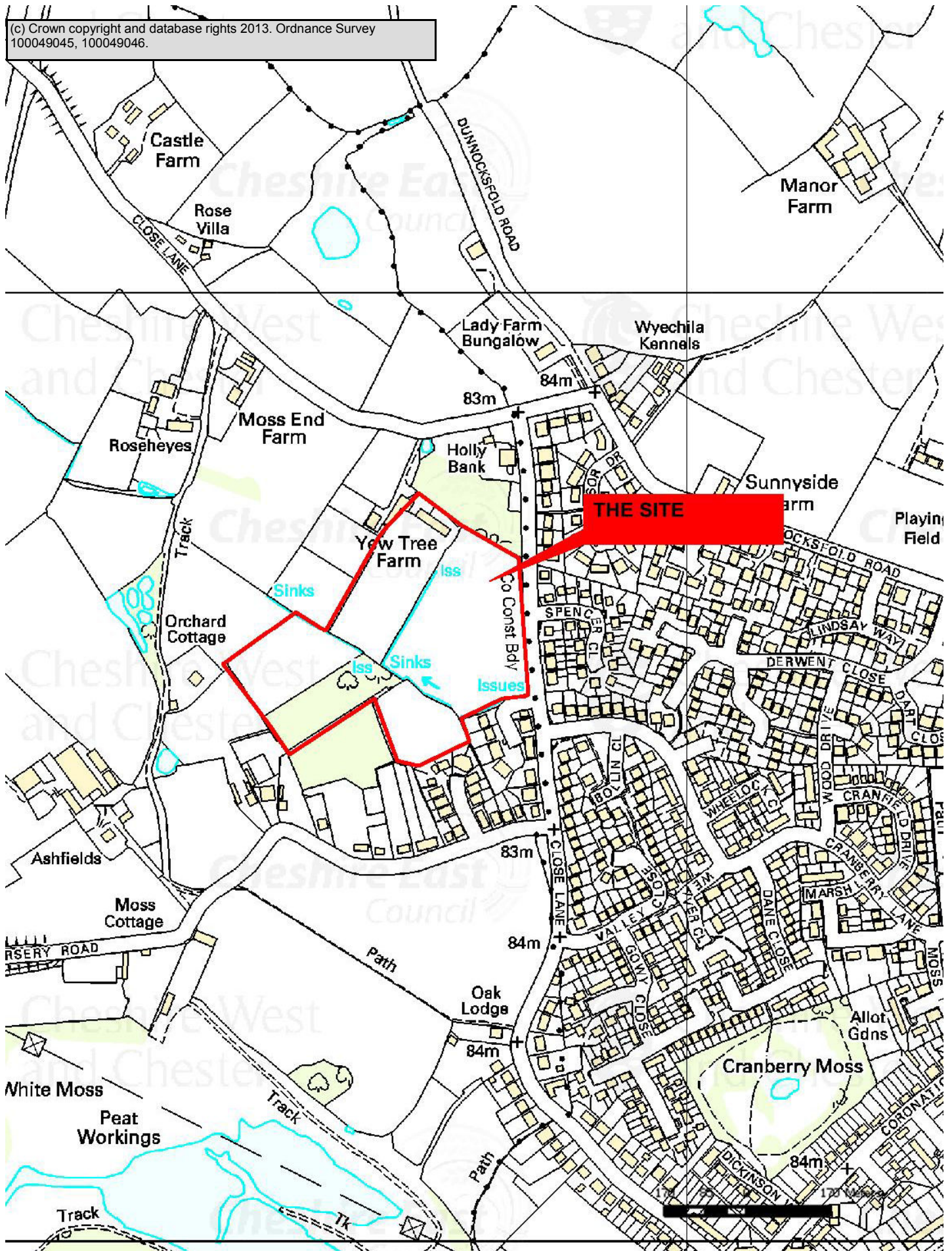
RECOMMENDATION

REFUSE for the following reasons:

1. The proposal site is an unacceptable housing site by means of its lack of accessibility to sustainable forms of transport, its isolation and the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan). In addition, the Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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

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CHESHIRE EAST COUNCIL

REPORT TO: STRATEGIC PLANNING BOARD

Date of Meeting:	19 July 2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Brereton Parish Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

1.0 Report Summary

- 1.1 This is an update to the report submitted for consideration by Strategic Planning Board on 22nd May and elaborates on some of the implications to the Council presented by new duties to deal with Neighbourhood Planning.
- 1.2 The Localism Act 2011 introduced new legal rights devolving power from local government to communities. These powers include the right for communities to prepare formal Development Plan Documents to plan locally for their futures.
- 1.3 Known as Neighbourhood Plans, these Development Plan Documents enable communities to allocate land for development and prepare policies which apply to the development of land.
- 1.4 A Neighbourhood Plan must conform with the Local Plan of the host local planning authority, will be subject to an independent examination and put to a referendum. If the plan successfully passes these stages, the local planning authority is required to consider adopting the plan and, where adopted, such a plan will hold equal weight to the Local Plan for decision making purposes.
- 1.5 The first stage of preparing a Neighbourhood Plan is the designation of a Neighbourhood Area, the geographic area to which a Neighbourhood Plan will apply. The body preparing a Neighbourhood Plan must apply to the local planning authority to award this designation.
- 1.7 Upon receipt of an application to consider designation of a Neighbourhood Area, the local planning authority is required to give consideration to the desirability of designating the neighbourhood. Two types of organisation can undertake Neighbourhood Planning; they are a local council or Neighbourhood Forum. Where an application is made by a local council, the application for designation of a Neighbourhood Area may cover the entire parish. ~~area. whole of the area of a parish council.~~
- 1.8 Cheshire East Council has received its first application to designate a Neighbourhood Area, from Brereton Parish Council, covering the area within Brereton Parish boundary.

2.0 Decision Requested

- 2.1 That the Strategic Planning Board gives consideration to the report and to the Neighbourhood Area application.

- 2.2 That the Strategic Planning Board recommends that the Portfolio Holder for Strategic Communities approves the designation of Brereton Parish as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

3.0 Reasons for Recommendations

- 3.1 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every local planning authority must consider valid applications to designate Neighbourhood Areas for the purposes of Neighbourhood Planning.
- 3.2 The Local Planning Authority is required to assess whether a valid Neighbourhood Area application has been submitted and, under section 61G of the Localism Act 2011, whether it is desirable to designate the whole of the parish council area as a Neighbourhood Area and whether it is desirable to maintain existing boundaries of areas already designated as neighbourhood areas.
- 3.3 An application is valid where it meets the criteria for an application as established in Part 2, 5. – (1) of The Neighbourhood Planning (General) Regulations 2012.
- 3.4 To be considered valid, a Neighbourhood Area application is required to provide:
- A map which identifies the area to which the application relates;
 - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - A statement that the organization or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.
- 3.5 The application submitted by Brereton (please see appendix 2 for further details) satisfies the criteria established above.
- 3.6 The emerging Cheshire East Core Strategy does not identify any areas within Brereton Parish as a strategic priority and there is no valid planning reason to exclude any part of the area from the designation applied for; existing legislation allows the Council to reconsider this position should a strategic need arise to do so.
- 3.7 There are no existing Neighbourhood Area boundaries to consider.

4.0 Wards Affected

- 4.1 Brereton Rural Ward

5.0 Local Ward Members

- 5.1 Cllr John Wray

6.0 Policy Implications

- 6.1 The designation of Brereton Parish as a Neighbourhood Area will enable Brereton Parish Council to prepare a Neighbourhood Plan for this area. Any Neighbourhood Plan must be prepared in accordance with the strategic priorities and policies identified in the emerging Cheshire East Local Plan and be positively prepared to address the social, economic and environmental needs of the area.

7.0 Financial Implications

- 7.1 The designation of a Neighbourhood Area for Brereton will not incur direct costs to the Council in itself. However, this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services.
- 7.2 At a later stage the Council is required to hold an independent examination of the proposed Neighbourhood Plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. Funding is available from the Department for Communities and Local Government to contribute toward these costs.
- 7.3 The available funding is intended to reflect costs incurred by the Council in dealing with Neighbourhood Plans. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 7.4 There are also implications for future revenue collection from the Community Infrastructure Levy (CIL), a charge levied on new development after the adoption of a CIL charging schedule by the local planning authority.
- 7.5 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council (i.e. Town or Parish Council), to the local council. The 15% will apply across the whole of the area administered by the local council whether or not they have an adopted Neighbourhood Plan.
- 7.6 In Neighbourhood Areas with an adopted Neighbourhood Plan, CIL payments from the local planning authority to the local council are required to rise to 25% where development takes place within the designated Neighbourhood Area.
- 7.7 Some authorities have excluded sites of strategic importance from proposed Neighbourhood Areas.
- 7.8 The body preparing a Neighbourhood Plan can, where they wish to do so, enter into an agreement with the Local Planning Authority to return all, or part of any funds received via the CIL.
- 7.9 In areas without a Neighbourhood Plan, CIL payments to local councils are capped at £100 per dwelling. There is no cap in areas with a Neighbourhood Plan.

8.0 Legal Implications

- 8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood Planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. It provided that any qualifying body (including a Parish Council) is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a Neighbourhood Development Order. Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order.
- 8.2 A “neighbourhood area” can be an area within the local planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the local planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 8.3 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

9.0 Risk Management

- 9.1 The Council has a statutory duty to consider Neighbourhood Area applications and decide whether to designate Neighbourhood Areas. Failure to do so will put the Council at risk of failing to meet its statutory requirements.
- 9.2 Increased applications to designate Neighbourhood Areas will divert more resources from the Spatial Planning Team to deal with them. The Council has currently received two Neighbourhood Area application from Brereton Parish and the Parish of High Legh, and is aware of a growing interest in the process across the Borough.
- 9.3 There are also cost implications for other services required to support the process within the Council, particularly the Electoral Team in supporting the referendum.

10.0 Background and Options

- 10.1 Neighbourhood Planning was introduced by the Localism Act 2011 to enable communities to prepare their own Development Plan Documents relevant to a specific geographic area.
- 10.2 A Neighbourhood Plan is a Development Plan Document prepared by a relevant body (either a town/parish council or a neighbourhood forum) which allows communities to allocate land and write policies which relate to the development of land. A Neighbourhood Plan is subject to an independent examination and a local referendum and, once adopted, will hold equal weight to the Local Plan for decision making purposes.

- 10.3 The preparation of Neighbourhood Plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared in accordance with the NPPF, the strategic policies of the Local Plan, all relevant legislation and national policy to promote local growth and development.
- 10.4 Local planning authorities have a duty to support and assist the preparation of neighbourhood plans which may include providing guidance on the process, sharing information and best practice.
- 10.5 In order to assist with undertaking neighbourhood planning, the Department for Communities and Local Government has made funding available both to local authorities and to communities.
- 10.6 Communities are able to apply for a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.7 Local authorities are able to apply for up to £30,000 per Neighbourhood Plan. Payments for this are made in three stages and are not ring fenced:
- £5,000 is payable after the designation of a Neighbourhood Area
 - £5,000 is payable after the plan is found sound and successfully completes its examination
 - £20,000 is payable after the referendum stage is complete and the plan is supported by 51% or more of respondents to the referendum
- 10.8 To date, three Neighbourhood Plans (Upper Eden, Exeter St. James and Thame) have been adopted across the country; more are due to follow. The Brereton Parish Council Neighbourhood Area Application is the first received by Cheshire East Council.
- 10.9 The Council publicised the application for a period of six weeks from 26th February 2013 to 9th April 2013 during which representations on the proposals were invited. Nine responses were received, eight of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.
- 10.11 Communities have a right to undertake Neighbourhood Planning, as enshrined in the Localism Act 2011.
- 10.12 The Local Planning Authority is required to assess whether a valid Neighbourhood Area application has been submitted and whether it is desirable to designate the whole of the parish council area as a Neighbourhood Area.
- 10.13 Where the Council decides to refuse an application to designate a Neighbourhood Area, they must provide reasons to the applicant for refusing the application. These reasons may include the submission of an invalid application, or the submission of an application which conflicts with the strategic aims of the Local Plan.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

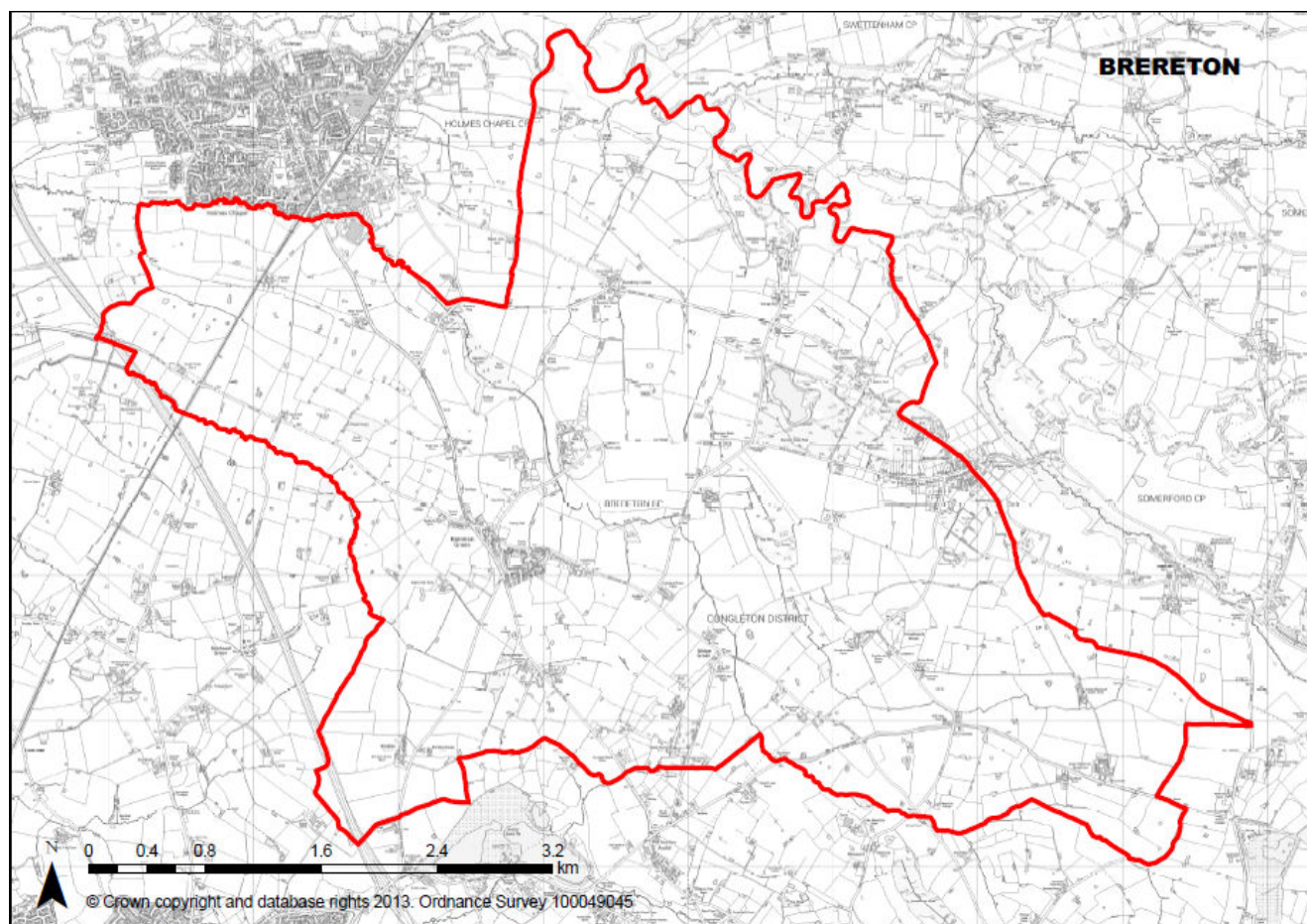
Name:	Thomas Evans
Designation:	Planning Officer
Tel No:	01625 383709
Email:	thomas.Evans@cheshireeast.gov.uk

Appendices:

Appendix 1:	Brereton Parish Boundary
Appendix 2	Statements submitted in support of Brereton Parish Neighbourhood Area application
Appendix 3:	Results of Consultation
Appendix 4:	Neighbourhood Planning: A Guide

1. Appendices

Appendix 1: Brereton Parish Boundary



12.2 Appendix 2: Statement Submitted in support of Brereton Neighbourhood Area Application

Brereton Parish Council submitted a statement in support of their application to designate Brereton Parish as a Neighbourhood Area. It reads:

'Brereton is a civil parish within the Brereton Rural Ward of Cheshire East, and includes the isolated settlements of Brereton Green, Brereton Heath, Bagmere, Brindley Green, Brownedge, Hazelshawe, Illidge Green, Medhurst Green, Sandlow Green and Smethwick. The application to proceed with the development of a Neighbourhood Plan for a Neighbourhood Area comprising the area of our parish in its entirety is appropriate for the following reasons:

People in Brereton value the rural, agricultural economy and environment that they have now and want to keep it that way. They do not want to become a crowded dormitory area for the nearby towns and cities.

Our people wish to have more influence over the use of land in their area rather than letting others make these decisions without this local input. In particular, our people have a desire to ensure development is sustainable, which is a challenge given the distances between the many settlements and communities.

The Neighbourhood Area will sit comfortably with the electorate and the existing sense of community that currently exists.'

Appendix 2: Results of Consultation

The Localism Act 2011 introduced amendments to the Town and Country Planning Act 1990 to devolve planning powers to a local level and allow communities to produce Neighbourhood Plans with equal weight to Local Plans.

The first stage in preparing a Neighbourhood Plan requires a local council, or neighbourhood forum, to apply to the Local Planning Authority to designate a Neighbourhood Area. This is the geographic area within which a future Neighbourhood Plan can take effect.

Brereton Parish Council submitted an application to designate the Parish of Brereton as a Neighbourhood Area in January 2013. A consultation on this application was held between 26th February 2013 and 9th April 2013.

The application was published within Brereton Parish and via Cheshire East Council's website. In total, nine representations were made to the application. Eight comments were received in support of the application, one representation was received as comment only. No objections were received to the application.

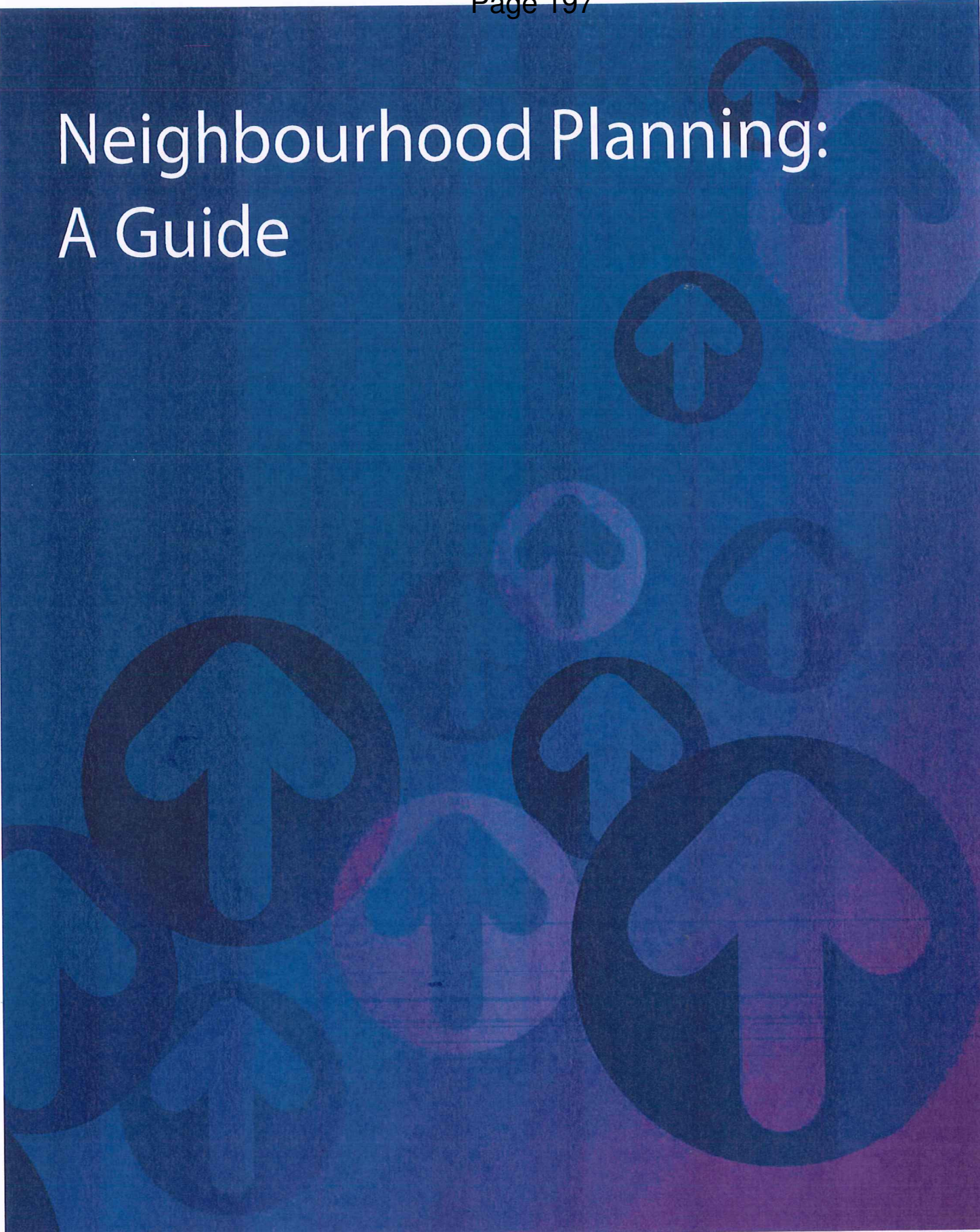
The full range of representations is detailed below:

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	In accordance with the Localism bill this will give Brereton Parish Council control of implementing the local plan and resisting inappropriate development. I concur with the boundary proposed.
Support	I wish them well in this endeavour which is very appropriate in safe guarding the area and giving greater strength to local decisions and the Localism Act.
Support	I support Brereton Parish in applying for designation to produce a neighbourhood plan for their area. I think this is a key step under Localism for the people of the parish to become even more involved in shaping their own future.
Support	A worthwhile project.
Support	I fully support this application which is an important step in ensuring that the residents have a strong voice in shaping the future of Brereton Parish
Support	I consider this an opportunity for local residents to have a very positive say in the future development and maintenance of Brereton. Hopefully CEC will take more notice of local views than in the past and consult with us BEFORE making decisions in future. This will say

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
	considerable expense in backtracking and help CEC alleged transparency
Support	
Support	<p>Sirs</p> <p>I strongly support this application by Brereton PC to designate a Neighbourhood Area and thereafter to create a Neighbourhood Plan. This action will enable Brereton to create a plan that is sensitive to the aspirations and need of the local community, whilst still being in general conformance with Cheshire East's emerging Local Plan. In doing so, Brereton will have relieved Cheshire East of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Brereton, imposed by the Localism Act, will be more than offset by government grants (which should be shared with Brereton Parish).</p> <p>I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Brereton PC.</p> <p>Yours faithfully</p>
Comment	<p>Dear</p> <p>Spatial Planning Team</p> <p>Proposal:</p> <p>Cheshire East Council ~ Brereton Parish Council's Application to Designate a Neighbourhood Area</p> <p>Thank you for your consultation and seeking our views in this process.</p> <p>We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood forums to aid sustainable development and growth. Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no specific comments to make on the Brereton Parish Council's application to designate a Neighbourhood Area, but wish to be included in further consultations and where necessary, the development of the Brereton Parish Council's Neighbourhood Area Plan.</p> <p>We would like to highlight that areas of the Neighbourhood Area may be served by private wastewater treatment and water supply facilities; which you will need to take into consideration when drafting</p>

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
	<p>your development plans and supporting policies. Our historical consultation responses to Cheshire East Council's Local Development Framework consultations; planning applications and pre developer enquiries are still valid and should be taken into consideration when developing your Neighbourhood Area Plan and supporting policies. If you wish to discuss this in further detail please do not hesitate in contacting me or Jenny Hope. Yours sincerely</p> <p>Local Development Framework Assessor</p>

Neighbourhood Planning: A Guide





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How to use this guide

This guide has been produced to provide an overview of Neighbourhood Planning, the processes involved and some of the issues that may be encountered in producing a plan.

To provide more extensive coverage of these issues, the guide includes many links to external websites and can be separated out into sections depending on what is most important to the user.



Neighbourhood Planning: A Guide

Cheshire East Council is committed to engaging local communities in the planning and development of their areas. To enable this, the Council is providing more information on the new powers available to participate in Neighbourhood Planning and to set out what Neighbourhood Planning could mean for local people in the Borough.

This guide provides information on Neighbourhood Planning legislation, tools, requirements, finance, a step by step guide and links to further information from sources outside Cheshire East.

Further information is available through the Cheshire East website, including an introductory 'Quick Guide to Neighbourhood Planning'.

What is Neighbourhood Planning?

Neighbourhood Planning is a way for local communities to shape the development of the area in which they live.

Preparing a Neighbourhood Plan can help communities to play a greater role in shaping the future of their area by setting their own local planning priorities and aspirations within the broader planning system.

Once complete, a Neighbourhood Plan will sit alongside the Council's Local Plan and be used to make decisions on new development proposals.

A Neighbourhood Plan should bring together residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be accomplished in the area and allows communities to take charge of two key parts of planning: allocating land for development and writing policies to shape how development takes place.

However, you do not have to do Neighbourhood Planning, there are alternatives that may be more appropriate. It is up to local communities to decide whether to use some or all of the new powers available, or whether other planning tools may be a better way of realising local ambitions.

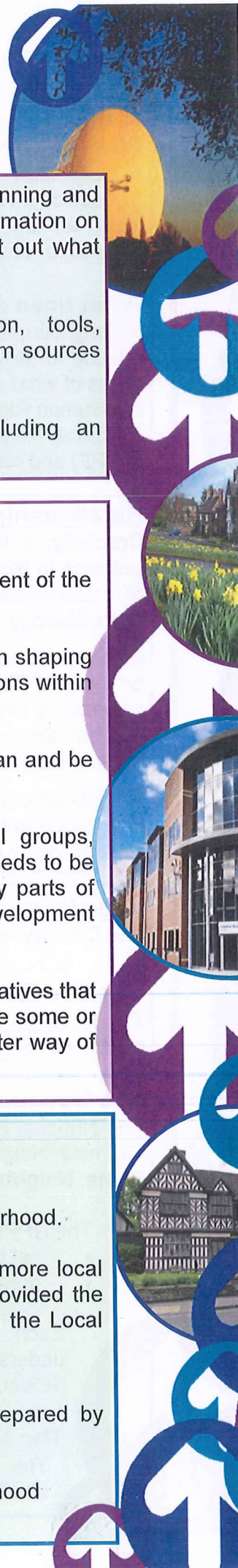
What a Neighbourhood Plan can do . . .

A Neighbourhood Plan can:

- Decide where and what type of development should happen in a neighbourhood.
- Promote more development than is set out in the Local Plan.
- Include policies, for example regarding design standards, which provide more local details on existing policies in the Local Plan for the neighbourhood – provided the Neighbourhood Plan policies do not conflict with the strategic policies in the Local Plan.

A Neighbourhood Plan cannot:

- Conflict with the strategic policies in the Local Plan Core Strategy prepared by Cheshire East Council.
- Be used to prevent development that is included in the Local Plan.
- Be prepared by a body other than a Town/Parish Council or Neighbourhood Forum.



Neighbourhood Planning: Background

Who can Prepare a Plan?

A Neighbourhood Plan can be prepared by one of two organisations: a Parish or Town Council or a Neighbourhood Forum. In areas that already have a Parish or Town Council, these are the only groups that can prepare a plan. In areas without a Parish or Town Council, a Neighbourhood Forum can be created to prepare a Plan.

What does a Plan include?

A Neighbourhood Plan can include land allocations for future development and policies relating to development of land. While a Neighbourhood Plan is flexible to some extent in terms of what can be included, it cannot conflict with European Union (EU) requirements or the Human Rights Act 1998. It must be prepared according to the Neighbourhood Planning (General) Regulations 2012 and have regard to the National Planning Policy Framework (NPPF) and other national policy, guidance and advice.

Relationship to the Local Plan:

Crucially, a Neighbourhood Plan must also conform generally with the strategic policies in the emerging Cheshire East Local Plan and contribute to the achievement of sustainable development. The strategic policies for Cheshire East can be found in the Core Strategy.

Neighbourhood Plans need not repeat everything in the emerging Cheshire East Local Plan or the NPPF at a local level, instead they should address issues which are not already covered by these policies. They should be complementary and work alongside each other so that the future development in the area meets the needs and aspirations of the community and Cheshire East Council.

Neighbourhood Plans in Cheshire East will be expected to follow the overall scale, distribution and location of development outlined in the emerging Cheshire East Local Plan Core Strategy and should be focussed on guiding development rather than stopping it.

Legislation

The Government has introduced new legislation to support Neighbourhood Planning.

The Localism Act:

The [Localism Act 2011](#) sets out a series of proposals that aim to shift power away from central government and promotes the concept of Neighbourhood Planning.

The National Planning Policy Framework:

The [National Planning Policy Framework](#) (NPPF), establishes the purpose and content of the new Neighbourhood Planning tools; these include **Neighbourhood Development Plans**, **Neighbourhood Development Orders** and **Community Right to Build Orders**.

The NPPF clarifies that local communities will be able to use these tools to:

- set planning policies to help determine decisions on planning applications; and,
- grant planning permission for specific types of development

Each of these tools enables communities to achieve different objectives so understanding your goals is important in choosing which mechanism is best to deliver your ambitions.

The Neighbourhood Planning (General) Regulations 2012:

The [Neighbourhood Planning Regulations](#) set out the process, responsibilities and framework for those involved in the preparation of a Neighbourhood Plan.



Types of Neighbourhood Planning

The Localism Act introduced new ways for communities to plan for development in their neighbourhoods. A Neighbourhood Plan can include a Neighbourhood Development Order and/or a Community Right to Build Order. These orders can also be undertaken separately without the need to produce a Neighbourhood Plan.

What is a Neighbourhood Development Plan?

A **Neighbourhood Development Plan** is the formal name for the Neighbourhood Plan document. It is intended to support and promote the principles of sustainable development as established in the National Planning Policy Framework (NPPF) and enables communities to identify where and what type of development should take place in their localities, and the planning policies that should be applied to new development. Once adopted, a Neighbourhood Development Plan becomes part of the statutory Development Plan of the host planning authority and should be referred to in all planning decisions affecting the area.

Specifically, a Neighbourhood Development Plan is a Development Plan Document relating to a specific and identified area. It should be created and owned by a Parish or Town Council or Neighbourhood Forum (in non-parished areas) is subject to a referendum in the host community, and must support the strategic aims of the Local Planning Authority.

An adopted Neighbourhood Plan has a life span of 5 years after which it will either expire or can be reviewed and refreshed.

What is a Neighbourhood Development Order?

A **Neighbourhood Development Order** is a legal document prepared by a Parish or Town Council or Neighbourhood Forum, which permits a certain type of development or specific use of the land in a particular area. It can help to implement a shared vision by granting permission to certain types of development in certain locations, without the need to submit a planning application to Cheshire East Council for the development specified in the Order; essentially this tool extends the existing '**permitted development rights**' for certain types of development. Orders might, for example, allow extensions to community buildings, provide affordable housing or permit local renewable energy schemes.

What is a Community Right to Build Order?

A **Community Right to Build Order** can be used by appropriately constituted community organisations to bring forward a particular development scheme, without the need for planning permission. At least half of the community organisation's members must live in the area to which the Order applies.

Use of the Order is limited to small scale development and for a specific site in the defined Neighbourhood Area. This can give community organisations the freedom to develop, for example, small-scale housing and other facilities that they want. However, any financial benefit from the development will stay in the community to be used for the community's benefit. For example, this could help to maintain affordable housing stock or provide and maintain local facilities such as playgrounds and village halls.





Neighbourhood Planning: the Best Option?

What do you want to achieve?

Neighbourhood Plans can be as simple or complex as the Neighbourhood Forum or Town/Parish Council decide. The more complex your plan the more it will cost and the more time it will take. Best estimates indicate that preparing a Neighbourhood Plan can cost anywhere between £20,000 and £86,000 and take up to 2 years to complete.

If you are considering whether to prepare a Neighbourhood Plan, the Council recommends that you firstly assess what you want to achieve and whether the Local Plan already sufficiently addresses planning issues in your area to meet your goals.

Do you already know what the planning issues are in your neighbourhood? For example:

- Is the lack of affordable housing for young people a real problem in your community and something you would like see built?
- Is there a need for more housing or employment opportunities to support existing services and facilities?
- Do you want to provide additional guidance to help improve the quality of planning applications submitted to the Council?

Or are there other issues in your community less related to planning that you feel are important, such as improving the maintenance of streets and footpaths, reducing speeding through the area, or reducing incidences of anti-social behaviour?

There may be alternative ways of tackling these issues other than by creating a Neighbourhood Plan. Many of these issues may be better addressed by other Council departments, partner organisations such as Cheshire Police or through the preparation of other documents.

Therefore, it is important to think about all the issues currently facing the Neighbourhood Area and talk to the Spatial Planning Team for advice on whether a Neighbourhood Plan is the best way forward for your community. It is also a good starting point for putting you in touch with other Council departments that may be better placed to help.

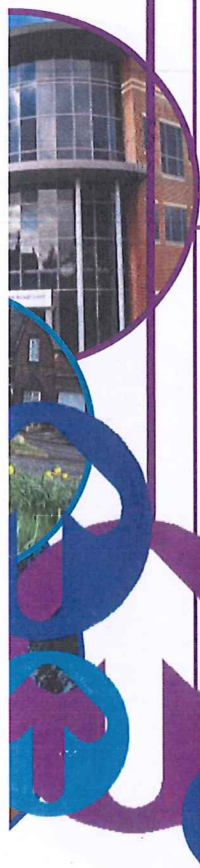
If you've already been involved in consultation your concerns and aspirations may have been addressed in the Local Plan. If you're happy with this, you might decide there is no need to prepare a Neighbourhood Plan.

Alternatives to Neighbourhood Planning:

- Prepare a Parish or Community Plan
- Influence the formation of the Local Plan
- Comment on Local Planning applications
- Prepare a Village Design Statement

Community development of a local site:

- Submit an application for a [Community Right to Build](#) order
- Submit a [Planning Application](#)
- Submit a site to the [Strategic Housing Land Availability Assessment](#)





Neighbourhood Planning: Alternative Options

Parish or Community Plans:

The aim of a Parish or Community Plan is to identify what actions the community would like to be taken, who would be the best group to take these forward and when they could realistically be achieved.

A **Parish or Community Plan** is a statement of how a local community sees itself developing in the future. It sets out the needs and aspirations of the Parish or community, based on the views and opinions of the people that actually live there and can be used to take local concerns into account before planning decisions are made. They can also be used as evidence to inform responses to planning applications and representations on the Local Plan.

Influence how the Local Plan is formed:

Community engagement is very important in developing the new Local Plan. The [Local Plan Consultations](#) page shows details of the consultations that have been carried out so far, and those that are coming up soon. To make sure that you are kept informed of all Local Plan consultations please register your details using our consultation portal or send us an email to: localplan@cheshireeast.gov.uk.

You can seek to influence policies in the Local Plan by commenting on the vision, objectives, policies, proposals and sites in the Local Plan consultation documents.

Commenting on a Planning Application:

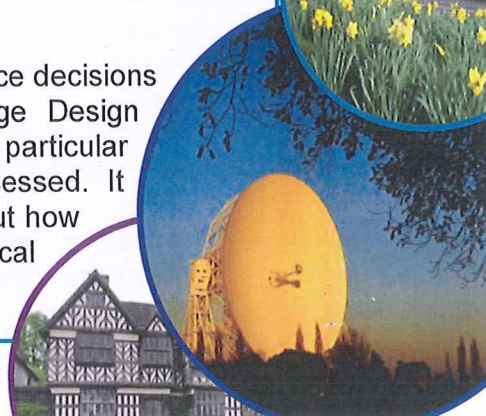
Cheshire East Council welcomes representations from local people and businesses and gives 21 days to comment on an application in writing either by letter, email, or online form. Local Planning applications can be found on the Council's [website](#).

Please note that there is a preference for representations to be received via the online form as this make sure that Cheshire East Council receives all of the necessary information required.

When you make your comments on a planning application you should focus on planning issues as non-planning related comments cannot influence the decision making process.

Preparing a Village Design Statement:

A **Village Design Statement** is a practical tool to help influence decisions on design and development. Prepared correctly, a Village Design Statement will provide a clear statement of the character of a particular village or town against which planning applications may be assessed. It is not about whether development should take place, but about how development should be undertaken so as to respect the local character and identity.





Neighbourhood Planning: Getting Started

Can you prepare a Neighbourhood Plan?

Neighbourhood Development Plans can only be made by one of two groups (known as 'qualifying bodies') - a Town or Parish Council or a Neighbourhood Forum.

A Neighbourhood Forum must include a minimum of 21 people and should be sufficiently representative of the local community. Each member must either live or work in the Neighbourhood Area or be an elected member of Cheshire East Council where the area falls within their Ward. The Forum will also need to have a written constitution.

Do you have the resources to prepare a Neighbourhood Plan?

The Government has estimated that preparation of a Neighbourhood Plan could take about 1 to 2 years and cost between £20,000 and £100,000, depending on the complexity and size of the Plan.

Whilst Cheshire East Council is keen to support communities wishing to undertake Neighbourhood Planning, it does not have the resources to fund the preparation of Neighbourhood Planning documents. Neighbourhood Plans should be owned by Parish or Town Councils or Neighbourhood Forums who will be required to finance the preparation of a Neighbourhood Plan, or other forms of Neighbourhood Planning.

As well as financing the preparation of a Neighbourhood Plan, qualifying bodies should also consider whether they have a body of volunteers willing and able to be involved in the process. Volunteers will not only have to write the document they are also likely to be required to help prepare and carry out consultation activities, for example, organising workshops, sending out surveys and analysing responses and to identify the appropriate evidence and information to support the Plan.

Typical things that a Neighbourhood Plan might include:

- The development of housing, including affordable housing (housing that is not normally for sale on the open market), and bringing vacant or derelict housing back into use
- Provision for businesses to set up or expand their premises
- Transport and access (including issues around roads, cycling, walking and access for disabled people)
- The development of schools, places of worship, health facilities, leisure and entertainment facilities, community and youth centres and village halls
- The restriction of certain types of development and change of use, for example to avoid too much of one type of use
- The design of buildings
- Protection and creation of open space, nature reserves, allotments, sports pitches, play areas, parks and gardens, and the planting of trees
 - Protection of important buildings and historic assets such as archaeological remains
 - Promotion of renewable energy projects, such as solar energy and geothermal energy

The above issues can be addressed through a Neighbourhood Plan providing they are in general conformity with the emerging Cheshire East Local Plan.





Neighbourhood Planning: Getting Started

The Role of the Town or Parish Council, or Neighbourhood Forum

The primary duties of the qualifying body are to:

- Hold responsibility for the production of the Neighbourhood Development Plan.
- Make sure the plan is prepared in accordance with legal and policy requirements
- Consult with the community stakeholders
- Evidence gathering including site assessments
- Formation of planning policies
- Allocation of development sites
- Publication of the Plan
- Finance and resource the preparation of the Plan

The Role of Cheshire East Council

Cheshire East Council supports the Neighbourhood Planning process and is keen to work with communities to meet local needs and ambitions.

The primary duties of the Local Planning Authority are to:

- Provide advice and assistance
- Hold an examination
- Make arrangements for a referendum
- Adopt the approved Neighbourhood Plan as part of the statutory Development Plan for the area

To ensure the strategic aims of the Local Plan are successfully achieved, it may be appropriate for the Council to offer a higher level of support to communities that are affected by strategic issues or sites identified in the Core Strategy.

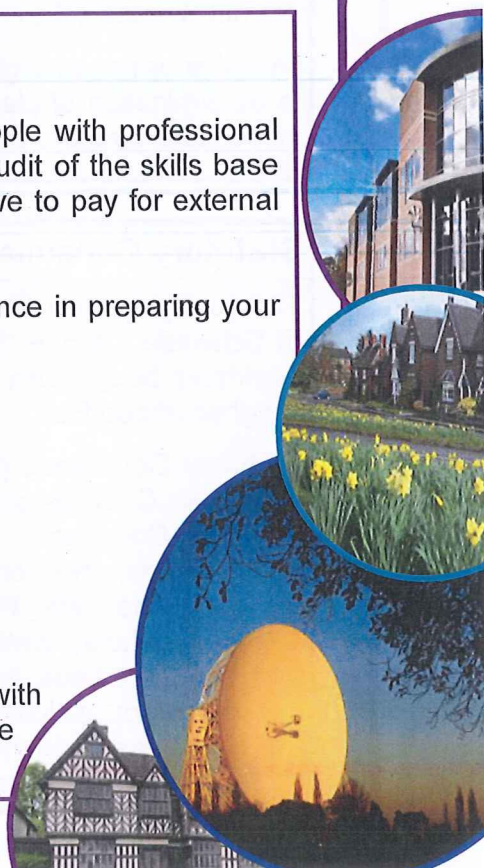
What resources does your community already have?

Many communities already have enthusiastic and experienced people with professional skills which can help you progress your Neighbourhood Plan. An audit of the skills base your community has will help identify the areas where you may have to pay for external assistance.

In particular, people with the following skills will be of great assistance in preparing your plan:

- Legal
- Town planning
- Design
- Communications
- Public consultation
- Administration and information management
- Land/property/housing/building development

[Planning Aid England](#) may be able to offer support to assist with elements of your plan making and planning consultants can be contacted through the [Royal Town Planning Institute](#).





Neighbourhood Planning: Content and Finance

Neighbourhood Plans must meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to make sure plans are legally compliant and take account of wider policy considerations including meeting all relevant European Union environmental legislation, and undertaking a Sustainability Appraisal incorporating the requirements of the Strategic Environmental Assessment and the Habitats Regulations Assessment.

Basic Conditions

Basic conditions for the Neighbourhood Plan are that it:

- Has had regard to national policies and advice contained in guidance issued by the Secretary of State
- Has had special regard to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest that it possesses
- Has had a special regard to the desirability of preserving or enhancing the character or appearance of any Conservation Area
- Contributes to the achievement of sustainable development
- Is in general conformity with the strategic policies contained in the Development Plan for Cheshire East
- Does not breach, and is otherwise compatible with, EU obligations; and
- Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

General Conformity with the Local Plan

Neighbourhood Plans should show how they are contributing towards the strategic objectives of the Cheshire East Local Plan, how they have addressed the strategic approach set out in the Core Strategy and how they have had regard to the local need for new homes, jobs and facilities.

Whether or not a Neighbourhood Plan is considered to be in general conformity will be a determination of planning judgment, fact and degree in the circumstances of each case, having regard to the significance of the issue for the Neighbourhood Area.

Statutory Consultees

The qualifying body must seek the views of statutory consultees as listed in paragraph 1 of Schedule 1 of the Neighbourhood Planning (General) Regulations 2012, where the qualifying body consider these groups may be affected by the proposals in the Neighbourhood Plan.

Statutory Consultees potentially include: Cheshire East Council, adjoining Parish or Town Councils, adjoining Local or County Councils, the Coal Authority, the Homes and Community Agency, Natural England, the Environment Agency, English Heritage, Network Rail, the Highways Agency, telecommunication service providers, the Primary Care Trust, electricity and gas providers, sewage undertakers, water providers, voluntary bodies whose activities benefit the Neighbourhood Area, bodies that represent interests of different religious, racial, ethnic or national groups in the Neighbourhood Area, bodies that represent businesses in the Neighbourhood Area and bodies that represent the interests of disabled persons in the Neighbourhood Area.



Neighbourhood Planning: Content and Finance



Sustainability Appraisal

A Sustainability Appraisal looks at the possible economic, environmental and social impacts of an emerging Plan and should result in a final Plan that has the least negative impact possible in an area.

Those preparing these should be aware that the Sustainability Appraisal will need to be planned for early on in the process. It is important that the appraisal is started when work starts on the Plan (that is developing draft policies and content), so that *emerging* ideas, content and policies can be assessed, in order to inform the final Plan. If the Sustainability Appraisal is done too late, it will not be able to inform the final Plan, increasing the risk of a legal challenge at a later stage.

Habitats Regulations Assessment

A Habitats Regulations Assessment evaluates the impacts of implementing a plan or policy on international protected sites for nature conservation. These sites are Special Protection Areas (SPAs) for birds identified under the Birds Directive and Special Areas of Conservation (SACs) for habitats and species under the Habitats Directive. Ramsar sites (wetlands of international importance designated under the Ramsar Convention) are also considered under the assessment, as are candidate SACs and proposed SPAs.

Financial Support for Local Authorities

The Government has made available £5 million to pay for up to 1000 Neighbourhood Areas to be designated. This money can be claimed by Local Authorities who approve Neighbourhood Areas within their boundaries. A Local Authority can claim funding of £5,000 upon designating a Neighbourhood Area, £5,000 on publication of the Neighbourhood Plan prior to examination and £20,000 upon successful completion of the examination. Funds are not ring fenced for Neighbourhood Planning and are intended to recognise costs incurred by Local Authorities in supporting the Neighbourhood Planning process particularly in relation to officer time, resources and the costs of holding a referendum. Further information on this is available [here](#).

Financial Support for Neighbourhood Planners

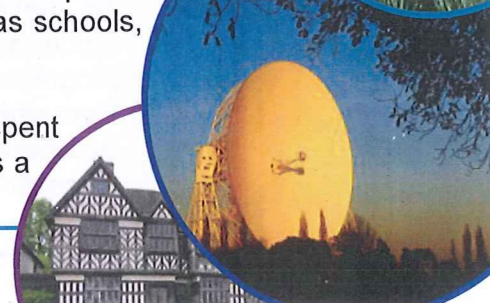
Through the Supporting Communities in Neighbourhood Planning initiative, £9.5million has been made available for the creation of Neighbourhood Plans. Grant payments of up to £7,000 area available to support your plan making and can be applied for [here](#).

Support may be available from [Planning Aid England](#), the [Big Lottery Fund](#) and other [sources](#) such as local trusts and foundations.

Financial Incentives of completing a Neighbourhood Plan

The [Community Infrastructure Levy](#) (CIL) is a new flat rate tax levied on new development. Cheshire East have not yet introduced CIL however the Council does intend to do so as part of the new Local Plan. The CIL may be set at different rates in different parts of the Borough and at different levels for different types of development. It is a tax intended to pay for infrastructure to support growth such as schools, roads and other local facilities.

In areas with no Neighbourhood Plan 15% of CIL monies will be spent directly in the area hosting new development and where an area has a Neighbourhood Plan in place, this will rise to 25%.





A Neighbourhood Plan will enable your community to allocate land and write policies to influence new development; it should address issues not already covered by the Local Plan and has a number of stages to undertake.

Step 1: Designation of Neighbourhood Area:

- The qualifying body (a Parish or Town Council or a Neighbourhood Forum) must set out on a map the proposed Neighbourhood Area and an explanation for selecting it.
- Cheshire East Council will publish and consult on the application for 6 weeks
- Cheshire East Council will make, and publicise, its informed decision.

Where an application is made by a Neighbourhood Forum, this must include details of the Forum's constitution, a name and a statement of how the Forum meets the conditions specified in the Localism Act. These conditions are that the Forum has been established for the purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the Neighbourhood Area concerned; that there are at least 21 members who live, work or are an elected member in the area; and that the area is not governed by a Parish Council.

Step 2: Identifying Issues and Aims

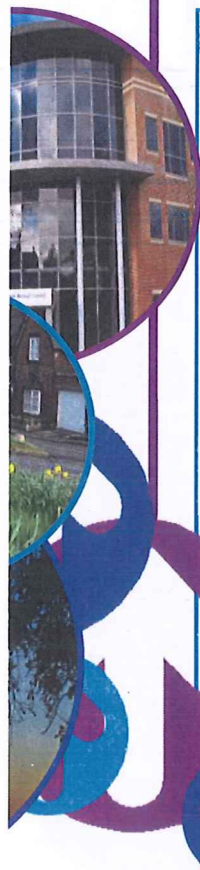
It's important to understand the area that you are planning for and the key issues that will affect your community in the future. To do this you should:

- Gather together relevant information and evidence
- Identify the key economic, social and environmental issues
- Identify the areas strengths and weaknesses
- Identify key NPPF and Local Plan policy objectives
- Identify the Issues to be addressed and draft the Aims for the Plan.
- Check for general conformity with the emerging Local Plan and the NPPF
- Check the Issues identified and the proposed Aims with the community

Step 3: Develop Policies, Proposals and Site Allocations

A Neighbourhood Plan should include draft policies, proposals and site allocations that:

- Set out the key details of what you want to happen, what development will be supported (or the criteria that will be used to decide if a proposal is likely to be acceptable or not).
- Allocate specific sites for a particular type and scale of development.
- Specify particular requirements relating to each of any of the allocations.
- Specify sites or areas to be protected or enhanced.
- Provide more detailed explanation in the policy's supporting text to justify it and explain what your Neighbourhood Development Plan is really trying to achieve.
- Check for general conformity with the emerging Cheshire East Local Plan and that appropriate regard has been had to the NPPF.
 - Ensure you have complied with International, European and National designations and European environmental and human rights laws.
 - To make sure the Plan is consistent with policy and legislation, we recommend that you keep the Spatial Planning Team informed of progress.
 - **Remember, the Plan cannot be used to block development of homes, businesses and other infrastructure that is set out in the emerging Cheshire East Local Plan.**



A Step by Step Guide



Step 4: Proposed Neighbourhood Plan

For a minimum of 6 weeks the qualifying body (who the area application) has to:

- Publicise and bring to the attention of the majority of those who live, work or operate businesses in the area, including:
 - ⇒ Proposals that will be included in the Neighbourhood Plan
 - ⇒ Details of where and when the proposals may be inspected
 - ⇒ Details and dates of how to make representations
- Consult any statutory consultees
- Send a copy of the proposals to Cheshire East Council .

Step 5: Submission to Cheshire East Council (6 weeks)

The qualifying body has to submit the following to Cheshire East Council:

- A map of the area covered by the proposed Neighbourhood Plan.
- The proposed Neighbourhood Plan.
- A consultation statement (who was consulted and how; the issues raised and how they were resolved).
- A statement outlining how the proposal meets the basic conditions.

Cheshire East Council will the publicise on its website, for a minimum of 6 weeks, the details of the proposed Neighbourhood Plan, details of where the Plan can be inspected and where to make representations.

Step 6: Independent Examination

Once the plan is in conformity with the Local Plan and the issues raised through consultation have been resolved, an examiner will be appointed by Cheshire East Council (in agreement with the Parish or Town Council/Neighbourhood Forum). The examiner will consider whether the proposals meet the regulatory requirements (for example has the consultation been adequate) and whether the basic conditions (detailed above) have been met. A report will be produced.

Step 7: Modifications

In the Inspector's Report it may be suggested that amendments are made to the Plan, this is the opportunity to undertake these amendments.

Step 8: Referendum

Cheshire East Council will publish the examiners report and decision on its website, and hold a referendum that will establish the level of community support for the Neighbourhood Development Plan. A majority of 51% of the representative community will have to be in favour of the Neighbourhood Development Plan for it to be adopted.

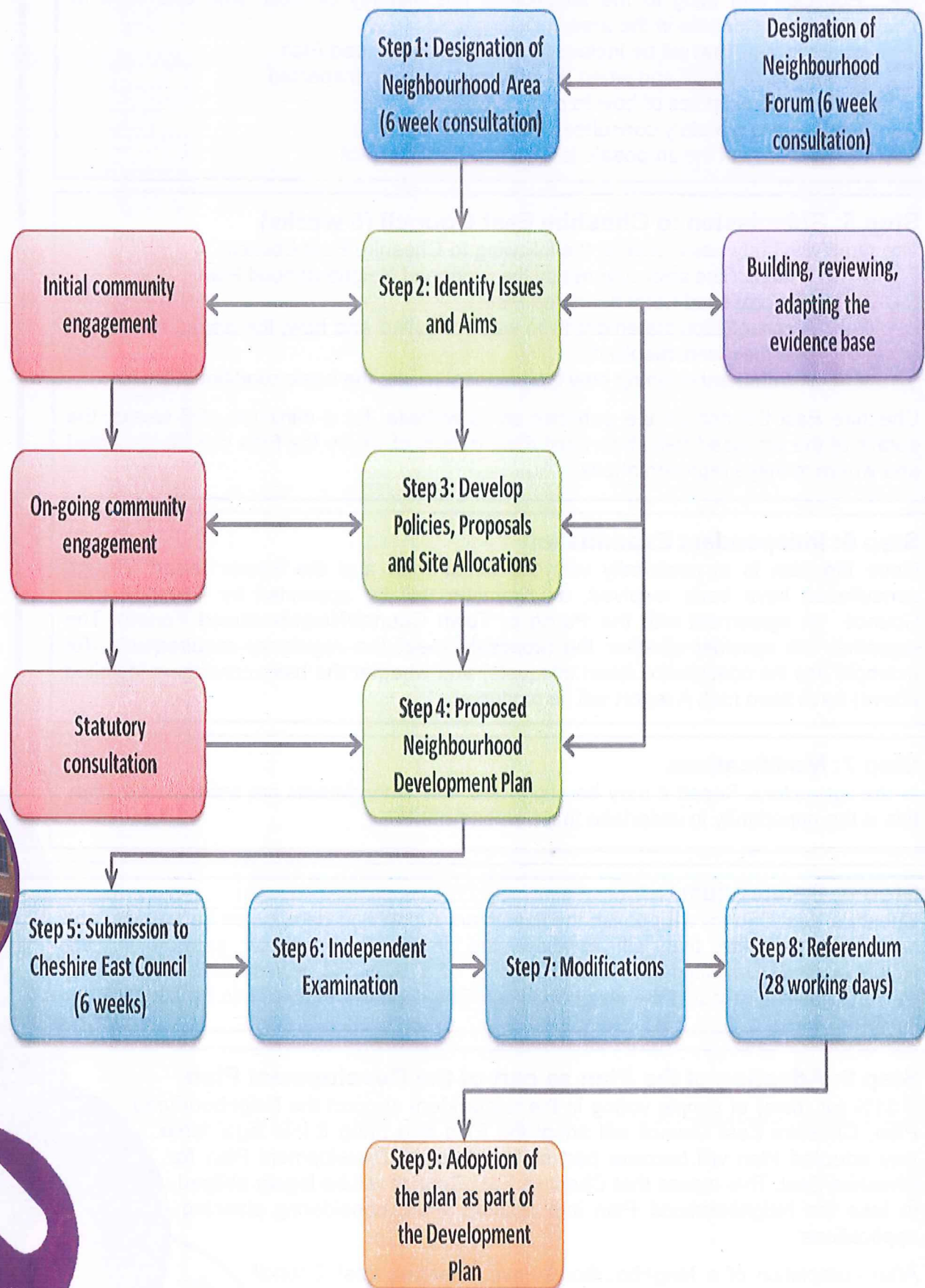
Step 9: Adoption of the Plan as part of the Development Plan

If 51% (or more) of people voting in the referendum support the Neighbourhood Plan, Cheshire East Council will adopt the Plan and bring it into legal force. Any adopted Plan will become part of the statutory Development Plan for Cheshire East. This means that Cheshire East Council will be legally obliged to take the Neighbourhood Plan into account when considering planning applications.

After completion of a Neighbourhood Plan, Cheshire East Council will publish the Plan and notify any interested parties that the Plan is part of the Development Plan for Cheshire East.



Step by Step Guide: How to prepare a Neighbourhood Plan



Step by Step Guide: Neighbourhood Plan Template



Front Cover

- Document title including Neighbourhood Area.
- Who has produced the document and when.
- Image of somewhere in the area.

Introduction

- Introduction to the document.
- Introduction to the area covered by the Neighbourhood Development Plan, including location, short history of the area, character of the area, etc.
- Map of the area covered by the Neighbourhood Development Plan.

Context to the Neighbourhood Development Plan

- Why a Neighbourhood Development Plan has been prepared.
- Background evidence, including: key economic, social and environmental issues; strengths and weaknesses of the area; relevant elements from the Cheshire East Local Plan and the National Planning Policy Framework.
- Details of the consultation process, comments and responses.

Vision and Objectives

- Vision – what the Neighbourhood Development Plan intends to achieve, what the Neighbourhood Area will be like at some point in the future.
- Objectives – what the Neighbourhood Development Plan intends to achieve in order to reach the Vision.
- The Neighbourhood Development Plan should set out how the Vision and Objectives are to be achieved.

Policies

- Set out the key details of what you want to happen, what development will be supported or the criteria that will be used to decide if a proposal is likely to be acceptable or not.
- Provide supporting text to the policy to justify it and to explain what it is that your Neighbourhood Development Plan is really trying to achieve and how it conforms with the Cheshire East Local Plan.
- Policies could include: design, affordable homes, rural exceptions, housing for older people, housing density, local services, local employment, rural diversification, transport and communications, landscape and natural environment.

Proposals and Allocations

- Allocate specific sites for a particular type and scale of development, and specify any particular requirements for the site.
- Specify sites or areas to be protected or enhanced.
- Provide supporting text to the policy to justify the site allocation and any specific requirements, and explain how it conforms with the Cheshire East Local Plan.
- Proposals and allocations could include: housing, affordable homes, rural exceptions, housing for older people, local services, local employment, rural diversification, Green Spaces, Green Infrastructure and Protected Open Space.

Delivery and Implementation

- How the Neighbourhood Development Plan will be implemented.
- How the Neighbourhood Development Plan will be delivered.
- How the delivery and implementation of the Neighbourhood Development Plan will be monitored.





Establishing a Neighbourhood Area

What is a Neighbourhood Area?

A Neighbourhood Area is a geographic area that a Neighbourhood Development Plan or a Neighbourhood Development Order will cover.

An application for designation of a Neighbourhood Area must be made in advance of an application for designation of a Neighbourhood Forum.

What should you consider in preparing your Neighbourhood Area Application?

- Do you need to designate a Neighbourhood Area?
- Should it cover your entire Parish, part of your Parish or be jointly prepared with another Parish?
- What boundaries will you use, for example ward boundaries or residential developments or field boundaries?
- Why do you believe this to be the appropriate area for your Neighbourhood Area?
- What are the main uses within this Area?
- What are the key characteristics of this Area, either natural or built?
- Do you plan to prepare a Neighbourhood Development Plan or a Neighbourhood Development Order or to consider a Community Right to Build scheme?

Applying for a Neighbourhood Area

A Neighbourhood Area Application Form is available on the Cheshire East Council website. This can be completed and returned to the Spatial Planning Team and should include:

- A map of your proposed area
- A statement to confirm that you are the 'relevant body' to apply
- A statement explaining why the area is considered appropriate to designate as a Neighbourhood Area

Full details of the requirements can be found on the form and via section [61\(F\) of the Localism Act](#).

Once this application form has been returned to the Spatial Planning Team, and it has been considered valid, it will be publicised on the Cheshire East website and representations sought for a period of 6 weeks. In certain circumstances Cheshire East Council may decline to consider an application.

Cheshire East Council will then consider the representations and decide whether to: designate the Neighbourhood Area; refuse the Neighbourhood Area (and provide reasons for this); or modify the Area (with the consent of the applicant).

Cheshire East will then publish on their website the decision. Where the area is designated this will include the name of the Neighbourhood Area, a map and the name of the relevant body who applied. Where the area is refused a statement of the reasons for making the decision and details of where this statement can be viewed.





Establishing a Neighbourhood Forum

What is a Neighbourhood Forum?

A Neighbourhood Forum is a 'relevant body' empowered to undertake the preparation of a Neighbourhood Plan and can only be formed in areas where there is no Town or Parish Council.

A Neighbourhood Forum must propose the Neighbourhood Area for which they wish to prepare a Neighbourhood Plan. There can only be one Forum per Neighbourhood Area and both the Forum and Area must be approved by Cheshire East Council.

Forum membership will be open to residents, employees and businesses and must have a minimum membership of 21.

An application for designation of a Neighbourhood Area must be made in advance of an application for designation of a Neighbourhood Forum.

What should you consider in preparing your Neighbourhood Forum Application?

- Do you need to designate a Neighbourhood Forum?
- Does your Forum meet the minimum requirements to be designated as a Neighbourhood Forum?
- Over what area should you Forum plan for?
- Why do you believe this to be the appropriate area for your Neighbourhood Forum?
- Do you plan to prepare a Neighbourhood Development Plan or a Neighbourhood Development Order or to consider a Community Right to Build scheme?

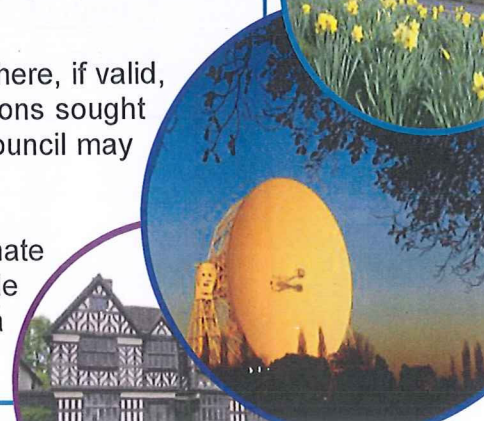
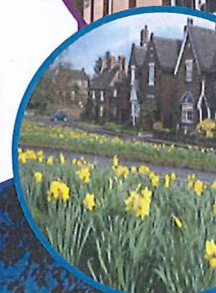
Applying to be a Neighbourhood Forum

A Neighbourhood Forum application form is available via the Cheshire East Council website. Your application should include:

- The name of the proposed Forum
- A copy of the written constitution of the Forum and evidence of when this was agreed
- Evidence of your Forum's membership and proof that the application is made on behalf of, and with the knowledge of the Forum's members
- The name of the Neighbourhood Area to which the application relates and a map to identify it
- The contact details of at least one member of the proposed Forum which can be made public
- A statement to explain how the proposed Forum meets the conditions of section [61F\(5\) of the Localism Act](#).

The application should be returned to the Spatial Planning Team where, if valid, it will be publicised on the Cheshire East website and representations sought for a period of 6 weeks. In certain circumstances Cheshire East Council may decline to consider an application.

A decision will then be made by Cheshire East whether to designate the Neighbourhood Forum or refuse the application (and provide reasons for this). This decision will also be publicised with a justification for the decision.





Sources: Legislation

The [Localism Act 2011](#) aims to shift power away from central Government to local Councils and neighbourhoods, and introduces the new concept of Neighbourhood Planning. A [plain english guide](#) to the Act is also available.

[Neighbourhood Planning \(General\) Regulations 2012](#) set out the procedure for the designation of Neighbourhood Areas and Neighbourhood Forums and for the preparation of Neighbourhood Development Plans and Neighbourhood Development Orders (including Community Right to Build Orders).

The Government has published national policy guidance in the [National Planning Policy Framework](#) (NPPF), on the purpose and content of the new Neighbourhood Planning tools; these include **Neighbourhood Development Plans**, **Neighbourhood Development Orders** and **Community Right to Build Orders**.

The NPPF clarifies that local communities will be able to use these tools to set planning policies to help determine decisions on planning applications, and to grant planning permission for specific development that the community wants to see go ahead.

[The Town and Country Planning Act 1990](#) and [The Planning and Compulsory Purchase Act 2004](#) have been amended by the Localism Act to form the basis to enable Neighbourhood Planning to take place.

The [Community Infrastructure Levy \(CIL\) Regulations](#) 2011 (and [2012](#) and [2013 amendments](#)) establishes that Local Authorities can introduce a flat charge to new development in an identified area.

The New Homes Bonus is a grant paid to local Councils for increasing the number of homes built in their area, including extra payment for affordable housing.

Examples of Neighbourhood Plans

This section provides links to examples of Neighbourhood Development Plans from sources other than Cheshire East Council. It is not an exhaustive list, but aims to provide a helpful starting point when supporting Neighbourhood Planning.

[Balsall Heath](#)

[Upper Eden](#)

[Lyton & Lynmouth](#)

[Tattenhall](#)

[Walton](#)

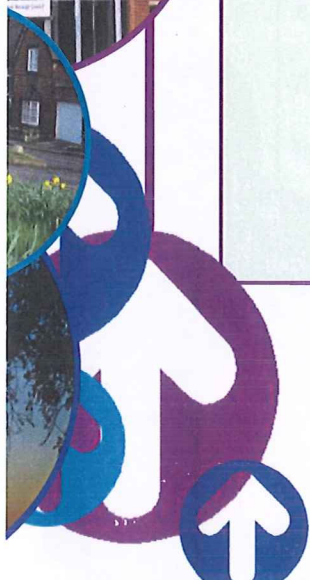
[Central Milton Keynes](#)

[Exeter St James](#)

[Norland](#)

[Thame](#)

[Winsford](#)



Sources: Evidence



This section provides links to websites that can provide sources of evidence and information that may be of use when considering Neighbourhood Planning. It is not an exhaustive list, but aims to provide a helpful starting point.

Census 2011: The Office for National Statistics collect [census statistics](#) help paint a picture of the nation and how we live. It provides a detailed snapshot of the population and its characteristics, and underpin funding allocation to provide public services.

UK National Statistics

Statistics on a wide range of issues can be found [here](#).

Office for National Statistics - Neighbourhood Statistics: This site provides statistics broken down to [Neighbourhood Areas](#) selected by the user.

Data Observatory Research and Intelligence Collaborative (Doric): [Doric](#) is the online resource for local data and information serving the communities of Cheshire and Warrington.

Magic Maps: [Magic](#) is an interactive mapping service bringing together environmental data from across Government.

Education: The [Department for Education](#) website has a search function to look at education statistics and schools within an area.

Nature Conservation: [Natural England](#) provides data, maps and policy advice on conservation issues.

Historic Environment: English Heritage provide information on the historic environment and [nationally Listed Buildings](#)

Design: The [Design Council](#) offer guidance and best practice on architecture and design in the built environment.

Crime: [Crime statistics](#) are publicly available to view and analyse through the police.

Health: Health statistics for the area are collected and reported jointly by NHS Eastern Cheshire and NHS South Clinical Commissioning Groups and Cheshire East Council. All up to date information is published in the [Joint Strategic Needs Assessment](#).

Maps: Parish Councils who are members of the [Public Sector Mapping Agreement](#) can obtain core mapping datasets free of charge, from the [Ordnance Survey](#).

Cheshire East Information, Evidence and Research: [This page](#) provides a list of the information, evidence and research collected by Cheshire East in the preparation of the Local Plan, including links to the Monitoring Report, Employment Land Review (ELR), Retail Study Update, Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The Cheshire East [Interactive Map](#) is also useful and includes existing planning information.




Campaign to Protect Rural England (CPRE) - [Guide to Neighbourhood Planning](#)

CPRE have put together a guide with eight simple steps to take if you want to prepare a Neighbourhood Development Plan and involve the whole community to make sure it becomes formally adopted as part of the Development Plan for your community.

My Community Rights - [Neighbourhood Planning](#)

Basic information in relation to Neighbourhood Planning including a useful quick guide and case studies.

Community Knowledge Hub - [Notes on Neighbourhood Planning](#) is a round-up of Neighbourhood Planning news put together by the Department for Communities and Local Government. It contains useful information about planning resources, events and news, legislation, emerging practice and support.

Planning Advisory Service (PAS) - [Neighbourhood Planning FAQs](#)

Planning Portal - the [Neighbourhood Planning Section](#) provides basic information in relation to Neighbourhood Planning.

Planning Aid - Neighbourhood Planning

The work of Planning Aid ranges from workshops explaining the concept of Neighbourhood Planning through to more bespoke training events such as how to write policy and undertake effective community engagement.

Planning Advisory Service - [\(PAS\) Guidance for Ward Councillors](#)

This guide is to help ward Councillors understand the basics of Neighbourhood Planning, what it means for their role and for their community.

Planning Help - [General advice on planning](#)

Planning for Real provide a model methodology known as '[Planning for Real](#)' to help communities to think about their area and its potential development.

The [National Self Build Association](#) provide advice and information on self building.

The [National Community Land Trust Network](#) supports the development of community led affordable housing

Urban Forum - [Neighbourhood Planning Questions and Answers](#) provides guidance, frequently asked questions and a discussion Forum on Neighbourhood Planning.

Further Information

Cheshire East Council is committed to getting people engaged in the planning and development of their areas. To enable this the Council is providing information to local communities in the form of a number of Neighbourhood Planning Guides. These can be found on the Cheshire East website at www.cheshireeast.gov.uk.





Glossary

Allocation/Designation:	A land classification for a specific use. Undertaken by a qualified body.
Core Strategy:	A Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area
Development Plan:	A collection of documents which establish a local authority's policies and proposals for the development of land and buildings within their area administrative area.
Development Plan Document:	Documents prepared or approved by the Local Planning Authority which outline the key development goals of the Local Plan.
Legal Challenge:	The validity of a Local Plan or a planning decision can be challenged on basis of legal compliance. These issues can be raised at the public examination of the plan, or later through the High Court.
Local Plan:	A plan (or collection of plans) for the future development of a local area.
Local Planning Authority:	A unitary, district or county Council.
Qualifying Body:	An organisation that meets the criteria within 61F (G) of the Localism Act 2011. This can be a Parish Council or a Neighbourhood Forum.
Strategic Policies:	Policies contained within the Core Strategy of the Local Plan.
Sustainable Development:	There is no single definition however the term refers to development which 'meets the needs of the present without compromising the needs of future generations'. In plan making, sustainable development should consider the economic, social and environmental implications of proposals.

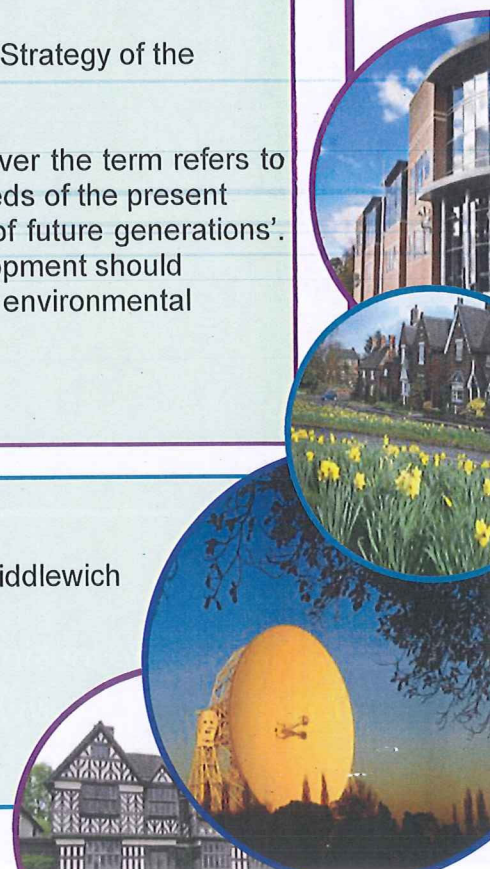
Contact Spatial Planning

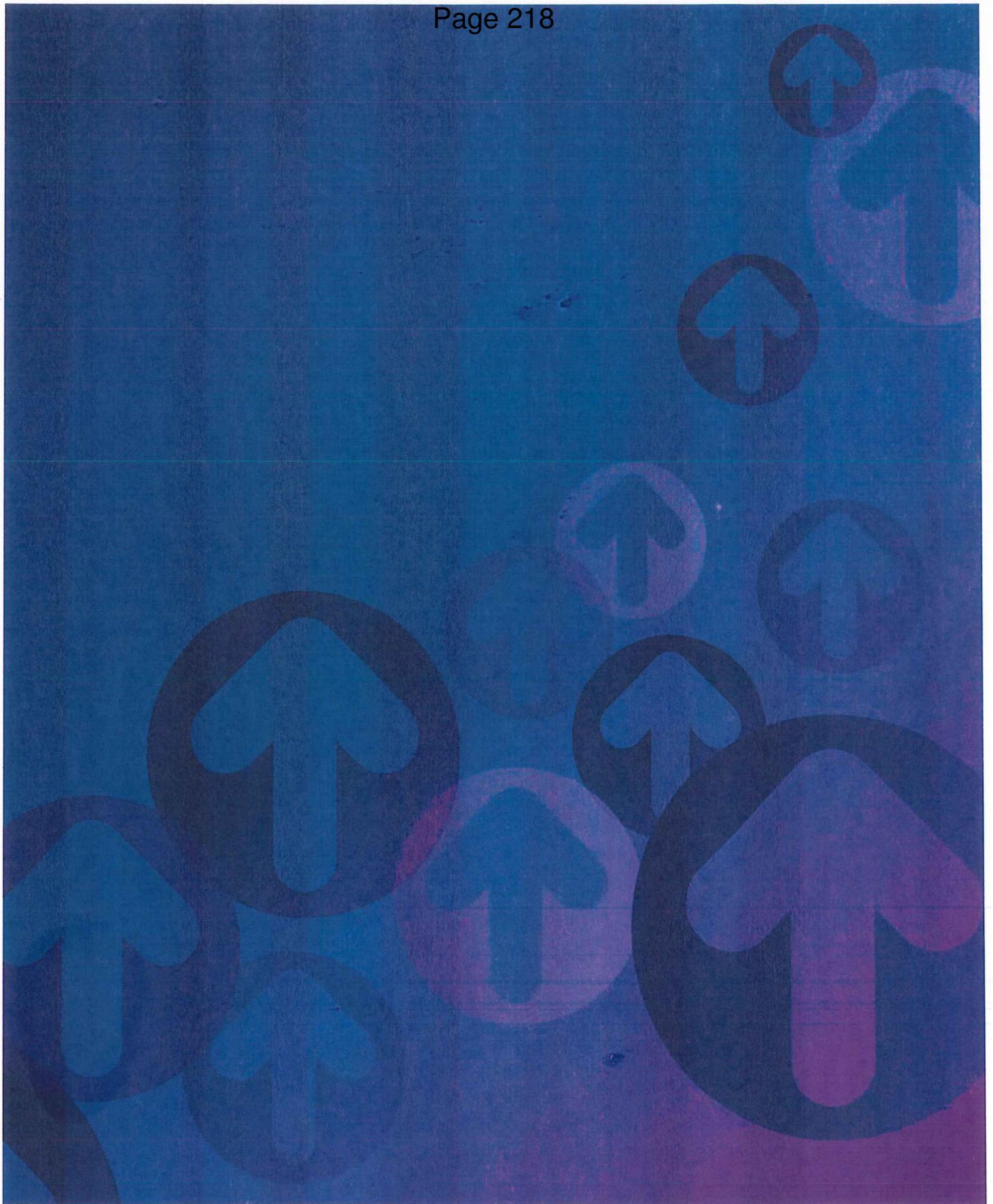
Address: Spatial Planning, Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ

Email: localplan@cheshireeast.gov.uk

Telephone: 01270 685893

Further information: www.cheshireeast.gov.uk/localplan





Cheshire East Council

Strategic Planning & Housing, Westfields, Middlewich Road, Sandbach CW11 1HZ
www.cheshireeast.gov.uk/localplan

Tel: 01270 685893

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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