

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 14th August, 2013</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

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

**3. Minutes of the Previous Meeting (Pages 1 - 12)**

To approve the minutes as a correct record.

**4. Public Speaking**

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

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

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

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

5. **13/0336N-Outline application for residential development (up to 370 units), Offices (B1), local centre comprising food and non-food retail (A1) and restaurant/public house (A3/A4), hotel (C1), car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500, creation of footpaths, drainage including formation of SUDS, foul pumping station, substation, earthworks to form landscaped bunds, provision of public open space and landscaping, Land off Crewe Road, Basford West, Shavington-Cum-Gresty, Crewe for Goodman** (Pages 13 - 60)

To consider the above application.

6. **13/2299N-Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N, Land at Rope Lane, Shavington, Crewe, Cheshire for Wainhomes North West Ltd** (Pages 61 - 78)

To consider the above application.

7. **12/1799C-Importation of inert material to install cover system to former tip and restoration scheme to allow change of use to informal recreational open space with ancillary car park, Former Tip, Roughwood Lane, Hassall Green, Sandbach, Cheshire for Hays Plc** (Pages 79 - 100)

To consider the above application.

8. **Proposed Alterations to the Section 106 Agreement relating to application 11/1879 for Land at Parkers Road, Crewe** (Pages 101 - 110)

To consider the above report.

9. **12/4652M-Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking, Land off Earl Road, Handforth, Cheshire for Next Plc** (Pages 111 - 130)

To consider the above application.

10. **13/1414C-Erection of 14 affordable homes comprising 1 x 2-bed detached, 4 x 2-bed semi-detached, 4 x 3-bed semi-detached and 5 x 2-bed mews dwellings, Land off Forge Lane, Congleton, Cheshire for Mr Andrew Garnett, MCI Developments** (Pages 131 - 148)

To consider the above application.

11. **13/2135N-Full Planning Application for the Demolition of Existing Buildings and Erection of a Residential Development with Associated Access and Landscaping Arrangements at Land at Gresty Green, Crewe, Land at Gresty Green, Gresty Green Road, Shavington-Cum-Gresty for Martin Parry, Bellway Homes** (Pages 149 - 170)

To consider the above application.

12. **13/2159N-Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping, Land to East of University Way, Crewe for Hawkstone Properties (Crewe Green ) LLP** (Pages 171 - 176)

To consider the above application.

13. **High Legh Area Neighbourhood Application** (Pages 177 - 186)

To consider the above Area Neighbourhood Application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 17th July, 2013 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Mr D Evans (Principal Planning Officer), Mrs R Goddard (Senior Lawyer), Mr S Irvine (Planning and Place Shaping Manager), Conal Kearney (Enforcement Officer), Mr D Malcolm (Southern Area Manager), Mrs E Tutton (Principal Planning Officer), Miss E Williams (Planning Officer) and Mr P Wakefield (Principal Planning Officer)

### **38 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs Rachel Bailey, P Hoyland and P Mason.

### **39 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness in respect of application 12/4866W, Councillor H Davenport declared on behalf of himself and Members of the Board that the Council may be a user of the site in the future, along with other organisations, however it was not considered that this was a close enough association to affect Members' judgment or fetter their discretion.

In respect of the same application, Councillor J Hammond declared that whilst he had no involvement in discussions relating to this application his imminent appointment as Chairman of the Shadow Board of the proposed company to deliver Waste Management Services could give the public perception that he had a non pecuniary interest. In the interests of total openness and transparency he declared that he would leave the room prior to the application being determined.

### **40 MINUTES OF THE PREVIOUS MEETINGS**

#### **RESOLVED**

That the minutes of the meeting held on 12 June 2013 be approved as a correct record and signed by the Chairman.

That the minutes of the meeting held on 19 June 2013 be approved as a correct record and signed by the Chairman subject to the resolution in relation to Minute No.34 being amended to make it clear that the reason for refusal relating to Agricultural Land Quality should be included as a standalone reason and therefore should be listed as a separate reason. As a result the resolution should be amended as follows:-

That for the application be refused for the following reasons:-

1. Due to the location of this site, the proposal is considered to be an unsustainable development site for residential purposes and would result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE2 (Open Countryside).
2. As a result of the loss of the best and most versatile agricultural land it is contrary to Policy NE12 (Agricultural Land Quality).
3. It is contrary to Policy RES 5 ( Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the provisions of the NPPF with respect to unsuitable development. 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.
4. The proposed development is likely to be car- dependent by virtue of (i) its isolated location ( ii) its limited accessibility to bus services along Close Lane (iii) the undesirable walking environment along Close Lane due to the lack of pavement on both sides of the road: and therefore comprises unsustainable development contrary to the National Planning Policy Framework.

#### **41 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

#### **42 13/0922C LAND OFF BIGGS WAY, CONGLETON, CHESHIRE CW12 1LZ: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 49 DWELLINGS INCLUDING ACCESS FOR CONGLETON INCLOSURE TRUST**

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

Consideration was given to the above application.

(Mr Griffiths, an objector and Mr Bentley, the agent for the applicant attended the meeting and spoke in respect of the application. In addition the Planning and Place Shaping Manager read out a statement on behalf of the Ward Councillors G Baxendale, R Domleo and D Topping).

(During the meeting there was a short adjournment in order for Officers to discuss with the agent the concerns Members had raised regarding access to the site. No Members left the room during the adjournment. Members were informed that as a result of discussions the agent was willing to withdraw access from the application therefore only seeking permission for the principle of outline residential development comprising of up to 49 dwellings only).

#### RESOLVED

That for the reasons set out in the report and in the oral update to Board, the application be approved subject to it being noted that that the request for access had been removed, subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure
- Commuted sum in lieu of sufficient on site Public Open Space of £13,906.50 & enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space of £10,805.26 for enhancements and £35,223 for maintenance
- Provision of Public Art to be incorporated into Public Open Space (No less than £10,000)
- Provision of or commuted sum for the improvement of cycle links and TOUCAN crossing on the A34
- Landscape and Habitat Management Plan

And subject to the following conditions:-

1. A01TR - Retention of trees, hedgerows & ditch
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of full details
4. A02LS - Submission of landscaping scheme - including hard surfacing, street furniture
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters  
(Plans/reports/surveys/statements)

11. Compliance with parameter plans - including limitation on building heights
12. The reserved matters application shall comprise no more than 49 dwellings
13. Submission of details in respect of wildlife corridor
14. Protection of nesting birds, and incorporation of features for breeding birds
15. Submission of further ecological survey with reserved matters application
16. Full Arboricultural Implication Study to be submitted with reserved matters application
17. Existing and proposed site levels, contours and cross-sections should be submitted with reserved matters application
18. Landscape Masterplan to be submitted with reserved matters application, to include POS & landscape buffer
19. Submission of a detailed Public Open Space landscape management and maintenance plan
20. Full details of vehicular access to be determined at the reserved matters stage
21. Construction Method Statement
22. Submission of a construction management plan with reserved matters application
23. Design and construction plans to be submitted in respect of TOUCAN crossing
24. Installation of TOUCAN crossing prior to sale of 26th dwelling
25. If the TOUCAN crossing cannot be provided by the developer, a commuted sum of the equivalent cost shall be secured through a s106 agreement
26. Information on walking, cycling and public transport to be provided in each building
27. Hours of Construction
28. Details of any pile driving to be submitted with Reserved Matters application
29. Submission of lighting scheme with reserved matters application
30. Submission of a foul/surface water drainage scheme with Reserved Matters application
31. Provision of 5m wide buffer zone alongside watercourses
32. Submission of SUDS with reserved matters application
33. Submission of robust travel planning with reserved matters application



34. Submission of direct measures to reduce the effects of increased transport emissions
35. Submission of dust control scheme with reserved matters application
36. Submission of a site waste management plan with reserved matters application
37. Noise mitigation measures to be carried out in accordance with submitted scheme

**43 13/0918C LAND OFF MANCHESTER ROAD, CONGLETON CW12 2HU:  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
COMPRISING UP TO 45 DWELLINGS INCLUDING ACCESS FOR  
WHITTAKER AND BIGGS**

Consideration was given to the above application.

(Mr Bentley, the agent for the applicant attended the meeting and spoke in respect of the application).

(During the meeting there was a short adjournment in order for Officers to discuss with the agent the concerns Members had raised regarding access to the site. No Members left the room during the adjournment. Members were informed that as a result of discussions the agent was willing to withdraw access from the application therefore only seeking permission for the principle of outline residential development comprising of up to 45 dwellings only).

**RESOLVED**

That for the reasons set out in the report and in the oral update to Board, the application be approved subject to it being noted that that the request for access had been removed, subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure
- Commuted sum in lieu of sufficient on site Public Open Space of £12,771 & enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space of £9889.56 for enhancements and £32,238 for maintenance
- Provision of Public Art to be incorporated into Public Open Space (No less than £10,000)
- Commuted sum of £55,000 towards sustainable modal choice provision for the A34
- Commuted sum of £20,000 for alterations to speed limits on the A34 corridor speed limit adjustments and accessibility works on the A34 corridor
- Landscape and Habitat Management Plan

And subject to the following conditions:-

1. A01TR - Retention of trees, hedgerows & ditch
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of full details
4. A02LS - Submission of landscaping scheme - including hard surfacing, street furniture
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans - including limitation on building heights
12. The reserved matters application shall comprise no more than 45 dwellings
13. Submission of further ecological survey with Reserved Matters application
14. Protection of nesting birds, and incorporation of features for breeding birds
15. Submission of a detailed Arboricultural Implications Survey with Reserved Matters application
16. Existing and proposed site levels, contours and cross-sections should be submitted with reserved matters application
17. Landscape Masterplan to be submitted with reserved matters application, to include POS & landscape buffer
18. Submission of a detailed Public Open Space landscape management and maintenance plan
19. Vehicular access to be taken off Manchester Road
20. Full details of vehicular access to be determined at the reserved matters stage
21. Construction of access onto A34 prior to first occupation of the development
22. Construction Method Statement
23. Submission of a construction management plan with reserved matters application

24. Information on walking, cycling and public transport to be provided in each building
25. Hours of Construction
26. Submission of lighting scheme with reserved matters application
27. Submission of a foul/surface water drainage scheme with Reserved Matters application
28. Provision of 5m wide buffer zone alongside watercourses
29. Submission of SUDS with reserved matters application
30. Submission of robust travel planning with reserved matters application
31. Submission of direct measures to reduce the effects of increased transport emissions
32. Submission of dust control scheme with reserved matters application
33. Submission of an acoustic assessment with the Reserved Matters application, to assess the noise impact adjacent to Manchester Road
34. Submission of a site waste management plan with reserved matters application
35. Details of any pile driving to be submitted with Reserved Matters application
36. Noise mitigation measures to be carried out in accordance with submitted scheme

(The meeting adjourned for lunch at 1.00pm and reconvened at 1.40pm).

- 44 **13/1806M COTTONS HOTEL, MANCHESTER ROAD, KNUTSFORD, CHESHIRE WA16 0ED: EXTENSION TO TIME LIMIT FOR APPLICATION 09/1485M- THREE STOREY EXTENSION TO PROVIDE A NET ADDITION OF 27NO. BEDROOMS AND ASSOCIATED ADDITIONAL ON SITE PARKING (RESUBMISSION OF 08/2233P) FOR SHIRE HOTELS LIMITED**

Consideration was given to the above application.

**RESOLVED**

That the application be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the extension to the time limit be granted subject to the completion of a Section 106 Agreement requiring the submission, operation and monitoring of a site travel plan and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01HP - Provision of car parking prior to occupation
5. A04HP - Provision of cycle parking prior to occupation
6. A07HP - Details of drainage and surfacing of hardstanding areas to be submitted
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Surface water drainage system - details to be submitted
10. Provision for roosting bats and breeding birds
11. Development to be carried out in accordance with arboricultural statement

If the application is not determined by the Secretary of State, the Planning and Place Shaping Manager is given delegated authority in consultation with the Chairman of the Strategic Planning Board to approve it subject to the conditions as specified.

It was requested that an informative be included to advise that further time extensions would not be considered favourably.

**45 12/4866W DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE SK11 9QP: TO DEVELOP AND OPERATE A TEMPORARY WASTE TRANSFER STATION; RETENTION OF THE EXISTING ACCESS ROAD, CAR PARKING AND WEIGHBRIDGE/WEIGHBRIDGE OFFICE; REALIGNMENT OF THE INTERNAL HAUL ROAD; HARDSTANDINGS; EARTHWORKS; SURFACE WATER MANAGEMENT SYSTEM; LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT FOR A PERIOD UP UNTIL DECEMBER 2027 FOR MR MATTHEW HAYES**

(Prior to consideration of the application, Councillor J Hammond left the room in accordance with the declaration he had made earlier on in the meeting. He returned once a decision on the application had been made).

Consideration was given to the above application.

(Jack Tregoning, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the update report to Board (as corrected orally to refer to 'volume' not 'area'), the application be

referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the application be approved subject to the following:

1. Standard conditions
2. No operation of the WTS until all landfilling ceases (not including restoration activities)
3. Cessation of WTS by 31st December 2027
4. Restricted overall throughput of 60,000tpa
5. Restrictions on processing of waste
6. All waste unloading/handling to take place within the building
7. Roller shutter doors to remain closed, aside from when in use by vehicles
8. Hours of working
9. Scheme for the control on dust
10. Restrictions on highway movements, including no more than 3 vehicles before 10am on Sundays
11. Access arrangements
12. Sheeting of vehicles
13. Submission of details of building materials
14. Noise mitigation scheme
15. Details of piling activities
16. Set noise levels
17. Scheme of noise monitoring
18. Odour mitigation scheme
19. Scheme for foul/surface water disposal
20. Control of water pollution
21. Details of lighting and restrictions on its use
22. Badger survey
23. Breeding bird survey and bird/bat mitigation
24. Safeguarding of retained habitat during construction
25. Construction environmental management plan
26. Landscape scheme (whilst building in operation)
27. Final restoration scheme (once building is removed)

If the application is not determined by the Secretary of State, the Planning and Place Shaping Manager is given delegated authority in consultation with the Chairman of the Strategic Planning Board to approve it subject to the conditions as specified.

- 46 **13/1421N LAND TO THE REAR OF BRIDGE STREET, (ACCESS FROM SALLY CLARKES LANE) WYBUNBURY: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT 30 DWELLINGS PER HECTARE NET WITH PRIMARY ACCESS OFF SALLY CLARKE'S LANE AND OTHER MATTERS RESERVED FOR MR & MRS G POOLE**

Consideration was given to the above application.

(Mrs Clark, an objector and Colin Bowen, the agent for the applicant attended the meeting and spoke in respect of the application. In addition the Planning and Place Shaping Manager read out a statement on behalf of the Ward Councillor Mrs J Clowes).

(The Principal Planning Officer advised that reference in the planning application to access from Sally Clarkes Lane should be removed).

RESOLVED

That for the application be refused for the following reason:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary 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 Planning and Place Shaping Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**47 CHESHIRE FRESH, MIDDLEWICH: APPROVAL SOUGHT FOR DELEGATION TO CHESHIRE WEST AND CHESTER COUNCIL**

Consideration was given to the above report.

(Mr Suckley, the agent for the applicant attended the meeting and spoke in respect of the item).

RESOLVED

That authority be delegated to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.

**48 EXCLUSION OF THE PRESS AND PUBLIC**

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved the likely disclosure of exempt information as defined in Paragraphs 5 and 6 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information, and it was:-

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

**49 WHITE MOSS QUARRY, BARTHOMLEY-UPDATE ON LOCAL GOVERNMENT OMBUDSMAN REPORT**

Consideration was given to the above report.

RESOLVED

That the report be noted and the approach recommended be endorsed subject to one alteration to require the matter to revert to Members prior to further review.

The meeting commenced at 10.30 am and concluded at 4.30 pm

Councillor H Davenport (Chairman)

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Application No: 13/0336N

Location: LAND OFF CREWE ROAD, BASFORD WEST, SHAVINGTON CUM GRETTY, CREWE

Proposal: Outline application for residential development (up to 370 units), Offices (B1), local centre comprising food and non-food retail (A1) and restaurant/public house (A3/A4), hotel (C1), car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500, creation of footpaths, drainage including formation of SUDS, foul pumping station, substation, earthworks to form landscaped bunds, provision of public open space and landscaping

Applicant: Goodman

Expiry Date: 26-Apr-2013

#### **SUMMARY RECOMMENDATION**

- **APPROVE subject to Section 106 Agreement and Conditions**

#### **MAIN ISSUES**

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Impact of Local Centre**
- **Affordable Housing**
- **Noise and Vibration**
- **Air Quality**
- **Contaminated Land**
- **Drainage and Flooding**
- **Layout and Design**
- **Amenity**
- **Education**
- **Open space**
- **Ecology**
- **Impact on Public Right of Way**
- **Archaeology**
- **Landscape and Trees**
- **Impact on Railway**
- **Highway Safety and Traffic Generation.**

## **REFERRAL**

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

### **1. SITE DESCRIPTION**

The site is approximately 32.5 hectares in size and comprises former agricultural land. The existing vehicular access into the site is from Crewe Road to the north west of the site. A public footpath exists through the whole site from Crewe Road to Weston Lane (to the south). The main part of the site has been cleared of hedgerows and trees under previous planning applications. A hedgerow and hedgerow trees were retained along what was to be the western boundary of the employment development. This boundary hedge is to be substantially retained within the new application and remaining trees are protected by a Tree Preservation Order (TPO 213 Basford West Wildlife Area).

The site is located approximately 3.5km to the south of Crewe Town Centre (1.5km to the south of Crewe). The majority of the urban settlement of Crewe is situated to the north of the application site, the A500 is located along the southern boundary of the site and beyond the settlements of Shavington, Basford and Weston. To the east are open fields (formerly agricultural land) and beyond, the Crewe/Stoke railway, which links to the West Coast main railway line. To the west of the site is an ecological mitigation area (associated with the development of the wider Basford West site) and residential development which fronts onto Crewe Road beyond. There are two existing bungalows located adjacent to the northern boundary of the site.

### **2. DETAILS OF PROPOSAL**

The development proposals are made in outline with detailed matters in relation to the access, drainage strategy and structural landscaping. The proposal comprises residential development (up to 370 units), Offices (B1), local centre comprising food and non-food retail (A1) and restaurant/public house (A3/A4), hotel (C1), car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500, creation of footpaths, drainage including formation of SUDS, foul pumping station, substation, earthworks to form landscaped bunds, provision of public open space and landscaping.

### **2. RELEVANT PLANNING HISTORY**

- |          |  |
|----------|--|
| P03/1071 | Outline permission for Warehousing and Distribution (B8), Manufacturing (B2), and Light Industrial/ office (B1) Development, Construction of access roads, footpaths, and rail infrastructure, importation of soil materials, heavy good vehicle and car parking and landscaping and habitat mitigation including Environmental Statement. Approved (subject to S106) 13th May 2008. |
| P06/1234 | Ten Great Crested Newt Mitigation Ponds and associated ecological works. Approved 17th January 2007.   |

P08/0801	Creation of Bat Barn and associated ecological works. Approved 7 <sup>th</sup> August 2008.
P08/1054	Substation and associated works. Approved 3rd November 2008.
P08/1091	Screening opinion for enabling works Environmental Impact Assessment not required. 23rd October 2008
P08/1258	Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment).
09/1480N	Reserved Matters for B8/B2 unit with ancillary offices, security gatehouse and associated car parking and landscaping. Approved 2010
12/1157N	Variation of Condition 14 of application P03/1071 – Resolution to approve subject to S106
12/1959N	Outline application for B2 / B8 Building– Resolution to approve subject to S106

### **3. 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

#### 4. OBSERVATIONS OF CONSULTEES

##### Network Rail

- The Noise Assessment states, "*The railway is not observed to provide a significant noise contribution at the proposed residential area.*" Although the proposed residential area is not adjacent to the Basford Hall Sidings, Network Rail are concerned that the proposal seems to underestimate the level of activity of the site. There are regular train movements which run at irregular hours and thus there will be a level of noise pollution (around the clock) which has not thus far been an issue as the site is situated away from existing residential development.
- Illumination on site is provided by lighting columns which are very tall and therefore may be an issue for the proposed residential dwellings.
- The site is also used by Network Rail National Delivery Service for storage of used and new ballast and contains a track recycling plant which does create noise and dust, although a dust suppression system is in place at the site.
- Request that a planning condition is applied to the planning permission (if granted) that requires the developer to undertake an environmental assessment – including current background dust, air quality, noise and lighting and that mitigation measures are put in place to ensure that there is suitable protection on site for residents and that Network Rail can continue its operational undertaking.
- There is a community woodland proposed for the north east corner of the site – any open public space imports a risk of trespass to the operational railway. Network Rail would request a condition requiring details of a suitable trespass proof fencing (a minimum 1.8m high trespass proof steel palisade fence) alongside their land to be submitted and agreed.
- There are concerns regarding water run off / drainage from the site (including the formation of SUDS) and the potential consequences to the infrastructure if this is not dealt with adequately on the adjoining site. Therefore would request a planning condition that requires the developer to submit full drainage plans to the Network Rail Asset Protection Engineer for review and approval.
- Soakaways, must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.
- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land and cause flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.
- Would request a planning condition is included that for any works (including excavation and earthworks and bunds) within 10m of Network Rail's boundary (plan attached) the developer must submit to the Network Rail Asset Protection Engineer a method statement and risk assessment for works on site. No works are to commence on site within 10m of Network Rail land without the approval of the Asset Protection Engineer.

- Request that the standard informatives be attached to the decision notice relating to the protection of the railway during construction

## **Sustrans**

If this land use, particularly the residential one, is approved by the council's planning committee our comments are as follows;

- 1) For a site of this scale we are particularly interested in seeing high quality pedestrian/cycle routes through it, and from it, linking to adjacent communities/streets, such as:
  - footway/cycle tracks on both sides of the spine roads set back behind a grassy verge
  - the trim trail route to become a surfaced greenway for shared use making best use of the corridor of open space.
2. This could link to the existing Gresty greenway via Crewe Green Road.
  - Connections for both pedestrians and cyclists onto the 'old' Crewe Road adjacent to Gresty Green Road and on the
3. SW corner of the site.
  - Safe crossings of the new spine road and particularly at its northern extremity where it meets Gresty Road allowing pedestrians and cyclists access onto the 'old' road.
- 2) The design of the residential areas should restrict vehicle speeds to 20mph.
- 3) Can traffic management measures be installed on the 'old' Crewe Road to give greater priority to buses, pedestrians and cyclists.
- 4) The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- 5) There should be cycle parking for staff at the sites of employment conveniently sited and under cover.
- 6) The site lies adjacent to the Basford rail sidings; we would like to see a real attempt at providing a rail connection to reduce HGV journeys.
- 7) We would like to see travel planning for the various components of the site with targets and monitoring.
- 8) We would like to see the development make a financial contribution to improving the pedestrian/cycle network north of the site, to the Gresty greenway at Davenport Avenue, and on towards Nantwich Road and the town centre. Gresty Road itself north of the site is an unpleasant road to cycle and walk along.

## **Environment Agency**

No objection subject to the following conditions:

- Development to be carried out in accordance with the approved Flood Risk Assessment (FRA), from BWB Consulting ref BMW/139/FRA-Full Rev B dated 14/12/12, and the following mitigation measures detailed within the FRA:
- Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events.

- Submission, approval and implementation of a method statement to deal with the treatment of the environmentally sensitive ditch, its aftercare and maintenance
- Submission, approval and implementation of a scheme to dispose of foul and surface water, including the provision and installation of oil and petrol separators
- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted and agreed

### **United Utilities**

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

- This site must be drained on a total separate system in accordance with the FRA by BWB and dated Dec 12.
- The foul water discharge from the proposed site must discharge at an agreed point of connectivity within the public sewerage system and under agreement with UU before consent is granted.
- For the avoidance of doubt, no surface water run-off generated from the site shall communicate with the public sewerage system via direct or indirect means.

### **Environmental Health**

- No objection subject to the following conditions:
  - Submission, approval and implementation of an Environmental Management Plan
  - Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
  - Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
  - If mechanical services plant is installed, it should be located well away from the nearby residential units and be designed such that the noise should not exceed the existing background noise levels, in accordance with BS 4142:1997.
  - Submission, approval and implementation of a scheme of odour / noise control for the local centre, restaurant/public house and hotel.
  - Submission, approval and implementation of travel plan
  - Submission, approval and implementation of electric car charging points
  - Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation.
- The air quality report has not considered a sensitive receptor location within the AQMA to be able to conclude in paragraph 6.3 that 'the proposed development is not anticipated to have an adverse effect on pollutant concentrations within Crewe town centre AQMA'. In order to fully determine the application, the impact of the development on the AQMA should be considered.

### **Education**

- A development of 370 dwellings will generate 67 primary and 48 secondary aged pupils.
- The Council is forecasting that the local primary schools will be oversubscribed in the near future and is undertaking extension work at several schools under a basic need requirement. However the pressures continue to exist in the town and therefore a contribution of £722,363 will be required towards primary provision. At least 50% of this contribution would be required on occupation in order that class space could be provided as the pupils come on line, with the remaining balance to be determined though no later than on completion of 50% of the dwellings.
- No contribution towards secondary education is required in this instance.

### **Public Rights of Way Team**

- The development will affect Public Footpaths Shavington cum Gresty No. 2 and Basford No. 11, as recorded on the Definitive Map of Public Rights of Way and diversions of these two footpaths will be necessary under the Town and Country Planning Act 1990.
- This has been discussed with the applicant and the Rights of Way team are happy with the proposals for the diversions as indicated on drawing no. 0300-0001. It is understood that this plan may require amending when the detailed designs are agreed, any changes to the proposed footpath diversions will need to be approved by the Rights of Way Team and formal diversions applied for once the detailed plans are approved.
- The PROW Unit also requests that the standard advisory notes, relating to protection of the Right of Way during and after construction, are added to the planning consent.

### **Countryside Access Team**

- The Design Principles Plan depicts a new footpath link to Crewe Road. The application documents also refer to further footpaths to form strong pedestrian connects through green space. It would be suggested that most benefit would be delivered through these routes being designed for both pedestrian and cyclist use, within green infrastructure corridors which receive natural surveillance. Such routes should be designed to best practice including accessibility.
- Consideration would need to be given to users of the link to Crewe Road when they attempt to cross the road at the corner by the restaurant – an assessment of the need for a crossing or turning facility would be required, even if the road only carries local traffic should the spine road be constructed; otherwise this point could deter users from walking or cycling along the routes to be provided. Non-motorised users crossing into Gresty Green Road would continue northwards via Shavington Public Footpath No. 13 / Crewe Public Footpath No. 22 to reach Davenport Avenue and the Gresty Greenway. Contributions should be secured for the development of this link, in terms of legal status, physical condition and signage, in order to accommodate the increased traffic along its route. This would be supportive of the aspiration captured under Ref T39 in the Council's statutory Rights of Way Improvement Plan.
- The application proposes shared use (pedestrian and cyclist) facilities alongside the spine road of the development to offer permeability for these users from the north and south. Consideration of these users should also be taken in respect of access into the local centre and on towards Shavington, potentially via a connection to Crewe Road at

the south west corner of the site on land which is held by a third party. Provision at road junctions and roundabouts would also need to be taken into account for non-motorised users.

- The Design Principles Plan suggests a new right of way whilst the application form does not – either way, the legal status of this route would need to be agreed with the Council. The developer would be required to maintain any such routes within the maintenance contract of the recreational open space.
- Destination signage should be required along both on site and off site shared use facilities in order to encourage the use of sustainable active travel. Travel planning for prospective residents and businesses should include active travel options.

### **Natural England**

- Application does not appear to fall within the scope of the consultations that Natural England would routinely comment on.
- The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal.
- Note that ecological mitigation strategies on the Basford West site are already in progress following planning application P03/1071.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness

### **Greenspaces**

- No comments received at the time of report preparation.

### **Highways**

#### ***Key issues***

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

1. Achieving a safe and convenient access to the development site.
2. Ensuring off-site traffic and safety impacts are mitigated.
3. Ensuring safe routes to school for new residents of the development.
4. Making sure that the site is well served by sustainable transport infrastructure and services.

### **Access**

- This application includes application for access and the proposed Spine Road linking the A500 from RB3 to the B5071 (Crewe Road/Gresty Road).



- The Spine Road includes two new roundabout junctions and a priority junction which will provide access to the residential land to the west on the road. The link between the southern roundabout (marked “A” on drawing 03-0084-132 Rev B) and the A500 roundabout (RB3) will be dual carriageway and access will be taken from this junction into the industrial/employment area, as well as the car showroom and hotel. North of this southern roundabout the Spine Road is single carriageway, with a ghost island right turn plane provided into the residential development and second roundabout (marked “B” on drawing 03-0084-132 Rev B) tying into the realigned Crewe Road. This aspect of the design is considered acceptable.
- The proposed local centre, office space and restaurant to the northern end of the site is served by a left in entrance junction off the new Spine Road as well as a junction onto the realigned section of Crewe Road to the west of the Spine Road. Also on this section of Crewe Road is a second access to the proposed residential area. Traffic from the local centre and from the second residential access will access the Spine Road using Roundabout B, this is considered the most appropriate junction to serve these accesses. The provision of the ghost island right turn provided from the Spine Road into the residential area, along with the access off Crewe Road, ensure suitable access to the proposed residential area. This aspect of the design is considered acceptable.
- The accesses to ancillary part of the site and the residential area off Crewe Road are staggered priority junctions, the separation of these is approximately 50m, which is in line with the local design guidance. However, no modelling has been undertaken of these junctions, and although the flows are relatively low in this location, given their proximity to each other and Roundabout B operational assessments would be required for these accesses given the potential interaction of any queues. A left turn into the site is provided directly off the Spine Road as well, this will have to have an accompanying No Right Turn TRO to prevent traffic trying to turn right from the Spine Road before Roundabout B. There is also concern about the methodology regarding the consideration of linked and pass-by trips which would impact on the flows at these junctions, this is discussed further in the Traffic Impact section of these comments.
- The access to Yew Tree Farm is proposed to be amended to incorporate it into the side road which will serve the local centre and office part of the site. Whilst this layout is not ideal given its location within the junction it will be very lightly trafficked and is considered an improvement over the existing access, which is located on the inside of a tight bend with extremely poor visibility due to the buildings alongside.
- A section of the existing alignment of Crewe Road is to be stopped-up to the northwest of the local centre due to the realignment through Roundabout B on the Spine Road. However, this section will remain open to non-motorised users, it therefore should be protected from vehicular use by the inclusion of bollards at either end. The road here could also be realigned so that it provides direct access into the local centre rather than create a junction and a dead end just to the north of the local centre entrance/exit.
- As stated within the Transport Assessment car parking will be agreed at reserved matters stage, this will be in line with the Council’s emerging parking standards.

### ***Traffic Impact***

- The Transport Assessment has assessed the effect of the development traffic at the following junctions:
  - A500/B5071/Spine Road Roundabout

- Southern Spine Road Roundabout
  - Northern Spine Road Roundabout
  - Gresty Road/B5071 South Street/Catherine Street
  - A534 Nantwich Road/Mill Street/South Street
- Traffic flows with the Spine Road in place were taken from the Bloor Homes TA for their Gresty Road site.

### ***Gresty Road Corridor***

- Modelling results show that the three roundabout junctions will operate with some reserve capacity in the design year, however the South Street junctions to the north of the site will exceed their operational capacity.
- There is a scheme which has Section 106 funding (pending agreements) for an improvement, which mitigates capacity concerns around South Street and Nantwich Road arising from these developments. However, given the existing traffic conditions and the proposed development associated with this planning application will further impact on this part of the network.
- The Crewe Green Link Road scheme has been developed to provide an additional link towards Crewe from the A500, which will relieve the pressure from existing parallel road corridors into Crewe, including Gresty Road. Strategic traffic modelling of Crewe has shown that the Crewe Green Link Road will reduce traffic on the Gresty Road corridor. This is required to mitigate the impact of traffic from the Basford West site in addition to the planned junction improvement at South Street.
- As a result a contribution towards the delivery of the Crewe Green Link Road is to be sought from the development at Basford West through a Section 106 agreement. This is the position reached with the previous planning approval and Section 106 agreement for the site.

### ***Internal Road Layout***

- The traffic distribution figures for the ancillary part of the site (retail, office and restaurant) show arrivals and departures to/from the car park that are much higher than the trips that use the Crewe Road junction. For example in the morning peak 122 PCUs leave the site with only 49 PCUs turning on to Crewe Road. It is unclear what has happened to the flows here.
- Also, a reduction in the trip generation has been applied to this part of the site. In total a 60% reduction has been applied (30% linked trips and 30% pass-by trips). This reduction is higher than would normally be considered and simply applying a reduction to the trip generation is not acceptable, given that these trips are likely to be making an additional movement through Roundabout B. For example pass-by trips from the north will turn right at the roundabout right into the ancillary area and then leave through both these junctions as well. Whilst the relatively low flows at the access into the ancillary area are not likely to present an immediate capacity issue, Roundabout B is shown to be approaching capacity in 2019 and if flows have been omitted from the assessment in reality it could lead to capacity concerns beyond 2019 if this development were granted planning permission. As a result of these concerns a revised drawing was submitted (03-0084-132 Rev B) which included two lane entries on all approaches to the roundabouts to provide additional capacity. As mentioned under the Access

heading the two access points on Crewe Road serving the residential and ancillary areas will also require assessment.

- In order to provide access to the site the Spine Road has been provided. This route will create a more direct link towards Crewe from the A500 in comparison to the existing A500 roundabout spur and traffic signal junction. It is also expected to result in a decrease in traffic through the residential area along Crewe Road to the north of the A500. The Spine Road would be delivered using a Section 278 agreement and should be complete before first occupation on the site.
- As part of the Section 106 agreement from the previous planning application a Section 278 scheme was agreed to mitigate the impact of the development traffic on Junction 16 of the M6. However, as part of this application the Transport Assessment states that there will be negligible impact on the A500 and M6 Junction 16. The SHM considers that given the previous approval and the evidence presented in that assessment, as well as the existing congestion on the A500 experienced throughout the day, that the development will have an adverse impact on the capacity of the A500 corridor and its junction with the M6. It is acknowledged that the revised planning application will result in a lesser impact at the M6 Junction 16 given the type of traffic and its distribution, therefore as a result the level of contribution can reflect that based on the previous scheme costs.

### ***Transport Sustainability***

- In order to promote sustainable transport modes to and from the site as part of the previous application's Section 106 agreement was developed that included contributions to pedestrian and cycle corridors to/from the neighbouring parts of south Crewe using Gresty Green Road. These are still considered appropriate and should be delivered as part of whichever application comes forward first.
- These improvements will link into a surfaced pedestrian/cycle link from Crewe Road (to the east of the Koconut Grove) into the residential development and through to the Spine Road. This will provide a good link for non-motorised users away from the highway. To ensure year-round use of this link lighting is to be provided.
- Along the Spine Road shared cycle/footways will be provided.
- The required levels of cycle parking are to be agreed, however it will be required across the development site and the quantity will be informed by the Council's emerging parking standards.
- Bus stops lay-bys have been shown in four locations. Two (one for each direction) to the north of Roundabout B which will serve the local centre area and two further south to serve the residential area.
- The location of the two southern bus stops have been shown with the southbound stop between Roundabouts A and B close to the residential access and the northbound bus stop between the A500 roundabout and Roundabout A. Pedestrian access from these stops to the residential and employment sites should be provided and be as direct as possible. Routes across the bunds were shown in the site Masterplan. However, following consultation within the Council the access across/through the bund into the residential area was not considered to be achievable. Therefore, it was considered that a more appropriate location for the northbound bus stop would be somewhere in between the residential access off the Spine Road and Roundabout B, and the SHM requested that this change be made if access into the residential development cannot be achieved across/through the bund. It is acknowledged that this will mean this bus

stop would be located slightly outside the 400m walking distance from the hotel and car showroom, but was considered much more suitable in relation to the residential development. Location of bus stops agreed following amended plans 29 May.

- The location of the bus stops close to the local centre are considered suitable.
- A toucan crossing is proposed on the realigned section of Crewe Road north of Roundabout B. This crossing will allow access from the local centre to the southbound bus stop and also onto the continuous footway north towards Crewe along Gresty Road. Refuges are to be provided in the vicinity of the residential access from the Spine Road, which will aid pedestrians crossing from/to the southbound bus stop and the employment area to/from the residential development.
- As previously agreed to ensure good bus service provision for the site a Section 106 contribution will be sought in line with previous application. This will ensure services in the area are maintained and enhanced to better serve the new development site.
- Also, as agreed as part of the previous application a site wide Umbrella Travel Plan will manage travel planning across the site, with subsidiary Travel Plans being submitted for each of the planning applications at Reserved Matters stage.

### ***Recommendation***

Based on the review of the evidence presented above the Strategic Highways Manager would recommend approval for this application, given the following:

- S278 / S38 to deliver the Spine Road and associated infrastructure (as detailed in drawing 03-0084-132 Rev B subject to detailed design checks and technical approval), with no occupation on site until this link is complete.
- S106 agreement as previously agreed to provide the following contributions indexed from 1<sup>st</sup> February 2008:
  - £3,200,000 contribution towards the Crewe Green Link Road
  - £300,000 contribution to improving public transport provision in the area.
  - £325,703 contribution to improving footpath and cycle lane access to the site in the following areas:
    - Cloughton Avenue to Davenport Avenue
    - Davenport Avenue to the railway line
    - Improvements to Gresty Green Road
    - Improvements along Crewe Road
    - Provision of a pedestrian/cycleway into the site from Crewe Road
  - £200,000 contribution to traffic management and regulation.
- A contribution of £2,500,000 towards improving access to the congested A500 corridor serving the site from the M6 at Junction 16.
- Site wide Umbrella Travel Plan including monitoring as previously agreed.
- Relocation of the southern bus stop to achieve better access to the residential development.
- Protection on the stopped up section of Crewe Road to prevent vehicular access is provided.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

### **Weston and Basford Parish Council**

Council raises no objection to this application subject to the following proviso:

- Concerned as to the effectiveness and adequacy of the height and width of the bunding, planting and landscape treatment along the southern boundary of the site where it abuts the A500 Shavington bypass and the likely protection that this screening will offer to the residents of Basford Village.
- It is noted that there are no north/south indicative landscape cross sections across the SE end of the site opposite Basford Village.
- Parish Council requests that mature evergreen planting is considered for this general location to give year round screening.
- Also request that an agreement is incorporated into any planning permission to provide a robust planting scheme along the south side of the A500 Shavington bypass at this point to offer further protection to the residents of Basford, from both a visual and noise attenuation point of view.

### **Shavington-cum-Gresty Parish Council**

The Parish Council considered the planning application and makes the following comments.

- The Council does not raise any specific objections to the proposed development at Basford West but has noticed that the figure for proposed dwelling numbers is larger than originally proposed when Spawforth and Goodmans explained their proposals which at that time were for approximately 250 dwellings – the Parish Council understands that the additional numbers will be affordable dwellings and is unsure whether these will include any development by registered social landlords.
- The Parish Council has raised some queries that it would require clarification of; and has made a number of recommendations for the use of s106 improvements arising from the development in order to help mitigate the effect on the Parish, and would wish these to be attached as conditions to any approval.
- In terms of the developer's s106 contributions to the local infrastructure the Parish Council appreciates that a large proportion of such funds will be earmarked for the A500 improvement scheme, but it has significant concerns over the impact from heavy traffic during the construction of such a large site, and from diverted traffic using village roads that are unsuitable for heavy use and already at capacity during peak periods, and would suggest that certain works to mitigate the effect be carried out.
- The local highway improvements identified as a priority by Members include the following:
  - Improvements to the very poor condition of the carriageway and further traffic calming measures along Gresty Lane which is already extensively used as a rat run by local motorists and will only be used even more so once the works are underway
  - A 7.5T weight limit along the stretch of Crewe Road from its junction with the A500 to Gresty to prevent heavy vehicles from using this residential road once the new spine link road is completed
  - Improvements to the surface of the carriageway of Crewe Road Gresty between the end of the new link road and the Cheshire Cheese public house
  - The provision of two zebra crossings in the Village at appropriate locations in Crewe Road and Main Road which have been seen as important by

Parish Councillors for several years but not currently being considered by Cheshire East

- Improvements to traffic flow in the centre of the Village by simple measures of new signage and white lining in making the Main Road/Sugarloaf Corner triangle a one-way system
- A contribution towards new public transport links (bus routes) to the new housing areas
- In addition it is pleased to note the developer's intention to allocate some of the s106 funding towards improvements and expansion of the schools likely to be heavily affected by increased roll numbers.
- There are significant areas of open space/recreational use/sports/play areas shown on the plans submitted and the Parish Council would request some clarity over where the responsibility for the future on-going maintenance of these areas would fall.
- That occupation of any properties provided by registered social landlords should be restricted to those people determined to be in local housing need and with a strong local connection to the parish of Shavington-cum -Gresty. Strong local connection shall be defined as currently resident in the parish or working in the parish or those who wish to return to live in the parish, having previously lived in the parish during the past 5 years.
- At any future allocation of the properties, Shavington residents shall be the first to be offered to properties and only if there is no suitable person with a strong Shavington connection shall the properties be offered to the residents of immediately adjoining parishes using a 'cascade approach'.
- Finally request that developers be encouraged to use local labour wherever possible in the construction of houses, warehouses, and the ground and infrastructure works.

## **6. OTHER REPRESENTATIONS**

### **Local Residents Representations**

Letters have been received making the following points:

- This development is not suitable for the site. The road network cannot take the additional traffic towards the M6 Junction 16.
- Crewe already has a large number of empty warehouse units and no more are required.
- The development would have a negative impact on wildlife.
- The developers have started clearing the trees, etc on the site before the application has been reviewed - this should be stopped
- There is no buffer between 358 Crewe Road and the proposed buildings to the south and east
- On the south east of 358 Crewe Road is a Kennel building measuring 24ft x 10ft. This is not shown on the plans despite having been raised with the Director of the Planning Consultancy submitting the application.
- The plans do not present a true picture to the Planning Approval Officials for consideration
- The extension of Crewe Road linking it to the new spine road has been realigned to pass considerably near to 358 Crewe Road
- This will have a serious impact on privacy

**G.V.A.**

A letter has been received on behalf of HIMOR Group Ltd (HIMOR), making the following comments:

- *HIMOR is currently promoting a residential-led, mixed use development at Rope Lane / bCrewe Road / Gresty Lane, Crewe (referred to as 'Gresty Oaks') through the LDF process. The Gresty Oaks site forms part of what might become a 'Strategic Southern Gateway' to Crewe that will directly support the economic growth objectives for the town. The Strategic Southern Gateway is the area of Crewe with the greatest capacity to support new development, due to the direct relationship with planned economic investment at Basford, the town centre and potential investment in the long term associated with the HS2 proposals.*
- *HIMOR is generally supportive of the principle of development of the Basford West site for commercial mixed use development. As noted in HIMOR's representations to the Draft Cheshire Local Plan Policy, Principles and Development Strategy consultation (February 2013), HIMOR consider the development of the Basford West employment site to be an important element part of the 'Strategic Southern Gateway to Crewe'. However, we did question the proposition in the Development Strategy for residential as an enabling phase without clear evidence as why this was necessary or justified. Those concerns remain.*

*Principle of Departure*

- *The proposal for 370 residential units on the Basford West site clearly constitutes a departure from the development plan and the examined RSS evidence base, which identifies the entirety of the Basford West site as a strategic employment location.*
- *The applicant's justification for the departure almost entirely relies upon an economic and viability assessment that is not in the public domain, rendering the review or critique of their case impossible. Without publication of the supporting evidence, we (and all other interested parties) cannot be clear that the case for departure has been proven and justified. If the proposals are truly enabling development, only the absolute minimum number of dwellings to support and sustain the delivery of the employment use should be included within the application proposals. At present it is not possible to conclude that 370 units is the correct number to ensure delivery of the wider Basford West site.*
- *The site is allocated for employment land use and both Outline Planning and Reserved Matters applications have been submitted on the eastern part of the allocated site for employment use and associated environmental mitigation measures. Given the planning history and allocations assigned to the site, there is no clear evidence available in the public domain to confirm that the infrastructure requirements of employment uses rendered the development of the whole of the Basford West site unviable.*
- *As we have made clear in previous representations in the area, limited weight should be applied to the emerging allocation for the site within the DDS and the Crewe Town Strategy. The document and its evidence base have not yet been tested through the examination process and should not in any way be relied upon at this stage.*

Impact on Employment Land Supply

- *The application doesn't presently address the impact that residential development will have on employment land supply, given that it has always been recognised as a site of strategic importance for employment development.*
- *Given the strategic significance of the site, and emerging strategic infrastructure proposals such as HS2, the applicant has applied what would seem to be a short term view to viability, emphasising the issues concerning the employment viability at present.*
- *We are concerned that this fails to consider the longer term and strategic significance of the site, and undermines potential for a holistic employment-led development, as a critical component of the Borough's supply.*

'Sustainable Patterns of Development'

- *The applicant refers to the sustainability benefits of introducing residential development in to this part of Crewe, alongside an employment focus. We would concur. However, alternative residential sites, specifically Gresty Oaks, provide an opportunity to create sustainable patterns of development without potentially diluting the employment focus of this sub-regionally (or indeed regionally) important site.*

Implementation of the Enabling Phase

- *There is no clarity in the application as to how the applicant intends to ensure that the value generated by this development would be used to cross-subsidise the development of employment floorspace or associated infrastructure, or how the LPA can regulate this.*
- *There are no suggestions in the application that delivery phasing will be linked to the delivery of quantum of employment floorspace. If this is truly enabling development, phasing triggers are essential to ensure that the enabling development is not brought forward independently of the employment development.*
- *The Council are also urged to consider how they will manage the implementation of employment floorspace, given that an overlap in the red line boundaries will mean that on implementation of the residential element, the extant consent will potentially fall away (under the Pilkington principle). Mechanisms for linking the enabling phase to the employment floorspace should be explored to ensure that the current proposals and extant permission are combined.*

**7. APPLICANT'S SUPPORTING INFORMATION:**

- Contaminated land desktop study
- Design and Access Statement
- Subsidiary travel Plan
- Transport Assessment
- Soft landscape Works
- Flood Risk Assessment
- Tree Survey



- Planning Statement
- Ecological Assessment
- Noise Assessment
- Air Quality Assessment

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for the proposed mix of uses having regard to matters of principle of development, sustainability, loss of agricultural land, impact of the local centre, affordable housing, noise and vibration, air quality, contaminated land, drainage and flooding, layout and design, amenity, education, open space, ecology, impact on public right of way, archaeology, landscape and trees, impact on railway, highway safety and traffic generation.

### **Principle of Development.**

#### ***Local Plan Policy Position***

The application site forms part of 55 hectares of land of land known as Basford West, which under policy E.3 of the Borough of Crewe and Nantwich Replacement Local Plan, are allocated for development as a Regional Warehouse and Distribution Park. The Local Plan policies require the development to include the provision of appropriate rail sidings with good direct rail access for the shipment of freight between rail and road as well as or in addition to rail connected warehouse and distribution units. The Borough Council has also published the Basford West Development Brief which was adopted in April 2004.

Under these policies and the Brief, the development of Basford West is seen as a site primarily for warehousing and distribution uses but with the option for some land to be used for B2 purposes and the development of a small area of B1 land at the junction of the spine road and A500 at the entrance to the development.

The Development Brief requires the site to be developed:

- with rail served units on the east, adjoining the west coast Main Line;
- with appropriate HGV access and turning facilities;
- main road access to be provided as a Boulevard through the centre of the site (the spine road) and linked to Gresty Road in the north and A500 in the south;
- woodland screening and wildlife habitats along the southern and western boundaries
- an attractive gateway development at the entrance to the site from A500.

This application, which involves the use of the land to the west of the spine road for residential development, as well as the introduction of other uses, including offices, hotel and car showroom would conflict with policies which seek to ensure development of the site for a regional warehouse and distribution park. 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.

### **Other Material Considerations**

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

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

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

### **Housing Land Supply**

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full

meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. 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 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> 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 30<sup>th</sup> 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 SHLAA 2011 identifies the current application site, as suitable - with policy change, available, achievable, developable and therefore deliverable and it is anticipated that it will bring forward 300 units within the first 5 years. It therefore forms an important part of the identified 5 year housing land supply.

### Emerging Policy

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. 1985 representations were received to the Crewe Town Strategy.

This site was considered as site K in the Crewe Town Strategy which stated that:

*“The site forms the Basford West Strategic Employment site and its development will facilitate the development of the site for employment purposes and the delivery of about 2,000 jobs. The site could also deliver around 100-200 dwellings; a local centre; hotel; pub/restaurant and car dealership.”*

17% of the 1985 representations responded to the question whether they agreed or disagreed with site K as a potential area of future development and of those 78% agreed with site K being a potential area of future development.

The results of that consultation were considered at a meeting of the Strategic Planning Board on the 6th December 2012. The resolution at that meeting is that the future housing needs of Crewe should met by Basford West (300 dwellings) as well as the following sites:

- Crewe Town Centre (200 dwellings),
- West Street / Dunwoody Way (up to 700 dwellings),
- Basford East (1,000 dwellings),
- Leighton West (750 dwellings).

Sites are also proposed at settlements surrounding Crewe including:

- Shavington Triangle (300 dwellings)
- Shavington East (300 dwellings phased post 2020).

There are also proposals for new settlements at Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period) and at Barthomley (1,000 dwellings with potential additional development after the plan period).

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The site is one of the sites identified in the Draft Development Strategy as a preferred option. At Basford West, the strategy envisages:

1. *Delivery of about 2,000 jobs on around 35 hectares of employment land, with a mix of B2 and B8 units;*
2. *Provision of about 300 new homes (at approximately 30 dwellings per hectare);*
3. *Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;*
4. *Creation of a new local centre including the provision of:*
  - a. *Community facility / place of worship;*
  - b. *Public house / take away / restaurant;*
  - c. *Sports and leisure facilities*
5. *Hotel;*
6. *Car dealership;*
7. *Incorporation of Green Infrastructure, including:*
  - a. *A significant depth of native woodland screening and wildlife habitats along the southern and western boundaries, of a minimum width of 40 metres with an average width of 70 metres, to offset detrimental visual impact to the open countryside and residential amenity and to provide a habitat of ecological value;*
  - b. *Existing hedgerows and mature trees should be incorporated wherever possible;*
  - c. *Allotments;*
  - d. *Open space including Multi Use Games Area; outdoor gym; equipped children's play space;*
  - e. *Development must not have an adverse impact on the established Great Crested Newt habitat areas;*
8. *Improvements to existing and the provision of new pedestrian and cycle links to connect the site to existing and proposed residential areas, employment areas, shops, schools and health facilities;*

9. *Protection of the amenity of residential properties along Crewe Road and in the vicinity of the Cheshire Cheese public house;*
10. *A financial contribution will be sought from developers to fund tree planting at appropriate locations;*
11. *On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, open space and community facilities;*
12. *The development would be expected to contribute to improvements to existing and the provision of new public transport links to Crewe railway station, Crewe town centre and local villages;*
13. *The development would be expected to contribute towards road infrastructure improvements, including the Crewe Green Link Road South and Junction 16 of the M6;*
14. *Continued access to and servicing of the adjacent railways; and*
15. *The site has potential for the provision of rail sidings with good rail access for the trans-shipment of freight between railway and road and/or rail connected warehousing and distribution. If this is not provided within the site, a larger contribution to road infrastructure improvements will be required.*

The application is therefore in accordance with the principles of the Draft Development Strategy and the Crewe Town Strategy. The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle, the fact that local people should be empowered to shape their surroundings.

### Viability

The developer has submitted a viability appraisal, which indicates that the development of the whole site for employment purposes is not economically viable. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*

The applicant's FVA has been independently scrutinised on behalf of the Council by Gerald Eve. They have raised a number of queries in respect of the submitted information. However, they have concluded that notwithstanding these queries, the appraisal clearly demonstrates that to develop the whole site for employment purposes would not be economically viable and on this basis the development would be unlikely to come forward in the foreseeable future. Consequently, it would not deliver the jobs and other benefits such as highways improvements, including the contribution to the Crewe Green Link road, which are integral parts of the "All Change for Crewe".

### **Conclusion**

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore residential and other uses would be contrary to development plan policy. However, the site is identified as deliverable within the next 5 years in the SHLAA

and forms part of the Councils identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy and the Crewe Town Strategy. Furthermore, the previous scheme, which comprised entirely B1, B2 and B8 development in accordance with the Local Plan allocation, has been demonstrated to be unviable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the site, as well as the contributions that it will make towards infrastructure improvements, including the A500, Crewe Green Link Road and the spine road, are considered to be of vital importance to the delivery of “All Change for Crewe” as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore considered to be acceptable in principle.

## 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 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.

Category	Facility	Basford West
Open Space:	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	2097m

	Post box (500m)	1572
	Playground / amenity area (500m)	0m
	Post office (1000m)	2005m
	Bank or cash machine (1000m)	1408m
	Pharmacy (1000m)	1550m
	Primary school (1000m)	1646m
	Secondary School* (1000m)	2341m
	Medical Centre (1000m)	1550m
	Leisure facilities (leisure centre or library) (1000m)	2341m
	Local meeting place / community centre (1000m)	1898m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1190m
	Child care facility (nursery or creche) (1000m)	1646m
<b>Transport Facilities:</b>	Bus stop (500m)	0m
	Railway station (2000m where geographically possible)	2069m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	2069m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

The proposal does not meet the minimum standards of accessibility in respect of 14 of the facilities listed, of which 11 are significant failures. The site only meets the required distances against 8 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance. Development on the edge of a town will always be further from facilities in the town centre than existing dwellings. However, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

It should also be recognised that similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, The Triangle, Leighton and Maw Green.

A number of facilities in the checklist such as bus stop, open space and convenience store will be provided on site. Also there is possibility of and potential for others such as child care facilities, post box or local meeting place to also be included within the development.

Accessibility is only one aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors, these include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

Previous Inspectors have also 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.

Matters of design, scale layout and appearance, are reserved for a future application. Therefore aspects of the design relating to climate change and sustainability cannot be discussed in detail at this stage. According to the Design and Access Statement:

*“The outline application includes a surface water drainage system (SUDS) to prevent run-off from the whole Basford West site.....The BREEAM and Code for Sustainable Homes levels for the site will be determined by the reserved matters application. However, passive design and ‘fabric first’ approaches need to be incorporated into the design of buildings to reduce the reliance on fossil fuels. The new facilities proposed in this application will provide facilities for existing and proposed residents reducing the need to travel.”*

On the basis of the above, it is considered that the scheme has the capability to meet the NPPF in terms of sustainable design and a detailed scheme can be secured as part of the reserved matters 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.

The proposed development will bring 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.

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.”*

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

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

In this case, the previous approval and the allocation of the site for development in the adopted Local Plan, has established the acceptability in principle of the loss of agricultural land on this site. Consequently, it is not considered to be an issue which can be revisited at this stage.

### **Impact of Local Centre**

The proposal includes provision of a local centre comprising a total of 1200sqm square metres of retail floorspace made up of a neighbourhood foodstore of 600sqm and other food

and non-food retail units totalling 600sqm. In addition, the scheme proposes 300sqm of restaurant / public house and 1000sqm of offices.

The site lies outside of the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sqm.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, it goes on to state that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2500 sqm).

The Local Plan policies have been saved. As a result, it is concluded that the proposal is in accordance with the up-to-date development plan. The total retail floorspace within proposed local centre would be 1200sqm and would thus remain under the 2500 sqm, and even taking into account the 1000sqm of offices and 300sqm of restaurant public house, the town centre uses on the site would not exceed the 2500 sqm threshold.

Therefore, under the provisions of both the Local Plan Policy and the NPPF, it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been followed; or that the proposal, will not harm the vitality or viability of another shopping centre. Furthermore, the proposed local centre would improve considerably the sustainability credentials of the site. The revised proposal is therefore acceptable in terms of retail impact.

### **Affordable Housing**

The site is located in the parishes of both Basford and Shavington-cum-Gresty. However, the majority of the residential area of the proposal is located in the Shavington-cum-Gresty Parish. The Interim Planning Statement: Affordable Housing (IPS) states that for windfall sites in settlements with populations of 3000 or more 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.

It then goes on to state that 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. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

As the proposal includes up to 370 residential dwellings, there is a requirement for affordable housing provision. This should be 30% of the total dwellings, and the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA 2010 which is for 65% rented and 35% intermediate tenure. The affordable housing

requirement equates to 111 affordable dwellings, of which 72 should be rented and 39 should be intermediate.

The Strategic Housing Market Assessment 2010 identified a need for 155 new affordable homes in the Wybunbury & Shavington sub-area between 2009/10 – 2013/14, made up of an annual requirement for 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons dwellings.

Basford is located in the Haslington & Englesea sub-area, where the SHMA 2010 identified a need for 115 new affordable homes between 2009/10 – 2013/14, made up of an annual requirement for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older persons dwellings.

There are currently 95 applicants on the waiting list for social rented housing with Cheshire Homechoice who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 37 x 2 bed, 18 x 3 bed and 7 x 4 bed (3 applicants haven't specified how many bedrooms they need). There are 5 applicants who have selected Basford as their first choice, and these applicants require 1 x 1 bed, 2 x 2 bed, 1 x 3 bed and 1 x 4 bed.

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date. There is, however, anticipated delivery of up to 188 affordable homes following planning approval for the Stapeley Water Gardens site, the Planning Inspectorate's decision on Rope Lane, Shavington and the recent planning resolution to approve outline application for Land South of Newcastle Road (application 12/3114N).

It seems unlikely that much of the anticipated affordable housing required will be delivered by 2014, as the only development currently on site is Stapeley Water Gardens. In this case, the Registered Provider involved anticipates delivery of the affordable housing by March 2015.

The SHMA 2010 is currently being updated and therefore, Housing Officers would like to be able to agree the type of affordable housing to be provided when the reserved matters application(s) is submitted.

As this is a larger development, it is anticipated that the residential dwellings may be delivered in phases. If this is the case, Housing Officers would like to see a percentage of affordable dwellings provided on each phase to ensure they are delivered periodically throughout the construction period.

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

The Affordable Housing Interim Planning Statement 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.*

Finally, the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

## **Noise and Vibration**

A Noise Impact Assessment has been submitted with the application. The Environmental Health Officer has examined the report and commented that, the day and night-time noise predictions with the Development for the year 2019 indicated that the majority of the residential site falls within Category B. The land adjacent to the A500, Crewe Road and the Spine Road to the north of the roundabout that provides access to the commercial development falls within a category where noise mitigation is required.

The applicant has made reference to a potential scheme of acoustic insulation with the application. In order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise, conditions should be imposed requiring the submission of a detailed noise mitigation scheme with the reserved matters application.

Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

There are no details available with regard to mechanical services plant at the commercial units. If mechanical services plant is installed at the unit, it should be located well away from the nearby residential units and be designed such that the noise should not exceed the

existing background noise levels, in accordance with BS 4142:1997. This detail can also be secured by condition.

The construction phase of the development also has the potential to create noise nuisance. Therefore, it is recommended that conditions are imposed requiring the submission, approval and implementation of an Environmental Management Plan. The plan should address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan should include details in respect of hours of operation, piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.

### **Air Quality**

An Air Quality Impact Assessment has been submitted with the application. The report considers both the construction and operational impacts of the proposed development. Environmental Health have examined the report and raised no objections in principle but have expressed some concern that the report has not considered a sensitive receptor in the form of the Crewe Town centre Air Quality Management Area (AQMA)

This matter has been brought to the attention of the developer and they have responded by stating that no assessment of receptor in Crewe Town centre AQMA has been undertaken as no traffic data could be provided because it is a considerable distance away from the site (out of the scope of the original Transport Assessment). Furthermore, the Crewe Green Link Road, which this development will help to facilitate, will reduce traffic within Crewe Town Centre, and will reduce the extent of pollution problems within the AQMA.

The Environmental Health Officer has also commented that in order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such conditions are recommended requiring the submission of a residential travel plan for the site. Individual Travel Plans should also be developed for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons. A condition requiring the provisions of Electric Car Charging Points is also recommended. The developer has commented that a low emission strategy needs to be incorporated to mitigate all air quality effects. This has agreed to be conditioned by the Environmental Health Officer.

There is potential for dust generated during the development to have an impact in the area. Therefore, the Environmental Management Plan, referred to above should identify all potential dust sources and outline suitable mitigation. The plan should also include details of construction waste management and should specify that there shall be no burning of materials on site during demolition / construction. The plan should be implemented and enforced throughout the construction phase.

The proposed commercial uses, include hotel, pub and restaurant uses, have the potential to create nuisance as a result of the discharge of odours and fumes arising from food handling, preparation and cooking. Therefore conditions are recommended requiring a scheme of odour / noise control to be submitted and approved.

## Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated and is within 250m of an area of ground that has the potential to create gas. Furthermore, the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has provided a Phase I Preliminary Risk Assessment for contaminated land which includes the limited results of some Phase II site investigations undertaken on the site. Six trial pits from the White Young Green investigation appeared to encounter contamination at shallow depths. However, further chemical analysis of these samples has not been undertaken and there is no mention of this contamination within the body of the report. Also, the potential for the adjacent former sand pit to have been infilled and therefore generate ground gases has not been considered within the report. Therefore, further investigation of the area currently occupied by the farm on the north west of the site is required, in particular any areas of waste, chemical or fuel storage. Should any areas of fill or quantities of made ground be encountered during the supplementary investigation, an appropriate ground gas risk assessment should be undertaken.

The Council's Environmental Health Officer has recommended conditions requiring an updated Phase II contaminated land investigation to be carried. If this indicates that remediation is necessary, then a Remediation Statement detailing proposed mitigation shall be submitted and approved and implemented. Subject to compliance with these conditions, the proposal is considered to be acceptable in terms of contaminated land.

## Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The findings of the report can be summarised as follows:

- *This report demonstrates that the proposed development is not at significant flood risk, subject to the recommended flood mitigation strategies being implemented.*
- *There are a number of existing planning applications registered for the site, and this FRA has been written specifically to support an outline application for a mixed use development on the western portion of the wider site.*
- *Flood Zone mapping prepared by the Environment Agency identifies the site as being located in Flood Zone 1 (Low Probability). The Gresty Brook is located along the northern boundary of the site, with a smaller unnamed tributary of the Gresty Brook located along the southern boundary of the site. Site-specific hydraulic modelling has confirmed that the risk from these watercourses is negligible.*
- *An outline surface water drainage strategy has been prepared by THDA Ltd that is based on sustainable drainage principles. A series of cascading ponds and swales provide both storage for development drainage in addition to numerous stages of treatment to runoff prior to discharge from the site.*
- *In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not*

*increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.*

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## **Layout and Design**

### **Residential**

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows points of access from the spine road to the east and the realigned Crewe Road to the north, as well as a circular distributor road. Blocks of development are arranged fronting on to an area of Public Open space, along the boundary with the existing ecological mitigation area to the west.

A further substantial area of landscaping and bunding is proposed along the sides of the new spine road, which will separate and screen the residential part of the site from the employment development.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site.

An illustrative layout has been provided that demonstrates that the maximum number of dwellings proposed (370) can be accommodated on the site in addition to public open space requirements, whilst maintaining an adequate standard of residential amenity for existing and proposed occupiers and a layout of sufficiently high quality in urban design terms.

Furthermore, there is no requirement to provide this level of information at the outline stage, and the details design and layout can be addressed at the reserved matters stage. If necessary, the total number of units on the site can be reduced below 370, in the final layout in order to produce a scheme of suitable quality.

To turn to the elevational detail, the surrounding development comprises predominantly 1930's semi-detached properties arranged in a ribbon development along Crewe Road and more modern cul-de-sac development made up of 1960, 70's and 80's 2 storey detached and semi-detached houses and bungalows in the south of Crewe, beyond the railway line to the north. Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

The appearance of the development will be determined by the reserved matters application. A parameters plan has been submitted with the application and a design code can be secured by condition. Both of these will help to inform the reserved matters application and ensure that the proposed layout and the type of housing will respect the appearance and character of the surrounding area.

### Local Centre

The proposed local centre uses are positioned to the north of the site, on the opposite side of the realigned Crewe Road, adjacent to the proposed roundabout junction with the new spine road. In this position they will be separated from the proposed residential uses by the road, which will mitigate any adverse impact on amenity. They will also provide a buffer between the existing and proposed industrial development, (including Mornflake factory and the DRS Rail depot) and the proposed housing, which will also be to the benefit of residential amenity. They will also benefit from passing trade and will be readily accessible to users from the proposed housing and employment development as well as existing residents.

Given their prominent location on the roundabout junction, they also provide the opportunity for statement architecture, and the creation of a gateway feature. This can also be secured through a Design Code, which, as stated above, can be a condition of any approval.

### Car Showroom and Hotel

These uses will be located adjacent to the A500 junction, where they will benefit economically from a prominent location. As with the local centre, they provide an opportunity for statement architecture and will provide a transition zone between the more noisy and polluting B2 and B8 proposed industrial and commercial uses to the east of the site and the proposed residential area to the west, which will help to protect the amenity of future occupiers.

### Conclusion

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to design coding to control the detail of the scheme, it is considered that the proposal will comply with local plan policy BE2 (design) and the provisions of the NPPF in this regard.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

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 minimum distances between existing and proposed dwellings, (particularly given that the majority of the neighbouring properties, which front on to Crewe Road, are located on the opposite side of the substantial ecological mitigation area.)

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between dwellings. However, there is



no requirement to provide this information at the outline stage and it is considered that this issue would need to be addressed in detail as part of the reserved matters application.

The Environmental Health Officer has requested a condition requiring details of the location, height, design, and luminance of any proposed external lighting to be submitted to ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. It is considered that this is a necessary and reasonable condition to protect the living conditions of neighbouring occupiers.

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

### **Education**

The Council's Education Officer has examined the application and concluded that a development of 370 dwellings will generate 67 primary and 48 secondary aged pupils.

Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of £722,363 is required. This can be secured through the Section 106 Agreement.

The secondary schools have sufficient places to accommodate this development.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 5,550sqm of shared recreational open space and 7,400sqm of shared children's play space which is a total of 12,900sqm of open space.

The submitted layout makes provision for 9600sqm of recreational open space, 2000sqm of equipped childrens play area and 8700sqm of general childrens play space. The proposal therefore exceeds the minimum quantum of open space requirements. At the time of report preparation, comments were awaited from the Council's Greenspaces Officer with regard to the nature of the provision, and a further update on this matter will be provided prior to committee.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Ecology**

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist who has commented that great crested newts are unlikely to be significantly directly affected by the proposed development provided the proposed footpath through the existing mitigation area is low key in nature. This assessment is based on the submitted ecological assessment which states that the footpath will consist simply of mown grass.

The ecological mitigation area, particularly the ponds and protected species within the mitigation area are however vulnerable to impacts associated with public access. The

application includes proposals for the regularisation of public access into the mitigation area by means of fencing and thicket planting. This approach is considered to be acceptable. However, both the design of the footpath and the fencing and planting associated with the footpath and western boundary of the public open space should be secured by means of a planning condition.

It is some time since a protected species survey of the entire site has been undertaken and an oak tree on site has been identified as having potential to support roosting bats.

To ensure that the determination of this application is informed by a full and up to date assessment of its ecological impacts, the Council's Ecologist advised that a revised protected species survey of the application site and a bat survey of the oak tree be undertaken and a report to together with any revised mitigation proposals be submitted prior to the determination of the application.

Further surveys for badgers and bats have been carried out by the applicant as per the initial consultation response from the LPA ecologist. These were submitted to the Council and have been assessed by the LPA ecologist who has confirmed that he is happy with their conclusions.

To ensure there is no disturbance of bat foraging or commuting activity as a result of inappropriate or excessive lighting a condition should be attached to any permission granted requiring any reserved matters application to be supported by a detailed lighting scheme.

The established ecological mitigation area is currently monitored and managed through an agreement secured as part of the outline consent for this site. As the current application is a departure from the outline consent it is essential that the mechanism for securing the on-going management and monitoring of the mitigation area is not compromised by the grant of planning permission for this current application.

The Council's Ecologist has also advised that the majority of remaining habitats on site are of relatively low nature conservation value. The submitted indicative layout shows the retention of the remaining hedgerows within the proposed open space areas, which is commendable. On this basis, subject to the proposal is considered to be acceptable

### **Impact on Public Right of Way**

A public right of way footpath number 2 Shavington-cum-Gresty enters the site adjacent to the dwelling at 358 Crewe Road, Shavington and passes to the east of Springbank Farm. The footpath becomes footpath Number 11 Basford and traverses the application area roughly parallel to the railway but through the fields 80-100m away from the railway land. Outside the application area the footpath crosses the A500 and passes south to the east side of Larch Avenue, Basford. The application proposes that this footpath be diverted to pass along the side of the spine road and then along the landscaping on the southern site boundary. Whilst the new route along the spine road would create a very different character to the area in which the footpath is located the southern section through the landscaping will provide a softer planted environment for any walkers using it. Any proposal for diversion of this right of way under the Planning Act cannot be considered until the outline and all appropriate reserved matters applications have been approved. An alternative approach would be to

consider allowing the route to pass through the landscaping and wildlife mitigation areas on the west of the site. However it is not possible to consider the effects of the development on the right of way, in detail, until such time as the appropriate reserved matters applications are submitted.

### **Archaeology**

Policy BE.16 of the Replacement Local Plan allows development where it is demonstrated that there would be no damage to known or presumed archaeological interests. The County Archaeological Officer commented in respect of the previous application that he did not require any further pre-application determination work and advised that a condition be attached to any permission for further investigation of four areas of minor geophysical anomalies, the recording of sections through an ancient township boundary and a report. Subject to this condition being added to any further approval, it is considered that the proposal would comply with Policy BE16.

### **Landscape and Trees**

Although the application is submitted in outline, approval is sought at this stage for landscaping. The site has been subject to several planning applications the latest previous one being P08/1258 which contained a Landscape Design Statement. A Section 106 Agreement signed by the applicant on 12<sup>th</sup> May 2008 is currently in place. Pre application planning advice was supplied on 27<sup>th</sup> November 2012 (Ref. PRE/0845/12) and since then there has been ongoing negotiation and revision of plans in respect of the landscape aspects of the scheme. Landscape matters are covered by the Design Parameters plan 0100-0006, Landscape Framework plan PL07 Rev H, and the Landscape Concept Drawings PL02 RevA, PL03 RevA, PL04 RevB. These provide details of the structural elements of landscaping around the periphery of the areas identified for the various land uses and alongside the proposed spine road. However, they do not cover the detailed, small scale areas of landscaping which would need to be provided, within each of those areas.

It is accepted that the submitted scheme for the woodland/landscape and SUDs (sustainable urban drainage) area, between the employment land and the housing area, offers the highest degree of buffering that can be achieved without significantly compromising the viability of the scheme. Proposals for a robust boundary to the existing ecology mitigation area and a 25 – 40 metre wide strip of public open space (POS)/community woodland between the mitigation area and housing will both protect the mitigation area and provide an extensive visual separation between the houses on Crewe Road and the new development. The landscape buffer along the spine road together with the POS/ecological mitigation area provides a robust landscape structure for the new development and an appropriate landscape for this important gateway into Crewe.

The main part of the site has been cleared of hedgerows and trees under previous planning applications. A hedgerow and hedgerow trees were retained along what was to be the western boundary of the employment development. This boundary hedge is to be substantially retained within the new application and remaining trees are protected by a Tree Preservation Order (TPO 213 Basford West Wildlife Area).

The proposed POS can accommodate an equipped play space and outdoor gym within a community woodland setting. In order to protect the ecological mitigation area and ensure appropriate separation from other facilities a lit multi use games area (MUGA) is to be positioned on the residential side of the retained boundary hedge. All these facilities and woodland planting/landscaping of the POS will be considered as part of any detailed planning applications submitted by developers of the residential area.

The Council's Heritage and Design Manager is satisfied that the above drawings and relevant parts of the Design and Access Statement form a suitable landscape scheme subject to the following conditions and recommendations:

- 1) A detailed landscape scheme should be submitted for approval prior to commencement on site.
- 2) A tree survey and tree protection plan in accordance with BS 5837 (2012) should be submitted for approval prior to commencement on site.
- 3) The agreed landscape scheme should be implemented within the first planting season after commencement of development.
- 4) No development should take place until details of all earthworks have been submitted and approved. The bunds on either side of the spine road should be constructed with the upper 1.5 metres of soil loose tipped in order to avoid compaction of the rooting medium, thereby promoting more rapid and taller tree growth. This approach is detailed within Forest Research BPG Note 4. Allowance should be made for settlement over the first year in order to achieve required finished levels.
- 5) A management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works. This should include long term objectives and proposals for management in perpetuity that can be included within a Section 106 Agreement.
- 6) A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works.
- 7) Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
- 8) Reiterate previous Sect 106 agreements in particular concerning the public access from the NW corner of the site, and funding to be made available for public access to the SW corner of the site. It is suggested that agreement about a financial sum for offsite tree planting should be modified in scope to include habitat mitigation measures in addition or as an alternative to tree planting.

Weston and Basford Parish Council have requested that the applicant landscape the southern side of the A500. However, Goodman is not able to do this as they do not own the land. Weston and Basford Parish Council also commented on the southern boundary landscape scheme. The applicants have submitted numerous plans along with the subsequent extension east, the cross sections, and the species amends that were made to deal with these issues when they were previously raised. However, the southern boundary landscape scheme is not part of this planning application but it is stated on the residential application drawing PL07 Rev H 'Landscape Framework Plan' that 'Areas of strategic landscape to be installed in accordance with previous application and approved drawings'.

### **Impact on Railway**

Network Rail has expressed concerns about the potential noise, dust or light pollution from railway operations to result in complaints from prospective occupiers. However, the residential site is separated from railway by the residual part of the employment site and a substantial amount of screen planting and earth bunding is proposed along the spine road between the two principal land uses on the site. Furthermore, the noise and air quality impact assessments, which are requested by Network Rail have already been undertaken, and are discussed in detail above. Those assessments have identified appropriate mitigation measures which can be secured by condition. In view of this, and in the absence of any objection from the Council's environmental Health Officers, it is not considered that a refusal on these grounds could be sustained.

Network Rail has also raised concerns regarding the potential for trespass on the railway from the area of community woodland. However, this can be prevented through the imposition of the standard boundary treatment condition.

Similarly, the drainage concerns that have been raised can also be resolved through the implementation of standard conditions requiring the detail of the scheme of drainage to be submitted and approved.

### **Highway Safety and Traffic Generation.**

A Transport Assessment has been submitted with the application which can be summarised as follows:

- *Outline planning approval was given for the comprehensive development of the Basford West site in May 2008 (App Ref: P03/1071).*
- *The developer is already committed to delivering significant infrastructure improvements to assist the comprehensive development of the Basford West site including a financial contribution towards the Crewe Green Link Road. The other proposed improvements are:*
- *A contribution is to be made to footpaths and cycle lanes of £325,703. This will enhance pedestrian access to and from the site through the following schemes:*
  - *Improved footway/cycleway from Claughton Avenue to Davenport Avenue via Smalbrook Walk;*
  - *Improved footway/cycleway from Davenport Avenue to Railway Line via Clough Walk;*
  - *Improvement works to Gresty Green Road;*
  - *Improvement works along Crewe Road B5071; and*
  - *The provision of a new pedestrian/cycleway from Phase 1 to Crewe Road B5071*
- *In addition to the bus services that currently exist, the developer will make a £300,000 contribution to improving public transport provision in the area. This would help enhance the existing provision, and would in particular be aimed at assisting employees to access employment opportunities without the need to drive by car.*
- *The new development strategy is to make an application for residential and ancillary land uses to act as enabling development to fund the infrastructure costs of the development. It should be stressed that the trips from the amended land uses are in fact less than the thresholds agreed as part of the outline planning permission for the previous employment scheme.*

- *As part of the on-going measures to promote travel to the site by sustainable transport modes and to reduce single occupancy car journeys the car parking provision would be purposefully constrained to a level below the maximum permitted car parking provision for the land uses proposed. The car parking provision for each individual plot will be discussed with the Local Authority at reserved matters stage.*
- *In conjunction with a detailed management strategy and the overarching travel plan measures this would assist in ensuring peak hour trip demand is kept within the agreed maximum thresholds set out in the s106 agreement.*
- *A maximum trip generation threshold of 861 trips has long been established as part of the outline planning permission for the Basford West scheme to ensure that the local and strategic highway network continues to function following comprehensive development of the Basford sites. A higher threshold figure of 1003 should the scheme proceed without a rail connection, has now been approved by the Council.*
- *The trip generations for the current masterplan scheme, with the inclusion of the application land, has been calculated at 831 trips for the 'with rail' scenario and 953 if the rail connection does not proceed a fall of 4.5% and 5% respectively when compared against the all employment scheme. There is a consequential reduction in vehicle movements on the wider highway network and also a fall in the number of HGVs.*
- *It has therefore been demonstrated that the proposals to incorporate the application site proposals into the overall Basford West masterplan will continue to achieve the stringent trip generation targets agreed as part of the outline planning approval and the s106 agreement.*
- *Travel planning will continue to be managed via a site wide Umbrella Travel Plan with each subsequent plot being accompanied by an individual Subsidiary Travel Plan to be submitted with the respective reserved matters planning application.*
- *The operation of the transport network has been tested for capacity with the addition of committed development traffic, or those going to appeal at the 2014 opening and 2019 design year.*
- *The new spine road junctions all operate efficiently and would represent a quality gateway approach into Crewe. The existing Crewe Road to the west of the site would experience a reduction in traffic and therefore benefit from an improved highway environment. To the north on Gresty Road there is an increase in development traffic flows resulting from more residential and employment trips between the site and Crewe Town Centre.*
- *This additional traffic does potentially result in extra queues and delays at the junction of Gresty Road with South Street and Catherine Street and also the signals of South Street and the A534. However, this represents a worst case scenario as the completion of the Crewe Green Link Road financed by developer contributions would result in a significant reduction in traffic flow in Crewe Town Centre including Gresty Road and on the A534. The completion of the CGLR represents significant mitigation for the increased development trips.*
- *Further to the east, we expect a proportion of the traffic to use the Crewe Green Link and therefore the volumes using the Barthomley link and also J16 of the M6 to very low and would be within the normal daily variation of flow and consequently the implications of this traffic would not be perceptible. No improvements are therefore necessary or proposed at Junction 16 of the M6.*

- *No material road safety issues are expected to arise as part of the development proposals.*
- *The outline planning permission for the Basford West scheme establishes the principles for comprehensive development on the site.*
- *It has been demonstrated that the proposals to replace some of the employment use with residential will have no impact on the maximum development thresholds agreed for the site.*
- *Based on the above positive findings it is considered that the proposals to develop residential use on Basford West as well as complementary land uses as part of the masterplan are acceptable in highway and transportation terms for planning approval*

The Strategic Highways Manager has considered the application and raised no objection to the design and layout of the spine road or the site access arrangements. He has, however, requested the relocation of the southern bus stop to achieve better access to the residential development and the provision of protection on the stopped up section of Crewe Road to prevent vehicular access. The former issue has been brought to the attention of the developer and an amended plan is expected shortly, whilst the latter can be easily dealt with through an appropriately worded condition.

The Strategic Highways Manager has also raised no objections, with regard to the impact of traffic generation on the wider network, subject to the same package of financial contributions towards off-site improvement works that were to be provided as part of the previous consent being secured through a Section 106 Agreement. These include

- £3,200,000 contribution towards the Crewe Green Link Road
- £300,000 contribution to improving public transport provision in the area.
- £325,703 contribution to improving footpath and cycle lane access to the site in the following areas:
  - Cloughton Avenue to Davenport Avenue
  - Davenport Avenue to the railway line
  - Improvements to Gresty Green Road
  - Improvements along Crewe Road
  - Provision of a pedestrian/cycleway into the site from Crewe Road
- £200,000 contribution to traffic management and regulation.
- A contribution of £2,500,000 towards improving access to the congested A500 corridor serving the site from the M6 at Junction 16.

### **Section 106 Package and Viability Issues**

The developer has submitted a viability appraisal, undertaken by consultants Savilles, of the residential scheme, which indicates that it is not possible to provide the highway contributions outlined above as well as the required level of affordable housing.

It also indicates that, even with a reduced level of affordable housing, it would not be viable to provide the requested £2,500,000 towards improving the A500 corridor. However, in respect of the latter point, the Council has recently secured in principle £2.7m of “pinch point” grant funding from central government to subsidise the cost of providing the Basford West spine road, which the developer will be expected to deliver themselves under a Section 278 Agreement, in addition to the Section 106 financial contributions to schemes delivered by the Council.



This will reduce the cost to the developer of the provision of the spine road, and therefore, provided that this funding is received by the Council, which is dependent upon its compliance with the conditions of the grant, it will be viable for the developer to provide the requested A500 contribution.

On the basis of the above the developer has offered the following Section 106 package:

- Provision of education contribution of £722,363 (on the basis of 370 units) as requested by the education officer
- 10% affordable housing with a tenure split of 65% affordable rent and 35% intermediate housing
- £3,200,000 contribution towards the Crewe Green Link Road
- £2,500,000 towards improving access to the congested A500 corridor only payable on receipt of pinch point funding by the Council to subsidise the Basford West Spine Road
- £200,000 contribution to traffic management and regulation.
- Provision of Ecological area
- £37,000 for off site planting
- £80,000 for ecological area management plan
- £50,000 for public art.
- Viability re-appraisal after the 100<sup>th</sup> unit and 200<sup>th</sup> unit. (Overage clause)

Section 6 of the Interim Planning Statement (IPS): Affordable Housing relates to Viability of Affordable Housing Provision. Paragraph 6.6 states:

*Where it is accepted by the Council that a development is not sufficiently viable to provide the requisite level of affordable housing, and where the development is in all other respects acceptable, it may consider requiring the applicant to enter into a legal agreement which effectively defers developer contributions during the period of development. More detail on this approach is contained in the Home and Communities Agency Good Practice Note on Investment and Planning Obligations (July 2009), however the broad principles are explained below.*

As stated above, under the provisions of the NPPF viability is a material planning consideration. It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

*To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing,*

*business and other development needs of an area, and respond positively to wider opportunities for growth.*

Gerald Eve, have also reviewed the viability appraisal in respect of the residential scheme and concluded that Savills viability appraisal for a policy compliant scheme (i.e. 30% affordable housing, and the provision of all highways and other financial contributions) clearly demonstrates that the scheme is unviable.

Savills have also provided a viability appraisal for the scheme with reduced Section 106 contribution and a reduced affordable housing requirement of 10% (on a tenure split of 65%social rented/35%intermediate.) Savills concludes that the proposed scheme is viable on the basis of a reduced affordable housing requirement and reduced section 106 contributions to the levels detailed in their appraisal.

Gerald Eve are broadly satisfied with the submitted appraisal. However, they unable at this stage to conclude that the revised Section 106 and 10% Affordable Housing represent the maximum that the scheme can afford in accordance with the RICS guidance. Further clarity is needed on the following issues:

- Clarity is needed regarding the costs to be attributed to the scheme, to be explicitly apportioned as costs attributable to Section 106 Contributions, On-site Contributions and Off-site Contributions. Within the Royal Institution of Chartered Surveyors Professional Guidance entitled 'Financial Viability in Planning' which represents best practice it concludes that 'a full QS cost report' is recommended to be provided.
- Gerald Eve's analysis demonstrates that the scheme is likely to be able to afford a higher level of affordable housing if adjustments are made to the tenure split of the affordable to be provided in accordance with the mix agreed with the Council's Housing Officers.
- Further clarity is sought on the timing assumptions on the main land trading appraisal.
- The rent period has been calculated as an explicit cost to development not within the investment valuation of the GDV.
- 12% professional costs have been used and Gerald Eve considers that 7.5% professional costs would be appropriate.
- The appraisal produces a surplus of £236,954 which could be used for AH/Section 106.
- 5% Stamp Duty has been used within the residential appraisal this should be 4%.
- Within the residential appraisal costs of £ 88,807 and £88,807 have been used without explanation.
- In addition, Gerald Eve's analysis demonstrates that it may be appropriate for the scheme to provide higher Section 106 contributions and it would therefore be appropriate to consider a re-appraisal mechanism which would be triggered prior to an implementation. It is noted that this included within the draft Section 106.
- Profit on costs is 22.31% for the Open Market Appraisal.

Whilst the above matters do require clarification, it is clear that the policy compliant level of affordable housing cannot be provided within the scheme without adversely affecting the viability of the scheme. Furthermore, the viability appraisal also demonstrates that the scheme cannot provide the contribution towards the improvements unless the "pinch-point" funding for the spine road is provided by central government.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the “All Change for Crewe” in terms of the contribution that it will make to employment opportunities within the town and the delivery of the Crewe Green link Road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East’s 5 year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the “All Change for Crewe”. A further update in respect of this matter will be provided to Members prior to their meeting. However, provided that Gerald Eve receive the outstanding information, and that they raise no objection the proposed section 106 package as set out above is considered to be acceptable.

In reference to the Himor objection, it should be noted that it is standard practise for viability reports to remain confidential. However, Gerald Eve, who are independent consultants have been able to view the report in detail and have made their comments accordingly. As such it is considered that Members can give considerable weight to their advice.

## **9. CONCLUSIONS**

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore residential and other uses would be contrary to development plan policy. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy and the Crewe Town Strategy. Furthermore, the previous scheme, which comprised entirely B1, B2 and B8 development, in accordance with the Local Plan allocation, as been demonstrated to be unviable and in order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the site, as well as the contributions that it will make towards infrastructure improvements, including the A500, Crewe Green Link Road and the spine road, are considered to be of vital importance to the delivery of “All Change for Crewe” as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore considered to be acceptable in principle.

Subject to clarification of a number of points, it is considered that the submitted viability appraisal has adequately demonstrated that the scheme could not provide the policy complaint level of affordable housing provision. However, following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and monies towards the future provision of primary education, and highway improvements, subject to the central government “pinch point” funding for the spine road being forthcoming.

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, the railway, public rights of way, archaeology, agricultural land, contaminated land, ecology, air quality, noise impact, layout and design, built heritage, drainage/flooding, landscape and forestry, and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, given that the site is located on the periphery of a key service centre and all such facilities are accessible to the site it is not considered that a refusal on these grounds could be sustained. Furthermore, the development could contribute to enhanced walking and cycling provision

Overall, it is considered that the adverse impacts of the development, in terms of conflict with the development plan, are outweighed by the benefits of the proposal in terms of residential provision and infrastructure delivery and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

## **10. RECOMMENDATION**

**Subject to receipt of additional viability information and no objection being received from Gerald Eve in respect of that information, APPROVE subject to a Section 106 Legal Agreement to Secure:**

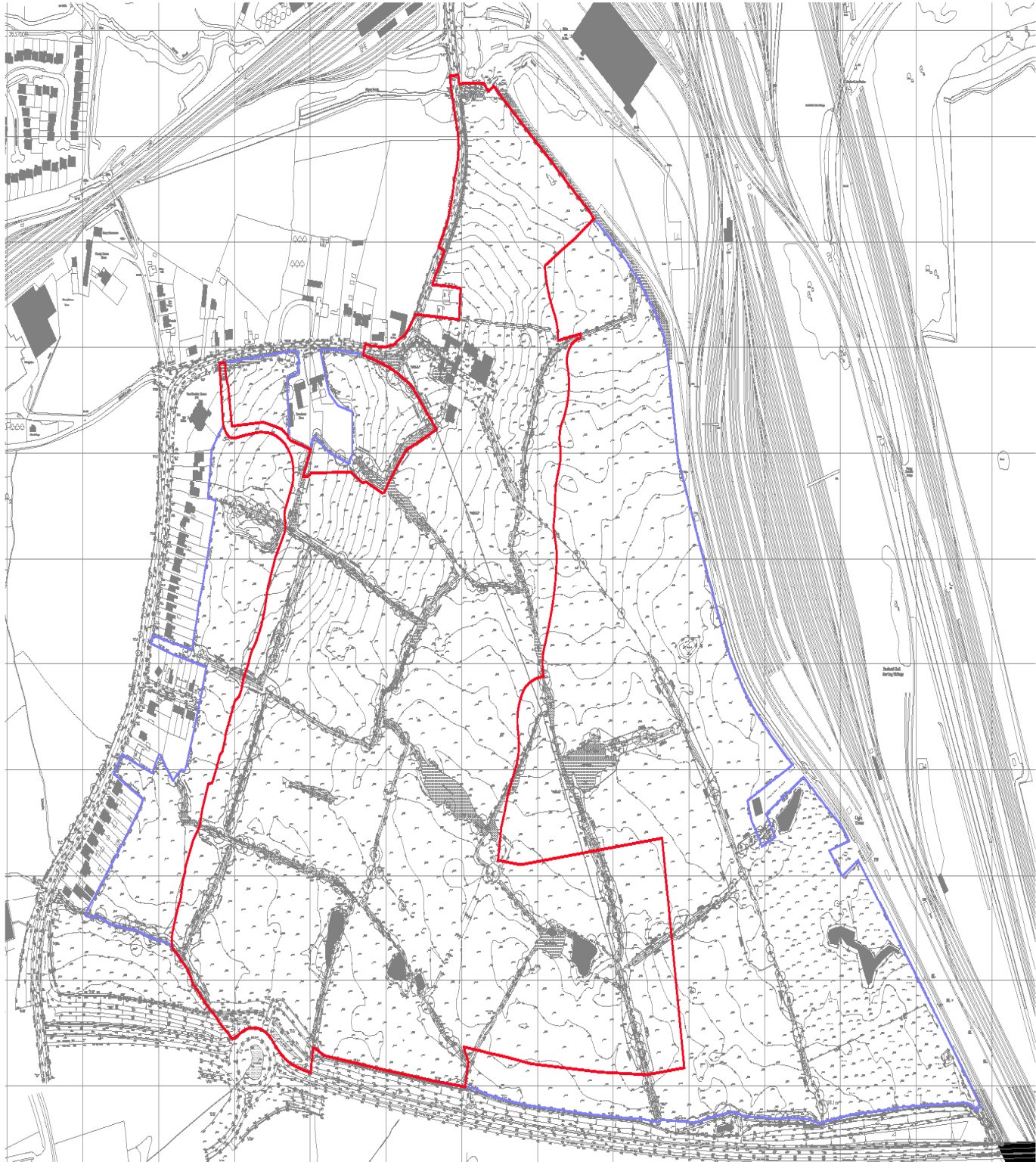
- **Provision of education contribution of £722,363 (on the basis of 370 units)**
- **10% affordable housing with a tenure split of 65% affordable rent and 35% intermediate housing**
- **£3,200,000 contribution towards the Crewe Green Link Road**
- **£2,500,000 towards improving access to the congested A500 corridor only payable on receipt of pinch point funding by the Council to subsidise the Basford West Spine Road**
- **£200,000 contribution to traffic management and regulation.**
- **Provision of Ecological area**
- **£37,000 for off site planting / habitat mitigation measures**
- **£80,000 for ecological area management plan**
- **£50,000 for public art.**
- **Viability re-appraisal prior to the occupation of the 200<sup>th</sup> unit and 300<sup>th</sup> unit. (Overage clause)**
- **Provision of open space**
- **A private resident's management company to manage all of the greenspace on the site.**
- **Reiterate previous Sect 106 agreements in particular concerning the public access from the NW corner of the site, and funding to be made available for public access to the SW corner of the site.**

**And the following conditions:**

- 1. Standard outline (Phased)**
- 2. Standard outline (Phased)**

3. Standard outline (Phased)
4. Approved plans
5. Submission of phasing plan
6. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.
7. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
8. Submission / approval / implementation boundary treatment
9. Submission / approval / implementation details of drainage
10. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA), from BWB Consulting ref BMW/139/FRA-Full Rev B dated 14/12/12, and the following mitigation measures detailed within the FRA:
11. Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
12. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events.
13. Submission, approval and implementation of a method statement to deal with the treatment of the environmentally sensitive ditch, its aftercare and maintenance
14. Submission, approval and implementation of a scheme to dispose of foul and surface water, including the provision and installation of oil and petrol separators
15. This site must be drained on a total separate system in accordance with the FRA by BWB and dated Dec 12.
16. The foul water discharge from the proposed site must discharge at an agreed point of connectivity within the public sewerage system and under agreement with UU before consent is granted.
17. For the avoidance of doubt, no surface water run-off generated from the site shall communicate with the public sewerage system via direct or indirect means.
18. Submission, approval and implementation of an Environmental Management Plan
19. Submission, approval and implementation of low emission strategy
20. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation.
21. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
22. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
23. If mechanical services plant is installed, it should be located well away from the nearby residential units and be designed such that the noise should not exceed the existing background noise levels, in accordance with BS 4142:1997.
24. Submission, approval and implementation of a scheme of odour / noise control for the local centre, restaurant/public house and hotel.
25. Submission, approval and implementation of travel plan
26. Submission, approval and implementation of electric car charging points
27. Directional signage for pedestrians and cycles

28. Site wide Umbrella Travel Plan including monitoring Relocation of the southern bus stop to achieve better access to the residential development.
29. Submission / approval / implementation of sustainable design statement
30. A detailed landscape scheme should be submitted for approval prior to commencement on site.
31. A tree survey and tree protection plan in accordance with BS 5837 (2012) should be submitted for approval prior to commencement on site.
32. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
33. No development should take place until details of all earthworks have been submitted and approved. The bunds on either side of the spine road should be constructed with the upper 1.5 metres of soil loose tipped in order to avoid compaction of the rooting medium, thereby promoting more rapid and taller tree growth. This approach is detailed within Forest Research BPG Note 4. Allowance should be made for settlement over the first year in order to achieve required finished levels.
34. A management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works. This should include long term objectives and proposals for management in perpetuity that can be included within a Section 106 Agreement.
35. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works.
36. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
37. Submission / approval of archaeological investigation.
38. Submission / approval / implementation of footpath surfacing / lighting
39. Submission / approval / implementation fencing to public open space
40. Retention of hedgerows within proposed open space
41. Landscape scheme for spine road including street furniture and public art, to be submitted and approved prior to commencement of construction of spine road.



**Revisions**

Revision | A | Drawn | DK | Rechecked | HR  
 ISSUED FOR THE BOUNDARY FOR ALTERNATIVE PROPOSALS  
 BOUNDARY INCLUDES HIGHWAY, FENCES AND ACQUEDUCT BARRIERS

Revision | B | Drawn | DK | Rechecked | HR  
 AMENDMENTS TO BOUNDARY TO ACCOMMODATE DITCH ON THE  
 BARRIERS

Revision | C | Drawn | DK | Rechecked | HR  
 AMENDMENTS TO BOUNDARY TO INCLUDE FLOOD ZONE TO  
 THE SOUTH

Revision | D | Drawn | DK | Rechecked | HR  
 AMENDMENTS TO BOUNDARY TO INCLUDE FLOOD ZONE TO  
 THE SOUTH AND INCLUDE AREA REQUIRED FOR EARTHWORK FOR

plans | sections | sections

**Location**  
 Junction of Balford Court, Thorne Road, Don Valley, Leeds  
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**Client name**  
 Goodman - Partner

<b>Project No</b> 3363	<b>Project Title</b> BALFORD WEST
<b>Drawn by</b> RW	<b>Reviewed by</b> Date 12/06/2011
<b>Drawing No.</b> 0100-0002	<b>Drawing Title</b> APPLICATION BOUNDARY

**File Path**

Important notes:  
 This drawing is for information only. It is not to be used for construction purposes. It is not to be used for any other purpose without the written consent of the author. It is not to be used for any other purpose without the written consent of the author. It is not to be used for any other purpose without the written consent of the author.

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Application No: 13/2299N

Location: Land at Rope Lane, Shavington, Crewe, Cheshire, CW2 5DA

Proposal: Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N.

Applicant: Wainhomes North West Ltd

Expiry Date: 29-Aug-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES**

- **Principle of Development**
- **Highway Safety**
- **Ecology**
- **Trees and Landscape**
- **Footpath**
- **Affordable Housing**
- **Contaminated Land**
- **Open Space**
- **Design and Layout**
- **Residential Amenity**
- **Flooding**

#### **REFERRAL**

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

#### **1. SITE DESCRIPTION**

The site comprises 3.679ha of undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing

hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

This application was original submitted on 6<sup>th</sup> March 2013. The 13 week target date for determination was 5<sup>th</sup> June 2013. The application was due to be presented to the Strategic Planning Board for determination on 19<sup>th</sup> June 2013. However 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.

The applicant has submitted a second identical application, which is the subject of this report, in the hope of receiving a formal determination from the Local Planning Authority in advance of a decision being made through the Appeal process. The applicant has indicated that if this application is successful they may be willing to withdraw the present appeal against non-determination.

## 2. DETAILS OF PROPOSAL

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

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

### 3. RELEVANT PLANNING HISTORY

11/4549N	2012	Outline application for up to 80 dwellings including access – Refused. Appeal allowed.
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13/1021N	2013	Application for approval of reserved matters - Appealed
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## 4. PLANNING POLICIES

## National Policy

## National Planning Policy Framework

## Local Plan Policy

NE.2 (Open countryside)

NE 4 (Green Gap)

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 Considerations**

Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

- No comments received at the time of report preparation

### **Public Rights of Way Unit**

- It would appear from inspection of the definitive map that Public Footpaths Rope No. 2 and Shavington cum Gresty No. 7 will be obstructed by the proposed development
- As there are currently no proposals for the paths to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant object to the planning application.
- If, however, the applicant is prepared to apply for a diversion of the routes under the Town and Country Planning Act 1990 may consider withdrawing objection the suitability of the new routes has been assessed.

### **Environmental Health**

No objection subject to

- Submission, approval and implementation of an Environmental Management Plan to cover noise and disturbance, waste management, dust generation, piling techniques, hours of operation, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes during the construction phase
- Implementation of scheme of acoustic insulation submitted with the application
- Submission and approval of a Phase II site investigation and implementation of any recommendations / mitigation.

### **Highways**

- This application offers a detailed design for the internal layout of a 79 unit residential development. The internal road layout should comply with Manual for Streets offering a clear design hierarchy for the road infrastructure to give better guidance of all road users.
- The proposed layout for this development was initially the same as the layout for the original application: 13/1021N which is currently the subject of an inquiry for non-determination.
- One of the concerns regarding the development proposal was that of the internal layout which was determined by the Strategic Highways Manager to fall short of delivering a quality design under the guidance of the Manual for Streets document.
- The consultant acting for the developer entered lengthy negotiations with the Strategic Highways Manager in recent weeks and finally, after a number of layout amendments an adjusted layout was agreed which improved the design of the layout to a satisfactory level.

#### Traffic capacity and site junction capacity.

- These issues were resolved at outline planning stage and the original Transport Assessment demonstrated that the junction onto Rope Lane had sufficient capacity to serve up to 130 dwellings and therefore this development for 79 dwellings is more than adequately served. This assessment was accepted by the S.H.M.

#### Conclusion.

- This development proposal does now offer an internal layout which provides a level of design which is satisfactory to the Strategic Highways Manager. The: geometry, consistency of features and connectivity will serve the site in a satisfactory manner.
- The Strategic Highways Manager recommends the following conditions be attached to any permission which may be granted for this development proposal:
  - **Condition:-** Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the formal adoption of the internal road infrastructure serving the development.
  - **Condition:-** Prior to first development the developer will provide a suite of detailed design plans for the construction of the new access junction and the provision of a 2.0metre footpath for the full frontage of the site. This will include for tactile paving on pedestrian desire lines and for an upgrade to the frontage streetlighting.
  - **Condition:-** Prior to first development the developer will provide a detailed design for the upgrade of the street lighting system for Rope Lane on the site frontage to the satisfaction of the LPA.
  - **Condition:-** The developer will provide a capital sum of money for the improvement of the wider highway network and focused on the South Street/A534/Mill Street junction in Crewe. The provisional rate will be £3,000.00 per dwelling against development numbers on the site. The total sum of money will be secured via a Section 106 Agreement under the Planning Act 1990 and via triggers to be agreed against the occupation of development numbers.

#### **Peak and Northern Footpaths Society**

- The development appears to affect Shavington 7 and Rope 2.
- If planning permission is granted please include a condition that there must be no objection of the public right of way. Should a temporary or permanent obstruction be unavailable then no development should take place until a diversion order has been confirmed and the diversion route with a satisfactory surface and adequate width and way marking is available for public use.

### **Environment Agency**

- The Environment Agency has no objection in principle to the proposed development but requests that any approval includes the following planning conditions.
- Outline planning permission should only be granted to the proposed development if the following mitigation measure as set out in the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA\_v1.3 dated 11 November 2011) submitted with this application is implemented
- Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA\_v1.3 dated 11 November 2011), has been submitted to and approved in writing by the local planning authority.
- Any vegetation clearance works should be conducted out with the bird breeding season of March through to August inclusive.
- To enhance the biodiversity value of the site, only native plant species should be used in landscaping works. The species used should offer food and shelter to wildlife all year round.
- Nesting boxes for birds and bats will also enhance the biodiversity value of the site.
- Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.
- A scheme to be agreed to protect the undeveloped buffer zone around Swill Brook on site as shown in 'Landscape Structure Plan' number 4381.03.

### **5. VIEWS OF THE PARISH / TOWN COUNCIL**

The Parish Council has considered the above planning application and instructed me to submit the following observations:

- The Parish Council has made a number of observations for consideration, raised some queries that it would require clarification of, and made a number of recommendations for the use of s106 improvements arising from the development in order to help mitigate the effect on the Parish; and would wish these to be attached as conditions to any approval.
- The Parish Council notes that all of the 79 dwellings proposed are two storey houses, some of which are located on the plan as being adjacent to a row of bungalows in Northfield Place. These bungalows will suffer from being overlooked as a consequence, and therefore the Parish Council would require that only bungalows be allowed to be built at this point on the site, similar to the conditions placed on the developers of the Triangle site when they construct properties behind the existing bungalows in Stock Lane.

- The Parish Council has significant concerns over the impact from heavy traffic during the construction of such a large site and would insist that a temporary 7.5T weight limit be introduced throughout the centre of the Village and along Chestnut Avenue/Vine Tree Avenue to ensure that construction traffic is routed via Nantwich Road and Rope Lane. This is considered essential as the view of the Parish Council is that heavy vehicles will attempt to access the site via the A500 and then along either Gresty Lane or Chestnut Avenue; or from Newcastle Road and then through the Village centre, both of which are unsuitable routes for heavy vehicles. Chestnut Avenue/Vine Tree Avenue is also the only route to Shavington Primary School located on Southbank Avenue.
- The Parish Council would also propose that the construction and delivery hours of the site be restricted to between 9am and 5pm Monday to Friday only.
- In terms of the developer's s106 contributions to the local infrastructure the Parish Council would request the following highway improvements identified as a priority by Members:
  - Improvements to the very poor condition of the carriageway and further traffic calming measures along Gresty Lane which is already extensively used as a rat run by local motorists and will only be used even more so once the works are underway
  - The provision of two zebra crossings in the Village at appropriate locations in Crewe Road and Main Road which have been seen as important by Parish Councillors for several years but not currently being considered by Cheshire East
  - Improvements to traffic flow in the centre of the Village by simple measures of new signage and white lining in making the Main Road/Sugarloaf Corner triangle a one-way system
- The site currently has a public footpath running along the rear of the Vine Tree Avenue properties, which then rejoins Vine Tree Avenue between No. 23 and the sub-station (although this is not clear on the plan), and the Parish Council understands that residents of these properties have concerns over the future potential for anti-social behaviour in what will be a thoroughfare between their properties and the rear gardens of the proposed new dwellings. There is also a drainage ditch running along this same route and the Parish Council would ask whether the developer has any plans to culvert this.
- There are areas of open space/recreational use shown on the plans submitted and the Parish Council would request some clarity over where the responsibility for the future on-going maintenance of these areas would fall.
- Finally, local knowledge suggests that there is a Foot and Mouth disease burial site located roughly in the centre of the site of the proposed housing development and the Parish Council would ask whether any surveys to establish the extent of any contamination are planned or have been carried out.

## 5. OTHER REPRESENTATIONS

## **Local Residents**

### Ecology

- Pleased to note that a preservation order has been placed on the oak trees in the fields concerned but the wildflowers, which the government are anxious to save from extinction will be lost.
- Loss of vegetation, wildlife mature oak trees
- Already been loss of natural habitat with hedges and trees destroyed when the Shavington bypass was built and now more will be lost
- Is there a way the trees can be retained?

### Amenity

- The buildings on the site of Santune House, also in Rope Lane, tower over the nearby bungalows. It is a disgrace that this is allowed to happen. The houses are so close that they look directly into bedroom windows and there is no privacy in the gardens. A similar situation will arise if Wain Homes are allowed to build house overlooking bungalows and the residents will lose their privacy. At the very least Wain Homes should be compelled to build bungalows in this area.
- Need to consider the visual impact that this development will have
- Northfield Place is all bungalows and to have a large number of houses to the rear of the existing bungalows will be unsightly and overpowering.
- We would like to add that, a majority of people currently residing in the area to be affected by the new development, are elderly or of retirement age, and have moved here for the peace and quiet that the countryside should bring. By encouraging families and young professionals into the area we are sure that this will bring problems such as noise nuisance from vehicle use at all hours and also anti- social behaviour from youths congregating around the play area and public footpath which runs to the existing properties.
- By attracting older people to reside in any bungalows built, it would allow families and couples to move into the houses that the older people have vacated.
- The public footpath which runs to the rear of the houses on Vine Tree Avenue is only at present mainly used by dog walkers but, even with little use residents have experienced problems with youths and vandalism in the past. There is concern that this public footpath will become used more and jeopardise security to property.
- No consideration had been given to local opinion, and existing dwellings.
- The number of 4 bedroom houses will totally dominate the landscape and be obtrusive when approaching the heart of the village.
- The people of Shavington and indeed the parish council strongly opposed this development and yet despite the level of opposition, houses are to be built immediately adjacent to many properties.
- It is certainly inappropriate to overlook bungalows with houses.
- The Developer / Landowner have no consideration for the views of the residents of Shavington or of the wellbeing of the Village itself.
- The building of two storey houses to the rear of bungalows in Northfield Place will result in a loss of privacy, as their gardens and bedrooms will be directly overlooked.

This is distressing for the mainly elderly residents and should have a condition applied that bungalows only will be allowed.

- As Northfield Place is downwind of the prevailing wind direction we will be particularly affected by dust and noise during construction, again elderly residents tend to suffer from asthma / chest problems....that is why we chose to live in a semi rural area.
- Working hours should be restricted to weekdays between 09.00 and 17.00
- No site access via Chestnut Ave /Vine Tree Ave or through the Village centre
- The future residents of the development will be subjected to increasing traffic noise from the adjacent bypass as the planned Commercial and Residential development in the area are completed. There is no noise screening along this stretch of the bypass and the increase in noise is already evident.
- Loss of views from existing properties
- Gardens will be overlooked.
- Many Council's permit only the building of bungalows behind bungalows, so would hope that this compromise would be adopted concerning this planned development.
- Northfield Place turns to the right and also faces the houses being built behind the bungalows. To a lesser extent due to Northfield Place having a wide entrance with a large green area houses in Vine Tree Avenue will also see houses behind the bungalows.
- Object to a public footpath being left behind Vine Tree Avenue and the new houses which is a recipe for trouble.
- Apart from the undoubted visual horror, if approved, it should be remembered that people in this area have invested large sums of money in their homes (bought on an "as is" basis). And to have them de-valued in this way, is, not only totally wrong, but immoral.
- The light pollution from the development is not considered in the surveys carried out
- The siting of 4 large detached 2 storey (plus pitched roof) houses close to the low hedge boundary at the rear of 64 Rope Lane, with the front elevations of those houses directly facing the prominently fenestrated private rear elevation of the bungalow at 64 Rope Lane, is unacceptable. The main living room and two principal bedrooms at the bungalow will be directly overlooked by the many windows shown on the front elevation to these houses. Not only will these, and car headlights, be a potential source of light pollution but there will also be a severe intrusion of privacy on what is currently a very private outlook.
- No dimensions are given on the drawing submitted with the application (although they are given for properties affected on Vine Tree Avenue) but the distance from the bungalow at 64 Rope Lane to the nearest point of the new development is estimated at only 16m
- Although it is proposed to plant a few "trees" along the boundary, there will be immature and will take time to become established, if they do at all. The overlooking, particularly from the upper floor windows of the houses will be obtrusive.
- Consideration should therefore be given to permit only low rise bungalow development, which is more in keeping and compatible with surrounding bungalow dwellings, and to set these further back from the boundary with 64 Rope Lane.

#### Drainage



- Swill Brook can be fast flowing after heavy rain; this will be a magnet for children especially around the culvert opening (which is in need of maintenance at the moment). This should be fenced off.
- Properties in Northfield Place are in a flood risk area. This should be taken into account when drainage from the development is designed. The properties are below the development site.
- How will the water table be affected?
- Extra rainwater which will pour into Rope Lane, due to increased hard standing will adversely affect the drainage system
- There is a brook at the side of three existing bungalows and it will be at the bottom of the new estate. Has the danger of flooring with disturbance to the land been considered and appropriate flood planning and prevention for flooding been assessed and recommendation put in place.
- The total disregard of the route of the drain (protected by easement across the development site) from 64 Rope Lane.
- 64 Rope Lane has foul and surface water drainage via a pipe running across the proposed development site to the public sewer in the development site close to Vine Tree Avenue. This matter has been brought to the Council, and presumably the developer's attention, before but has always been disregarded
- The route of this drain is not shown on any of the drawings. However, it is clear that the developer proposes to construct dwellings over the drain. Access to maintain the drain will be required, as indeed it was a few years back, so the position of the proposed dwellings must be amended to ensure that no buildings oversail the drain and that 64 Rope Lane has the same easy and inexpensive access to maintain the drain in the future as it does now.

### Highways

- Concerns over the state of local roads, especially Vine Tree Avenue and Chestnut Avenue. The increased numbers of cars on these roads will surely make the potholes worse and increase in number.
- Rope Lane is heavily trafficked and getting worse. Local roads cannot support many new homes
- Where are the surveys on the current and long term state of the roads in the area? The Shavington bypass was a complete waste of money as it does not relieve the volume of traffic from the minor roads into Crewe.
- The road infrastructure linking the bypass to Crewe does not support the volume of traffic and now there will be the additional traffic.

### Other Matters

- It is a waste of time objecting as it would appear what the Government of the day say is all that matters and the men and women in the street have no rights.
- Why in a democratic country is a Government Inspector allowed over-ruling a unanimous decision by a council and the wishes of local residents, but apparently this has happened regarding this application.
- Loss of Green Belt status land
- The development will erode the gap between Wistaston and Shavington

- There are many developments currently in Shavington
- When there are so many empty properties in Crewe, the need to build new properties on farm land is outrageous and will ruin the natural beauty of the area.
- Residents were extremely distraught and disappointed at the news that the developer won his appeal to build a monstrous estate on what is now a beautiful unspoilt haven for wildlife, and has been up until now a most pleasant outlook from the rear of existing property.
- The Planning Inspector (who was not from this area), somehow saw no reason to turn down the application to develop town houses in a greenbelt area. Perhaps it was to do with Cheshire East's need to fulfil their quota of new build development
- Residents are aware that they cannot win the battle to have properties built, but would urge that any buildings erected should be sympathetic to the residents currently residents in the area.
- It would be a pleasant change if a building developer would be sympathetic to the residents that are affected by his profit making scheme. Some respect should be shown, as these decisions concern the lives of good people, who just want a peaceful, stress free place to live.

#### **Councillor Brickhill**

- *I realise that outline permission has been given for this thoroughly unwanted blot on Shavington landscape and I hope you will raise every possible difficulty in granting the full approval to these despoilers of our countryside and villages.*
- *I demand that the new buildings that back on to bungalows in Northfields are also bungalows. This is so that they do not overbear onto the existing residents. This principal has been accepted by the strategic planning board in respect of the Shavington triangle and it ought to be adopted here.*
- *You should also make it a condition that no access is taken to the site from the very narrow Vine Tree Avenue or Chestnut Drive. Nor should vehicles take access to Rope Lane through the Shavington village centre or Gresty Lane all of which are too narrow. The only access for construction traffic should be via Nantwich Rd and Rope lane itself. I feel sure that residents will park their vehicles in such a way as to totally obstruct construction traffic using any other route.*
- *In view of the fact that there are residents in the immediate area close to the site please make it a condition that work may only be done on Mondays to Fridays from 9 am to 5 pm with no weekend working to disturb the peace.*

#### **7. APPLICANT'S SUPPORTING INFORMATION:**

- Air Quality Assessment
- Noise Assessment
- Tree Survey Report
- Cable Calculations report

#### **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, 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.

### **Design and Layout**

The Principal Design Officer has examined the application and commented that the layout is reasonably positive and the amount of greening within it should help to integrate the scheme into the wider context. The street arrangement has an informal, loose character, which is a positive aspect of the scheme. Materials for squares and other feature road surfacing should be of a high quality to complement the soft landscaping within the scheme. This can be secured through the use of appropriate conditions.

The proposal provides active frontages to both Rope Lane and the public footpath running through the sites, which are positive aspects of the scheme. Parking is mostly to the side or rear of the properties and therefore car dominated frontages are also avoided.

The housetype designs lack a little in architectural quality terms but, given the very mixed nature of the surrounding development, there is not a strong context upon which to base the scheme. The landscape within the development will help in terms of softening the built elements of the scheme. It is not considered that artstone is necessarily a good detailing material in this context and the Principal Design Officer has suggested a locally applicable detail(s) are used such as brick heads and sills (although these should not be laid as soldier courses). This could also be secured by condition.

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 & Trees**

The Landscape Officer has examined the proposal and commented that the Landscape Structure Plan (Drwg 4381.03) is acceptable. Furthermore, the supporting arboricultural information, which includes a Tree Survey Report by Trevor Bridge Associates (Ref DF/4381/Tree Survey Report) dated January 2013 and a Tree Root Protection Plan also by Trevor Bridge Associates (Drawing 4381.02) dated January 2013 accords with Condition 12 of the Appeal Decision and is therefore acceptable.

Condition 13 of the Inspectors Decision requires the submission of a Tree Protection Scheme. This needs to be presented as an overlay onto the site layout and detailed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. However, this will be dealt with as part of a subsequent discharge of conditions application and does not need to be submitted at the reserved matters stage.

The Landscape Officer has commented that he will be recommending that a TPO be placed on the retained Oak trees as a duty under Section 197. It is noted that a number of local residents have supported this proposal.

### **Access**

The vehicular access to the site would be taken from a point mid-way along the Rope Lane 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 and the condition of local roads. 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 examined the proposals as originally submitted and raised a number of concerns.

The general layout did not satisfactorily conform with Manual for Streets (MfS) and did not offer the kind of environment that a quality MfS design could bring to this site. Approximately 27 units were served from private drives which did not accord with the adoptions policy for new development. A Manual for Streets layout would improve this through the use of pedestrian priority design. For example, Plots 40 – 46 were served for vehicular access from a private surface which resembles a car park. Nothing about this layout was pedestrian priority and the concentrated vehicle turning movements will prevent its reasonable use as such.

Consequently, the layout for this site needed a complete revision before it could be considered to be acceptable in highway terms.

Revision K, which was the 7<sup>th</sup> revision of the layout, has finally brought the masterplan to a reasonable detail but remains a compromise in design when Manual for Streets principles gave the opportunity for a design of much more significant quality and innovation. However, the Strategic Highways Manager does not consider that a refusal of the latest design would be sustainable and accordingly recommends approval subject to conditions.

Of the conditions requested, the requirement to enter into a Section 38 agreement is a matter to be dealt with under the Highways Acts and does not need to form a planning condition. The requests for financial contributions to off-site works have already been secured through the unilateral undertaking attached to the outline consent and do not need to be reiterated. The request for a suite of detailed plans for the construction of the new access junction, the provision of a 2.0metre footpath for the full frontage of the site, tactile paving on pedestrian desire lines and for an upgrade to the frontage streetlighting, is considered to be necessary and reasonable.

### **Affordable Housing**

The outline planning permission 11/4549N was granted on appeal. As part of the appeal process and Wainhomes submitted a Unilateral Undertaking dated 17th September 2012 which secured a requirement for the provision of 30% of the total dwellings on site as affordable housing with a tenure split of 65% social rented and 35% as Discounted for Sale dwellings. The affordable housing requirement equates to 16 social rented and 8 intermediate tenure dwellings.

The Unilateral Undertaking requires the developer to submit a draft Housing Scheme with or at the same time as the Reserved Matters application, or if there is more than one application at the same time as the first application and not to implement the planning permission until the scheme has been approved. The Housing Officer was unable to find any details of a draft Housing Scheme with application as originally submitted. The information required as part of the affordable housing scheme is as follows:

1. *"Housing Scheme" means a scheme to provide the Affordable Dwellings and submitted to and approved by the Council pursuant to Part One of the Second Schedule and such scheme shall meet the following criteria:*
  - (a) *the location and boundaries of each Affordable Dwelling shall be identified on a plan*
  - (b) *which of the Affordable Dwellings shall be Social Rented Housing and which of them shall be Discounted Housing For Sale shall be identified*
  - (c) *the external design of the Social Rented Housing and Discounted Housing For Sale shall be compatible with the external design of the Open Market Dwellings in order to achieve full visual integration*
  - (d) *the specifications for the Social Rented Housing and Discounted Housing For Sale are no less favourable than the specifications for the Open Market Dwellings*
  - (e) *in respect of the Social Rented Housing the minimum HCA design and quality standards (or such other standards as are from time to time adopted by the HCA) and the Code for Sustainable Homes level 3 shall be met*
  - (f) *the Open Market Value of each Discounted Housing For Sale Dwelling shall be determined in accordance with the Fourth Schedule to this Undertaking*
  - (g) *the scheme shall comply with the requirements of the Second Schedule to this Undertaking*

The Housing Officer also noted that the Planning and Design & Access Statement details that the affordable dwellings are to be 16 x Bell House Type and 8 x Baird House which according to the planning layout drawing would be primarily located in the south easterly part of the site and not pepper-potted throughout the site. The plan did not show which are the social rented and which are the discounted for sale units.

A final point of concern was that there needed to be 16 social rented dwellings which will necessitate some of the Bell House types being provided as social rented. Having looked at the drawings for the Bell house type it appears unlikely that they will meet the minimum HCA Design & Quality Standards for a 2 bed house, as Housing Quality Indicators which form part of these standards set out that a 2bed 4 person property has to have a minimum size of 67m<sup>2</sup>, the Bell house type is only 58m<sup>2</sup>.

The developer has been made aware of these concerns and provided an amended plan, substituting the Bell housetype with the Churchill housetype, and additional supporting information. The Housing Officer has confirmed that the change of house type means that the 2 bed social rented units will meet the minimum size standards. He is also satisfied that the developer has confirmed that the social rented properties will be built to the required HCA D&Q Standards and CFSH Level 3. The applicant has also provided confirmation of the tenure split and specified which properties will be intermediate and which will be social rented. On this basis, the Housing Officer has removed his previous objection on these 3 points.

However, concern remains about the lack of pepper-potting of the affordable dwellings. Wain Homes suggest that they have provided 3 separate pods of affordable housing shown by the red lines on the plan. However, one of pods is only separated by a road with affordable dwellings on either side of this road fronting each other so this is arguably only 1 pod which contains 21 of the affordable homes in it, with the other 3 in a separate pod.

The Interim Planning Statement: Affordable Housing states at 4.8 *The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development.* It is considered that plots 49 – 50 and 55-59 do not meet this requirement. In particular 40-50 are not fully integrated with the rest of the site as they are served by a parking court to the rear and face out onto the public footpath.

However, the Crewe & Nantwich Local Plan and the NPPF do not contain any explicit policies requiring pepper-potting. Therefore, although the location of the affordable units is not ideal, it is not considered that the Council can sustain a refusal on this basis alone. However, the developer will have to provide the affordable dwellings no later than occupation of 50% of the open market dwellings as they are not pepper-potted. This is as per the UU which Wainhomes submitted at the appeal on the outline 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.

A number of local residents have also expressed concerns about impact on wildlife and ecology resulting from the development. 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 has commented that the developer has included some native species planting and wildflower area into the open space which will deliver some benefit for biodiversity. The balancing pond would also potentially be of some benefit if designed appropriately. Therefore, he has requested a condition requiring the detailed design of the pond to be submitted and agreed. Given that this detail was not provided as part of the reserved matters submission, it is considered to be reasonable to attach a condition of this nature.

The Council's Ecologist has also pointed out that, in his original comments on the outline, he suggested that the large gap in the hedgerow to the north of the open space area be planted up. This suggestion does not seem to have been included in the submitted landscape strategy. However, a native hedgerow has been provided on the southern boundary of the open space area. Whilst this is probably enough to compensate for the hedgerow lost as a result of the development, it is considered desirable to also 'gap up' the hedgerow to the north and this could also be secured by condition.

### **Amenity**

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. These minimum distances apply equally to two storey and single storey dwellings.

Distances of 21m and above will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved on the majority of plots, with the exception of some of the mews properties in the southern corner of the site. However, this is consistent with many traditional terraced properties and these properties are less likely to be occupied by families with children. In addition, given the significant amount of shared amenity space on this development, this situation is considered to be acceptable.

Furthermore, 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. The provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

### **Drainage and Flooding**

The Environment Agency has requested a number of conditions and it is noted that a number of local residents have expressed concerns regarding drainage and flooding. However, these matters were addressed at the outline stage by the Inspector who dealt with the Appeal and appropriate conditions were added to the outline permission. It is therefore inappropriate to add further conditions at this stage unless they relate to specific aspects of the site layout and design, which is not the case with the current application.

### **Other matters**

Objectors have raised a number of issues with regard to the principle of development, need for the houses, loss of open countryside and erosion of the Green Gap between Wistaston and Shavington. 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 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**

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 reserved matters 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.

The design and layout of the proposal are considered to be acceptable in urban design terms, and will not have any adverse impact on existing trees and hedges or ecology within and surrounding the site. Matters of drainage and flooding were addressed at the outline stage.

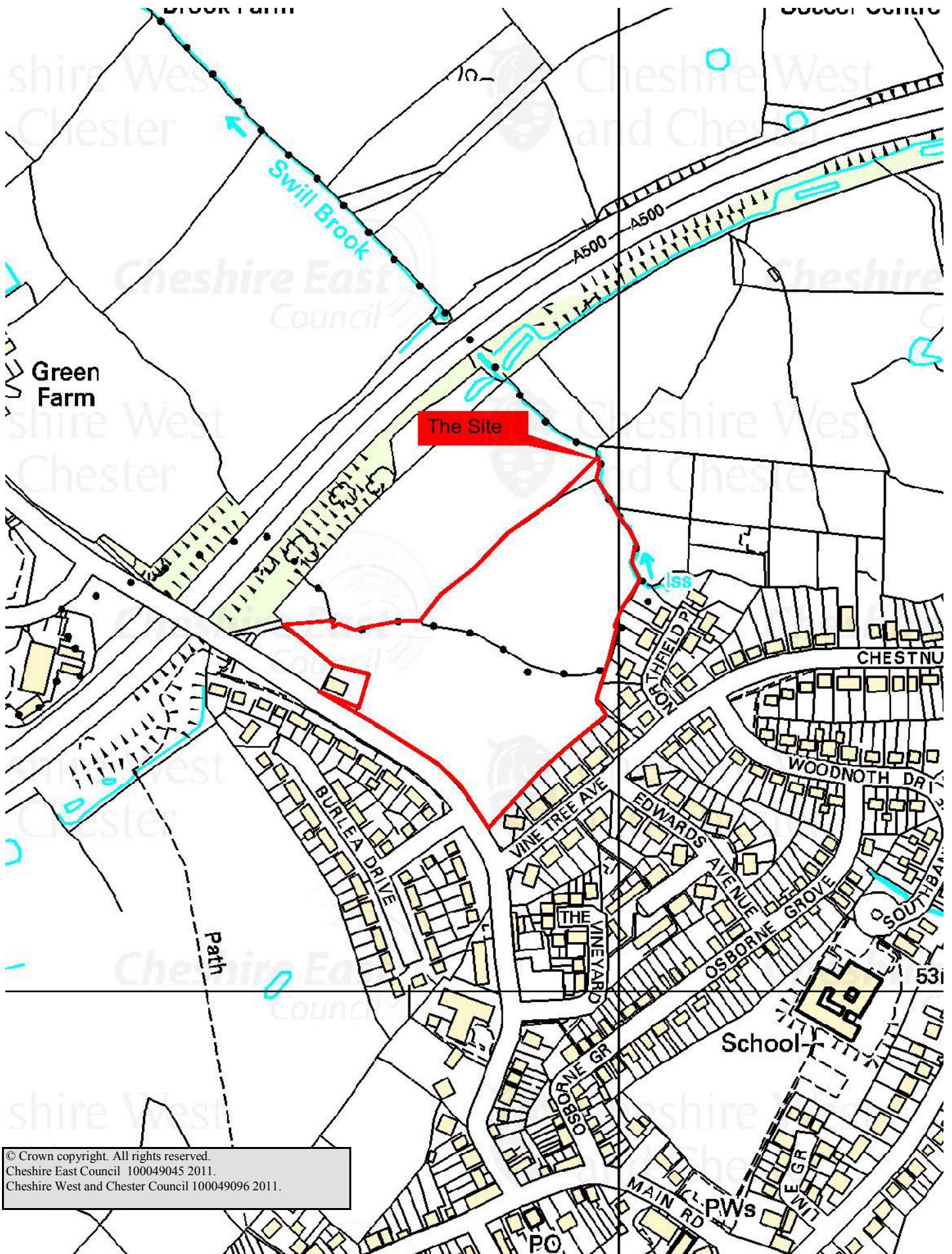
Distances in excess of the recognised minima will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained. Sufficient standards of amenity will also be achieved within the site.

The proposal will provide the required quantum and mix of affordable housing. However, there is concern that it will not comply with the requirements of the Council's Interim Policy and the NPPF in terms of pepper potting. Furthermore, there are concerns in respect of the internal layout of the site which does not entirely embrace Manual for Streets principles. Nevertheless, following submission of amended plans, it is not considered that reasons for refusal on these grounds could be sustained at appeal. Accordingly, therefore, it is recommended that the Strategic Planning Board resolves to approve the application for reserved matters.

## **10. RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

- 1. Submission of details of materials**
- 2. Details of surfacing materials to be submitted**
- 3. Artstone to be substituted with local brick details – details to be submitted and agreed**
- 4. Detailed design of balancing pond to be submitted and agreed**
- 5. Submission, approval and implementation of proposals for gapping up hedgerow to the north.**
- 6. Submission, approval and implementation of suite of plans for access**



Application No: 12/1799C

Location: Former Tip, Roughwood Lane, Hassall Green, Sandbach, Cheshire, CW11 4XX

Proposal: Importation of inert material to install cover system to former tip and restoration scheme to allow change of use to informal recreational open space with ancillary car park.

Applicant: Hays Plc

Expiry Date: 07-Sep-2012

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

- Principle of development
- Land and groundwater contamination
- Geotechnical stability
- Impact on highways
- Impact on ecology
- Impact on local amenity
- Landscape, visual and arboricultural impacts

### **REASON FOR REPORT**

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

### **DESCRIPTION OF SITE AND CONTEXT**

The site is located approximately 1.5km south east of Hassall Green and occupies a triangular parcel of land on the junction of Roughwood Lane and Betchton Lane.

The application site comprises the former Hassall Green landfill which was used for the deposit of industrial waste until the 1980's. The central portion of the site comprises an area of overgrown vegetation which was previously deposited with waste sludge. The land in this area is discoloured white/grey and retains a soft consistency due to the presence of sludge on the surface. To the west is a heavily wooded area which was previously used for the deposit of demolition rubble. The area to the east is an area of overgrown vegetation and woodland also used previously for this use. The northern site boundary is defined by a large earth embankment. The existing vehicular access point off Betchton Lane lies on the southeast corner of the site.

Land to the south beyond Betchton Lane, and to the east and west is predominantly open agricultural fields and woodland. Land to the north beyond the embankment is a large mature oak wood which stretches up to the boundary with Roughwood Lane beyond which are agricultural fields. Day Green Stream lies approximately 50m from the northern boundary

The general topography of the site is such that the land rises steeply to the south where views are restricted by the embankment and existing tree screen. Land falls more gently from the tip embankment down to the south eastern corner of the site.

## **RELEVANT HISTORY**

The site was originally a sand quarry until it was commissioned in 1956 by BP Chemical Limited for the deposit of non-hazardous industrial wastes, asbestos sheeting and construction industry waste. It continued in this use until the 1980's after which it was left in a semi-restored state.

The former tip was used for the deposit of salt plant sludge and effluent sludge contaminated with mercury. Placed on top of this was demolition rubble from the old Caustic Plant and boiler house which is believed to have been contaminated with asbestos. The rubble is believed to have been capped with soil and the land has since been left un-restored.

## **DETAILS OF PROPOSAL**

The application proposes to remediate the former tip to enable the land to be used for informal recreation and open space. In order to achieve this, a cover system is proposed on the central section of the site (an area of approximately 4500m<sup>2</sup>). A porous geo-textile material would be laid over the contaminant layer followed by a fill sub base of 350mm granular capping layer with a 150mm low nutrient growth layer above. The growth layer would be allowed to re-colonise naturally or seeded with a wildflower mix. Due to the difference in levels between the eastern and central sections of the site, some slight slope amelioration is proposed to reduce the gradients across this area of the site, and an access ramp would be constructed to allow movement across the two sections of the site.

On the western section of the site, a large area of defensive planting is proposed over the area subject to contamination. This would consist of planting dense, low lying, evergreen vegetation and would be designed to prevent access by users.

In order to stabilise the northern embankment, slope re-grading works are proposed which would comprise of removing all current vegetation along the bank, placing and compacting approximately 700m<sup>3</sup> of inert material across the area to create a slope incline of 1:2. This would then be finished with a geo-textile layer, and completed with seeded topsoil and allowed to re-colonise naturally. A new permanent fence would also be erected approximately 1m from the toe of the proposed new slope.

It is anticipated that the works will take 12 weeks to complete and would require the importation of approximately 3600m<sup>3</sup> of fill material. This is anticipated to generate approximately 1000 vehicle movements (500 in, 500 out) in total which would generate an average of 15 movements in and 15 out a day. These vehicle movements would not be

sustained across the whole timescale for the works as they will principally be associated with the delivery of hardcore which is likely to be over a 2 month period.

A temporary site compound would be created in the south eastern corner of the site adjacent to the site entrance, with a small internal access road linking to the main site entrance. The compound would be used to accommodate a site office, plant store, bunded fuel storage, wheel wash and adequate turning space for HGVs. An 80m long temporary haul road would also be created along the southern site boundary to enable vehicles to access the remediation area, which would be removed on completion of the works and restored back to a mowed path. This haul road will require the importation of approximately 350m<sup>3</sup> of material. The access ramp formed during these works would be retained on site as part of the final restoration works. Two further temporary access tracks would be installed to the north of the site to allow access for HGVs to the northern embankment from Roughwood Lane.

Following completion of the proposed works, the land ownership would be transferred to the Land Trust who are a charity who own a number of sites across England. They propose to manage the site as a wildlife conservation area and also use it for public access for nature conservation education and information recreation. Initially the Land Trust propose that the site would be open to the public on a request only basis, which, subject to interest and resources may increase in frequency. Access to the recreation area will remain from the existing entrance on the south eastern corner of the site. The site compound area will be retained to provide a small car park to accommodate visitor parking which will remain locked aside from when in use by the Land Trust.

### **POLICIES**

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and Congleton Borough Local Plan 2005.

The relevant development policies are;

#### ***Cheshire Replacement Waste Local Plan (CRWLP)***

- Policy 1: Sustainable Waste Management
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation

#### **Congleton Borough Local Plan (CBLP)**

- Policy GR1: New Development
- Policy GR4 and GR5: Landscaping
- Policy GR6, GR7 and GR8: Amenity and Health

Policy GR9: Accessibility, Servicing and Parking  
Policy GR17: Traffic Generation  
Policy NR1: Trees and Woodlands  
Policy NR5: Wildlife and Nature Conservation  
Policy NR6: Reclamation of Land  
Policy BH4: Effect of Proposals on Listed Building  
Policy RC1 and RC4: Recreation and Community Facilities  
Policy PS8: Open Countryside

On the Congleton Borough Plan Proposals Map the site is located adjacent to a Site of biological importance to which Policy NR4 applies. It is also situated adjacent to an area at risk of flooding to which Policy GR21 applies.

### **Other Material Considerations**

The revised EU Waste Framework Directive 2008 (rWFD)  
Government Review of Waste Policy in England 2011 (WPR)  
Government Waste Strategy 2007 (WS2007)  
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020  
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

### ***National Planning Policy and Guidance***

National Planning Policy Framework (2012)  
PPS 10: Planning for Sustainable Waste Management

### **CONSULTATIONS (External to Planning)**

#### **The Strategic Highways and Transport Manager**

The site is near the junction of Roughwood Lane with Betchton Lane, south of Hassall Green. It is anticipated that around 3600 cubic metres of material will be imported, for strengthening of the retaining bund (750 cubic metres), providing a capping layer over the site (2500 cubic metres) and 350 cubic metres for internal haul roads. This will be carried in rigid axle, 4-axle lorries carrying between 8 and 10 cubic metres of material. In addition there will be other movements associated with the operation. Overall it is estimated that the works will require 500 lorry movements each way and the number of deliveries will vary between 15 movements per day, i.e. one or two movements each way per hour.

Deliveries would be within site working hours of 8am to 6pm on Mondays to Fridays or as stipulated by planning condition. On this basis the delivery movements would take between four and eight weeks to complete.

The intended access route for lorry traffic is from the B5078 Chells Hill at Lawton Heath End via Betchton Lane. The length of Betchton Lane to be used, 0.8 mile, is narrow (approx 4.5m) with a limited number of passing places though with generally good forward visibility. The route to the site from the west through Day Green is much worse in width and alignment and has fronting properties. The route from Hassall Green is subject to a weight limit precluding its use. Thus the only practical route to the site is via Betchton Lane from Lawton Heath End.



Given the moderate scale of the works and lack of alternative access options I have no grounds to support an objection on highway grounds. However, I consider it desirable for the applicant to pay for temporary signs on Betchton Lane and Roughwood Lane advising users of the additional lorry traffic. This will make road users aware of the additional traffic, and encourage them to use alternatives. Betchton Lane is very lightly-trafficked, but forms part of the National Cycle Network and is likely to be used by walkers and horseriders. Whilst it is impossible to avoid some meeting of lorries and other local traffic, I feel it is important to avoid the likely disruption and damage to verges and road edges should two lorries meet. Accordingly it will be necessary to regulate deliveries such that large vehicles do not pass each other on Betchton Lane.

Regulation of vehicle movements may be made in various ways, such as waiting for the arrival of one vehicle before the departure of another, or coordination by phone. I do not wish to be too descriptive at this stage as the method required will depend on the haul route, loading/unloading times and number of vehicles employed, but I wish to have conditioned a Method Statement that will eliminate or at least minimise the risk of vehicle conflicts on Betchton Lane.

Within the site facilities will be required to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and to ensure that vehicles can enter and leave the site in forward gear.

Accordingly, I request that the following or similar planning condition be applied to this application:

*Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which specifies the delivery route, warning signing provided, regulating of deliveries to and from the site, manoeuvring to allow movements on and off the highway in forward gear and wheel-cleaning. The development shall then proceed in complete accordance with this Method Statement. Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the amenity of local residents.*

**The Council's Environmental Protection Officer:**

No objections are raised to the above application subject to the following comments with regard to contaminated land.

The application area has a history of quarry and waste tip use and various stages of site investigation have shown that contamination is present on the site.

- The application is for a recreational area which is a sensitive end use and could be affected by any contamination present
- The applicant has supported the application with various contaminated land assessments including a detailed quantitative risk assessment for human health. This has shown that the proposed remedial strategy will mitigate against risks to human health for the proposed worst-case scenario of the site's future use as an open recreational area.

- Should the review of the slope stability assessment show that there is an unacceptable risk of slope failure due to the extra loading of material, this section would OBJECT to this application as the remediation scheme would be unable to be implemented and human health would not be suitably protected.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Demolition and construction phase of development

Hours of operation

*The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:*

*Monday – Friday 08:00 to 18:00 hrs*

*Saturday 09:00 to 14:00 hrs*

*Sundays and Public Holidays Nil*

*Reason: In the interests of residential amenity*

CONDITION

- *The development shall not be used until the remedial/protection measures included in the approved report (Phase II Geo-Environmental Assessment, Hassall Green, July 2012, Issue 2 - Final) have been fully implemented and completed.*
- *Once the remediation is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first use of this development.*

CONDITION

- *The areas proposed for defensive planting should be securely fenced off, and the fencing not removed until the planting has become established and effective. Evidence of this shall be provided for the LPA's approval in the aforementioned Site Completion Report. Once the planting is deemed to have become established and effective, a report shall be submitted to and approved in writing by the LPA in full prior to the removal of the fencing.*

*REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy NR6 of the Congleton Borough Council Local Plan.*

Informative.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 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.

**Archaeological Officer:**

Note that the field immediately to the west of the application area is recorded in the Cheshire Historic Environment Record as the possible site of a particularly early salt works, which was established in the late 17<sup>th</sup> century. The proposals will not, however, affect this area and are entirely concerned with the former tip which, it would appear, began life as a sand extraction pit whose extent is well seen on the 19<sup>th</sup>-century mapping and the aerial photographs dating to the 1940s. In these circumstances, no further archaeological mitigation will be required with regard to this application.

**Public Rights of Way Officer:**

The development does not appear to affect a public right of way. The Salt Line, owned by Cheshire East and managed by the Countryside Team is quite close to this site and may wish to be consulted on this proposal.

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

**Countryside Management Service:**

None received

**Nature Conservation Officer:**

The application is supported by a number of habitat and protected species surveys. The Great Crested Newt survey undertaken did record newts in one of the nearby ponds, however it was concluded that the development would be unlikely to have an adverse impact on this species.

No evidence of roosting bats were recorded during the previous surveys however two trees were identified as having potential to support roosting bats. As the surveys were undertaken in summer 2011 these survey should be updated if any work remains to be done to either of these trees.

With regard to the updated badger information, no evidence of badgers being active on the site was recorded and the previously identified setts continue to be dis-used by badgers. It is advised that badgers do not present a constraint on the proposed development.

In respect of breeding birds, if planning consent is granted standard conditions will be required to safeguard breeding birds.

It was always anticipated that the existing habitats on site would be lost/damaged however it is important that we are clear as to what form the restoration will take. Capping with a low nutrient status soil and natural colonisation is the preferred approach from an ecological perspective. A colony of orchids has been recorded on site. The submitted ecological

assessment recommends that the colony is translocated elsewhere on site to prevent its loss to the remediation of the site. I recommend that the applicant submits proposals for the translocation of the orchids as part of the post remediation proposals.

**Landscape/Forestry Officer:**

The site is principally an area of open ground with areas of scrub and trees around the perimeter. There is mature woodland to the north. In principle, restoration of the site appears a reasonable course of action which could have landscape and ecological benefits however; there are some issues with the submission.

Forestry

The submitted tree survey relates to trees to the north of the site, outside the site edged red and makes no reference to on site trees. It is not clear to what extent trees would be lost as part of the proposals although it appears losses may be limited to an area of young trees to the south of the site and potentially some losses in the vicinity of the proposed haul road. This needs to be clarified in the submission.

Subject to the tree losses being deemed acceptable, to avoid damage during the remediation process, I would expect to see protective measures for retained trees on site.

**Landscape**

Some concerns are raised regarding the line of the haul road and the potential for harm to existing established grassland habitat. It would be preferable if the existing track to the north of the site could be utilised.

There appears to be some inconsistency regarding habitat creation post remediation. The submitted ecological assessment makes reference to the site being allowed to vegetate naturally following remediation. Subject to the agreement of the Nature Conservation Officer, this may be acceptable. However, in the planning statement reference is made to the creation of wildflower grassland to the specification of the Land Trust. It is unclear therefore whether the proposals include the seeding of the proposed grassland habitat. No specification is provided for the defensive planting or the grassland. This needs to be clarified.

The submitted remediation strategy specifies a covering of top soil as a growing medium. Topsoil would not be suitable for wildflower grassland establishment.

It is not clear what final treatment the retained car park would have.

Conclusion: It is recommended that further information is sought to clarify the issues raised.

**The Environment Agency:**

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

Contaminated Land

We have reviewed the Phase II Geo-Environmental Assessment, Hassall Green, WSP Environmental Ltd, Project Number 18806/001 Date: March 2011 report with respect to potential risks to controlled waters from land contamination:

We have previously reviewed a number of reports in respect of this development and last provided comments within our letter dated the 10<sup>th</sup> January 2011 (Ref: SO/2010/108364/01-L1) a copy of this letter is attached.

Based on the information provided we understand that the proposed development will consist of the importation of inert material to install a cover system on the former landfill site and a restoration scheme to create recreational open space.

We have reviewed the additional report provided and our assessment in respect of the risk to controlled waters remains unchanged from our previous assessment outlined in the letter dated 10<sup>th</sup> January 2011.

We understand that remedial works will mainly be restricted to the installation of a cover system over Zone 2 and further assessment of the north bund to model the potential effects of the proposed earthworks on the stability of the bund.

In summary, we can confirm that whilst the groundwater beneath the site has been impacted by some contaminants, the overall risks to controlled waters (in particular the nearby Day Green Stream) from the site in its current state is not considered to be significant. Therefore, we can confirm that we would have no specific requirements for remediation to protect controlled waters receptors at this time. However, given that elevated levels of heavy metals and Volatile Organic Compounds were detected within the soils we recommend that the following planning condition is attached to any planning permission to ensure any risks to controlled waters are appropriately assessed and mitigated.

#### Condition

*If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.*

#### Reason

To ensure a safe form of development which poses no unacceptable risk of pollution.

#### Comments in respect of further Environmental Assessment

We note that works are proposed to mitigate slope stability issues and provide a cap to the remaining uncapped areas of the sludge lagoon. While we would have an input in this regard if the site was licensed and regulated by us this is not within our remit in relation to historic landfills and would fall to the Local Authority to assess.

#### **Natural England:**

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application and should therefore be fully considered before a formal decision on the planning application is made.

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

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

With respect to the bat survey and mitigation strategy, the standing advice to the authority is that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".

With respect to the Great Crested Newt survey and mitigation strategy, the standing advice is that the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act.

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

### **Soils, Land use and Reclamation**

In view of the small size of the site, Natural England does not propose to make any comments.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

None received

### **OTHER REPRESENTATIONS**

4 letters of objection have been received by local residents who have raised issues concerning:

- The proposed access for HGVs along Betchton Lane may be unsuitable and is already used by horse riders, walkers and cyclists; being part of the National Cycle Network (Route 5). There is increased risk of vulnerable user groups.
- Concern HGVs would damage local roads and verges and query who would pay for repairs.
- Questions the suitability of having a recreational open space with ancillary car park in such an isolated area
- Highlights current problems on site with fly tipping, trespass, anti-social behaviour and potential for the scheme to make this worse.
- Concerns over the current contaminated materials stored on site and potential for any ground disturbance to cause off site contamination. Queries what long term monitoring arrangements for watercourses there would be.
- Queries who would use the recreational space given the contaminants on the site and who would benefit from these.

## **OFFICER APPRAISAL**

### **Principle of Development**

The land has a historical use originally for sand quarrying and later as a waste disposal site for deposit of industrial contaminated materials. It is accepted that the use of the site for these purposes would have necessitated eventual site remediation, although this has never been done to any acceptable level. The principle of restoration of the site is therefore considered acceptable and the use of the land for informal recreation is also considered appropriate to this rural area.

### **Land and Groundwater Contamination**

The former use of the site by BP Chemicals Limited as a landfill from the 1950's until the 1980's has left a legacy of contamination and poor quality restoration which now presents a hazard to the environment and human health.

A range of contaminated land investigations have been carried out to inform this scheme. These identified that a variety of wastes have been deposited at the site over three phases

- 1956 – 1970's: Deposit of salt plant sludge and effluent sludge. Both types of sludge are contaminated with mercury;
- Deposit of demolition rubble from the old Caustic Plant in the 1970's. This appears to have been placed on top of the sludge. Concrete bases believed to be from Hooker Cells are visible on the surface in the north west corner of the site.
- Deposit of demolition waste from the boiler house in the 1980's. This has been placed in the south eastern corner of the site on top of the sludge. It is understood that the rubble is contaminated with asbestos, although it is reported that the rubble was capped with soil.

Whilst the site is now overgrown with vegetation, the presence of the grey/white sludge is apparent on the surface of the site due to its very soft consistency. No further activity is thought to have taken place on site since.

Previous intrusive site investigations have identified a number of potential contaminants in the leachate on site. However, these were not considered likely to pose a risk to groundwater or nearby watercourses. A number of metals including mercury were also identified as exceeding applicable guidance thresholds. The Phase II Geo-Environmental Assessment submitted with this application identifies the potential for direct contact with contaminated materials/soil/shall groundwater during site works, and third party exposure to contaminated materials via direct inhalation of dust.

In terms of risk to human health from soil contamination, six chemicals are identified as exceeding the most conservative assessment criteria. Further detailed modelling demonstrates that only one exceeds site specific target levels and, given the cover system proposed, the risks to human health from contamination are anticipated to be negligible. Equally should the use of the site for recreational purposes intensify in the future, the assessment identifies that the risks from these contaminants would be mitigated by the proposed cover system.

With respect to the risk to groundwater, elevated concentrations of contaminants have been identified. However, these are demonstrated to be well below the generic assessment criteria given the end use proposed. Likewise for ground gas monitoring, whilst elevated concentrations of carbon dioxide have been identified, given the proposed end use, the assessment identifies that this would not cause any risks to the site. Four trial pits identified the presence of asbestos. The material is considered to be in a friable condition which has the potential for fibre release if disturbed. In terms of remediation, it is proposed that part of the area would remain undisturbed and the remediation strategy recommends that trial pits are excavated to delineate the extent of contamination. Defensive planting is proposed in this area to assist in restricting access to the site. The other areas identified in the assessment are not considered a risk to human health as these will be remediated with the cover system proposed.

Based on the findings of the intrusive site investigation and the risk assessment, no significant risk to human health have been identified. A remediation strategy is set out in the assessment which outlines the need to remove any human health contact with the soft land/sludge by means of installing a cover system of at least 500mm across the site. These principles have been incorporated into the design of this scheme. The remediation strategy recommends further investigations to establish the full geographical extent of asbestos on the site and further investigation into the condition of the soils beneath the concrete blocks on the western side of the site.

The assessment identifies a number of good site practice measures to provide mitigation with respect to human health. These include:

- management of dust levels to prevent offsite migration;
- provision of on-site washing facilities;
- adoption of appropriate Health and Safety measures for workers likely to come into contact with contaminated soils/asbestos; and
- adequate protection for plant installing the cover system given the bearing capacity of the land in this area.

The Environmental Health Officer identifies that the application is for a recreational area which is a sensitive end use and could be affected by any contamination present. However,

they note that various contaminated land assessments have been provided, including a detailed quantitative risk assessment for human health. This has shown that the proposed remedial strategy will mitigate against risks to human health for the proposed worst-case scenario of the site's future use as an open recreational area.

The Environmental Health Officer does not raise any objection on the basis that the review of the slope stability assessment demonstrates there is no unacceptable risk of slope failure due to the extra loading of material proposed by this scheme; a matter which is discussed in the next section of this report. They also recommend planning conditions to secure the completion of all remedial/protection measures identified in the Phase II Geo-Environmental Assessment; and the provision of a Site Completion Statement. Planning conditions are also recommended to require secure fencing for the areas proposed for defensive planting until such time as the vegetation has become adequately established. Subject to the imposition of these conditions, it is considered that the scheme would accord with policy 12 and 18 of CRWLP, policies GR1, GR6, GR7 and GR8 of CBLP, and the approach of NPPF and PPS10.

### **Geotechnical Stability**

The northern boundary of the site is currently defined by a 5m high embankment which slopes down to the adjacent land at an angle of 1:1.5. Historical intrusive investigations identified the slope to comprise of Made Ground namely an upper layer of silty gravelly sand/sandy gravel, overlying a medium grained sand fill. The contaminated waste mass on site is contained within this perimeter embankment. Previous investigations have concluded that the embankment was not engineered and there is no evidence to suggest any type of lining system was constructed. There is evidence of historical movement of the slope along its length at various locations.

Previous investigations have identified that the embankment is below the minimum identified 'factor of safety' against sliding and therefore only considered marginally stable. As such, it was recommended that further monitoring/geotechnical testing be undertaken to examine the options available to improve the stability of the slope.

An updated slope stability assessment has been undertaken to inform this application, which takes into account the impact of the proposed 0.5m level of fill material across the site and operation of construction plant/machinery on the stability of the bund. This assessment also concluded that the slope has a very low factor of safety and the steepest sections of the slope would in theory be prone to shallow surface slips. In view of these findings, the Council sought independent external specialist geotechnical advice on the adequacy of the remediation scheme proposed. The opinion of the geotechnical team is that the slope is potentially unstable and does not have an adequate factor of safety against sliding, and slope stabilisation works are recommended to secure the slope.

The applicant has since undertaken further intrusive investigations of the embankment and has identified a scheme of mitigation works. This involves removing all vegetation on the slope and constructing a supporting 'wedge' or crushed stone or hardcore by laying and compacting an additional 700m<sup>3</sup> of fill material to achieve a more gradual 1:2 slope. This would then be finished with low nutrient soils and allowed to re-colonise naturally. The advice of the independent geotechnical consultant is that this approach would secure the integrity of the slope. A series of recommendations for the final detailed stabilisation works are provided which can be secured by planning condition. On the basis of the advice of the geotechnical

consultants, it is considered that the scheme would provide an acceptable solution to the instability problems on the site. As such, it is considered that the scheme accords with policy 12 of CRWLP, policy GR7 of CBLP and the provisions of PPS10 and NPPF.

### **Highway Impacts**

Concern has been raised by local residents that the scheme will generate highway impacts arising from additional traffic on the local road network and conflict of heavy goods vehicles (HGVs) with sensitive road users including pedestrians, cyclists and horse riders.

The scheme would generate approximately 1000 vehicle movements (500 in, 500 out), which equates to an average of 15 daily movements to the site (approximately one to two vehicle movements each way per hour). These vehicle movements would not be sustained continuously across the anticipated 12 week period proposed for the works; but would largely be required for the delivery of hardcore over a 2 month period (approximately) in the middle phases of the scheme. The vehicle used in the transportation of material would be rigid axle 8-wheel lorries each with a load capacity of between 8 and 10 cubic metres of material.

The applicant has indicated that the intended access route for HGV traffic to the site is from the B5078 Chells Hill at Lawton Heath End via Betchton Lane. The length of Betchton Lane to be used is narrow (approx 4.5m) with a limited number of passing places, although it has generally good forward visibility. This is considered the only practical route to the site because the route west through Day Green is considered much worse in width and alignment and has fronting properties. The route from Hassall Green is subject to a weight limit precluding its use.

The Highway Officer accepts that this is the only feasible route into the site and, given the moderate scale of work, temporary duration for up to 8 weeks, and the clear lack of alternative options, it is considered that there are no grounds to support an objection on highway grounds.

It is acknowledged that whilst it will be impossible to avoid HGVs and other local traffic meeting, the provision of a method statement detailing the procedures in place to regulate traffic associated with the scheme will help to ensure HGVs have no need to pass each other en-route/from the site along Betchton Lane and thus minimise the likely disruption and damage to verges and road edges. It is considered that the method statement could detail measures to control vehicle routing, delivery times and site access/egress details (including the supervision of a banksman) and this would ensure that any unacceptable impacts arising from the proposal can be satisfactorily mitigated. The daily maximum vehicle movements could also be restricted by planning condition to ensure the impacts on the local highway network are minimised.

In respect of the impact of the scheme on sensitive road users grounds, the Highways Officer notes that Betchton Lane is very lightly-trafficked, but does form part of the National Cycle Network and is likely to be used by walkers and horse riders. In order to protect these user groups, a planning condition is recommended to require the applicant to provide temporary signs on Betchton Lane and Roughwood Lane, making road users aware of the additional temporary lorry traffic and encouraging them to use alternative routes.



The Highways Officer also requests that provision of facilities on-site to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and to ensure that vehicles can enter and leave the site in forward gear. This can also be secured by planning condition.

On completion of the works, the site compound would remain as an informal car park for future users to prevent the need for cars to park directly on Betchton Lane/Roughwood Lane. As the site would be owned and managed by the Land Trust, it is their intension that it would be open on an infrequent basis and by invitation only; primarily for small minibus parties subject to their agreement. As such, the car park would only be large enough to allow a minibus to enter, turn around and exit in a forward gear and would not have any formal designated spaces. The Highways Officer does not consider that this would have any detrimental impact on the local highway network.

In view of the proposed scale and temporary nature of the works, and given the basis of the measures proposed to ensure the impact of HGVs on Betchton Lane is controlled, and provisions to protect other sensitive road users, it is considered that the scheme would not have an unacceptable impact on amenity or road safety and would accord with policies 12 and 28 of CWLP; GR1, GR6, GR16 and GR18 of CBLP along with the provisions of PPS10 and NPPF.

### **Ecology**

Whilst having a high level of contaminated material, the general topographical conditions on the site and existing vegetative/woodland cover provides some nature conservation value. An initial walkover survey and range of protected species surveys was undertaken to identify the potential ecological impacts of the remediation works.

### **Badgers**

The original badger survey undertaken in 2011 confirmed the presence of a main badger sett and an additional annex sett at the site and recommended the sett should be closed, with an artificial sett created off site with barriers to prevent any re-entry. Following subsequent site monitoring, further badger information was provided in 2013 which identified no evidence of badgers being active on the site and that the previous setts are no longer in use. On this basis, the Nature Conservation Officer advises that badgers do not present a constraint on the proposed development. In order to ensure that any Badgers moving over the site or foraging within it during the period of the works are not harmed by the scheme, a condition could be imposed to ensure the following measures are implemented:

- Work only allowed between 8am and 6pm.
- Any holes or trenches left open overnight to have a means of escape provided.
- Where possible, all materials, especially those containing lime, to be stored so that badgers cannot access them.
- Where any works are proposed to the fencing, access to the site to be left for badgers. Badger gates can be installed if necessary. Contractors to be reminded that this access cannot be blocked.

### **Bats**

Mature woodland to the north of the site was identified to have the highest potential to support roosting bats. Only two trees in this area (outside of the application site) have low to medium potential to support bats and these trees will be protected during the period of remediation

works. The survey also confirmed the presence of foraging bats along the site boundaries but very little activity within the site itself. There was no evidence of roosting activity within or immediately adjacent to the site and the Nature Conservation Officer considers that Bats do not present a constraint to the proposed scheme.

The survey does however recommend a precautionary approach to avoid any indirect or direct impacts on the species, with recommendations made in respect of timing of tree works and retention of trees as foraging habitats. On completion of the works, the proposed natural colonisation of the land by floral species is likely to provide a range of foraging and roosting opportunities for bats.

#### Birds

The site was assessed for its suitability for breeding birds and very few birds were encountered despite the fact that woodland, hedgerow and grassland have the potential to support nesting birds. As such no detrimental impact on breeding birds is anticipated.

#### Reptiles/Great Crested Newts

Whilst there are no ponds within the site itself, there are ponds within 500 metres of the site. The reptile survey indicates that there are no reptiles on the site. As such, they are unlikely to cause a constraint to the remediation works.

A small sized breeding population of great crested newts were identified within a pond 280m to the south east of the site. The survey considered that whilst the terrestrial habitat around the pond is generally good, the wider landscape offers little suitable habitat and newts are therefore unlikely to move far from the hedgerows. Equally given that the pond is over 250m from the site and immediately surrounding the pond is a swathe of suitable habitat, it is highly unlikely that great crested newts are present on the application site. The Nature Conservation Officer therefore advises that Great Crested Newts do not present a constraint to the scheme.

The survey identifies that a licence from Natural England will not be required to undertake the works. However, in order to safeguard the local population, precautionary recommendations are made in respect of removing all suitable vegetation within the area to be remediated during the active amphibian period. This would be done under a watching brief by a qualified ecologist, in order to check for the presence of great crested newts. Should any great crested newts be found during this process, works would cease whilst a licence from Natural England is acquired. The Nature Conservation Officer considers this approach is acceptable.

#### Overall restoration scheme

In terms of ecological mitigation, it is anticipated that there will be some loss/damage to existing habitats in order to undertake the remediation necessary. The Nature Conservation Officer advises that following completion of the works, capping with a low nutrient status soil and natural colonisation is the preferred approach from an ecological perspective, and it is considered that the final restoration details, including ecological mitigation can be secured by means of a planning condition.

A colony of orchids has been recorded on eastern part of the site that is not subject to direct remediation. The submitted ecological assessment recommends that the colony is translocated elsewhere on site to prevent its loss. This can be secured by planning condition.

Given the scale and nature of works proposed within the boundary of the site, it is not anticipated that there would be any direct or indirect impacts on the adjacent SBI.

On the basis of these conclusions, and subject to the planning conditions above, it is considered that the scheme would not have a detrimental impact on nature conservation interests and could, in the long term, provide additional ecological value to the site. As such, the scheme accords with policy 12 and policy 17 of CWLP, and policy NR4 and NR5 of CBLP, along with the approach of PPS10 and NPPF.

### **Impact on Local Amenity**

There are not anticipated to be any significant impacts arising from noise/vibration or odour associated with this scheme given the scale of the development, material proposed to be imported, the relatively short duration of works and the limited number of residential properties in the local area. No objections are raised by the Environmental Health Officer or Environment Agency and, in order to ensure the amenity of local residents is protected, the hours of remediation activity (including vehicle movements) could be restricted by planning condition 0800 to 1800 hours Monday to Friday and 0900 to 1400 hours on Saturdays, with no works on Sundays or public/bank holiday. No lighting is proposed for either the site remediation works or the long term use for informal recreation and education, and this would be controlled by planning condition.

A wheel wash would be accommodated on the site to ensure that there are no impacts arising from material being deposited on the highway. The contractor would also be responsible for ensuring that the public roads used for site access are kept clear of mud through the use of road sweeper at regular intervals. These measures could be secured by planning condition.

Concern has been raised that the scheme may result in more instances of anti-social behaviour in the local area. Local residents have highlighted that the site has previously been subject to fly tipping, anti-social behaviour and there are instances of speeding on the local roads. The scheme will bring the land back into use as an informal area for education and recreation and as such will increase the amount of informal surveillance in the area. The site will also retain and where necessary repair the existing fences, and retain the locked gates which will act as a deterrent to any trespassers. The car park to be created on completion of the remediation works will remain locked unless in use by the Land Trust.

### **Landscape, Visual and Aboricultural Impacts**

The general topography of the site is such that the land rises steeply to the southern site boundary where views are restricted by the embankment and existing tree screen along the boundary with the road. Land to the east of the site comprises an open grassed area where the land levels fall more gently down to the south eastern corner of the site. To the north, beyond the site is a mature woodland screen which extends to the northern perimeter with Roughwood Lane.

#### Visual impacts

With respect to impacts on visual amenity, views of the western and central sections of the site from the southern site boundary (where the main remediation works would take place) are currently restricted by vegetation and the existing topographical conditions. Further east there are partial views from the southern site boundary due to gaps in the vegetation.

However, no significant works are proposed in this area aside from the temporary haul road which would have short term limited impacts. Whilst there may be some minor visual impacts arising from the site compound, this would be for a temporary duration and it is not considered that this would be significant. On completion of the works, a permanent car park would remain on the site of the compound area. The visual impacts arising from this would not be significant as it would be screened to some degree by vegetation on the site boundary.

#### Arboricultural Impacts

No significant impacts are anticipated to the dense mature oak woodland beyond the northern site boundary, as all trees would be retained aside from those few required to enable access to the embankment. The scheme would result in the removal of trees and vegetation along the northern embankment. No information has been provided in the Tree Survey to indicate the number of trees to be removed or their value. However, any loss is considered necessary in order to secure the slope stabilisation works which is essential to the wider site remediation. Trees would be removed from the central portion of the site to implement the geo-textile cover system. Whilst there is limited information contained in the tree survey for this area of the site, these trees appear to be predominantly birch saplings which are not considered to be of significant size or value. The loss of these trees is also considered essential to secure the remediation of the site to an acceptable standard and limit any risk to human health and the environment.

The western section of the site is a naturally regenerated woodland area comprising of oak birch and goat willow of approximately 5 to 10m in height. No trees would be removed from this section aside from a small amount of thinning out necessary as part of the remediation works. The remediation strategy proposes further defensive planting of dense, low lying evergreen vegetation such as Hawthorn, Blackthorn, and Blackberry within this area. No trees would be removed from the eastern section of the site as this area is not subject to direct remediation activity. The proposed haul road which cuts across this area would be constructed with appropriate tree protection measures installed to ensure trees are protected throughout the duration of works. The provision of protected measures for all retained trees on site can be secured by planning condition to avoid damage during the remediation process.

#### Landscape and restoration

The proposal would involve the importation of fill material which will increase ground levels by 0.5m across the central section of the site. Re-grading works are also proposed on the northern embankment to secure its long term stability. Given the topography on the site, and degree of vegetation cover on and immediately surrounding the site, the works proposed would not have any significant impacts on the landscape.

The Landscape Officer has raised particular concern over the routing of the temporary haul road and any potential harm to the existing established grassland habitat, with preference given to using a northern route across the site. The applicant has advised that it is necessary to use a southern alignment for the haul road as the current unstable ground conditions created by the deposit of sludge make it difficult to transport vehicles/plant delivering material required in the proposed cover system across this area.

As part of the cover system for the central part of the site, a growth layer is proposed on top of the fill material which will be seeded with a wild flower mix or allowed to re-colonise

naturally. The final details of this will form part of a detailed landscape scheme to be agreed with the Nature Conservation and Landscape Officers. Equally the works to the embankment would include a layer of seeded topsoil which would re-colonise naturally. An informal 500m circular path is also proposed which would be demarked on the site by mowed grass to redirect walkers away from the areas affected by contamination.

Whilst the landscape officer has raised concerns over the level of detail proposed for the final restoration scheme, it is considered that the broad principles of site remediation are acceptable. It would be important to ensure a sensitive balance between any ecological and landscape value gained through the final site restoration details and, as such, a detailed landscaping scheme could be secured by planning condition, to be agreed in direct discussion with both the Landscape and Nature Conservation Officer. This could include provision for:

- Proposed planting scheme for the defensive planting in zone 3;
- Details of tree protection measures to be adopted on site;
- Details of supplementary planting to mitigate against any loss;
- Translocation measures for the colony of orchids on site;
- Details of soils types and seeding (as necessary) to secure capping with a low nutrient status soil and natural colonisation
- Details of the proposed circular path

Subject to securing the final landscape restoration details, it is considered that the scheme would accord with policy 12 and 14 of CRWLP, and policies GR1, GR2, GR5 and NR1 of CBLP, as well as the provisions of NPPF and PPS10.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The site has previously been used for the deposit of a range of contaminated waste arising from the chemical industry. No formal remediation was undertaken and the land has been left to become overgrown. The site now presents a hazard to the local environment and human health and requires effective remediation to bring it back into beneficial use. On completion of the remediation works, it is proposed that the land be managed by the Land Trust for informal low level recreation and education.

The scheme proposes three phases of work namely:

- provision of a 0.5m cover system on the central part of the site to address the area of contaminated sludge;
- defensive planting to the contaminated section of land on the west of the site; and
- re-grading works to the northern embankment to address instability issues.

The remediation scheme is considered acceptable and it has been demonstrated that it will mitigate against risks to human health given the future end use proposed. It has also been demonstrated that the scheme will pose no risk to groundwater, the nearby Day Green Stream or the adjacent SBI.

A number of geotechnical investigations have been undertaken which have demonstrated that the re-grading works will ensure the stability of the northern embankment.

The scheme will generate a requirement for HGV movements from B50778 Chells Hill via Betchton Lane. It has been demonstrated that this is the only feasible route for deliveries to the site and, given the moderate scale of works, temporary duration of the scheme and lack of alternatives, it is accepted that this is acceptable, subject to the provision of controls over vehicle routing and delivery arrangements to minimise conflict with other road users particularly walkers, cyclists and horse riders.

A range of surveys have been submitted which demonstrate there will be no significant impacts on protected species and the scheme is also not anticipated to give rise to significant visual, landscape or arboricultural impacts. The final restoration scheme could provide opportunities for ecological and landscape improvements and a full detailed landscape scheme can be secured by planning condition.

No significant impacts on local amenity arising from either the remediation works, or end use for low scale recreation/educational use are anticipated and controls can be imposed by planning condition to ensure the site is adequately managed.

Overall, the benefits arising from the remediation of this site are considered to outweigh any short term detrimental impacts arising from the remediation works proposed; (in that it will enable the effective and safe remediation of a heavily constrained site and enables a long term beneficial afteruse). On consideration of all these material planning considerations, it is considered that the scheme accords with the approach of the Development Plan and provisions in PPS10 and NPPF.

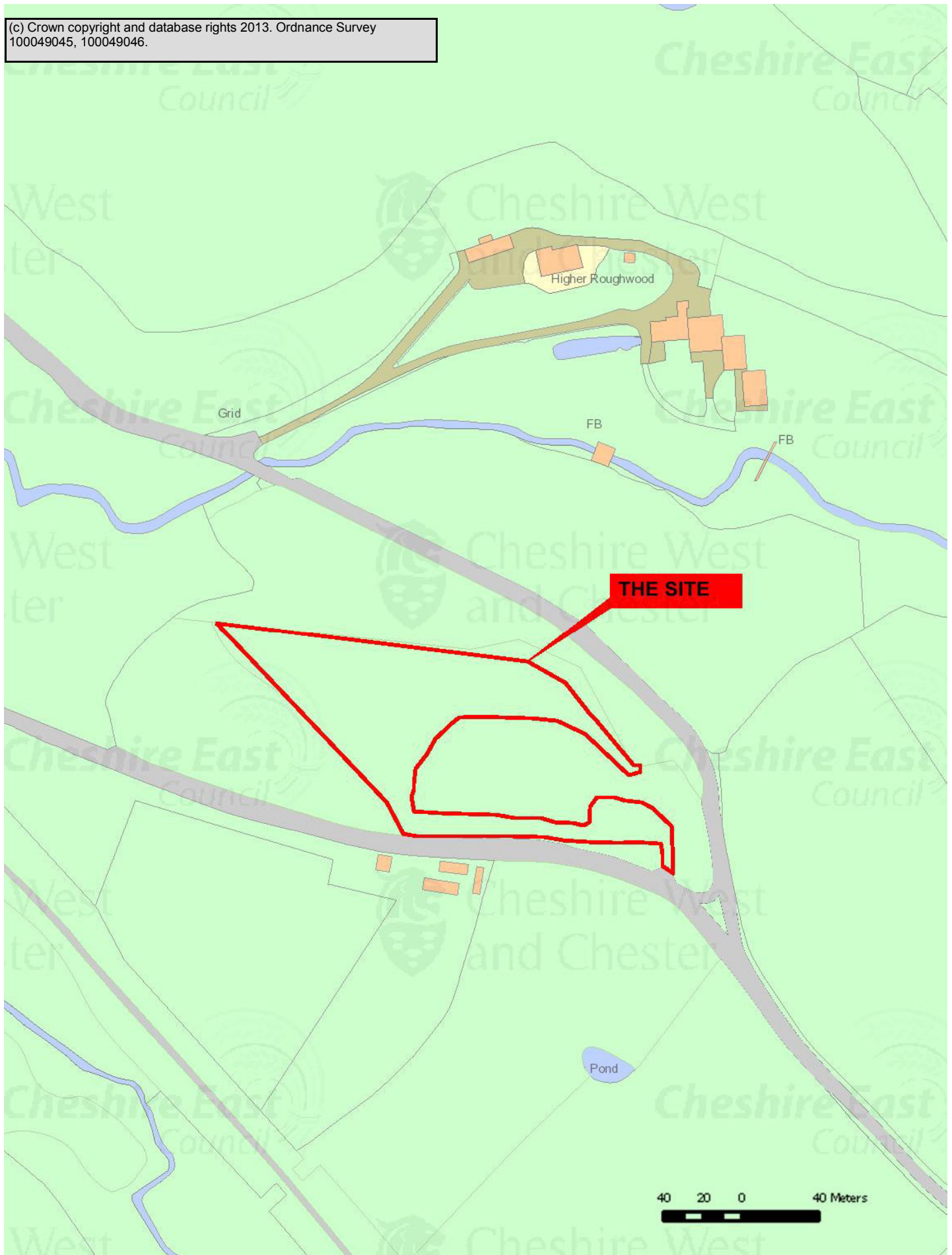
**RECOMMENDED:**

**That the application be APPROVED subject to the following:**

- 1. Standard conditions**
- 2. Control over type and amount of material to be imported**
- 3. No processing of materials on site**
- 4. Scheme to control dust**
- 5. Implementation of remediation/protection measures and provision of site completion statement**
- 6. Methods to address any unexpected contamination on site**
- 7. Hours of operation**
- 8. Restriction on overall HGV movements and daily movements**
- 9. Provision of temporary road signs**
- 10. Method statement for regulating vehicle movements**
- 11. Facilities to prevent deposit of extraneous material on highway**
- 12. Provision of wheelwash**
- 13. Entrance gate to remain locked aside from when in use by visiting parties**
- 14. No external lighting**
- 15. Fencing to be installed for defensive planting**
- 16. Badger mitigation measures**
- 17. Provisions to safeguard nesting birds**
- 18. Scheme of measures for detailed stabilisation works**
- 19. Provision of full tree survey prior to works commencing on site**
- 20. Provision of full tree protection measures**

**21. Full landscape restoration scheme**

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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 14<sup>th</sup> August 2013  
**Report of:** Steve Irvine – Development Management and Building Control Manager  
**Title:** Proposed Alterations to the Section 106 Agreement relating to application 11/1879 for Land at Parkers Road, Crewe.

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#### **1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/1879N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

#### **2.0 Decision Required**

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

#### **3.0 Background**

- 3.1 The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east, existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.
- 3.2 Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pyms Lane and the village of Bradfield Green to the North West.
- 3.3 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a "hybrid" application (i.e.

part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total, planning permission for a maximum of 400 dwellings was applied for.

3.4 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:

1. *Provision of education contribution of £398,990*
2. *Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School*
3. *Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:*
  - a. *A minimum of 8 pieces of equipment,*
  - b. *1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.*
  - c. *Railings to be painted green and pedestrian gates to be yellow.*
  - d. *Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.*
  - e. *Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.*
  - f. *Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.*
  - g. *Access paths to gates to be tarmacadam*
4. *Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.*
5. *Provision of 35% of the 400 units proposed across the whole site as affordable housing in perpetuity. Provision within Phase A shall be 26 units comprising 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, with the remainder to be provided in Phase B The tenure split within Phase A to be on a 65% social rent, 35% intermediate tenure basis. The mix of house types and tenure for within Phase B (to include key worker housing) to be agreed as part of subsequent reserved matters applications.*
6. *Travel Plan Monitoring Fee £5000*
7. *Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.*

3.5 The developer is seeking to amend this wording to make provision for:

- 1 Reducing the overall amount of affordable housing to 10%;
- 2 Amending the tenure split of the affordable housing to 25% Rented & 75% Intermediate

3.6 In addition, it seeks to make the following amendments to conditions:

- Amending the Code for Sustainable Homes provision to mandatory

- requirements of Level 3 from Level 4
- Deleting Condition 34, removing the requirement to deliver 10% renewable energy provision;

#### **4 Officer Comment**

- 4.1 Section 6 of the Interim Planning Statement (IPS): Affordable Housing relates to Viability of Affordable Housing Provision. Paragraph 6.6 states:

*Where it is accepted by the Council that a development is not sufficiently viable to provide the requisite level of affordable housing, and where the development is in all other respects acceptable, it may consider requiring the applicant to enter into a legal agreement which effectively defers developer contributions during the period of development. More detail on this approach is contained in the Home and Communities Agency Good Practice Note on Investment and Planning Obligations (July 2009), however the broad principles are explained below.*

- 4.2 The NPPF stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*

- 4.3 The applicant has commissioned consultants DTZ to assess the viability of the proposed scheme. DTZ have provided a viability appraisal (FVA) for the policy compliant scheme which provides 35% affordable housing, however the appraisal excludes the costs relating to the requirement to build new homes to Code level 4 and the tenure split of 75% social rent/25% intermediate. The applicant concludes that the policy compliant scheme is not financially viable.

- 4.4 DTZ have also provided a viability appraisal for the scheme on the basis of:

- a reduction in the level of on-site affordable housing provision to 10%,

- an adjusted tenure split of 25% social rent and 75% intermediate,
- a reduced requirement to build new homes to Code Level 3
- removal of the requirement to provide 10% renewable energy on site.
- the same level of Section 106 contribution as discussed with the Council.

4.5 The Council has commissioned Gerald Eve to assess the appraisal which has been submitted. They have concluded that the Proposed Scheme, as detailed above, is viable. The applicant's FVA has been independently scrutinised by Gerald Eve, an independent consultant acting on behalf of the Council. They are unable at this stage to conclude that the Section 106 contributions represent the maximum the scheme can afford and further viability testing should be undertaken to establish the appropriate level of contributions. Further clarity is also needed on the following issues:

- The applicant has applied an average sales value of £107 per sq.ft to the affordable housing element and an average sales value of £169 per sq.ft to the market housing element. Further information regarding calculation of both values is required;
- Gerald Eve require further input from Cheshire East Council's Affordable Housing Team regarding the acceptability of the proposed tenure split provided by the applicant;
- A profit target of 18% profit on Gross Development Value has been used by the applicant. Further clarification is sought from the applicant to justify this figure;
- Clarity is needed regarding the costs to be attributed to the scheme, to be explicitly apportioned as abnormal costs and Section 106 Contributions. Within the RICS Royal Institution of Chartered Surveyors Professional Guidance entitled 'Financial Viability in Planning' which represents best practice it concludes that 'a full QS cost report' is recommended to be provided;
- 3% professional fees have been used and Gerald Eve considers that 7.5% would be appropriate;
- Full phasing details are required to accurately assess the implications of finance costs on the viability of the scheme.
- Gerald Eve's analysis has demonstrated that it may be appropriate to consider a re-appraisal mechanism which would ensure the scheme provides an appropriate level of contribution

4.6 A further updated in respect of these matters will be provided to Members prior to their meeting.

- 4.7 The NPPF also stresses the importance of housing delivery. One of the 12 Core Planning Principles at paragraph 17 states that planning should:

*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*

- 4.8 Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East.
- 4.9 Whilst the reduction in the overall percentage of affordable housing, and deletion of Code Level 4 and renewable energy requirements are regrettable, it has to be recognised that the Parkers Road scheme forms part of Cheshire East's 5 year Housing Land supply and in order to defend forthcoming Appeals on other sites within the Borough, it is necessary to demonstrate that sites such as this are viable and deliverable.
- 4.10 Members may recall that at its meeting on 22<sup>nd</sup> August 2012, Strategic Planning Board resolved to approve an application for residential development at the neighbouring Maw Green site, with an overall affordable housing provision of 10%. This case is not dissimilar.
- 4.11 At its meeting on 5<sup>th</sup> December 2012, the Board also resolved to make the same amendments in respect of the resolution to approve the scheme at the Coppenhall East site. Again, this case has some similarities with this scheme.
- 4.12 Furthermore, the development site is in a part of Crewe where property prices are relatively low compared to other parts of the town and the Borough as a whole. It is also where there is already an abundance of affordable housing, as set out in the Housing Market Assessment which accompanied the application. Consequently, it could be argued that increasing the market housing element would help to provide a mixed community in this part of Crewe. This was the view taken by the Inspector at the Appeal relating to the Bath Vale Works site in Congleton where, due to the Bromley Farm Council Estate near to the site, he agreed to omit the social rented tenure in order to achieve a mixed community.
- 4.13 In summary it is considered, that in the light of the NPPF, the viability and housing delivery case which has been advanced by the developer is an important and material consideration, which would outweigh the policy requirement in respect of affordable housing provision.

- 4.14 However, the IPS states at paragraph 7.7 that, in circumstances where are reduced affordable housing provision is accepted on viability grounds:

*“subject to the developer agreeing to initially provide the proportion (if any) of the affordable housing that the development appraisal indicated was viable, a further payment in lieu of the remaining affordable housing would become payable if and when there was an increase in the achieved sale values of the dwellings compared to the values assumed in the development appraisal. The calculation of further payments would be at agreed periods during the life of the development. This mechanism would only apply once development had commenced.”*

- 4.15 As this is a large development, which is likely to come forward in phases over a development period of 5 – 10 years, it is considered that an overage agreement should be required in case there is an increase in sales values of the dwellings compared to the values assumed by the applicant. Any overage payments should be invested back into affordable housing in Cheshire East. Such clauses have been used on recent permissions issued elsewhere within the Borough, (including Coppenhall East). Therefore, this would seem to be a reasonable request.
- 4.16 With regard to the amendments to the proposed tenure split, the 75/25 split between intermediate and rent, would also reflect the previous decision of the Strategic Planning board in respect of the Coppenhall East scheme. This would go towards meeting some of the identified affordable housing need for Crewe.
- 4.17 The first phase of c 130 homes has always included 26 affordable units. The developer will maintain this level of provision and so the scheme is " front end loaded" as the effective rate of provision in the first phase will be 20% (26 affordable out of 130). This is considered to be a major benefit of the scheme.
- 4.18 Condition 9 which related to the obligation to assess the feasibility of achieving Code for Sustainable Homes Level 4 across the site, is an aspirational requirement which does not have any support in adopted planning policy. It is referred to in the Council's Interim Policy on the Release of Housing land. However, recent Appeal decisions have determined that this can be afforded only limited weight as a material consideration in decision taking. It is acknowledged that the Code Level 4 requirements would increase the sustainability of the scheme, which must be considered in the light of the presumption in favour of sustainable development under the NPPF. However, this must be balanced against the advice contained within the NPPF in respect of viability and housing delivery as set out above.

- 4.19 Furthermore, the condition only required a feasibility study into the viability of meeting Code Level 4, across the site. Therefore, even if the condition were retained, a viability case could be presented to negate the requirement to comply with this condition. It is considered that such a case has already been presented as part of the developer's request to amend the committee's previous resolution in respect of the Section 106 Agreement. Consequently, there is no objection to the removal of this condition.
- 4.20 Similarly Condition 10, which was imposed to comply with the requirements of Policy EM18 of the RSS, required the provision of 10% of predicted energy requirements to be sourced from decentralised and renewable or low carbon sources only if it could be demonstrated that it was "feasible or viable" to do so. It should also be noted that since the resolution to grant planning permission was passed, the RSS has been revoked. Therefore, Policy EM18 no longer forms part of the development plan.

## **5 Conclusion**

- 5.1 On the basis of the above, subject to the points raised by Gerald Eve being clarified, the proposed amendment to the wording of the resolution is considered to be acceptable. A further update in respect of the outstanding matters will be provided to Members prior to their meeting.

## **5 Recommendation**

**Subject to receipt of additional viability information and no objection being received from Gerald Eve in respect of that information, that the Board resolve to amend the previous resolution in respect of application 11/1879N to read:**

***That the application be approved subject to completion of Section 106 legal agreement securing***

- 1. Provision of education contribution of £398,990***
- 2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School***
- 3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:***
  - a. A minimum of 8 pieces of equipment,***
  - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.***
  - c. Railings to be painted green and pedestrian gates to be yellow.***
  - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.***

- e. *Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.*
- f. *Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.*
- g. *Access paths to gates to be tarmacadam*
- 4. *Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.*
- 5. *Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.*
- 6. *Overage clause*
- 7. *Travel Plan Monitoring Fee £5000*
- 8. *Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.*

***And subject to the following conditions:-***

- 1. *Standard 3 year time limit (Phase A)*
- 2. *Standard outline time limit (Phase B)*
- 3. *Submission of reserved matters (Phase B)*
- 4. *Plans*
- 5. *Materials*
- 6. *Boundary Treatment*
- 7. *Landscaping submission*
- 8. *Landscaping implementation*
- 9. *Breeding bird survey to be carried out prior to commencement of any works during nesting season*
- 10. *Features for use by birds and bats*
- 11. *Habitat creation and management plan*
- 12. *Design of proposed pond*
- 13. *Design and layout of the proposed newt mitigation area including proposals to ensure no public access.*
- 14. *Submission of details of bin storage.*
- 15. *Archaeology investigation / report*
- 16. *Compliance with flood Risk Assessment*
- 17. *Restrict surface water run-off*
- 18. *Surface water attenuation*
- 19. *Minimum Floor Levels*
- 20. *Surface Water Regulation Scheme*
- 21. *Site to be drained on a separate system*
- 22. *Phase II contaminated land investigation and remediation*
- 23. *Travel Plan*
- 24. *Updated Air Quality Impact Assessment*
- 25. *Limit hours of construction to 08:00 – 1800 Monday to Friday and*
  - a. *0900 – 1400 on Saturday with no working on Sunday or Bank Holiday*
- 26. *Details of external lighting to be submitted and approved*



- 27. Submission of details of phasing / triggers for construction of access and highway improvements. Works to be carried out in accordance with the approved details.**
- 28. Provision of Parking**
- 29. Highway Construction details to be submitted**
- 30. Replacement hedge and tree planting**
- 31. Tree / hedge protection measures**
- 32. Implementation of Tree / hedge Protection**
- 33. Arboricultural Method Statement**
- 34. Code for Sustainable Homes Level 3**
- 35. Noise Impact Assessment**
- 36. Details of proposed apprenticeship scheme**
- 37. Provision of Bin Stores**
- 38. Provision of Bungalows in Phase B**
- 39. A Highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation**

## **6 Financial Implications**

- 6.1 There are no financial implications.

## **7 Legal Implications**

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

## **8 Risk Assessment**

- 8.1 There are no risks associated with this decision.

## **9 Reasons for Recommendation**

- 9.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

### ***For further information:***

Portfolio Holder: Councillor Don Stockton  
Officer: Ben Haywood – Principal Planning Officer  
Tel No: 01270 537089  
Email: [ben.haywood@cheshireeast.gov.uk](mailto:ben.haywood@cheshireeast.gov.uk)

### ***Background Documents:***

- Application 11/1879N.

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Application No: 12/4652M

Location: Land off Earl Road, Handforth, Cheshire

Proposal: Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

Applicant: Next plc

Expiry Date: 6<sup>th</sup> March 2013

## REASON FOR REPORT

### SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 legal agreement

### MAIN ISSUES

- Loss of employment land
- Impact upon existing centres
- Traffic generation and highway safety
- Sustainability
- Design

The application represents a departure from policy which officers are minded to approve and does have strategic implications by reason of its scale, nature and location. As such, the application should be considered by the Strategic Planning Board under the terms of the Constitution.

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises a 1.26 hectare of open employment land as identified in the Macclesfield Borough Local Plan. The site lies to the east of the A34 Handforth bypass adjacent to the Handforth Dean Retail Park.

## DETAILS OF PROPOSAL

This application seeks full planning permission to erect a Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

## RELEVANT HISTORY

There have been a number of applications for mixed use developments on the site since 1995, which have included proposals for cinema, leisure and retail development. All of which were refused.

The most relevant of these was:

23<sup>rd</sup> November 1998 - Erection of retail warehousing - Appeal dismissed following refusal on 4<sup>th</sup> April 1996 (83294p).

The most recent planning permission on the site was:

17<sup>th</sup> June 2004 - Approved - Renewal of planning permission 01/2683P for use of land for car parking purposes from 01/04/05 to 31/03/10 (04/1091P).

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
E1, E2 and E3 Employment Land  
S1, S2 Shopping Developments  
DC1 Design New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC63 Contaminated Land

### **Other Material Considerations**

National Planning Policy Framework (the Framework)  
Employment Land Review (November 2012)  
PPS4 Planning for Town Centres Practice Guide

## **CONSULTATIONS (External to Planning)**

Environment Agency – No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment.

United Utilities – No objections, subject to the site being drained on a separate system, with only foul drainage connected to the foul sewer.

Public Rights of Way – Consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Stockport MBC – No objection on retail planning grounds, mitigation required for impact of development on local highway network.

Trafford MBC – No comments received.

Greenspace (Leisure) - The proposed development triggers the need for public open space and provision for recreation and outdoor, in line with the Councils SPG on planning obligations. In the absence of on site provision, commuted sums for offsite provision will be required in the event of an approval.

Strategic Highways Manager – No objection, subject to s106 financial contribution to offset the increased congestion arising from the development.

Environmental Health – No objection, subject to conditions relating to contaminated land.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Handforth Parish Council welcomed the proposed store and were pleased to see that the frontage faces east and is therefore similar to the frontage provided by the existing retail outlets of Handforth Dean.

They took issue with the suggestion of the Emerson Group that the Next store should face west since they believed this would generate more traffic on Coppice Way and Earl Road. They also felt it would lead to longer queues of traffic trying to exit Earl Road into Stanley Road and felt poor egress from Earl Road into Stanley Road is probably one of the reasons why Next wish to move away from their current position in the Stanley Green retail park.

They are pleased to observe that the plans include a service road spur on the eastern side of the site that will allow future access to the remainder of the former Airparks site. They hope that Next will establish regular patrols in order to prevent the accumulation of litter on the various footpaths and hope that Next recruit new staff, including apprentices, from the local community.

If planning permission is granted, HPC hope that ward councillors for Handforth be included in discussions concerning the disbursement of section 106 or CIL monies. Section 106 or CIL monies should be designated for use within Handforth. Suggested uses include:

- upgrading of footpath 80,
- installation of a zebra crossing on Coppice Way at the northern end of footpath 91
- the creation of cycleways.

### **OTHER REPRESENTATIONS**

18 letters of representation have been received.

3 of the letters support or raising no objection to the proposal note that:

- It will Improve / increase choice for the retail development at Handforth Dean
- Will reduce the traffic load on Stanley Green industrial estate.
- Commuted sums should be used:
  - to improve the public realm in Handforth
  - to ensure the continued success of the youth club,
  - ensure there is a local employment obligation within the legal agreement.

- Next should continue their community involvement policy following any approval

9 of the letters, including from a number of local cycle groups, seek improvements for cyclists to Handforth Dean and better access from Handforth railway station. They state:

- The application, as it stands, makes little in the way of detailed improvements for walking/cycling to this, already congested site.
- Improvements to the local walking and cycling network to help local customers and staff access Handforth Dean should be included.
- Improvements to the Earl Road/Stanley Road junction should be made to make it safer for cyclists and pedestrians (using commuted sum money).
- More cycle parking for staff and customers

6 of the letters raise objections to the proposal on the following grounds:

- Developing further out of town retail developments seems to go against current policy of protecting the "high street". Claimed employment generation should be offset against the impact of employment on the high street and at the nearby Next at Stanley Green which would close.
- Given the dire shortage of employment land in this area, it would be inappropriate to allow retail use on the land, especially in light of local companies demonstrating clear demand for the land for employment purposes.
- The Framework requires the consideration of alternative out of centre sites as part of the sequential test. The applicant's approach is incorrect.
- Retail use of the site is contrary to policy E3.
- Saved policies E1, E2 and E3 are wholly consistent with the Framework.
- The fact that the remainder of the site would be available for employment use does not justify a deviation from policy on part of the site.
- Employment land review identifies the importance of the site for employment purposes.
- Availability of land at the airport is academic and entirely wrong.
- Marketing exercise generated a number of expressions of interest for employment use of the site.
- Concern that retail precedent will be set.
- Submitted impact assessment fails to assess the impact of the reoccupation of the unit to be vacated at Stanley Green by an alternative A1 operator.
- Potential for proposed store to be located at Stanley Green.
- The operation of the junction at Stanley Road and the B5094 has not been considered in the Transport Assessment.
- Transport Assessment is inconclusive on the future operation of the junction at A34/A555, which is a key strategic junction.

- Orientation does not integrate visually with Handforth Dean.
- Proposal turns its back onto Earl Road.
- No landscaping proposed to Earl Road.
- Road linking A34 to Earl Road should be included in proposal.
- There should be no overspill parking on Earl Road.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicants have submitted a flood risk assessment, a sustainability assessment, an energy assessment, a transport assessment, a statement of community involvement, an ecological assessment, an employee travel plan, a design and access statement, a planning & retail statement, an employment land statement and a contaminated land assessment. The planning statement concludes:

- Application complies with NPPF, local planning policy and extant practice guidance published with PPS4.
- None of the sites identified through sequential test are suitable, available and viable.
- Scheme will operate as a dual format store and cannot be disaggregated.
- Seeks to improve offer in the north east of Cheshire, and a store close to existing stores in Stockport or Macclesfield would not be viable.
- No significant adverse impacts will arise from the proposal.
- Application will not undermine investment prospects of nearby centres.
- Level of trade impact on local centres will not undermine performance or viability of any centre.
- Trade to existing Stanley Green store is expected to be diverted to proposed scheme.
- Main impact will be upon existing out of centre stores along the A34 corridor
- No significant impact upon carbon dioxide emissions or climate change.
- Highly accessible and will not have any significant impacts on local traffic levels or congestion.
- Will deliver positive economic benefits and create new employment.
- Development could act as a catalyst for the development of the remainder of wider site available at Earl Road.
- Whilst the application site is allocated for employment uses, this allocation should be considered out of date and afforded limited weight.

In addition to this, following concerns raised by officers during the course of the application a supplementary planning statement, amended plans, supplementary highways details and additional information related to the proposed catchment area and sequential site search have been submitted.

## **OFFICER APPRAISAL**

### **Loss of Employment Land**

The application site is located within an area of Employment Land as identified in the Macclesfield Borough Local Plan. The site is owned by Cheshire East Council and has remained undeveloped for a number of years. However it was, until relatively recently (2010), put to economic use as airport car parking.

With regard to the employment land issue, the applicant maintains that:

- The saved policies within the local plan are inconsistent with the Framework (including the lack of a sequential approach to the designation of office sites).
- The proposal delivers objectives of the Framework – creates 220 jobs and meets the needs of the community for a choice of retail goods and services
- Proposal makes effective use of brownfield land.
- Refusal would impede economic growth in contravention of the Framework's policies
- The supply of Use Class B land in Cheshire East generally, and in Handforth particularly, exceeds the forecasted requirement.
- Handforth will not suffer any material loss in the range of sites needed to meet the needs of business.
- With the release of the application site, Handforth will still have 9.44ha of available B1 land, including the remaining 4.8ha on the Earl Road site itself.
- Increased marketability of the remaining site.
- The remaining portion of the site has good access from, and frontage onto, the A34.
- Site has been marketed three times over two economic cycles (including when the economy was buoyant) with no concrete offers to develop the site or any part of it for B1 use. Expressions of interest do not represent sound evidence to demonstrate development would be delivered.
- Employment land review (ELR) identifies a maximum land demand of 1.98ha for Handforth.
- The remaining site would be more than double the maximum amount of additional Class B1 land that the ELR states is needed to 2030.
- Between 2004-5 and 2010-11 the average annual take up of Use Class B land in Cheshire East was 8.46ha per year.
- 20000sqm of available and pipeline office space at Cheadle Royal, Handforth Dean and Stanley Green.
- Airport City (Enterprise Zone) will offer substantial benefits compared to application site and is in same geographic market.
- Market signals (which the Council is obliged to take into account – paragraph 22 of the Framework) has no regard for Borough boundaries.

Since the airport parking operation has ceased, the Council has conducted a marketing exercise for the site and invited expressions of interest which has revealed a number of parties interested in developing the site for various



forms of employment use (within the 'B' use classes category). It is also noted that a representation to the application has been made by an interested party confirming a longstanding interest in part of the site for employment use. Furthermore, recent announcements regarding the development of Airport City, completion of SEMMMS, and the development of a High Speed Rail station nearby between junctions 5 and 6 of the M56 mean that the attractiveness of this area for employment development will increase further.

The Cheshire East Employment Land Review (ELR) completed in 2012 by Arup and Colliers International forecasts that there could be a need to provide between 277.8 ha and 323.7 ha of land for employment purposes between 2009 and 2030 across the whole Borough. However, the ELR identifies a maximum forecasted employment land demand increase of 1.98ha in Handforth between 2009 and 2030.

The ELR identifies three potential sites in Handforth where this increased demand could be accommodated:

- 6ha at Earl Road (which the application site forms part),
- 2.1ha at Epsom Avenue,
- 2.6ha at Lower Meadow Road.

This results in a total of 10.7ha of potential employment land supply sites to accommodate a forecasted demand of 1.98ha for the period up to 2030. This is a significant over supply when compared to the anticipated demand identified in the ELR.

It should also be noted that the Development Strategy identifies that Handforth should provide 10 hectares of employment land between 2010 and 2030.

The ELR recommends that the Earl Road site, part of which is the subject of this application, is retained for employment purposes. The view of Colliers International was that this is an:

*“Excellent prominent site for quality office development. Likely to get interest from several parties when it is brought to the market”.*

It is understood that the site has been marketed on three separate occasions:

- at some time around 2006,
- January 2011
- February-March 2012.

23 expressions of interest were received following the 2012 marketing, of which 16 included some form of employment use. The applicants were one of those parties that expressed an interest in the site, and are the only ones to have come forward with a planning application. There has been no indication of alternative proposals coming forward for alternative employment based development.

The ELR also identifies the existing active employment site at Epsom Avenue (Stanley Green) as being an important business area in the north of the Borough offering a range of modern high quality offices, headquarter style buildings, light industrial and distribution premises. The ELR recommends that this 21ha site continues in employment use for commercial B1 development.

Policy E1 of the Local Plan states that *“Both existing and proposed employment areas will normally be retained for employment purposes”* and Policy E2 states that *“On existing and proposed employment land, proposals for retail development will not be permitted”*. It is clear that the proposal is contrary to policies in the adopted development plan.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration and includes a presumption in favour of sustainable development. This means that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

Policies E1 and E2 of the Macclesfield Borough Local Plan cover both the existing and potential sites outlined in the ELR. These policies are considered to be consistent with the Framework to the extent that they seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. However, paragraph 22 of the Framework states that

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.*

Whilst it is acknowledged that there has been some interest in the site resulting from the recent marketing exercise, the only firm proposal to come out of this is the current application. Similarly, no proposals for employment development came out of previous marketing campaigns.

The planning history of the site shows a clear predominance of retail and leisure proposals since the mid 1990s. In this current application, the proposed development will retain approximately 4.8ha of the employment land allocation on this prominent site, and the presence of a major retailer may serve to stimulate further interest in the remaining site.

Given that this is identified as a potential “flagship” employment site in the Borough and that part of it will be taken up by this proposal, if the loss of employment land arising from the development is accepted, then it is considered necessary to seek mitigation for its loss in the form of a financial

contribution towards the infrastructure to serve the remaining employment site.

The development strategy identifies that Handforth should deliver 10 hectares of employment land up to 2030, whilst the ELR identifies a lower figure. In the current financial climate employment uses are undoubtedly difficult to bring forward. However, when the economy shows signs of improvement, it is crucial that the Borough has an adequate supply of employment land and infrastructure to meet requirements as they arise. A pot of money to contribute to the required infrastructure for the site will help to facilitate this.

Finally, as recognised by Handforth Parish Council, the proposed store itself will create employment in the local area, something which could be secured with local employment agreements in the s106. This must be given some weight in the consideration of this application.

### **Retail Impact**

Policy S2 of the Macclesfield Borough Local Plan deals with proposals for new retail development outside of existing centres. This policy includes that there should be a proven need for the proposal. However, the Framework supersedes this and does not require applicants to demonstrate the need for the development. The Framework does require that proposals demonstrate that they satisfy both the sequential test and the impact assessment tests. Paragraph 27 of the Framework is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts, it should be refused.

On this basis, the Council need to be satisfied that there are no more sequentially preferable sites available and that there would not be a significant adverse impact on investment in centres within the catchment of the proposal or on town centre vitality and viability. The Council have obtained specialist retail advice on this proposal, and the issues raised by them are incorporated below.

### Sequential Assessment

Paragraph 24 of the Framework requires:

*“applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered... Applicants and planning authorities should demonstrate flexibility on issues such as format and scale.”*

The application site is considered to be out of centre.

The applicants have identified a catchment area for the proposed store of between 10 and 15 minutes drive time radius from the application site, which includes an assessment of Handforth, Macclesfield, Stockport and Wilmslow centres). The applicant's reasoning behind this included consideration of:

- The established catchment of existing retail facilities at Handforth Dean as confirmed by the Cheshire Retail Study Update (2011);
- The proximity and distribution of alternative provision, including Next's own representation within the surrounding area;
- The accessibility of the application site;
- The trade draw patterns, based on visitor origin surveys, of an existing Next Home & Garden store at Shoreham on Sea.

This catchment was considered by officer to be too limited in extent, given the "flagship" nature of the proposed store and it was suggested that the catchment should better reflect the current catchment of Handforth Dean as it will divert trade from these existing stores. However, the applicants point out that the 2011 Cheshire Retail Study Update indicates that, in terms of clothing and furniture, Handforth Dean draws very little trade from the south and west of the site. It is also noted that the existing M&S store is almost twice the size of the proposed Next store and therefore can be expected to have a larger catchment.

Whilst the applicant maintains that they have identified the appropriate catchment for the proposed store, they have subsequently provided an assessment of an extended catchment, guided by the assumed catchment of M&S at Handforth Dean. However, the following areas have been excluded due to their distance from Handforth Dean and/or due to the existing Next provision in these areas:

- Areas to the west of the M6 to the south of the catchment
- Areas at the extreme east of the catchment towards Buxton
- Areas to the south close to Stoke
- Areas to the North (due to alternative provision in Manchester, Trafford Centre and Stockport)

This expanded area now includes an assessment of Altrincham, Congleton, Knutsford, Sale and Sandbach. The original and extended catchment is shown in Figure 1 below.

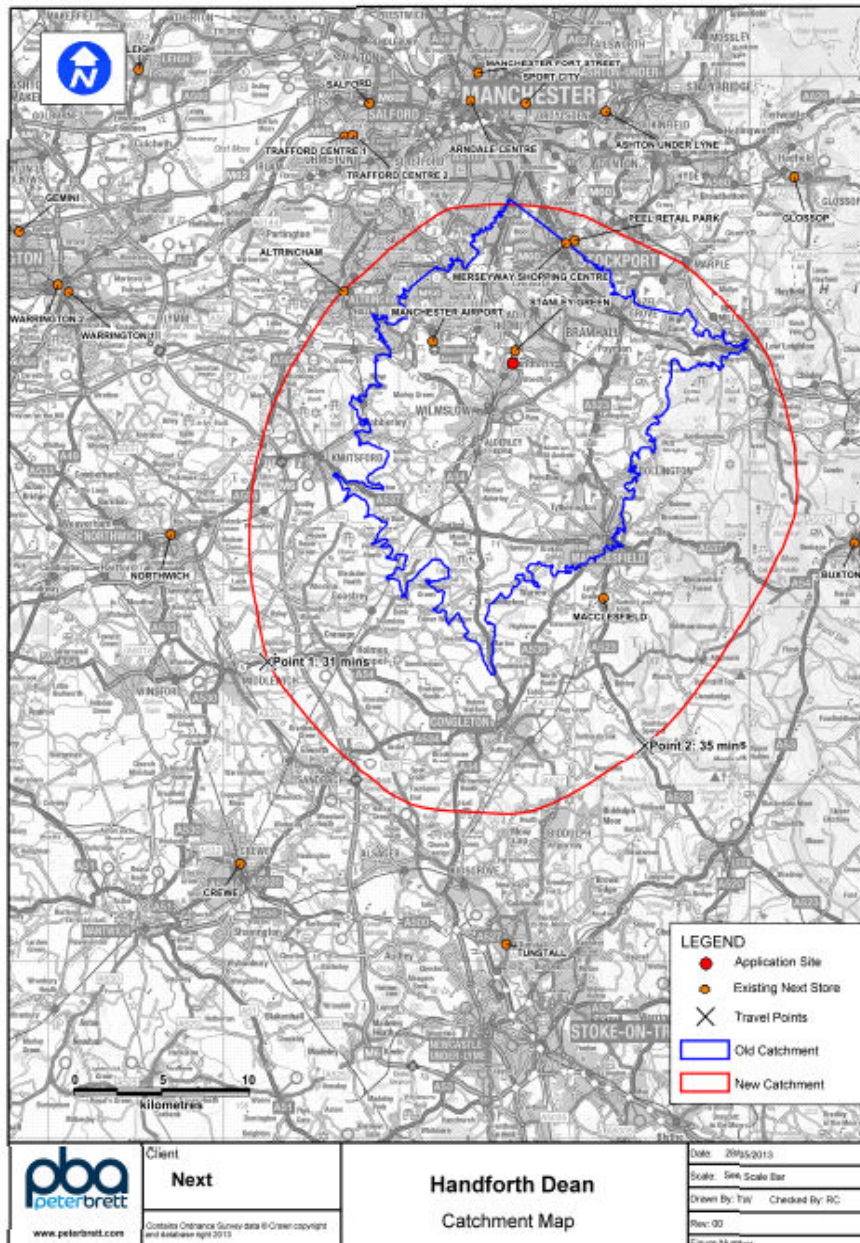


Figure 1: catchment areas.

The applicant notes that each of these centres is close to the periphery of the larger catchment and will not serve the catchment that Next wishes to serve from the Handforth Dean. It therefore does not meet their commercial requirements.

Paragraph 24 of the Framework requires applicants and local authorities to demonstrate flexibility on issues such as format and scale when assessing the suitability of sites in a sequential assessment. This requirement has been clarified in the courts (*Tesco Stores Ltd v Dundee City Council* (2012)), where it was established that where consideration has been given to accommodating the development in a different form and where sequentially preferable locations have been assessed then the consideration should be:

*“Whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site”*

The application explains that the Next Home & Garden store is intended to be a new shopping experience for Next customers, and is distinguishable from existing Next store formats. The business model on which the format is based requires the full range of products to be available. The bulky nature of the product range means that a retail warehouse type unit with surface level parking is required and town centre locations would not be appropriate. The proposed store will meet an identified demand and requirement for these facilities in the Handforth Dean area, which cannot be accommodated at the existing store at Stanley Green.

On this basis, each of the existing centres in the catchment area has been considered to establish whether there are any other sites that could accommodate the application scheme.

#### Handforth

Handforth accommodates local shopping requirements on a limited scale and the proposed development would be out of keeping with the role of this centre. In any event, no alternative sites were identified that could accommodate the proposed scale of development.

#### Macclesfield

Great King Street/water Street car park (0.7ha) – too small to accommodate the nature of the proposed development.

Exchange Street car park – too small to accommodate the nature of the proposed development, and allocated for open space.

Samuel Street / Park Lane – Too small at 0.5ha.

Duke Street car park – This offers potential for a reduced format / layout. However this location and those above form part of the Council's redevelopment plans for the town centre, which the Strategic Planning Board has recently resolved to approve. Use of this site would therefore undermine the town centre plans.

Royal Mail depot – potential for redevelopment, but is currently in use and the Post Office has not indicated that it is surplus to requirements. Topography and positioning of site raises viability issues.

Black Lane – Macclesfield is already served by Next's Lyme Green store. Macclesfield catchment is not able to support a Next Home & Garden store. Reduced floorspace would be unsuitable for the application scheme. Availability is uncertain.

#### Wilmslow

Alderley Road/Kings Close – Allocated for mixed use development, however, site is too small to accommodate the proposed development.

Sandbach, Congleton, Knutsford

No sequentially preferable alternatives were identified in any of these centres that were suitable, available or viable.

Altrincham and Sale

No sequentially preferable alternatives were identified in any of these centres that were suitable, available or viable.

Stockport

A total of 8 sites have been identified in Stockport, none of which have been identified as suitable, available or viable.

Extending existing Stanley Green store – Not sequentially preferable. Too small to accommodate proposed store. Car parking is insufficient. Prominence does not meet Next's requirements.

No further sites have been suggested by the applicants, the Council or third parties. It is therefore considered that no sequentially preferable sites exist.

**Impact on existing centres**

Paragraph 26 of the Framework requires applications for significant retail development outside of town centres to be accompanied by an assessment of the impact of the proposal upon town centres in the following two areas:

Impact on investment

The applicant sets out in their planning and retail statement that the proposal will not have a significant impact upon investment in existing centres with their identified catchment area. Whilst investment and redevelopment is planned within both Macclesfield and Stockport town centres, the levels of expected trade diversion identified in the applicant's analysis are very low. £0.43m of expenditure is expected to be diverted from Macclesfield town centre and £0.6m is expected to be diverted from Stockport town centre. These levels of trade draw are not considered to threaten the successful delivery of the redevelopment proposals or investment. No concerns have been raised along these lines by potential investors.

Impact on town centre vitality and viability

Handforth and Wilmslow centres are identified as currently having a vacancy rate of retail and service units well below the national average. The nature of the offers in these centres (convenience retail and services in Handforth, and upmarket, niche retailers in Wilmslow) is not expected to compete significantly with the proposed Next store.

Stockport does have a higher than average vacancy rate, but does have a strong mix of national retailers and independent traders, and is well served by transport links. A number of regeneration schemes are planned for Stockport,

and it should be noted that Stockport MBC does not raise any objections to the proposal on retail grounds.

Vacancy rates in Macclesfield are at approximately the national average. There are clearly weaknesses with the current offer in Macclesfield, notably the shortage of larger units, hence the redevelopment proposals for the town centre. However, as previously mentioned, the proposed Next store is not expected to impact significantly on investment, and is not considered to significantly impact upon the vitality and viability of this centre.

Overall, the proposed development is not considered to have a significant adverse impact upon existing centres and therefore the proposal is considered to comply with the objectives of policy S2 of the Local Plan (where consistent with the Framework) and paragraphs 24, 26 and 27 of the Framework.

However, the Council has sought further retail advice on this matter (from WYG) to ensure the impact upon existing centres is acceptable and this will be reported to Members in an update.

### **Highways**

The Strategic Highways Manager has commented on the proposal and makes the following observations. The proposed development will essentially form an extension to the existing Handforth Dean Retail Park, although it will have a separate access. This influences the expected traffic generation, as a proportion of customers will be those would already be visiting the Retail Park, rather than 'new' trips. Customer vehicular access will be taken from the 'dumbbell' roundabouts beneath the A34 between the Coppice Way and the A555 grade-separated junction, although from the south customers must access via Coppice Way and Long Marl Drive. Deliveries and staff parking will be accessed via Earl Road.

In the Transport Assessment, the assumption has been made that the store custom will largely be that diverting from other shopping centres or customers of stores on the adjacent Retail Park who call additionally at Next. Whilst this will no doubt occur, the scale and 'flagship' character of the store also means it will attract customers from a wider area than would be otherwise expected.

The traffic consultants for the applicant have supplied information relating to the John Lewis store at Cheadle, which also is part of a larger retail complex. They have also provided other information which suggests that expansion of retail centres does not result in a proportionate increase in traffic. It will also be true that many of those visiting the new store would be transferring from other stores, with relatively few being entirely new trips. Thus many of the customers will already be travelling along the A34.

In terms of traffic impact, the areas that will be primarily affected will be the Coppice Way/A34 Handforth Bypass and the A34 Handforth Bypass/A555 roundabout (the latter falls within Stockport Metropolitan Borough).

*Coppice Way/ A34 Roundabout*



The applicant's consultants predict a net increase of 35 trips through this junction in the evening weekday peak, allowing for some customers already using the A34. This represents an increase of less than 1% of the current flow (5220 vehicles).

For Saturday, the expected peak-hour increase is 68 trips, an increase of about 1.6% of the current flow (4200 vehicles).

Analysis of the roundabout provided in the Transport Assessment indicates that the southern A34 approach to this roundabout is currently close to capacity, and that the predicted development traffic will worsen the situation.

#### *A555/A34 Roundabout*

The applicant's consultants predict a net increase of 51 trips through this junction in the evening weekday peak, allowing for some customers already using the A34. This represents an increase of just under 1% of the current flow (5300 vehicles).

For Saturday, the expected peak-hour increase is 116 trips, an increase of 2.2% of the current flow (5280 vehicles).

This roundabout was analysed in the Transport Assessment and concluded to be operating at capacity already on the A34 north and south approaches. Any traffic flow increase is likely to have a disproportionate effect on delays and queue lengths.

Stockport MBC has also commented on the proposal due to the impact of the development on highways within their boundary. They note that the A34 corridor and junctions are demonstrably operating at, or in excess of, capacity and suffer from extremes of traffic congestion and delay during weekday peak traffic periods and on a Saturday afternoon. Therefore, any additional impact needs appropriate mitigation.

The Cheshire East Strategic Highways Manager advises that the SEMMMS route will extend the A555 eastwards and westwards and this will increase traffic on feeder routes such as the A34 and through this junction. It would not be prudent to undertake short-term improvements in advance of those necessitated by the completion of SEMMMS. However, increased congestion here will result in diversion of traffic onto other routes with adverse effects on congestion and road safety elsewhere. Therefore, Highways are seeking a financial contribution towards measures in the Handforth area to offset these effects and improve pedestrian and cycle routes to the site.

Stockport MBC adopt a similar approach by seeking a financial contribution as mitigation to enhance the connectivity, accessibility, convenience, safety and aesthetic attractiveness of walking and cycling networks in the vicinity, and deliver improved public transport links to fill gaps in existing provision. There is however, a significant difference in the size of the contributions being sought. Cheshire East Highways sought a contribution of £50,000 for mitigation, and Stockport are seeking a sum of £564,000. Officers consider

that the £50,000 figure is substantially below what is required to mitigate for the impact of the development. Discussions on this are ongoing with the applicant and will be reported in an update.

### **Accessibility**

The accessibility of the site is a significant issue. The inspector in 1998 identified that the public transport to the site has major shortcomings, and these are still evident today. The hourly Service (312) from Stockport terminates at Handforth Dean and runs along Earl Road, and there are some free services operated by Tesco which would be within a short walk of the site. Apart from these services the nearest are those along Wilmslow Road and Station Road in Handforth, about a kilometre away. A travel plan has been submitted to encourage staff to use other forms of transport. However, without adequate provision for non car modes, a travel plan will be largely ineffective.

Mitigation is required to make the development acceptable in planning terms, and discussions are ongoing regarding financial contributions to extend the existing bus service, which could be used to extend the 312 service to provide an additional evening service and a new hourly Sunday service between 07.30 and 18.00 for a period of 5 years. Another option also includes increasing the frequency of the Tesco shopper services which currently have a limited service to and from Handforth Dean but, unlike the 312, do offer services to Wilmslow. In addition new bus stops on Earl Road are being investigated to serve the improved 312 service.

Several measures could also be secured through a s106 to increase opportunities to access the site by other non car modes. Footpaths 80 and 91 are in close proximity to the application site. Improvements to these may encourage people to utilise bus services on Wilmslow Road in Handforth, which provide links to Manchester and Stockport to the north and Wilmslow and Macclesfield to the south. In addition to this, Council's public rights of way unit are looking at whether improvements could be made to upgrade either Footpath 80 or 91 to a cycle way to enable cyclists to use these as more direct, off-road routes into the site. This may require some surfacing improvement and/or widening, but would represent a significant benefit for the site as a whole.

Accepting the fact that most users of the site will inevitably use the private car, one proposal that has been raised with the applicants, and one which they are receptive to, is the potential to provide an electric car charging point. This is at the very early stages of discussion and is subject to the cost implications, how this would fit in with the wider network and indeed the development of the remainder of the site.

Of course there are other factors that contribute to sustainability other than as site's location, such as the proposed building has been designed to achieve a BREEAM 'very good' rating which will place it amongst the top 25% of new build non domestic buildings in the country in terms of sustainability.

However, the significance of the accessibility issues is such that this is of overriding importance and will require appropriate mitigation along the lines outlined above to be secured through the s106 agreement.

### **Design / character**

The building is a substantial structure since it is set on higher ground to the existing Handforth Dean retail units, it will be a relatively prominent feature. However, set in the context of the employment area to the north and west, the building will not be unduly out of keeping. Comments from the adjoining landowners are acknowledged regarding the layout of the proposal “turning its back” onto Earl Road with the service area to the rear of the store fronting onto Earl Road.

Following concerns relating to the lack of integration with surrounding land uses, a preference for stronger frontages to the south and west elevations, and a stronger route through to Earl Road from the car park, revised plans have been submitted.

The west elevation fronting onto Earl Road has now been amended to increase the amount of clear glazing which will allow views of the activity of the inside of the store and present a much more interesting façade to Earl Road. The south elevation has been similarly amended and now provides an access to the store that can be utilised by pedestrians approaching from Earl Road and those walking across from the existing retail park. A more substantial pathway has also now been included in an attempt to provide a stronger route through to Earl Road and the wider retail park from the car park to the east. These amendments have sought to create active frontages on three sides and promote some connectivity to the surrounding land uses.

Scope for additional landscaping, particularly along Earl Road, may also be possible and this can be dealt with by condition. Overall, the proposed building is considered to be in keeping with the surrounding area, in accordance with policies BE1 and DC1 of the Local Plan.

### **Open space**

The Parks Management Officer has commented on the application and has noted that the development triggers need for public open space and recreation / outdoor sport and, in the absence of on site provision, commuted sums for offsite provision will be required.

Based on the total proposed floor space of 7626sqm, in accordance with the SPG on planning obligations, this would equate to:

- POS £114,390 used to make additions, improvements and enhancements to the existing POS facilities at Meriton Road Park, Henbury Road and Spath Lane.
- R/OS £114,390 used to make additions, improvements and enhancements to the existing R/OS facilities at Meriton Road Park and Spath Lane.

However, 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.

Having regard to the nature of the proposal and its positioning in relation to the proposed areas of open space for improvement, these amounts are not considered to be fairly and reasonably related in scale and kind to the development. It is considered to be more appropriate to seek maximum benefit from a s106 agreement in areas that will truly mitigate for the impact of the development. These amounts are therefore also under discussion with the applicants.

### **Other considerations**

There are no residential properties within close proximity of the application site. As such, no significant amenity concerns are raised.

The nature conservation officer has commented on the application and notes that the proposal is supported by an acceptable ecological assessment, and no significant ecological issues associated with the proposed development are anticipated.

Environmental Health advises that the application area has a history of use as an RAF Depot and therefore the land may be contaminated. The Peter Brett Associates report (ref M9475/226B) submitted in support of the application recommends that a Phase 2 survey is required to adequately investigate for potential sources of contamination. This matter could be dealt with by condition.

### **HEADS OF TERMS**

As has been highlighted throughout this report, the terms of a s106 agreement are still under negotiation with the applicant. However, it is expected that a s106 legal agreement will be required to cover the following broad heads of terms:

- Payment of a Commuted sum for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane
- Submission, operation and monitoring of a staff travel plan
- Payment of a commuted sum for improvements to footpaths / creation of cycleways

- Payment of a commuted sum for improvements to local bus services to and from the site
- Payment of commuted sum towards or provision of an electric car charging point.
- Payment of a commuted sum for infrastructure works within the employment site
- Submission of an employment and skills plan (local employment agreement)

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

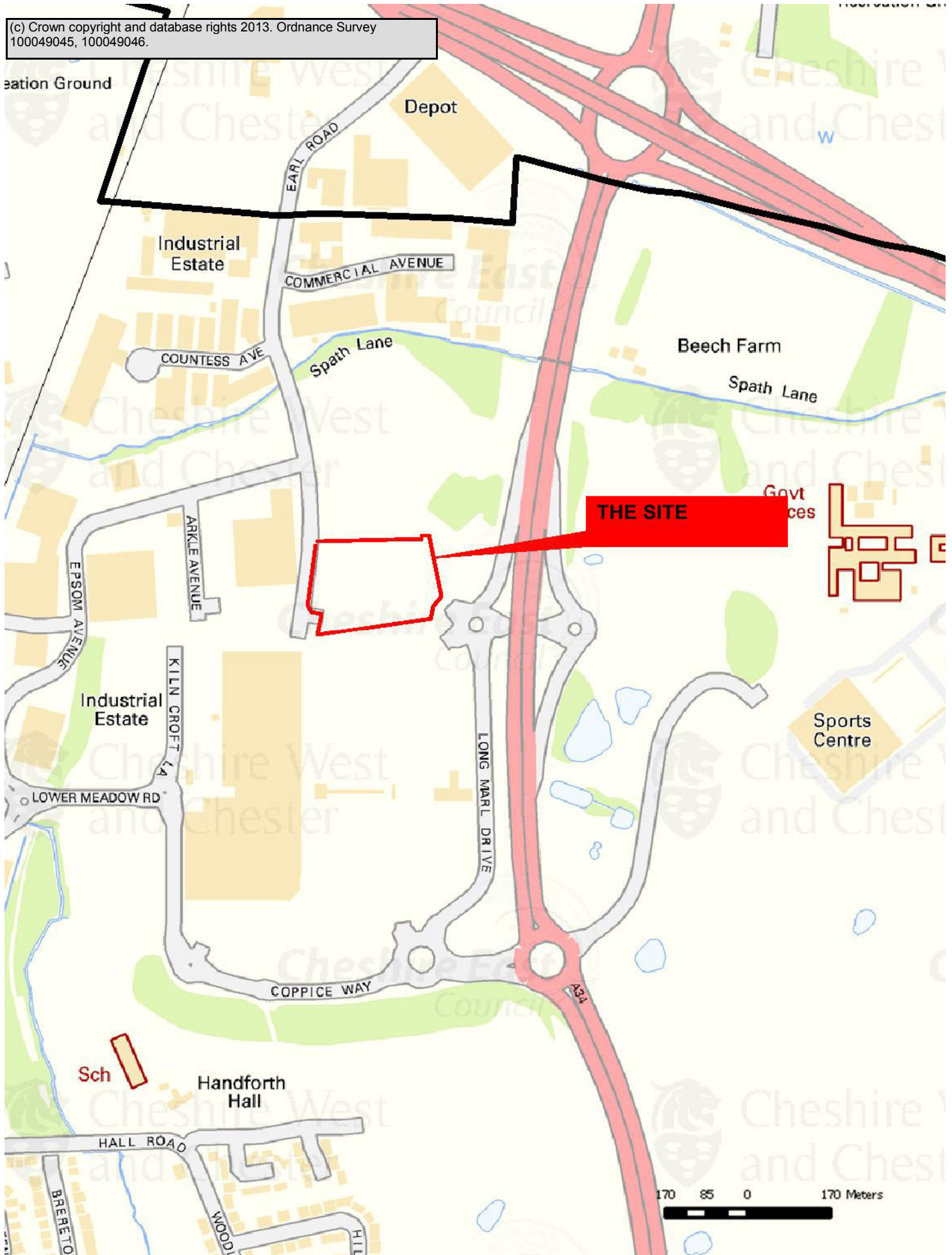
The employment land review carried out on behalf of the Council identifies a significant over supply of employment land for the period up to 2030, whilst the Development Strategy paints a rather different picture, and its requirement for Handforth to provide 10 hectares of employment land ties in broadly with the supply from three potential sites identified in the ELR. Previous marketing campaigns have not found anyone willing to develop the site for employment purposes. The advice of the Framework is that the long term protection of employment sites should be avoided when there is no reasonable prospect of a site coming being used for that purpose. Even with this proposal, a substantial portion of the site will remain available for employment uses and this may well benefit from the presence of the proposed Next store stimulating activity.

The proposed site is out of centre. However, following an expanded sequential site search, no suitable, viable and available alternatives were found to exist, even when allowing some flexibility on format and scale. The impact assessment data indicates that there will be a negligible impact on local centres and, if the catchment is spread even wider, then this impact would proportionally decrease for each centre. However, certainty is required when considering the impact upon the local centres, which is why officers have sought further retail advice on this issue, and the findings will be reported in an update.

Whilst no significant highway safety issues are raised, the development is likely to exacerbate existing congestion problems along the A34 in both Cheshire East and Stockport Boroughs. This increase in congestion results from visitors to the site being reliant on the private car. As such, it is an inevitable consequence of the development. However, there are clear opportunities to mitigate for this impact by making provision for alternative transport options to the site, and negotiations on this matter are ongoing.

The application is therefore currently recommended for approval, subject to the findings of the Council's retail consultant, the successful completion of negotiations regarding a s106 agreement to mitigate for the impact of the development and conditions.

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Application No: 13/1414C

Location: Land off Forge Lane, Congleton, Cheshire, CW12 4HF

Proposal: Erection of 14 affordable homes comprising 1 x 2-bed detached, 4 x 2-bed semi-detached, 4 x 3-bed semi-detached and 5 x 2-bed mews dwellings

Applicant: Mr Andrew Garnett, MCI Developments

Expiry Date: 19-Jul-2013

#### **SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and S106 Legal Agreement relating to affordable housing; commuted sum payments in lieu of children's play space and commuted sum payment in lieu of the loss of wildlife corridor

#### **MAIN ISSUES:**

- Principle of Development
- Housing Need
- Affordable Housing
- Sustainability
- Design & Layout
- Landscape Impact
- Highways – access and safety
- Trees & Landscaping
- Ecology
- Residential Amenity

### **1. REASON FOR REFERRAL**

This application proposes the erection of more than 10 dwellings and is therefore a major development. As a rural exclusion site serving the population of Congleton it is considered that the proposal is of strategic significance to warrant determination by Board.

### **2. DESCRIPTION AND SITE CONTEXT**

This application relates to a green field site situated on the east side of Forge Lane just outside of the settlement boundary of Congleton. The site is broadly rectangular in shape and measures circa 0.3hect in size.

The site is bounded to the east by a belt of protected trees within the rear gardens of properties in The Pavillions. To the south the site is bounded by the bungalow called 'River View' which is elevated above the application site and to the west by a hedgerow fronting on to Forge Lane and to the north by open countryside. The land levels fall away significantly at this boundary.

Overall, levels within the site fall by circa 7m from the southern boundary to the northern boundary.

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 14 affordable dwellings (in the form of 1 x 2-bed detached, 4 x 2-bed semi-detached, 4 x 3-bed semi-detached and 5 x 2-bed mews dwellings). Access is provided off Forge Lane in the form of a cul de sac. Each dwelling is two storeys high and contains 2 allocated off street parking spaces, either in a parking area adjacent to the eastern boundary or on driveways. The dwellings would be managed by a registered social housing provider (Great Places). The tenure is proposed to be 100% social rented, which should the application be approved, would be secured by a Section 106 Legal Agreement.

The proposal has been amended since originally being submitted in the form of a reduction of one unit.

### **4. RELEVANT HISTORY**

04/0431/FUL – Permission refused for new access driveway and extension of domestic curtilage – 2 March 2005

19938/1 – Outline permission refused for 17 residential units – 2 August 1988

22231/3 – Public service vehicle parking compound – permission refused 19 June 1990

### **5. POLICIES**

#### **Local Plan Policy**

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention



GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

### **Other Material Considerations**

- National Planning Policy Framework (NPPF)
- Interim Planning Policy on the Release of Housing Land
- Interim Planning Statement: Affordable Housing
- Strategic Market Housing Assessment (SHMA)
- 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. Wildlife and Countryside Act.
- Design compendiums include 'By Design' and Manual for Streets'

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Protection**

No objection subject to conditions concerning pile driving, hours of construction and contaminated land survey

### **Highways**

No objection subject to conditions concerning detailed design of interior estate road layout and design controls for Forge Lane.

### **Strategic Housing Manager**

Supports the application on the basis that the proposal comprises 100% affordable housing for an area of identified need.

### **Environment Agency (EA)**

No comments to make.

### **Leisure Services Manager**

Has advised in respect of the following :-

### Amenity Greenspace

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The amount of Amenity Greenspace required would be 340m<sup>2</sup> excluding incidental Open space such as Highway verges.

### Children and Young Persons Provision

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

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

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

Enhanced provision £2930.24

Maintenance £9552.00

### **United Utilities (UU)**

No reply at time of writing report

### **University of Manchester (Jodrell Bank)**

No objection subject to standard condition

## **7. VIEWS OF THE PARISH COUNCIL**

Congleton Parish Council: No objection

## **8. OTHER REPRESENTATIONS**

Councillor Topping has submitted an objection on behalf of one of the neighbours of the site. This objection concerns the safety and accessibility of the site and the lack of availability of the Road Safety Audit. Not providing dedicated pedestrian footways along Forge Lane is, also of concern. It is also felt that providing a shared space style scheme sets a dangerous precedent.

Letters have been received from the 6 adjoining addresses in Pavilion Way objecting to this application. The grounds for objecting are as follows:

- More traffic, disruption, making main road more congested,
- Impact on protected species habitats
- Loss of privacy / daylight / views of open views of countryside
- Loss of trees
- Impact upon ecology / protected species, particularly in relation to future dogs next to the ecological buffer
- Safety of pedestrians on Forge Lane - reliance on shared surfaces.
- Residential use would blight future redevelopment of the industrial site at bottom of Forge Lane
- House was purchased because land to the rear was not to be built upon: 'who do I sue?'

The formal representations submitted by neighbours are available to view in full on the case file and web site.

## **9. APPLICANT'S SUPPORTING INFORMATION**

- Supporting Planning Statement Incorporating an Affordable Housing Statement
- Highways Assessment
- Protected Species Habitat Survey
- Tree Survey
- Arboricultural Implications Assessment
- Landscape Impact Assessment

All documents are available to view on the web site.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The application site lies outside of the settlement boundary for Congleton and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review. National planning policy in the form of the NPPF indicates that where viable and practicable, local planning authorities should consider releasing sites solely for affordable housing that would not normally be used for housing. Consistent with this advice, saved policy PS8 of the local plan restricts development within the open countryside, with a number of exceptions, which includes affordable housing for local need.

Local plan policy H14 outlines the detailed requirements for affordable housing schemes within the rural parishes of the former Borough of Congleton. It promotes proposals which meet an identified local housing need that cannot be accommodated any other way and indicates that sites must be small and close to existing or proposed services and facilities. It requires developments to be appropriate to the locality in terms of scale, layout and design. It also explains that schemes should consist only of low cost housing, which is for rent, shared equity, or in partnership with the local housing authority or a housing association.

In addition, policy H14 indicates that such schemes must be subject to a legal agreement to ensure, amongst other matters, that initial and subsequent occupancy is limited to members of the local community who are in housing need, that occupants are prevented from subsequently disposing of the properties on the open market and a satisfactory mechanism is established for the management of the scheme.

As such, the principle of affordable rural housing within the open countryside is acceptable subject to local need, (even if that need is in the urban parish within which the site is located) and compliance with other material planning considerations. This view has been supported at appeal by planning inspectors' in the area (appeal ref: APP/R0660/A/11/2159406 – Dunkirk Farm, London Rd, Holmes Chapel).

### **Housing Need**

The site located in the Parish of Congleton. Housing Need has been assessed in this area primarily as the proposal would be serving this area.

The SHMA 2010 shows for the Congleton area there is an identified need for 33 new affordable homes each year made up of a net requirement for 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons units. This is a total need over the 5 years (2009/10 – 2013/14) of the SHMA of 165. The SHMA identified an oversupply of 5 x 2 bed properties which is why the net total requirement is 33 new units per year. There have been 120 units of affordable housing delivered in Congleton since 2009/10. Accordingly, there is still a requirement for 45 additional affordable dwellings to be provided for Congleton within the 5 years of the SHMA period. This is considered to be a significant material consideration which weighs in favour of this proposal.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 452 applicants on the housing register who require social or affordable rented housing in Congleton. These applicants require 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds (59 applicants haven't specified how many bedrooms they require). 109 of the applicants who require a one bed and 42 who require a 2 bed have indicated they would consider a flat.

Welfare reform, where Housing Benefit will not be paid on unoccupied bedrooms, will bring an increased demand for smaller properties. There are already a large number of applicants for 2 bed properties in Congleton and the welfare reform changes will increase the pressure on this kind of accommodation with applicants looking to downsize from larger accommodation. The Applicant, Great Places, are a Registered Provider of Affordable Housing.

Thus in the light of:

- the evidence of need demonstrated by the SHMA and Cheshire Homechoice,
- the changing nature of the welfare reforms which are likely to result in the need for smaller properties,
- previous appeal decisions which have considered the use of sites within open countryside to serve the needs of adjacent urban areas to be acceptable in principle

it is concluded that there is a over-riding need for the proposal. As such, the principle can be supported.

With regard to the issue of type and tenure, the tenure mix of the affordable units being offered by the applicant is for 100% social rented. This does not meet with the required tenure split of 65% social rent and 35% intermediate tenure identified in the SHMA 2010. However, the tenure split offered is to meet a need established in this area that has been identified. It will also ensure that the site remains 100% affordable.

The Council's Housing Strategy and Needs Manager supports this application. As such, the principle of the proposed development is deemed to be acceptable.

Provided that the Section 106 Agreement competently secures the provision and retention of the affordable housing in perpetuity, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing. Subject to this, the requirements of local policies PS8 and H14 are considered to have been met.

## **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 services.

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:

- post box (500m), Sandy Lane Post Box – 650m
- post office (1000m), West Heath District Centre – 825m
- cash point (1000m), West Heath District Centre – 825m
- pharmacy (1000m), West Heath Pharmacy, West St – 825m
- primary school (1000m), St. Marys Catholic Primary School, Belgrave Avenue - 1000m
- medical centre (1000m), Readesmoor Medical Group Practice, West Street – 950m
- leisure facilities (1000m), Congleton Cricket, Hockey, Bowling and Social Club, West Street – 800m
- local meeting place / community centre (1000m), Danesford Community Centre, West Road - 500m
- public house (1000m), Cheshire Tavern, West Road – 300m
- public park / village green (1000m), Astbury Mere Country Park – 950m
- child care facility (1000m), Danesford Community Centre, West Road - 500m
- bus stop (500m) West Heath, nr Waggon and Horses – 320m
- railway station (2000m). Congleton Station – 300m

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:

- a local shop (500m), Aldi & Somerfield, West Heath District Centre – 825m
- playground / amenity area (500m), Quinta Park - 1300m

On the basis of the above assessment, the proposal considered to be generally sustainable 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 affordable housing need; (which is the case here), reducing energy consumption through sustainable design, and assisting economic growth and development, amongst other things.

Overall, the proposal is considered to be sustainable.

### **Design & Layout**

The proposed layout shows the 2 storey dwellings arranged off a cul de sac. A dense landscape buffer adjoins the gardens of plots 8-14 in an area which falls away from the site. The buffer also performs an ecological function

Levels vary quite significantly throughout the site in a south to north direction. To create the access into the site the existing ground level is cut from the southern part of the site. To create a building platform to the northern part of the site (plots 8-14), the area of cut from the southern part of the site is 'filled' from the spoil. This results in the creation of a series of terraces within back gardens. The dense landscaped buffer will need to be appropriately planted to screen the different levels of garden area, particularly from the wider landscape with falls away further to the north to the River Dane in the distance.

The treatment of levels has significant implications for the future amenity of residents and the adequate creation of useable and appropriate garden space, is considered further below (Amenity of future residents). However, this is also of relevance to the design and layout of the site and its relationship its surroundings. Levels are raised through plots 8 to 14 by circa 2m, which is significant since levels fall away steeply towards the River Dane in this area of the site. There appears to be no real need for this artificial increase in levels other than to allow a cut and fill operation in the site's development. It is considered that the developer needs to address this further to minimise the impact of the height of plots 8-14 in the landscape. This can be controlled by condition.

The proposed layout would provide a quality public realm. There would be well-defined active frontages with areas of hardstanding and parking kept to a minimum and contained within the site itself.

With regard to the design of the proposed dwellings, they would be modest in terms of their size and scale, and rural in character. The houses are dispersed into group of terraces and semi-detached houses which would help to provide some differentiation within the development itself. The individual design of the proposed dwellings are deemed to be acceptable. As such, the proposal satisfies the requirements of the NPPF, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

### **Highways – Safety and Access**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and

safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

The proposed development would be served by a new access created off Forge Lane. Forge Lane is a single lane road which has a significant gradient. The limited width of Forge Lane and the existence of 3<sup>rd</sup> party ownerships further towards West Street means that the provision of a continuous pavement from the site to West Street cannot be achieved within the confines of the public highway.

The original design for the treatment of Forge Lane was for a combination of shared space and pedestrian refuge. On this basis, the application has been the subject of a formal Safety Audit.

The design has evolved extensively as a result of this process and the current proposal is for priority being for vehicles with passing places and a minimum width footpath with full kerb face to carry pedestrians. The passing places will have a low raised kerb and will be shared space which will act as a pedestrian priority space having alignment with the provided footpath.

The latest Road Safety Audit, which has been externally assessed by Independent Highways Engineers (Ringway Jacobs), has agreed that the position of the proposed design for Forge Lane is designed to a sufficient standard of safety subject to final details on: material choices, signing, passing place specifics, vehicle speed and final access to West Road can be considered in the final design and safety audit stages. All of these matters can be controlled by condition.

Given this expert peer review from the Ringway Jacobs Safety Audit Team, the Strategic Highways Manager considers that the proposal is acceptable in highway safety terms and recommends conditions controlling the final design stages for the treatment of Forge Lane in line with the recommendations of the Safety Audit.

Neighbours have raised concern about potential conflict between future pedestrians on Forge Lane and the level of possible future HGV activity from the industrial premises at the bottom of Forge Lane.

The Mill at the bottom of the lane, however, has been demolished following a fire and is not likely to be redeveloped for industrial purposes. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended conditions are considered to be relevant and proportionate to the development. Therefore, the proposal complies with the requirements of policies GR9 and GR18.

### **Landscape Impact**

Forge Lane is a narrow single track road which terminates in a factory site close to the River Dane. As it falls to the north, the lane has a rural character with hedged boundaries for part of its length. To the west of the application site on the opposite side of the road there is a wooded slope and to the north a marshy area of grassland identified as an area at risk of flooding.

The Cheshire Landscape Character assessment identifies that the application site is located beyond the urban boundary of Congleton in Landscape Character Type 13: River Valley and specifically Character Area R5: Upper Dane. This character area extends along the River Dane



and is characterised by its steep sided valley, with extensive areas of woodland; the steep valley sides and frequency of woodland ensures that there is little inter-visibility between this character area and adjoining character areas. There are no landscape designations on the site.

Forge Lane, in the vicinity of the application site has a relatively rural appearance; there are a number of dwellings located along this part of Forge Lane and to the west the land rises, with an extensive belt of woodland along the upper parts of the slope, much of which is ancient woodland. To the east, across the application site the more recent development along Pavilion Way can clearly be seen along the top of the slope, providing a more urban context to the site. This site therefore has to be viewed in a semi rural landscape context.

The information provided indicates that there will be an area of mixed planting, consisting of fruit trees and bushes, as well as a 'Dense landscape buffer along the northern boundary of the site. This area of landscape buffer within the wider landscape is also of ecological importance. The Landscape and Tree Officers have expressed some concern about the visual impact on the proposals in the wider landscape. However, subject to conditions, particularly with regard to the levels within the site, it is considered that the scheme can be amended and landscaped to sit comfortably in the landscape.

## **Trees**

A number of protected trees within the gardens of Pavilion Gardens overhang the eastern boundary of the site and there has been extensive dialogue between the developer and the Landscape and Tree Officers concerning the proposals. Subject to comprehensive protection measures, the revised layout is likely to avoid encroachment into the root protection area of protected trees to the east. On this basis, they raise no objection to the scheme on tree grounds.

Nonetheless, the trees will have an influence on the development. On Plot 8, the dwelling would be in close proximity with to the nearest protected tree. Issues may arise with branch encroachment, shedding of debris etc. This needs to be considered in the context that this plot has restricted usable garden space. However, it is considered that this can be addressed by condition.

Unprotected trees shown for retention on sloping ground to the north are unlikely to be retained in the long term on plots 8 and 9. The Tree Officer has considered this and raises no objection to the proposal

## **Public Open Space Provision**

Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', requires the provision of public open space ( total 320m sq useable not incidental) on site. Whilst there is some 308 sq m of open space adjacent to the parking area to the eastern boundary of the site, this is considered to be space within the site that is constrained by virtue of proximity to the protected trees within the rear gardens of adjoining properties. The area is left over land adjoining the car park that can not be used for development purposes. Whilst this is not ideal, given the small scale nature of the site and the relatively modest number of dwellings proposed, it is considered, on balance, to be acceptable.

The Council's Greenspaces division have stated that the proposed open space will not be maintained and will require transfer to a management company. This can be controlled by condition. However, no provision for children's informal play space is specified on the proposed plans. Therefore, Greenspaces have recommended contributions towards the cost of provision and future maintenance off site. Subject to this, the scheme is compliant with SPG1 with respect to children's play.

## **Ecology**

The application is supported by a Phase 1 habitat survey. The proposed development is located within the Congleton Local Wildlife Corridor. Local Plan policy NR4 states that proposals that result in the loss or damage to such a site will only be allowed where there are over-riding reasons for doing so.

The dominant habitats on site are semi-improved grassland and hedgerows. The semi-improved grassland recorded on site is not a priority for nature conservation. However, it does have some nature conservation value and therefore must be considered to contribute to the ecological value of the wildlife corridor. The proposed development would also be likely to have an adverse impact on badgers within the wildlife corridor as discussed below.

The proposed development is likely to result in both a reduction in area of the wildlife corridor and also potentially an overall loss of biodiversity. In order to comply with local Plan policy NR4, the applicant provided proposals to either mitigate, compensate, or off-set the impacts of the proposed development upon the designated Wildlife Corridor

Concerns have been expressed regarding potential impacts on further protected species. A further survey has confirmed the presence of a badger's sett located in an adjoining garden adjacent to the boundary of the proposed development.

The sett will not be directly affected by the proposed development. However, in the absence of mitigation, there may be indirect disturbance of the sett and some loss and isolation of foraging habitat.

To mitigate the adverse impact of the proposed development on badgers, the applicant proposes to retain the sett in situ and to provide a narrow corridor around the site to allow badgers free movement. Works within 30m of the sett will be subject to a Natural England license and will be timed to avoid the sensitive period. Finally, nut and fruit bearing trees are proposed to provide an additional foraging resource to mitigate for any loss of foraging habitat associated with the proposed development.

The proposed mitigation is proportionate to the potential impacts associated with the proposed development. Overall, the Council's ecologist raises no objection to the proposal subject to conditions and the provision of a commuted sum payment of £8,897.60 towards the creation of compensatory wildlife habitat in the area.

## **Residential Amenity**

The proposed dwellings would exceed the minimum separation distance of 21.8 metres between principal windows as set out in the Council's Supplementary Planning Guidance (SPG2). As such, the impact on the nearest residential properties would not be significant. Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2.

All plots contain rear private garden space. However, some of the plots fall short of the 65m sq required. Additionally, it is proposed to create terraced areas within tiered garden areas. This has been done to provide a level access into the site and to retain the spoil create by development on the site itself, rather than undertake the costly operation of taking the spoil elsewhere. This is, however, considered to be a poor layout for future resident's ability to have a useable garden. This is particularly poor for plots 4,5,6,11 and 12. This is made worse by the proposed terracing within these plots which creates an elevated building platform.

SPG 2 advises that 'Additional garden space will be required if the space includes parts which are unusable because of their shape, excessive slope or which because of their aspect are unusually shady, damp or cold or overshadowed by significant trees.'

The requirements for additional space as envisaged by SPG2 is not possible on this site given that a dense landscape buffer is required to the rear of these plots for ecological mitigation purposes. However, it is considered that a condition could be imposed which can adequately address this concern.

### **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 to requirement to ensure 100% affordable housing is necessary, fair and reasonably related to this development to ensure compliance with local and National Planning Policy.

The commuted sum in lieu of children's play space is necessary, fair and reasonable, as the proposed development will provide 14 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no recreational or open space on site, as such, there is a need to upgrade/enhance existing facilities in the area. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The financial contribution in lieu of loss of habitat of ££8,897.60 will compensate for the total loss of wildlife corridor/ habitat as a direct consequence of the development.

## **10. CONCLUSIONS AND REASONS FOR THE DECISION**

Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of affordable housing to meet the local need. There is an identified need for affordable housing both within Congleton, even having regard to those sites that already benefit from planning permission in the locale. The SHMAA indicates that there remains a significant need for affordable housing in Congleton.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. subject to measures aimed at ensuring the safe use of Forge Lane by future residents. There would be no adverse impact on trees. Subject to appropriate ecological mitigation and conditions, the applicants have demonstrated general compliance with national and local guidance in a range of areas. There remain some areas of concern, most particularly the creation of useable garden space for residents and the creation of terraces on the site which can be conditioned.

On balance, the need for affordable housing in this area weighs significantly in favour of the proposal. Whilst there are some compromises made, particularly in that some of the gardens fall short of the 65sq m size required by SPG, the onsite open space falls short of the required standard of 320m sq, and is in a suboptimal location in an area constrained by the adjoining protected trees in the gardens of houses in Pavilion Gardens, these issues do not outweigh the significant weight that must be attached to the provision of 100% affordable dwellings, in the area where there is significant short-fall. The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

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.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network, it is not sufficient to warrant refusal of the application, as the additional movements generated will not be significant. The safety audit that has been undertaken demonstrates that the proposal will operate safely.

## **11.RECOMMENDATION**

**APPROVE subject to a Section 106 Legal Agreement to Secure:**

- **Dwellings to be 100% affordable in perpetuity**
- **Recreation Space - Enhanced provision £2930.24  
Maintenance £9552.00**
- **Commuted sum of £8,897.60 as compensation for loss of habitat/impact on wildlife corridor**

**And the following conditions**

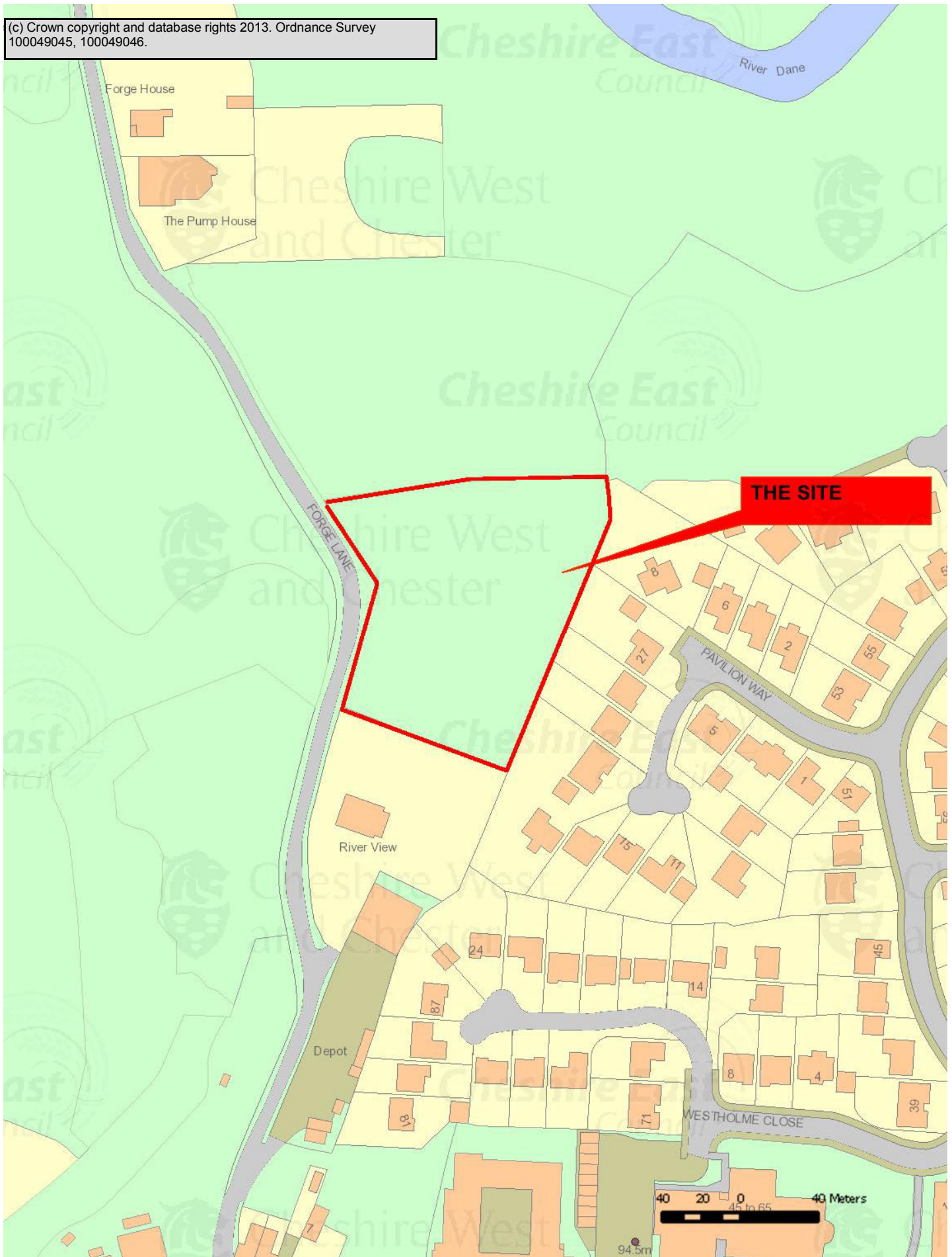
### **1. Time limit**

2. Plans
3. Materials
4. Final detail for the designed treatment of the Forge Lane carriageway/footway provisional scheme in line with the final Road Safety Audit to be submitted prior to commencement of development.
5. Interior road design and construction plans for the proposed development layout within the site to be submitted prior to commencement of development.
6. Submission and implementation of Tree and hedgerow protection measures
7. Arboricultural Specification/Method statement
8. Submission of landscaping scheme inc hard landscaping include replacement native hedgerow planting and boundary treatments
9. Implementation of landscaping scheme
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Jodrell Bank – standard electromagnetic condition
13. The development shall fully accord with the submitted Method Statement for Badger Settle Closure unless varied by a subsequent Natural England license.
14. Ecological Mitigation to include the provision of a planted 5m buffer both along the northern boundary of the site and around the identified settle. Details to be submitted prior to commencement of development
15. Site drainage details to be submitted
16. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
17. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
18. Submission of mitigation measures to minimise any impact on air quality from construction dust
19. Submission of Construction Management Plan, including site compound/details of materials store
20. Open plan estate layout – removal of permitted development rights for fences
21. Bin store details to be submitted
22. Removal of permitted development rights for extensions and outbuildings
23. Details of ground levels (existing and proposed) to be submitted prior to development to include level garden areas to dwellings. No approval for proposed levels
24. Method Statement for removal of Himalayan Balsam
25. 2 car parking spaces per dwelling to be permanently retained in areas shown on approved plan

**26.Submission and implementation of a scheme for the provision and management of the buffer zone alongside the rear boundary of plots 8-14 to include details of planting, management plan for the buffer zone**

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

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Application No: 13/2135N

Location: LAND AT GRESTDY GREEN, GRESTDY GREEN ROAD, SHAVINGTON-CUM-GRESTDY, CREWE

Proposal: FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND LANDSCAPING ARRANGEMENTS AT LAND AT GRESTDY GREEN, CREWE

Applicant: Martin Parry, BELLWAY HOMES

Expiry Date: 20-Aug-2013

#### **SUMMARY RECOMMENDATION**

##### **1. REFUSE**

##### **MAIN ISSUES**

**Impact of the development on:-**  
**Planning Policy and Housing Land Supply**  
**Affordable Housing,**  
**Highway Safety and Traffic Generation**  
**Landscape Impact**  
**Hedgerow and Tree Matters**  
**Ecology**  
**Design**  
**Amenity**  
**Open Space**  
**Drainage and Flooding**  
**Sustainability**  
**Education**

#### **REASON FOR REFERRAL**

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

##### **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees.

To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The development would consist of 38 four bedroom dwellings, 11 three bedroom dwellings and 2 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

## **3. RELEVANT HISTORY**

11/2212N - Demolition of buildings. Residential development with associated access & landscaping – Refused 3<sup>rd</sup> October 2012 for the following reason:

*The proposed development would not provide the required level of affordable housing or make any contributions to local education provision or highways infrastructure. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.*

This application is currently subject to an appeal.

## **4. POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

### **Other Considerations**

'Planning for Growth'

'Presumption in Favour of Economic Development'

Draft National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

## **5. CONSULTATIONS (External to Planning)**

**Environment Agency:** No comments received but as part of the last application they stated that:

*The Environment Agency would however maintain that the development proposal has missed the opportunity to "open up" and restore the watercourse, and therefore all the associated benefits that have been highlighted in previous correspondence will not be achieved as part of the development proposals. The EA would recommend that the following planning conditions be imposed on any planning permissions to ensure that the requirements of the approved Flood Risk Assessment (FRA) (Lees Roxburgh Consulting Engineers, 4897/R1, June 2011 & supporting supplementary information) are carried forward to the detailed design stages of the project;*

*- The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the local planning authority.*

*-The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of the on-site surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.*

**United Utilities:** No comments received but as part of the last application they stated that they had no objection

**Network Rail:** The proposed development could impact upon Network Rail sites in the area:

- Potential noise from the existing rail works within the vicinity of the site
- Smell and fumes from railway infrastructure
- Any necessary attenuation must be provided
- A significant bund will be required on the site
- Existing light pollution from the surrounding land uses
- Potential highway safety issues
- Security risk for the existing railway infrastructure

**Strategic Highways Manager:** The specific highway issue of this development relates to the traffic impact on the local highway network at Nantwich Road/South Street junction and even though this development will produce a small impact there is still some increase and therefore it is right that contribution is secured from the development.

CEC have designed an improvement scheme at this junction and the applicant has offered to provide a £51,000 contribution towards these measures. The junction changes required at Gresty Lane/Gresty Green Lane are required to be fully funded by the developer and will be secured by a S278 Agreement. Subject to the financial contribution being secured there are no highway objections raised.

**Environmental Health:** No objection but suggest conditions in relation to air quality, contaminated land, noise mitigation measures, construction management plan and external lighting.

**Education:** Applying the current pupil yields then a development of 51 dwellings will generate 9 primary and 7 secondary pupils.

Primary - The primary schools are forecast to be oversubscribed and therefore a contribution of £97,617 will be required.

Secondary – The local schools are forecast to have sufficient places available to accommodate the pupils generated.

**Natural England:** The proposal is unlikely to affect any statutorily protected sites or landscapes. A bat migration condition should be attached to any planning permission.

**Public Open Space:** No comments received but as part of the last application they stated that:

*The general layout of the open space is acceptable. A 5 piece LEAP will be required, this means that there needs to be a minimum of 5 pieces of equipment, plus 1.4 metre high bow top railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings shall be painted green; pedestrian gates to be yellow. The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. The equipment shall have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour shall be tarmacadam with pre-cast concrete edging surround, the access paths to gates to be tarmacadam.*

## **6. VIEWS OF THE PARISH COUNCIL**

Object to the application on the following grounds;

- The application is premature because houses will not be needed until the Basford East employment sites are completed
- Access will be dangerous until the Basford East Spine Road is completed and removes traffic from Crewe Road
- The local Crewe and Nantwich plan is still in force and this site is outside the settlement boundary shown on it
- A new Parish Plan for Shavington-cum-Gresty is currently underway and this proposed development should await its findings
- The access roads are dangerous and inadequate - Gresty Lane is already a dangerous rat-run with a fatal accident only recently
- Gresty Green Lane is a narrow cul-de-sac unsuited to traffic. It is not a through road
- The junction with Crewe Road at the Cheshire Cheese is dangerous enough already without any further traffic movement
- The proposed modification to the junction would make things worse and not improve the situation
- There have been three fatal accidents in the vicinity
- The site is green field farmland, originally green-gap itself and now adjacent to the green gap. It divides Crewe from Shavington
- There are protected bats on the site and the remedial measures are considered inadequate. The proposed seating area would become a magnet for rowdy undesirables
- The building of the houses will kill or remove all bats contrary to the law which is in place to protect them - there would also be no food supply for the bats once the houses were built
- The local infrastructure is inadequate to cope with additional house building
- There are insufficient places at local primary schools: Pebble Brook and Shavington Primary Schools
- There is already a significant drop in electricity supply voltage at peak times
- The existing drains are already unable to take heavy rainwater now
- Crewe Road extremely busy and overloaded with traffic, particularly at peak hours
- Mains water pressure in the drops dramatically at peak times already
- The doctors surgery is at capacity, and there are no local dentists - the waiting time at Leighton hospital has increased considerably already
- The development is outside the settlement boundary
- The boundary is currently defined by the local plan which has not yet been replaced and which was confirmed on appeal by an Inspector
- The Council's current policy is for development IN villages and NOT at the edge of Crewe
- The Council's current policy is for the villages to be separated from Crewe not joined up with Crewe by new housing sites
- The site is subject to flooding
- The Gresty brook takes all surplus surface water from the surrounding area and it already floods the site
- This development and the approved Basford West Industrial site will reduce the grass soakaway areas
- here will therefore be even more surface water and this site will flood badly and often
- Noise and Smell - the site is adjacent to a busy railway and the noise level would severely disturb new householders
- The site is adjacent to the Morning Foods factory with odours and noise which would reduce the amenity of new houses
- Loss of Amenity to Others - the development will cause loss of amenity particularly to the homes on Gresty Green Road

- Additional pressure on the infrastructure will cause loss of amenity to all local residents
- The increased development in Shavington parish will substantially change the locality and destroy its suburban village ethos

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from the occupants of 4 properties, raising the following points;

### Principal of the development

Loss of Greenfield land

The settlements of Crewe and Shavington should be kept separate

Increased number of homes in the Shavington area

Loss of open countryside

Loss of Green Belt

Excess housing in Crewe

### Highways

Increased traffic congestion

Parking problems

Highway safety

The roads in the area are of a poor quality

### Infrastructure

Existing schools are full

Health centre and local dentists are full

### Ecology

Impact upon protected species

Loss of habitat

Impact upon wildlife

### Other issues

No demand for new houses

The location of the site is not sustainable

Lack of a Flood Risk Assessment

Increased flooding from the site

Lack of employment in Crewe

A letter of support has been received from the Head Teacher at Shavington High School.

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Noise Report
- Bat and Bird Survey
- Transport Assessment

- Phase 1 Habitat Survey
- SHLAA Review
- Flood Risk Assessment
- Additional Ecology Reports
- Arboricultural Report
- Financial Viability Appraisal

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

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

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

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

Members should note that on 23<sup>rd</sup> March 2011, the Minister for Decentralisation, Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> 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**

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. 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 30<sup>th</sup> 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 which protects Open Countryside, is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

The current application site was not considered as part of the Development Strategy.

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 decision’s in Doncaster MBC 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.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF *“should be seen as a golden thread running through both plan-making and decision-taking”*, it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

### ***Conclusion***

- 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 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.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

## **Viability**

In support of this application the applicant has produced a financial viability appraisal to demonstrate that the site can provide a reduced level of affordable housing. This has been updated following the refusal of application 11/2212N to take into account the revised scheme and a modest uplift in anticipated sales values.

The viability report identifies that there are a number of abnormal costs associated with this development relating to:

- Drainage
- Noise attenuation
- Ecology
- Highways
- Retaining walls
- Demolition and remediation
- Capping layer
- Abnormal foundations
- Gas membranes in part

It is not considered that some of the items listed above are abnormal costs and no further information is given.

The existing property and land is valued at £420,000 according to a valuation provided by Frank Marshall LLP.

The viability report states that with the removal of costs relating to planning gain, the value from a fettered development value position is £740,000 with an unfettered residual development valuation of £1,005,000.

The difference between the existing use value (£420,000) and the unfettered value (£1,005,000) is £850,000. In line with an appeal decision on a brownfield site at Shinfield, Reading the applicants have taken 50% of this uplift (£292,500) to assess the informed landowners expectation of value in line with the Shinfield appeal decision at £710,000 (£420,000 + £292,500 = £712,500, say £710,000).

The viability report states that when this is compared with the residual land value of £740,000, which is based on assumed planning permission for the proposed 51 unit scheme including five affordable houses and £137,770 of Section 106 contributions, it can be seen that the residual amount available for additional affordable housing/Section 106 contributions/further planning gain is £30,000.

The applicant's viability report therefore concludes that the provision of five affordable houses and Section 106 contributions of £137,770 produces a small surplus, showing that the scheme is almost at the limit of viability but this is only due to the fact that the developer is prepared to decrease their standard profit requirement from 20% to 16%.

### **Affordable Housing**

The Strategic Housing Market Assessment 2010 identified a requirement for 31 new affordable homes each year between 2009/10 – 2013/14 in the Wybunbury & Shavington sub-area, which is the area this site is located in, the type of affordable housing required each year is 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation.

There are currently 93 applicants on the housing register with Cheshire Homechoice, who have selected Shavington as their first choice. These applicants require 30 x 1 bed, 36 x 2 bed, 18 x 3 bed & 6 x 4 bed, a further 3 applicants haven't specified how many bedrooms they need. (Cheshire Homechoice is the choice based lettings system used for allocating rented affordable housing across Cheshire East)

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date, there is however anticipated delivery of up to 69 affordable homes following planning approval for the Stapeley Water Gardens, Stapeley site and the Planning Inspectorate's decision on Rope Lane, Shavington. The majority of these affordable homes (44) are at the Stapeley Water Gardens which is in Wybunbury, only 25 affordable homes have been secured in Shavington and it is unclear when these will come forward. There is also anticipated delivery of 120 affordable homes at the 'Shavington Triangle' site although it would seem none of these will be delivered in the 5 year period of the current SHMA which ends in 2014.

Based on the properties that may come forward in the current SHMA period there is a shortfall of at least 86 new affordable homes required in the Wybunbury & Shavington sub-area for the period of 2009/10 – 2013/14, therefore there is a requirement for affordable housing.

The Interim Planning Statement: Affordable Housing states that 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 in settlements which have a population of 3,000 or more.

It goes on to state that:

*"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. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate”*

The Strategic Housing Market Assessment 2010 identified a preferred tenure split of 65% social rent and 35% intermediate tenure across Cheshire East. Based on the proposal for 51 dwellings, the affordable housing requirements as per the Interim Planning Statement: Affordable Housing is the provision of 15 affordable dwellings, with 10 provided as social rent and 5 provided as intermediate tenure.

The applicant has set out that, due to viability issues (see above), they are **offering 10% of the total dwellings as affordable** which equates to 5 dwellings, with the tenure split proposed in the viability assessment being 3 social rented and 2 intermediate dwellings.

The draft layout shows the proposed affordable dwellings being 3 x 3 bed houses & 2 x 2 bed houses but doesn't show which are the rented and which are intermediate. The sizes of the houses are 56m<sup>2</sup> for the 2 bed and 68m<sup>2</sup> for the 3 bed.

These are small and the 3 beds just marginally the Housing Quality Indicator minimum size requirement for a 4 bed-space property and could be delivered as 3bed 4person properties. The 2 bed properties do not meet the HQL minimum size requirements for a 2bed 3person property which is 57m<sup>2</sup>. However as they are only just below the size requirement a reason for refusal is not sustainable.

In this case the site is a greenfield site and the full package of affordable housing and contributions is expected. There is a clear difference between this site and the brownfield sites which have viability issues. If the development of this site cannot come forward with the required affordable housing and contributions then it is not considered to be viable and should not be approved.

Since the application was determined the 5 year housing land position has changed as discussed above. Around 2,200 sites were considered as part of the Strategic Housing Land Availability Assessment, of these approximately 1,600 sites are considered potentially suitable for housing and have been assessed as either deliverable or developable during the next 15 years. These sites could potentially provide a total of 49,270 dwellings over the next 15 year, with potential for 9,771 deliverable to come forward within the 1-5 year period. Many of these sites are located on Greenfield site and are likely to provide the full complement of 30% affordable housing. As a result it is not considered acceptable that a small greenfield site, which is not identified as being developable or deliverable within the SHLAA, and cannot deliver the required provision of 30% affordable housing should be brought forward at this point in expense of alternative Greenfield sites that will deliver the requirement and therefore contribute to create sustainable, inclusive and mixed communities.

The lack of affordable housing consequently forms a reason for refusal.

## **Highways Implications**

The proposed layout is in the form of a cul-de-sac with a footpath link connecting the site to Gresty Lane. In terms of the access to the site this would have a visibility splay of 2.4m x 25m which accords with Manual for Streets and is considered to be acceptable.

With regard to access to the site, the priority junction with Gresty Green Road is a suitable design and is acceptable. As part of the previous application, there were changes needed to the junction with Gresty Lane and a revised junction layout was agreed. This layout has been included as part of this new submission.

In terms of increased traffic movements from the site, the Transport Assessment states that TRICS data has been used to determine the likely level of vehicular trips from the site. This shows that there will be approximately 50 vehicle movements from the site (in and out) per hour between the peak hours of 07:45 to 08:45 and 16:45 and 17:45.

The main highway impact concerns regarding this development is at the South Street/Nantwich road junction and this continues to be the case with this submission. The problems with capacity are not in dispute as the applicant has recognised in the submitted transport Assessment that the junction operates over capacity and there are planning applications under consideration and appeals that will effect this junction.

As was the conclusion on the previous application the difficulty for the Highway Authority is proving that the application will have a material impact and that the consequences of the impact is 'severe' as required in the NPPF. It is clear from the percentage impact of the traffic generated by the development, that there is only a very small impact and that it would not produce a severe impact. However it is necessary that a contribution is secured from the development towards the CEC designed scheme of junction improvements and the same level of contribution (£51,000) has been offered as part of this current application.

This was considered to be acceptable as part of the last application and is considered to be acceptable as part of this current application.

## **Amenity**

The main properties affected by the proposed development are those located on the opposite side of Gresty Green Road. No's 2, 4 & 6 Gresty Green Road are bungalows and are set at a lower level to highway. The proposed development would result in the side elevations of plots 1 and 20 facing these bungalows with a separation distance of approximately 17 metres. This separation is considered to be adequate and there would be no detrimental impact upon these properties.

In terms of Bridge Villa, there would be a separation distance of approximately 24 metres to the front elevation of plot 24. Again, this separation distance is considered to be acceptable and would comply with the Councils SPD.

It is also necessary to consider the amenities of the future occupiers of the dwellings in terms of noise and vibration from the nearby land uses such as the railway depot, Mornflakes Mill, the railway line and Crewe Coldstores. However it should be noted that this issue did not form a reason for refusal as part of the last application.

In response to this an updated noise assessment has been submitted by the applicant's agent. This survey identifies that the general noise for this site comprises traffic noise from Crewe Road with occasional noise due to passing trains. The survey also indicates that night time noise is similar to that in the day with low level traffic noise and occasional noise events due to passing trains. The report indicates that Mornflakes Mill and Crewe Coldstores would not raise any significant noise issues.

The site falls with Noise Exposure Category's (NEC) A and B for daytime periods and NEC's A, B and C for night time periods. The areas of the site which include the highest noise readings (NEC category C) do not include proposals to construct any new dwellings.

For development within NEC category B, the former PPG24 stated that *'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'* and within category A PPG24 states that *'Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level'*.

The submitted noise assessment states that *'it has been determined that acceptable noise levels within all proposed dwellings can be achieved by fitting upgraded windows and acoustically rated ventilation, or a suitable alternative to bedrooms within the most exposed houses facing the adjacent railway line'*. This is accepted by the Environmental Health Officer who has raised no objection subject conditions as part of any approval.

In terms of vibration from the adjacent railway line the submitted survey indicates that vibration from the railway line would have no impact upon the proposed dwellings during the day or night. This view is accepted by the Environmental Health Officer who has raised no objection the development on these grounds.

## **Landscape**

Although the land to the south is designated as Green Gap, the application site does not have any local or national landscape designation. The roadside hedge provides an attractive feature at the junction of Gresty Lane and Gresty Green Lane. Whilst the hedgerows restrict views to some extent, the site is visible through a fenced boundary when approached from the west along Gresty Lane and from the access to the farm on Gresty Green Lane. Private properties in the immediate locality are located on Gresty Green Lane. Several bungalows are set at a lower level than the road and it is anticipated that the existing roadside hedge currently screens occupier's views into the site. The two storey property, Bridge Villa, will however have open views to the site.

Development of the site would completely and irreversibly alter its character and appearance. However, there is a strong justification for the loss of a greenfield site and it could be argued that with existing residential in the vicinity, a sympathetically designed residential development on the site would not necessarily be viewed as incongruous in the locality.

## **Trees and Hedgerows**

The application includes a report on arboricultural issues dated April 2013. The report indicates that the proposed development would require the removal of 5 individual trees and one small group of trees all located around the existing farmhouse. The majority of these trees are

insignificant although one Copper Beech tree on the boundary with the garden is a mature specimen which provides some visual amenity. On close inspection, the Copper Beech tree has a number of basal and stem cavities and evidence of decay within the main stem. It is considered that the tree has a relatively short life expectancy and that its current condition is such that retention in the context of a proposed residential development would not be sustainable in the longer term. The loss of this tree was accepted as part of the last planning application on the site.

Other trees on the site, including several prominent roadside Oak trees, are identified for retention with protection measures. Two mature Ash trees, off site but overhanging the northwest boundary, have been identified as being in poor condition and are recommended for removal.

Concern was raised that the proposed footpath link and access road would be sited immediately adjacent to the roadside Oak trees. The footpath link and access road have been moved away from the Oak trees and this relationship is now considered to be acceptable.

Should the development be deemed acceptable, a comprehensive arboricultural method statement would be necessary to cover tree protection, programme of tree works, and special construction techniques for proposed areas of hard surfacing in tree root protection areas.

The submission includes a report on a Hedgerow Survey dated June 2011. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Whilst the hedgerows do not appear to meet the qualifying ecological criteria in the Regulations, a consultation response from Cheshire Archives and Local Studies indicates there is evidence to suggest that the hedgerows in question form an integral part of a field system predating the Enclosure Acts. In these circumstances, the hedgerow will be deemed 'Important' under the Regulations and this is a material consideration.

The Hedgerow Survey report and plans indicate that the proposed development would require the removal of two sections of roadside hedgerow in order to provide the access and visibility splays and for the highway improvement works at the junction of Gresty Green Road and Gresty Lane. In terms of this loss it is not considered that this is significant in this case.

## **Design**

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporating render. The predominant roof forms are gables although some are hipped and most are finished in grey tiles. The surrounding residential development maintains a rural character.

The proposed development would consist of two-storey dwellings which would be arranged around a cul-de-sac arrangement. The provision of two storey development on this site is appropriate and would not appear out of character. The majority of the existing boundary

hedgerow to the site would be retained and it is considered that this would help soften the proposed development in this semi-rural setting.

The application site would appear most prominent when viewed from Gresty Road/Crewe Road and travelling in and out of Crewe. At the point closest to this junction the dwellings would be positioned in a crescent form facing out onto a small area of Public Open Space. It is considered that this layout, together with the small area of open space would help to create an attractive frontage to the development. To the Gresty Green Road and Gresty Lane frontages, the proposed dwellings would mainly face onto the public highway (although it is accepted that some properties are side-on to the road) and it is considered that this relationship is acceptable.

The internal layout of the site has been designed so that properties front onto the highway and that corner properties have dual frontages. The proposed POS would be well overlooked in all instances which would give good natural surveillance to these areas. On the whole car-parking would be provided within the curtilage of the proposed dwellings and its design and layout would not give the impression of any car dominated frontages.

In terms of the detailed design of the dwellings, they would have gabled roofs with varying porch details, projecting gables, canopies, integral garages and design details such as stone sills, external corncicing, gable detailing, lintel detailing and quoins. It is considered that the proposed dwelling types are appropriate and would not appear out of character on this site.

## **Ecology**

The updated bat and barn owl report has confirmed that these two species are still present on site but there has been no significant increase in the level of activity.

### **Bats**

Evidence of bat activity in the form of minor roosts of two bat species has been recorded within the barn proposed for demolition. A minor bat roost is also present in a tree scheduled for removal. The roosts are likely to support small numbers of bats and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range



The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case if the development is allowed the principle of residential development on site is not considered to be acceptable, but if there is a determination that the Council does not have a 5 year housing land supply it is considered that this is in the interests of public health and public safety with no alternative.

The submitted report recommends the installation of a bat loft in the open space area of the site as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A Natural England license will be required.

It is the view of the Councils Ecologist that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

### Barn Owls

Barn Owls continue to be active on this site however there is no evidence to suggest that breeding is taking place. The loss of the buildings on this site could have an impact on barn owls particularly if it is being used as a temporary roost/perch by barn owls breeding elsewhere. The applicant has submitted proposals for replacement a barn owl roost to be incorporated into the proposed development. The Councils Ecologist advises that if planning consent is granted the proposed compensation is acceptable and should be secured by means of the above condition.

### **Public Open Space**

As part of this development, there would be a requirement of 1,785sq.m of Public Open Space according to Policy RT.3. As part of this development the proposed plan shows that POS would be provided in three areas; area 1 measuring 1,670sq.m, area 2 at 379sq.m and area 3 at 380sq.m (total area of 2,429sq.m). Although area 3 is not considered to be useable open space the

requirement of Policy RT.3 has been met by areas 1 and 2. Furthermore the Public Open Space Officer is happy with the layout of the open space.

In terms of children's playspace the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and amended plans were awaited at the time of writing this report to show the location of this LEAP.

### **Education**

The Education Department have stated that there is very little capacity in the local primary schools (i.e. primary schools within a 2 mile walking distance of the site) and the development would generate 9 primary school pupils. As a result the Education Department have requested a developer's contribution of £97,617 towards work on the local schools (No requirement will be needed for secondary school provision).

This sum would be secured via a S106 Legal Agreement and the applicant has confirmed that this sum is acceptable.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

In support of this application a letter has been provided to say that the Flood Risk Assessment submitted as part of application 11/2212N still applies to the amended layout. This report identifies that the nearest main river is Basford Brook, which is approximately 150 metres to the north of the site. As such, the risk of flooding associated with this watercourse can be discounted.

A land drainage system runs along the western boundary of the site and is culverted through the farm area before passing under the railway line. It is proposed that this system will be replaced within the boundaries of the site and shall be diverted along the boundary of the site. It is proposed that flows from the development site will be limited to the existing run off rate for discharge into the watercourse system. Flows in excess of this value will be stored on site to accommodate the 1 in 100 year storm event plus an allowance for climate change.

Although no comments had been received from the Environment Agency at the time of writing this report, as part of the last application the Environment Agency had no objection and suggested two conditions which should be added to any decision notice should the application be approved.

### **Other issues**

Concern has been raised regarding the loss of the farmhouse and traditional barns. However, none of these structures are listed and, although the loss is regrettable, it is considered to be acceptable in this case.

### **LEVY (CIL) REGULATIONS**

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

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

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

The development would result in increased pressure at the junction of South Street and Nantwich Road which is already operating above capacity. In order to mitigate this impact in accordance with the NPPF a level of contribution has been agreed which would go towards the CEC designed scheme of improvements at this junction to increase capacity. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

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

## **10.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 deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply. This issue will form a reason for refusal.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such arguments where authorities can demonstrate a five year supply of housing land.

It is considered that the scheme is of an acceptable design which would respect the character and appearance of the area.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact (subject to a highways contribution).

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species.

There would be an adequate level of POS on site together with a LEAP.

The necessary requirement for affordable housing would not be provided and this issue will form a reason for refusal.

The education impact can be mitigated through a contribution.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. This issue did not form a reason for refusal as part of the last application.

However, these are considered to be 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 policies NE2 of the local plan and the provisions of the NPPF in this regard.

## **11. RECOMMENDATIONS**

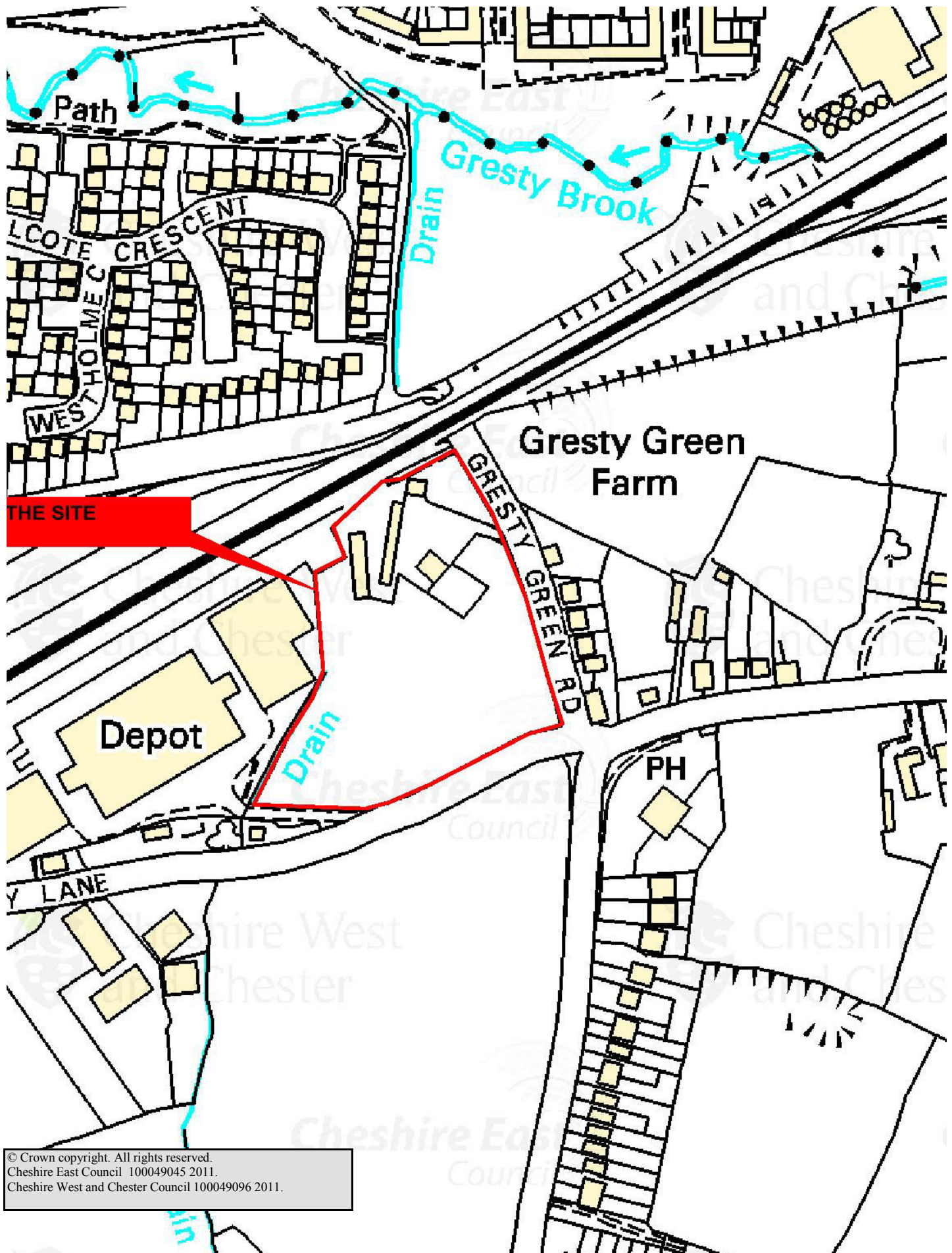
### **REFUSE:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary 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 proposed development would not provide the required level of affordable housing. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.**

**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 Planning and Place Shaping Manager 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.**

**Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**



Application No: 13/2159N

Location: LAND TO EAST OF UNIVERSITY WAY, CREWE

Proposal: Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping

Applicant: HAWKSTONE PROPERTIES (CREWE GREEN) LLP

Expiry Date: 23-Aug-2013

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

- **Principle of Development**
- **Material Changes since the grant of Planning Permission**
- **Protected Species**

**REASON FOR REFERRAL**

This application is to be determined by the Strategic Board because the site area is approximately 3 hectares and the previous application was determined by the Strategic Planning Board in July 2010.

**1. DESCRIPTION OF SITE AND CONTEXT**

The site is bounded by University Way on the west and employment land to the south with further land for development to the north. The Valley Brook and Englesea Brook form the eastern site boundary. The site slopes from University Way to Englesea Brook and Valley Brook. Vehicular access from University Way has been constructed under a previous permission (P04/0478). The land was formerly owned by Crewe and Nantwich Borough Council and Cheshire County Council. There are no buildings on the site at present.

**2. DETAILS OF PROPOSAL**

This is an application for an extension in time to outline planning permission granted under reference P07/0017 (this was granted a further extension as part of application 10/1146N).

The outline permission granted consent was for five office buildings associated car parking and landscaping. The submission indicated that access and layout were to be determined as part of the outline application.

Four of the buildings will be provided end on to University Way, with the remaining building being to the rear of the site. The proposed new office buildings will be designed with two wings linked by a central atrium. Buildings vary in size from 2,880sqm floor area to 4,275sqm with a total floor area of 18, 580sqm. A total of 470 car parking spaces are proposed with 15 motor cycle parking spaces and 49 cycle parking spaces.

### **3. RELEVANT HISTORY**

10/1146N - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16<sup>th</sup> July 2010

P07/0017 - Outline application for five B1 office buildings with related works - Approved 4<sup>th</sup> April 2007

P06/0990 - Outline application for five B1 office buildings and related works – Withdrawn 1<sup>st</sup> December 2006

P04/0478 - Access - Approved 25<sup>th</sup> May 2004

### **4. POLICIES**

#### **National policy**

National Planning Policy Framework

#### **Local Plan policy**

E.1.1 (Existing Employment Allocations)

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and parking)

BE.4 (Drainage Utilities and Resources)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

TRAN.9 and Appendix 8.1 (Car Parking)

#### **Other Material Planning Considerations**

The EC Habitats Directive 1992

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

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

### **5. CONSULTATIONS (External to Planning)**

**Environmental Agency:** Withdraw an earlier objection and request conditions that the buildings be set at a minimum level of 49.79m AOD with pedestrian access at a minimum level of 49.49m AOD, the submission, approval and implementation of a scheme for a surface water regulation



system, ecological surveys, a scheme for the disposal of foul and surface water, water from car parking areas to be passed through oil interceptors, areas used for washing vehicles to be contained and connected only to foul sewers, and a scheme for the protection of the Valley Brook from building materials.

**Highways:** No objection

## **6. OTHER REPRESENTATIONS**

No representations received at the time of writing this report

## **7. APPLICANT'S SUPPORTING INFORMATION**

N/A

## **9. OFFICER APPRAISAL**

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009 (and subsequently extended for a further year). The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

## **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

Since the original planning application was approved the National Planning Policy Framework (NPPF) has been published. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. This site is an employment allocation within the Crewe Settlement Boundary and is supported by the NPPF which states that for decision taking this means '*approving development proposals that accord with the development plan without delay*'.

In terms of the contents of the NPPF in relation to sustainable development, design, amenity, drainage/flood risk, highways, the environment (trees & ecology), it is considered that the NPPF is still consistent with the Local Plan and it is not necessary to reconsider these elements against the NPPF.

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the last application was approved the RSS has been abolished. However, it is not considered that this would affect the determination of this application as there is still support within the Local Plan and as part of the NPPF.

There are no changes on this site or adjoining the site and the findings of the original report in relation to the design of the proposal, the impact upon residential amenity, the flood risk/drainage impact, the impact upon trees and the highway implication still apply. The proposed development is therefore recommended for approval.

### **Protected Species**

One area where a change may have occurred on site is in terms of protected species. A number of ecological surveys have been undertaken at this site to inform the determination of the previous planning applications at this location. These surveys recorded evidence of protected species on the site (Bat roost potential, Badger sett on site and nesting birds).

The previous surveys (dated June 2010) are now regarded as being out of date and the Councils Ecologist has advised that revised protected species surveys are undertaken and submitted to the Council to inform the determination of this application. If evidence of protected species is recorded on site detailed mitigation/compensation proposals will be required to address any likely adverse impacts associated with the proposed development.

In accordance with the duty to cooperate, the additional protected species surveys have been requested on a number of occasions via telephone conversations with the applicants agent (including one prior to the submission of the application) and in writing on 11<sup>th</sup> June 2013 and 25<sup>th</sup> July 2013. As the updated protected species surveys have not been received, despite numerous requests, this issue will form a reason for refusal.

## **11. CONCLUSIONS**

There may have been a material change since the determination of the last application in terms of protected species. Updated Protected Species reports have been requested on a number occasions but have not been forthcoming. This issue will therefore form a reason for refusal.

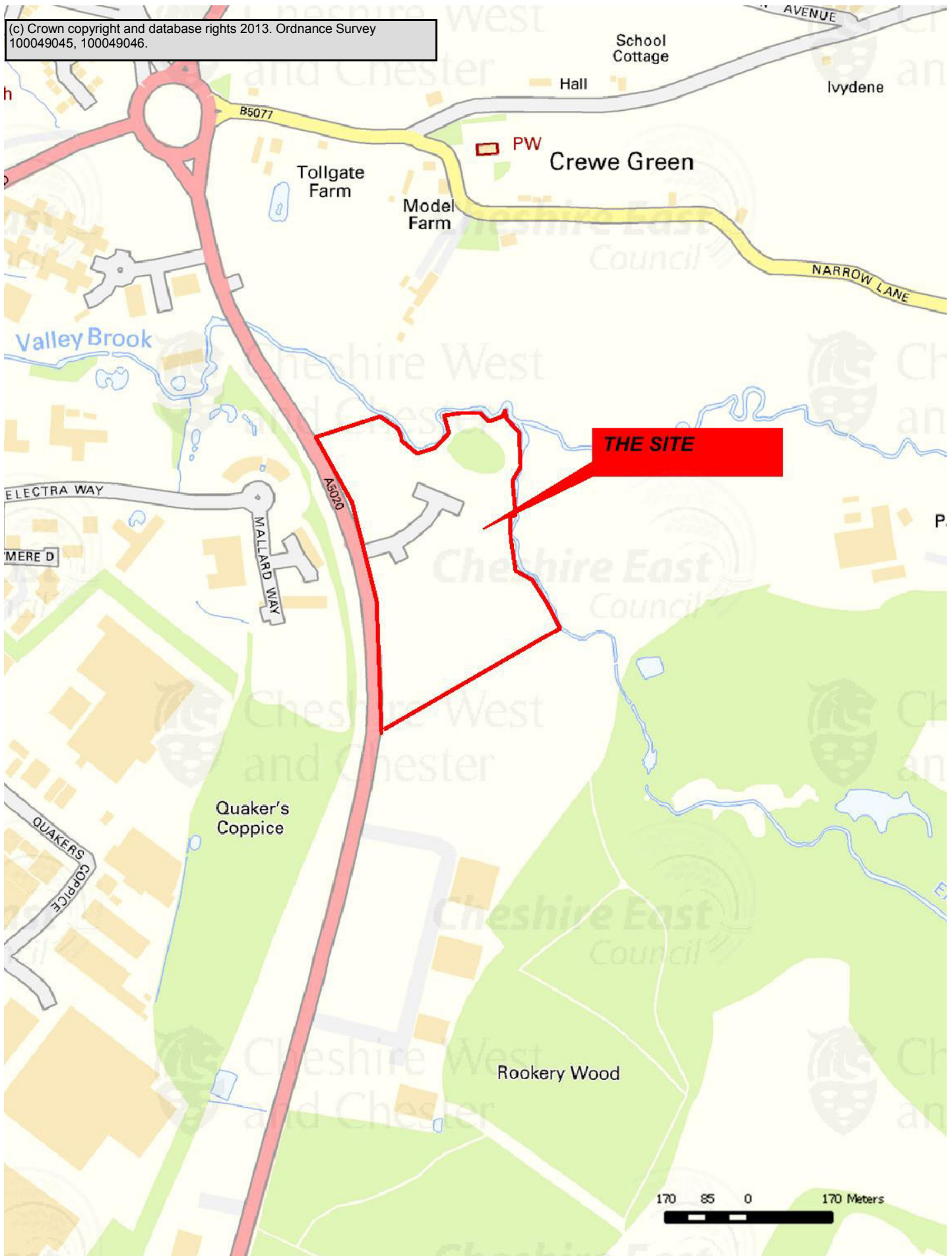
## **12. RECOMMENDATIONS**

### **REFUSE:**

- 1. The proposed development could detrimentally affect protected species (including Bats and Badgers). No protected species information has been submitted as part of this application to identify whether or not protected species are present in this area or any mitigation measures will be provided to protect the protected species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National**

**Planning Policy Framework which create a duty of care for Local Authorities in relation to protected species.**

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## CHESHIRE EAST COUNCIL

## REPORT TO: STRATEGIC PLANNING BOARD

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Date of Meeting:	14/08/2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	High Legh Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

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**1.0 Report Summary**

- 1.1 High Legh Parish Council has submitted an application to designate High Legh Parish as a neighbourhood area.
- 1.2 The Localism Act 2011 introduced new legal rights enabling communities to plan locally for growth by preparing formal development plan documents (neighbourhood plans) to allocate land for development and prepare policies which apply to the development of land.
- 1.3 Neighbourhood plans must conform to the NPPF, all relevant legislation and the strategic policies held within the local plan. The first stage in the process of preparing such a plan is the formal designation of the geographic area to which a neighbourhood plan will apply, this is the neighbourhood area.
- 1.4 Limited funding for local authorities, and for local communities, is available from Department for Communities and Local Government (DCLG) to support the process.
- 1.5 Cheshire East Council is required to consider whether designation of the submitted neighbourhood area is desirable. The Council can, with valid reasons, choose to reject all, or part of the proposed neighbourhood area. The criteria under which a neighbourhood area can be rejected are set out below.

**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 High Legh 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;
- whether , under section 61G of the Localism Act 2011, it is desirable to designate the whole of the parish area as a neighbourhood area
- whether it is desirable to maintain existing neighbourhood area boundaries

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 and provides:

- 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 organisation 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.

3.4 The application submitted by High Legh Parish (please see appendix 2 for further details) satisfies the criteria established above.

3.5 Neighbourhood area applications submitted by parish councils may cover the entire parish; a local planning authority can exclude land from inclusion within a neighbourhood area, particularly where land is identified as of strategic importance to the local plan. Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

3.6 The emerging Cheshire East Core Strategy does not identify any areas within High Legh 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 No other neighbourhood area boundaries are under consideration.

#### **4.0 Wards Affected**

4.1 High Legh Ward

#### **5.0 Local Ward Members**

5.1 Cllr Steve Wilkinon

#### **6.0 Policy Implications**

6.1 The designation of High Legh Parish as a neighbourhood area will enable High Legh 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 High Legh 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 direct costs will be incurred as 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. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 7.3 Funding from the DCLG is available to reflect costs incurred. A maximum of up to £30,000 (non ring-fenced) per plan is available and payable in three stages:
- £5,000 upon designation of a Neighbourhood Area,
  - £5,000 upon publication of the plan prior to examination; and
  - £20,000 upon successful completion of the examination
- 7.4 DCLG have also made up to £7,000 directly available to communities preparing neighbourhood plans via Locality.
- 7.5 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.
- 7.6 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 and is capped at £100 per dwelling built.
- 7.7 Within neighbourhood areas with an adopted neighbourhood plan, CIL payments from the local planning authority to the local council are required to rise to 25%. This proportion of CIL is payable where development takes place within a designated neighbourhood area and is uncapped.
- 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; a local authority can also exclude sites of strategic importance from proposed neighbourhood areas.

## **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 and 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.

- 8.2 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.
- 8.3 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.
- 8.4 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 discharge this duty will put the Council at risk of failing to meet its statutory requirements.
- 9.2 Increased applications to designate neighbourhood areas and prepare neighbourhood plans will divert resources from the Spatial Planning Team.
- 9.3 There are also time and cost implications for other services required to support the process, particularly for the Electoral Team in supporting any referendum.

## **10.0 Background and Options**

- 10.1 Neighbourhood planning was introduced by the Localism Act 2011 as a new community right .
- 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. It is subject to an independent examination, 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 positively 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. Funding is available to reflect costs incurred by the local authority.
- 10.5 Funding is also available to communities preparing a neighbourhood plan in the form of a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.6 The Council publicised the application for a period of six weeks from 10/06/2013 to 11/06/2013 during which representations on the proposals were invited. Five responses were received, all of which support the application. No objections were received. A full report of representations received is included in Appendix 3.
- 10.7 At this stage 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.
- 10.8 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.
- 10.9 Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

## **11.0 Access to Information**

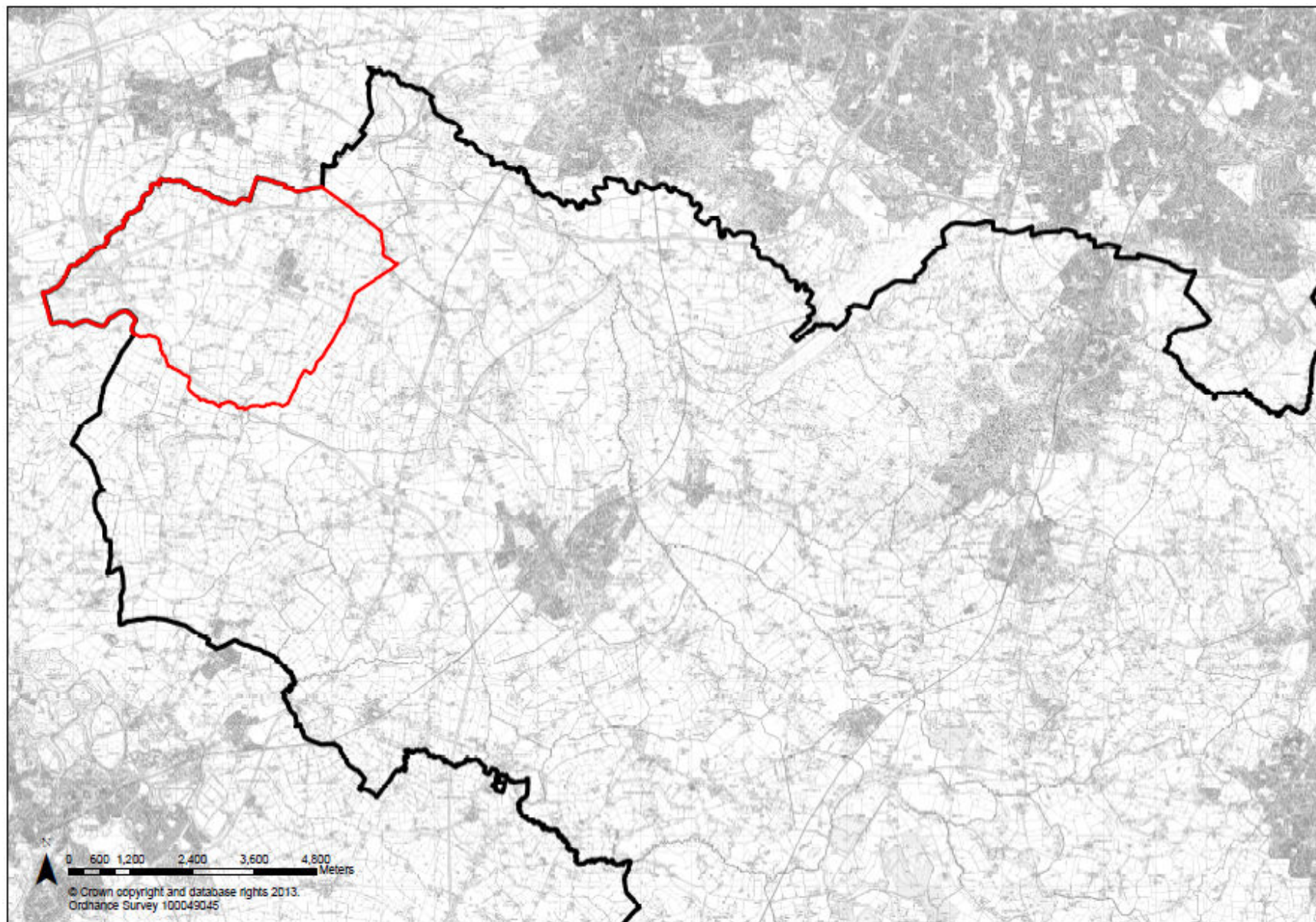
The background papers relating to this report can be inspected by contacting the report writer:

Name: Thomas Evans  
Designation: Planning Officer  
Tel No: 01625 383709  
Email: Thomas.Evans@cheshireeast.gov.uk

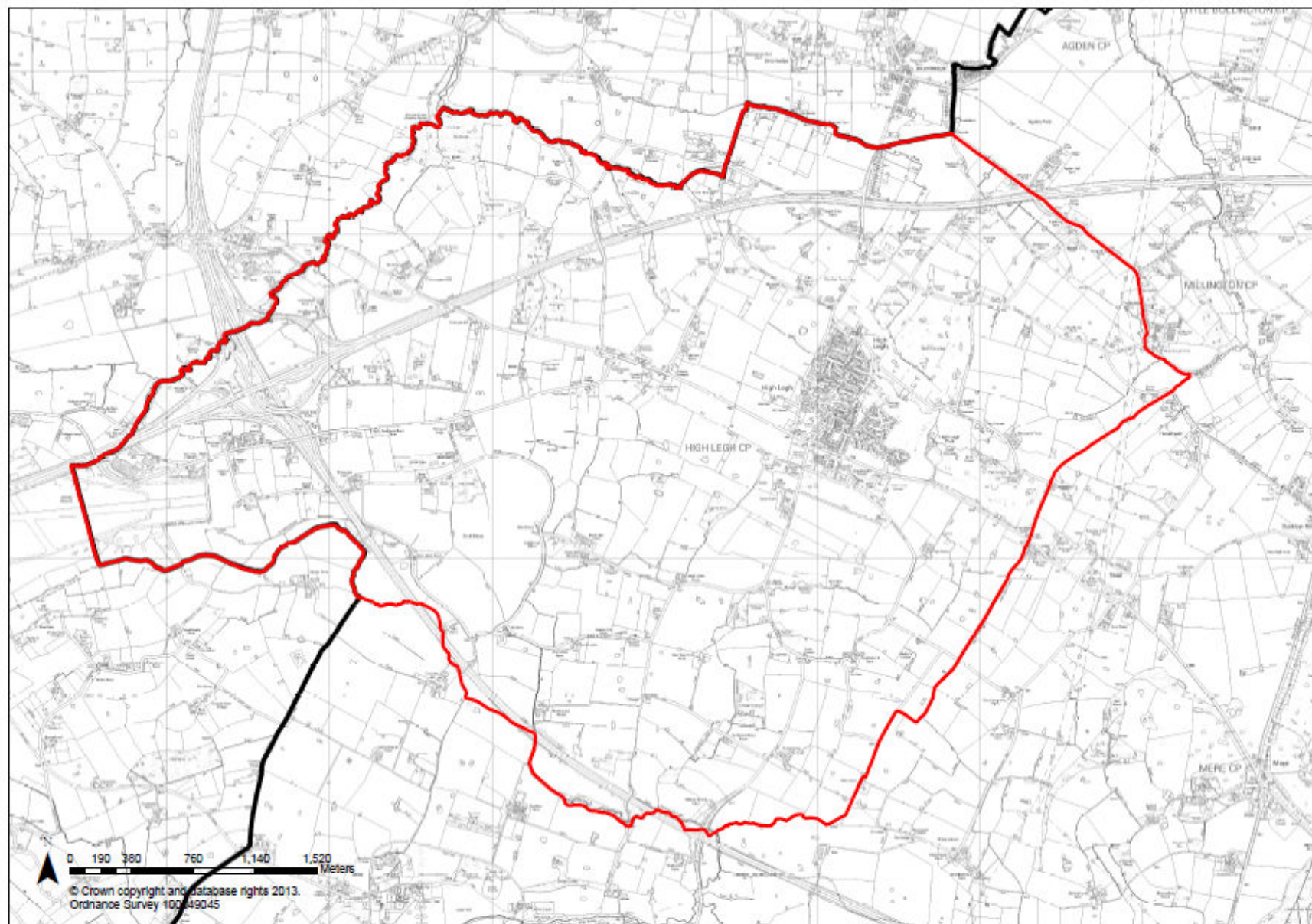
## **Appendices:**

Appendix 1: High Legh Parish Boundary  
Appendix 2: Statements submitted in support of High Legh Parish Neighbourhood Area application  
Appendix 3: Results of Consultation

## Appendix 1: High Legh Parish Boundary



## Appendix 1: High Legh Parish Boundary





**Appendix 2:                    Statements submitted in support of High Legh Parish Neighbourhood  
Area a application**

Statement from High Legh Parish Council in support of High Legh Neighbourhood Area  
Application:

*The parish is a discrete part of Cheshire East with a strong sense of local community. It is  
bounded and affected by neighbouring parishes and towns in Cheshire East, Cheshire West &  
Chester and Warrington.*

*In developing and publishing a Parish Plan, the community strongly asked that it should be  
proactive in addressing planning, landscape and environmental issues that affect it.*

*It is clear that there is a strong desire to retain the overall rural and urban balance of the parish  
while ensuring it's continuance and development as a thriving and sustainable area.*

*The Parish has agreed that it needs to play its part in the development of Local Plans for  
Cheshire East.*

**Appendix 3: Results of Consultation**

<b>Type - Please indicate whether you support, object or wish to make a comment.</b>	<b>Comment - Please provide details:</b>
Support	I agree that High Legh should have a Neighbourhood Plan so that we retain the rural aspect of the parish.
Support	High Legh Parish is an area with a distinct identify and strong community and social ties. The aspirations of High Legh residents may well differ from those of residents of adjacent areas, particularly when the impact of A556 and HST developments are being considered.
Support	It has become apparent that High Legh is in a 'forgotten corner' of Cheshire East and its rural aspect is often overlooked when strategic planning matters such as the A556 and HS2 are under consideration. I think the community will benefit from a stronger local voice such as proposed by the Neighbourhood Area.
Support	The High Legh community can only benefit from a stronger local voice such as that proposed by the Neighbourhood Plan / Forum. It is simply a win / win situation for High Legh, who for the very first time will be able to directly influence what happens in their parish. Local decisions by local people who have the community at heart, not remote mandarins who have their career and back yards at heart.
Support	<p>High Legh Parish is a discrete part of Cheshire East with a strong sense of local community. This has been demonstrated over many years by the strong activities of the Community Association, Parish Council, Local Church (St John's) and most recently the extensive work on the High Legh Parish Plan.</p> <p>It is a distinct area close to, but quite separate from Lymm, Knutsford, Altrincham and Northwich. It has distinct local needs and many residents that have the energy and enthusiasm to 'make things happen' for the benefit of the community as a whole. High Legh needs to have its own views heard on planning, landscape and environmental issues that affect us. There is a strong desire to retain the overall rural and urban balance of the parish while ensuring its continuance and development as a thriving and sustainable area.</p>

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