

Strategic Planning Board

Agenda

Date:	Wednesday, 6th November, 2013
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 Two Meetings (Pages 1 - 16)

To approve the minutes of the previous two meetings as a correct record.

4. Public Speaking

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

5. **WITHDRAWN-13/2069N-Outline planning application for the construction of up to 275 dwellings, including access, landscaping, recreation and amenity open space, associated infrastructure, the demolition of 28 Crewe Road and demolition of the single-storey extension to 56 Crewe Road. Permission is sought for means of access. Layout, scale, appearance and landscaping are reserved for subsequent approval, Land to the East of Crewe Road, Shavington cum Gresty for Taylor Wimpey Ltd and Others (Pages 17 - 92)**

To consider the above application.

6. **11/1879N-A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date, Land off Parkers Road, Leighton for Bloor Homes (Pages 93 - 150)**

To consider the above application.

7. **13/0041C-Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area, Land off Middlewich Road, Holmes Chapel for Adele Snook, Persimmon Homes North West (Pages 151 - 170)**

To consider the above application.

8. **10/1149W-Application to Vary Condition 3 of Planning Permission 7/P05/0217 to Extend the Time to Complete Restoration Works, Hough Mill Quarry, Back Lane, Walgherton, Nantwich for Anthony Construction Ltd (Pages 171 - 190)**

To consider the above application.

9. **13/0735M-Outline application for erection of up to 175 residential dwellings and associated highway and landscaping, Land South of, Coppice Way, Handforth, Wilmslow, Cheshire for P.E. Jones (Contractors) Limited (Pages 191 - 214)**

To consider the above application.

10. **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 215 - 238)**

To consider the above application.

11. **13/3762N-Construction of 21 two-storey residential dwellings, new shared access and associated works (resubmission 13/0641N), Land to the North of Cheerbrook Road, Willaston, Nantwich, Cheshire for Wainhomes (North West) Ltd (Pages 239 - 262)**

To consider the above application.

12. **13/3025N-The erection of 44 detached/terraced dwellings, parking and amenity space; and the creation of public open space, including appearance, landscaping, layout and scale. The original outline application was not an environment impact assessment application, Land off Vicarage Road, Haslington for Elan Homes Ltd/Muller Strategic Ltd (Pages 263 - 278)**

To consider the above application.

13. **13/2406M-Reserved Matters Application seeks approval for 91 Class C3 residential dwellings and associated works. (To follow Outline Application 11/4501M), Former Kay Metzeler Ltd, Wellington Road, Bollington for Bellway Homes (Pages 279 - 296)**

To consider the above application.

14. **Newbold Astbury and Moreton Neighbourhood Area Application (Pages 297 - 310)**

To consider the above Neighbourhood Area Application.

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Application No: 13/2069N

Location: LAND TO THE EAST OF CREWE ROAD, SHAVINGTON CUM GRETTY

Proposal: Outline planning application for the construction of up to 275 dwellings, including access, landscaping, recreation and amenity open space, associated infrastructure, the demolition of 28 Crewe Road and demolition of the single-storey extension to 56 Crewe Road. Permission is sought for means of access. Layout, scale, appearance and landscaping are reserved for subsequent approval.

Applicant: TAYLOR WIMPEY UK LTD and others

Expiry Date: 16-Aug-2013

UPDATE - 4th November 2013

ADDITIONAL CONSULTATION RESPONSE

Highways

The Strategic Highways Manager has elaborated on and clarified his previous response as follows:

Key Issues

The Strategic Highways recommendation of refusal is based upon the cumulative traffic impact affecting the Crewe Road/Gresty Road/ South Street (referred to as the corridor) and the A534 Nantwich Road. This is a result of the traffic predicted from other sites with planning consents and not yet built and the severe harm that would be caused by permitting any further development, including this application.

This severe harm relates to the:

- Levels of queues and delays on the corridor.
- Increased traffic seeking alternative routes through residential areas.
- Worsening traffic conditions at a major pinch point on the Crewe road network affecting access to Crewe Station, local bus networks, the town centre and its major centres of employment and its associated consequential effects.

There are other planning applications either at appeal or recently submitted that could also impact on the corridor, however these are not committed and are therefore do not form part of this consideration.

Existing Network Conditions

CEC traffic surveys in Sept 2013 have been undertaken on Crewe Road north of the junction with the A500 near to the junction with Hunter Avenue has found that the AM morning peak two way traffic flow on Crewe Road to be 1024 vehicles and the PM evening peak Crewe Road two way flow to be 1002 vehicles.

The existing signal junction of Nantwich Road/South Street/Mill Street operates significantly over capacity with long queues forming on Nantwich Road and northbound on the corridor. This is the major pinch point on the Crewe local road network where congestion occurs at any time throughout the day. The main reason for this is the impact of the access arrangements around Crewe Station on the operation of the highway network. This is also a reflection of the lack of road crossings over the historic rail network within Crewe. Additionally, the congestion results in a number of local residential roads to be used as rat run to avoid the queues and delays on the corridor.

A considerable amount of work over a number of years has been undertaken to reduce congestion. The A500 Bypass has been constructed, the Crewe Green Link Road scheme is being developed and plans have been drawn for a new access arrangement to the station. Additionally, work to link the traffic signals on Nantwich Road to improve vehicle throughput has been implemented UTMC However, despite the schemes that have been implemented so far, the congestion problems have not been resolved and will increase in the future through committed development.

Collectively the committed developments are conditioned to contribute to strategic road infrastructure, local bus services, walking and cycling improvements and a modest mitigation scheme affecting the Nantwich Road/ South Street/ Gresty Road junctions.

Assessment of Cumulative Traffic Impact on the Corridor

Development Site	Status	Description	AM Peak	PM Peak
			Two-Way	Two-Way
Basford 2008 (without rail)	Approved	B1,B2, B8 Employment	503	528
Gresty Green Road	Approved	51 Residential Units	48	51
Shavington Triangle	Approved	350 Residential Units	84	91
Rope Lane	Approved	80 Residential Units	19	15
Basford West 2013 (additional trips over 2008 approval)	Approved	370 Residential units	59	40
		Total	713	725

This information demonstrates the considerable cumulative traffic impact arising from committed development traffic. These sites will result in a 70% two way increases in the morning peak hour and a 72% two way increase in the evening peak.

This level of traffic increase will be detrimental to accessibility to the town centre, the rail station and the major employment areas and also worsen the performance of the local bus network across the town. This worsening of access will affect efforts to support economic growth and regeneration in Crewe. Substantial infrastructure investment is needed to achieve this and plans for Crewe Station and improving the strategic road network reflect this.

The most recent Basford West approval of August 2013 included a substantial residential element increasing flows toward the town centre in the morning peak and it is considered that with this approval the resulting cumulative traffic increase predicted for the corridor has reached a level beyond which the local road network will not be able to cope. As such, additional development related traffic can be deemed to be causing severe harm on the highway network.

The East Shavington application is predicted to add 83 two-way vehicles to the corridor in both the morning and evening peak and following the consideration set out above it is the cumulative traffic impact that leads us to the opinion that the site that will cause severe harm in terms of the 3 key issues.

Assessment of the proposed mitigation

The applicant has submitted a mitigation scheme in respect of the additional trips produced by the East Shavington development alone. The approach adopted by the applicant seeks to improve traffic flow across the Station Top on the A534, Nantwich Road. If achieved, this could then have a knock on benefit of improving the performance of flows on the corridor. This is considered to be a reasonable approach.

The mitigation scheme proposes the removal of the existing pedestrian crossing on the eastern side of the railway station on Nantwich Road and replacing this with an alternative crossing facility at the Weston Road roundabout.

The applicant has modelled the effects of the mitigation scheme in a local Vissim model and has indicated that there would be journey time savings on Nantwich Road and with this scheme in place, it would more than mitigate the East Shavington development impact.

Having reviewed the model and mitigation scheme, it is considered that the journey time savings predicted are not achievable by the implementation of the crossing relocation scheme. There are a number of concerns with the scheme, queue lengths have not been validated and the model shows much shorter queues than currently

observed on site. The circulatory traffic speeds on the roundabout are very high with a high degree of overtaking and weaving on the roundabout which isn't reflected within its current operation. There are also concerns over the layout of the crossing, particularly the very short merge immediately after the stop line, the narrowing of the footway in the roundabout exit and also that the crossing is not always assumed to be demanded that would result in pedestrians waiting for a long period of time on a traffic island.

Based on the significant work that has been undertaken assessing this part of the road network, It is considered that to accommodate further growth on the corridor and the cumulative traffic impact of currently approved developments, substantial measures are now required to ensure that this would be sustainable.

Conclusions

It is clear that there is a significant impact resulting from the committed development on the corridor and that the further development will only add to the congestion problems on the road network.

An assessment of the East Shavington planning application in regard to its cumulative traffic impact and the mitigation measures proposed has been undertaken and it is considered that this development would only increase congestion and delay further on the corridor and would cause severe harm in relation to the three key issues.

It is recommended that on balance the application is refused.

APPLICANTS REPRESENTATIONS

The applicant has provided the following additional information:

Taylor Wimpey has formed the basis of a collaborative working relationship with Shavington High School; this will be furthered through the proposed East Shavington development in providing deliverable opportunities to enable local young people to learn from and work with professional skilled trades, and gain access to the home building and construction industry.

As the first stage we recently put together a skills taster session on brick laying with the school. It was very well received by pupils and teachers alike.

Taylor Wimpey of course has a long established apprenticeship scheme, organised through our Cheshire based regional office. We believe it is important to continue this local provision of training and apprenticeship opportunities for new talent wishing to gain site based qualifications. Subject to the students passing the CITB assessments and gaining access to the scheme, apprenticeships typically last between 3 and 4 years and would commence alongside further education after high school. The majority of time

is spent working with the production teams on site, and trainees will be supported by a mentor while working with experienced trades people and personnel. Apprentices gain formal qualifications through day release programmes and typical apprenticeships include bricklaying and joinery.

We would like to secure the delivery of these training and apprenticeship opportunities should the East Shavington development be approved. As a consequence, we are aware that this is not a standard condition attached to planning permissions issued by Cheshire East. We would therefore like the Council to add a condition to the Committee Report and subsequent permission to secure these valuable youth training and apprenticeship opportunities.

We therefore suggest the following draft planning condition for your comments:

“Condition: A scheme to secure youth employment and training opportunities shall be submitted and agreed in writing with the local planning authority. The employment scheme shall be implemented in accordance with the approved details”.

Reason: To recruit local apprentices and facilitate access to training and experience opportunities in connection with Shavington High School”

This highlights our strong commitment to employing young people from the local area, whilst offering them a fantastic opportunity to build a career within their chosen industry.

OFFICER COMMENT

Paragraph 32 of the NPPF states:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Whilst the comments of the Strategic Highways Manager are noted, taking into account cumulative effects with other developments it remains the view of planning officers in this case that the highway concerns outlined are not “severe” within the terms of the NPPF and that, on balance, this concern would be insufficient to outweigh the benefits in terms of housing land supply which it has been demonstrated would be immediately deliverable. Consequently it is not considered that a highways reason for refusal would be sustainable at Appeal.

It is considered that the Applicant's proposed employment scheme would be a benefit of the scheme. It is noted that the definition of sustainable development within the NPPF includes the economic dimension. The NPPF is supportive of proposals which contribute to economic growth and employment generation and the proposed employment scheme would thus enhance the sustainability credentials of the site and can therefore be afforded some weight in the overall "planning balance". Although it is the view of Planning Officers that it should be afforded only limited weight, it is considered to be appropriate to include the applicant's suggested condition to ensure that if Members are minded, having considered carefully the "planning balance", to approve the scheme, this benefit is secured.

AMENDED RECOMMENDATION

As per the main report plus applicant's suggested additional condition relating to employment scheme.

STRATEGIC PLANNING BOARD – 6TH NOVEMBER 2013

UPDATE TO AGENDA

APPLICATION NO: 13/2406M – Reserved Matters Application

LOCATION: FORMER KAY METZELER LTD, WELLINGTON ROAD, BOLLINGTON, SK10 5JJ

UPDATE PREPARED 04 November 2013

OFFICER APPRAISAL

Issues raised by the Town Council and one of the neighbours with regard to works having commenced, prior to the discharge of conditions and the determination of the Reserved Matters application, has been considered by Officers and the Legal team. The various matters have also been discussed at length with the developer – Bellway Homes.

Bellway Homes have ceased all site clearance works on site. Officers have discussed what matters are outstanding to discharge the conditions attached to the Reserved Matters application, certain information has been submitted, which is being considered by officers and the Environment Agency. Bellway Homes are cooperating with this process and have agreed to provide any additional information required by Officers.

A revised application form and description of development has been submitted, which declares the application to be retrospective and acknowledges that works commenced on site in June 2013. This application can therefore be considered by the Strategic Planning Board as presented.

The Contaminated Land Officer has continuously monitored the site and has raised no concerns about the works, which have taken place, and has confirmed that no contaminants have been found to be present.

Further negotiations have taken place between Officers and the Developer with regard to finalising the streetscape palette.

Bellway are happy to accept the materials as suggested, however, they would welcome some flexibility in terms of manufacturer; whilst further research is undertaken. Bellway Homes are happy to commit to Charcon, or similar approved material. It has been confirmed previously that Bellway Homes are happy to utilise the "Bollington Sets" subject to quality and quantity.

It has been alleged that the original mill wheel has been uncovered as part of the site clearance works.

The County Archaeological Officer would have wished to secure the archaeological recording of significant elements of the mill complex (wheel pit, leat, engine houses) by means of a developer-funded watching brief secured by condition. It would appear possible (on the basis of the photos, which have been submitted) that these elements have been destroyed during preparatory groundworks. Fortunately, a local amateur archaeologist appears to have secured access to the site on his own initiative and to have recorded some, or all of the important features.

In the circumstances, this recording is very helpful but the normal recommendation is for any work to result in the deposition of a report with the Cheshire Historic Environment Record and it would be very helpful if this could be achieved in this instance, even if there has been no developer-funded fieldwork.

There is an opportunity to ensure that interpretation of the former mill site is provided following re-development. The Archaeology Planning Advisory Service would be happy to support this proposal which is, it should be noted, fully in accordance with the guidance contained in the National Planning Policy Framework, with specific reference to Paragraph 141 in Section 12 (Conserving and enhancing the historic environment).

It is noted that the S106 works referred to in the main agenda report refer to the works which were proposed as recommended by officers under application 11/4501M (in the outline report) and not those actually secured by the Council. For clarity, the S106 contributions as agreed by SPB under the Outline application are as follows: -

- 15% affordable housing
- Transfer of the public space on site to a Local Residents Management Company for management and maintenance in perpetuity
- £4 000 for Local Traffic Regulation Orders
- Improvements to Bollington Recreation Ground bowling club hut - £30 000
- Repairs to an arch on the Middlewood Way (viaduct), and maintenance strategy and watching brief regarding works to the viaduct phased over a number of years (to provide access to Adlington Road play area) - £30 000 (subject to final clarification from CE's Project Management Team)
- Bollington Youth Cross Project £55 000
- MUGA £45 000
- Civic Hall £65 000
- The Arts Centre £45 000

CONCLUSION

The recommendation of approval remains, subject to conditions and a Section 106 Agreement.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Thursday, 26th September, 2013 at Crewe Alexandra Football Club,
Gresty Road, Crewe, CW2 6EB

PRESENT

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

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

OFFICERS IN ATTENDANCE

Mr A Fisher (Head of Strategic and Economic Planning), Mr P Griffiths (Principal Transport Officer), Mr G Harrison (Interim Central Manager-Spatial Planning), Ms J Openshaw (Legal Team Manager-Places), Mr S Penny (Northern Area Manager-Spatial Planning), Mrs C Rous (Planning Officer) and Mrs L Whinnett (Senior Planning Officer)

73 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs R Bailey.

74 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that Members had received numerous emails in relation to the subject matter being considered at the meeting.

In the interest of openness, Councillor J Hammond declared that he was a member of Haslington Parish Council. He also declared that in relation to the Basford sites he had attended a number of briefings with Local Ward Members, Officers and developers.

In the interest of openness, Councillor D Hough declared that he was a member of Alsager Town Council which had made comment on the White Moss site.

In the interest of openness, Councillor G Walton declared that he had met with the Leader of the Council and a group of people from Knutsford.

In the interest of openness, Councillor P Hoyland declared that he was a member of Poynton Town Council.

In the interest of openness, Councillor P Edwards declared that he was a member of Middlewich Town Council.

75 PUBLIC SPEAKING

The Chairman outlined the public speaking procedure and that all speakers would have a maximum of two minutes to put forward their views.

RESOLVED

That the public speaking procedure be noted.

76 CHESHIRE EAST LOCAL PLAN - REPORT OF CONSULTATION AND CORE STRATEGY PROVISIONAL SITES

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

Prior to the commencement of the public speaking session, the Chairman formally accepted a petition on the protection of the Green Belt and Open Countryside by Parish Councillor Mrs Anne Broome (Chairman of Hough & Chorlton Parish Council) and Parish Councillor Mr Philip Jackson (Chairman of Wybunbury Parish Council).

Consideration was given to the above report.

(Each of the following people spoke for 2 minutes in respect of the item:-

Parish Councillor John Cornell (Vice Chairman of Weston & Basford Parish Council)

Honorary Alderman Derek Bould

Chas Howard

Ian White

Kath Mainwaring

Peter Yates

Michael Allott

Robin McCluney (Representing Knutsford Aligned Community Group)

Councillor Mrs L Smetham

Sylvia Dykes

Councillor A Thwaite

Councillor R Fletcher

Councillor Miss C Andrew

Councillor S Corcoran

Pat Cullen

Mr Parkinson (2 Minutes)

Parish Councillor R Hovey (Representing Haslington Parish Council)

Councillor H Murray

Manuel Golding (Representing some of the Residents of Wilmslow)

Councillor B Burkhill

Councillor D Mahon

Anna Morrison (Representing Congleton Residents Against Seddon Homes (CRASH))

Keith Williams

Councillor R West

Parish Councillor Rickard (Chairman of Crewe Green Parish Council)
Councillor K Edwards
Steve Reeves
Councillor Louise Brown
Mr Halman (Representing HOW Planning)
Councillor P Nurse)

A statement submitted by Mr Dignam, who was unable to attend, was read out by the Democratic Services Officer.

Councillor D Brown requested his thanks to all Officers for their hard work on the Local Plan be recorded.

Councillor B Murphy commented that the response to the consultation should be noted and due weight be given to the comments received. He considered the process of consultation to have been appropriate and comprehensive and that an expression of the Board's appreciation for the diligence shown by Officers in undertaking the process should be given.

A number of comments were made by Members in relation to the documentation contained with the agenda pack.

RESOLVED

(1) Consideration was given to a Report of Consultation on *Shaping our Future: Policy Principles*.

(2) Consideration was given to a Report of Consultation on *Shaping our Future: A Development Strategy for Jobs and Sustainable Communities*;

(3) Consideration was given to a Report of Consultation on *Shaping our Future: A Development Strategy for Jobs and Sustainable Communities - Possible Additional Sites Proposed by Developer and Land Interests Consultation*;

(4) Consideration was given to the consultation responses to the Development Strategy and Policy Principles Sustainability Appraisal Report (2013).

(5) Consideration was given to the consultation responses to the Habitats Regulations Assessment for the Development Strategy and Emerging Policy Principles;

(6) Consideration was given on the consultation undertaken to date.

(7) That the 'Core Strategy Sites', 'Strategic Locations' and 'Safeguarded Land' for possible inclusion in the emerging *Core Strategy* be noted and the comments made in relation to this be noted.

(During consideration of the item, the meeting was adjourned for three breaks, one at 12 noon, one at 1.30pm and one at 4.50pm. In addition

during consideration of the item, Councillor P Edwards left the meeting, returned and then left and did not return).

The meeting commenced at 10.30 am and concluded at 6.15 pm

Councillor H Davenport (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 9th October, 2013 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

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

OFFICERS IN ATTENDANCE

Ms P Cockroft (Principal Planning Officer), Ms S Dillon (Senior Lawyer), Mr D
Evans (Principal Planning Officer), Mr B Haywood (Principal Planning Officer),
Mr S Irvine (Planning & Place Shaping Manager), Mr N Jones (Principal
Development Officer), Mr T Poupard (Senior Planning Officer) and Mrs E
Tutton (Principal Planning Officer)

77 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Edwards and C
Thorley.

78 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that Members had received correspondence in relation to a
number of items on the agenda.

In the interest of openness in relation to applications 13/3575M and
13/3576M, Councillor Mrs J Jackson declared that she was on the
Executive Committee of Cheshire Peaks & Plains Tourism Association.
The applications had never been discussed by the Committee, but the
association did support the tourist economy in the area. In addition she
was a member of 'Make it Macclesfield' who had been approached by
Mottram Hall to support the application. The Group declined to be
involved in commenting on any Planning applications.

In the interest of openness in relation to the same applications, Councillor
G Walton declared that he was on the Executive Committee of Cheshire
Peaks & Plains Tourism Association. The applications had never been
discussed by the Committee, but the association did support the tourist
economy in the area.

In the interest of openness in relation to application 13/3025N, Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust who had been a consultee on the application, however he had not made any comments in respect of the application.

79 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

80 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

81 13/2224N-PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 120 DWELLINGS, HIGHWAY WORKS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS, LAND WEST OF AUDLEM ROAD, AUDLEM, CHESHIRE FOR GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

(Councillor Mrs J Clowes, the neighbouring Ward Councillor, Parish Councillor G Seddon, representing Audlem Parish Council, David Siddorns, representing Audlem Parish Planning Group/Village Design Statement Team and Heather Jones, representing Audlem Medical Practice, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the Board be minded to refuse the application for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. 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 premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.
4. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for the retention and protection of existing trees of amenity value and therefore the applicant has failed to demonstrate that the proposal complies with Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
5. On the basis of the information submitted, the applicant has failed to demonstrate that the scheme provides for a sufficiently high quality of design for buildings and public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011
6. Insufficient information has been submitted to demonstrate that, at the proposed density, the scheme would provide for an adequate standard of amenity for existing and future occupiers and therefore the applicant has failed to demonstrate that the proposal complies with Policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

7. The proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework.

Additionally, given the Appeal is proceeding to ensure appropriate provision of affordable housing and play space provision on site, it is also recommended that the Borough Solicitor be authorised to enter into a S106 Legal Agreement/ Unilateral Undertaking to secure:

- £10,000 for speed limit changes
- £261,483 for secondary education
- Provision of on-site open space including skate park
- Private residents management company to maintain all on-site open space
- 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.
- Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters
- Affordable housing to be pepper-potted,
- Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),
- Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.
- Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.

(Prior to consideration of the following item, Councillor Mrs Rachel Bailey arrived to the meeting and Councillor S Wilkinson left the meeting and did not return).

82 13/3210N-OUTLINE APPLICATION FOR THE ERECTION OF UP TO 36 DWELLINGS, ACCESS WORKS AND OPEN SPACE, LAND EAST OF 22, HEATHFIELD ROAD, AUDLEM FOR MR FRANK HOCKENHULL, HOCKENHULL PROPERTIES LTD

Consideration was given to the above application.

(Parish Councillor Heather Jones, representing Audlem Parish Council, Stephen Amies, representing Heathfield Road Residents' Association, David Latchford, an objector and Mr Frank Hockenhull, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

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 access to plots 19 and 20, on Mill Lane is not suitable for further development. The proposal would therefore have a significant adverse impact on highway safety. The development would therefore be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.
3. Insufficient information has been submitted with the application relating to bats in order to assess adequately the impact of the development having regard to the issue of protected species. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, the NPPF and other material considerations.
4. The proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of 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.

83 13/2604C-RESERVED MATTERS APPLICATION FOR ACCESS/APPEARANCE/LANDSCAPING/LAYOUT AND SCALE ON OUTLINE APPLICATION 11/0736C - REDEVELOPMENT OF LAND FOR UP TO 200 DWELLINGS, COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE, LOACHBROOK FARM, SANDBACH ROAD, CONGLETON FOR BOVIS HOMES

Consideration was given to the above application.

(Barry Herrod, representing the applicant attended the meeting and was questioned by the Board).

RESOLVED

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

1. Time limit
2. Details in Accordance with Outline Approval
3. Plan References
4. Phasing in accordance with approved details
5. Facing materials (bricks/render/tiles/doors/garages) in accordance with approved details
6. Surface materials (pedestrian & vehicle areas) in accordance with approved details
7. Boundary treatments in accordance with approved details
8. Landscape scheme (for the housing estate and domestic gardens) in accordance with approved details
9. POS area in accordance with approved details
10. Landscaping implementation (incl. protection) to an agreed timescale
11. Tree protection (for the housing estate) in strict accordance with the Tree Retention, Removal and Protection Plan
12. Construction Specification/Method Statement (footpath adjacent to Oak T4 serving Plots 88-94).
13. Bins stores in accordance with approved details
14. Footpaths links in accordance with approved details
15. Access in accordance with approved details (req. Section 38 agreement under the Highways Act 1980).

In the event of any changes being needed to the wording of the Boards' decision (such as to delete, vary or add addition conditions / informatives /

planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning and Place Shaping Manager, in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

84 13/3314M-GLASSHOUSE FOR TOMATO PRODUCTION WITH ASSOCIATED HARD STANDING, FRESH WATER TANK, HEAT STORAGE TANK, PACKAGE TREATMENT PLANT AND LANDSCAPING RESUBMISSION OF 12/3873M, STOCKS LANE, PEOVER SUPERIOR FOR C RUDD, FRANK RUDD & SONS

Consideration was given to the above application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A04NC - Details of drainage
7. A22GR - Protection from noise during construction (hours of construction)
8. In accordance with Great Crested newt Impact Assessment
9. Details of location and design of newt pond proposed
10. Details of site access arrangements (including surface materials) and visibility splays
11. Any gates set back a min 7 metres from the highway
12. Noise from fixed plant and machinery
13. Submission of Construction Management Plan to Local Planning Authority

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

(The meeting adjourned for lunch from until 1.25pm until 2.15pm. Councillor P Mason left the meeting and did not return).

85 13/3575M-PROPOSED ERECTION OF A MARQUEE AT MOTTRAM HALL HOTEL (RESUBMISSION), MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD FOR ANDREW O'BRIEN, DE VERE HOTELS & LEISURE

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Mrs Thelma Jackson, an objector and Robert Cook, CEO of De Vere Hotels, 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 oral update to Board the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A04TR - Tree pruning / felling specification
4. Time limit of 4 years from 1st occupation
5. Prior to 1st occupation, submission of a scheme in respect of the operation of the demountable arm
6. The hours of operation of the marquee shall be limited to 08.00 to 24.00 Monday to Thursday, and 08.00 to 00.30 on Friday to Sunday including Public Holidays, with the exception of New Years Eve, where the hours shall be limited to 08.00 to 01.00.

In the event of any changes being needed to the wording of the Board'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 Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

(The meeting adjourned for a short break. During the break the Senior Lawyer felt that further clarification was required regarding the additional condition relating to noise which Members had requested be included as a further condition. After the adjournment it was explained to Members that to simply add a condition relating to noise was unsatisfactory and that further explanation of what the noise condition should be was needed. Members came to an agreement on how the noise condition should be worded and for the avoidance of any doubt the vote was retaken).

86 13/3576M-LISTED BUILDING CONSENT FOR PROPOSED ERECTION OF A MARQUEE AT MOTTRAM HALL HOTEL, MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD FOR ANDREW O'BRIEN, DE VERE HOTELS & LEISURE

Consideration was given to the above application.

RESOLVED

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

1. A07LB - Standard Time Limit
2. A06EX - Materials as application
3. Time limit of 4 years from 1st occupation
4. Prior to 1st occupation, submission of a scheme in respect of the operation of the demountable arm

In the event of any changes being needed to the wording of the Board'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 Planning and Place Shaping Manager, in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

87 13/3041M-EXTENSION TO TIME LIMIT OF 03/2155P - ERECTION OF 2 NO. THREE/FOUR STOREY OFFICE BLOCKS (RESUBMISSION OF 02/1973P), LAND AT JUNCTION OF EARL ROAD AND EPSOM AVENUE, HANDFORTH FOR ORBIT INVESTMENTS (PROPERTIES) LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Board the application be approved subject to completion of a Section 106 Agreement comprising the following Heads of Terms:-

- Financial contribution of £17,728 to CEC for bus stops in the vicinity.
- Financial contribution of £17,728 to Stockport MBC for bus stops in the vicinity.
- Financial contribution of £65,372 to CEC for improvements to provision for pedestrians and cyclists in the vicinity
- Financial contribution of £65,372 to CEC towards public transport improvements

- Financial contribution of £200,548 to Stockport MBC towards junction improvements in the Borough of Stockport.

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. AEX41 - Materials to be as stated within the application
4. ALSA1 - Submission of landscaping scheme
5. ALS21 - Implementation of landscaping scheme
6. ALS61 - Landscaping - details of boundary treatment to be submitted
7. Approved access provided prior to occupation
8. Access - visibility splays
9. No Gates to be erected across approved access
10. Pedestrian routes to be provided into the site
11. service vehicle car parking to be provided prior to occupation
12. Car parking to be provided for all buildings within the site
13. Cycle stores to be provided
14. Short-stay / visitor cycle parking
15. Parking of 20 motorcycles
16. Access drive surfaces
17. Pedestrian visibility splays
18. Surface water drainage system
19. Shower and drying facilities to be provided
20. Public transport to be provided
21. External lighting details to be approved
22. Phasing for car parking and travel planning
23. Interim Travel Plan to be submitted
24. No occupation before Interim Travel Plan
25. Detailed Travel Plan to be submitted
26. Revised Detailed Travel Plan every 2 years
27. Building to be occupied under terms of travel plan
28. Badger survey to be submitted
29. Breeding birds survey to be submitted.

88 WITHDRAWN-13/3018N-OUTLINE APPLICATION FOR UP TO THIRTY NINE HOUSES OF MIXED TYPE TO INCLUDE 30% AFFORDABLE, 414, NEWCASTLE ROAD, HOUGH FOR MR DAVID WOOTON

This application was withdrawn prior to the meeting.

89 13/3025N-THE ERECTION OF 44 DETACHED/TERRACED DWELLINGS, PARKING AND AMENITY SPACE; AND THE CREATION OF PUBLIC OPEN SPACE, INCLUDING APPEARANCE, LANDSCAPING, LAYOUT AND SCALE. THE ORIGINAL OUTLINE APPLICATION WAS NOT AN ENVIRONMENT IMPACT ASSESSMENT APPLICATION, LAND OFF VICARAGE ROAD, HASLINGTON FOR ELAN HOMES LTD/MULLER STRATEGIC LTD

Consideration was given to the above application.

(Parish Councillor Hovey, representing Haslington Parish Council and Paul Darwin, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for further discussions with Officers and the developer regarding the layout of the application site to ensure further consideration be given to the location of the affordable housing and whether there was a justifiable need for alleyways to be included within the design.

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

90 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 Paragraph 5 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.

**91 UPDATE FOLLOWING THE REFUSAL OF PLANNING APPLICATION
12/4146C, LAND OFF DUNNOCKSFOLD ROAD, ALSAGER**

Consideration was given to the above report.

RESOLVED

That the Council contends the appeal on the following basis:-

The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated in reason for refusal 1, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.

The meeting commenced at 10.30 am and concluded at 5.20 pm

Councillor H Davenport (Chairman)

Application No: 13/2069N

Location: LAND TO THE EAST OF CREWE ROAD, SHAVINGTON CUM GRESTD

Proposal: Outline planning application for the construction of up to 275 dwellings, including access, landscaping, recreation and amenity open space, associated infrastructure, the demolition of 28 Crewe Road and demolition of the single-storey extension to 56 Crewe Road. Permission is sought for means of access. Layout, scale, appearance and landscaping are reserved for subsequent approval.

Applicant: TAYLOR WIMPEY UK LTD and others

Expiry Date: 16-Aug-2013

SUMMARY RECOMMENDATION

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

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Highway Safety And Traffic Generation.
Contaminated Land
Air Quality
Noise Impact
Landscape Impact
Hedge and Tree Matters
Ecology,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education**

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 East Shavington site extends to approximately 12.02 ha, the majority of which being existing agricultural land. The application also includes the existing residential property, no. 28 Crewe Road which will be demolished to provide the vehicular/pedestrian/cycle access to the site, and the southern side single storey structure to no. 56 Crewe Road, which will be taken down to provide for pedestrian/cycle access (the rest of 56 Crewe Road will remain insitu). The site is generally level and there are a number of field trees and hedgerows within it.

A public footpath crosses the site from south to north between Crewe Road and Weston Lane passing over Swill Brook and is joined from the east by two other public rights of way, which give access to the wider countryside to the east.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for up to 275 new family homes, in a mix comprising 2-5 bedroom unit including mews, semi-detached and detached dwelling, of 2 and 2½ storeys in height in a variety of styles. Vehicular access will be provided directly from Crewe Road following the demolition of the existing residential property, no. 28 Crewe Road. A second pedestrian / cycle link will also be provided from the development to the west onto Crewe Road which will provide a link directly to the village centre. It also makes provision for a pedestrian controlled crossing point.

The application is submitted in outline, but seeks approval for the access, with matters of appearance, landscaping, layout and scale reserved for subsequent applications. However, the indicative layout shows treed streets interspersed with open space which are proposed to include an equipped play area, a new village green and area for play, community woodland around Swill Brook, circular pedestrian and routes/trails, and a community orchard.

2. RELEVANT PLANNING HISTORY

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

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

Draft Development Strategy

4. OBSERVATIONS OF CONSULTEES

Sustrans

- For a constrained site such as this we would like to see several access points for pedestrians/cyclists away from motor traffic onto adjacent, established roads.
- For a site of this size, we would like to see a contribution toward supporting the wider pedestrian/cycle network in the vicinity. For example we are promoting the National Cycle Network route, 551, from Newcastle to Nantwich, through Shavington along Weston Lane, Crewe Road, Chestnut Avenue, Rope Lane.
- The travel planning for the site should have targets and monitoring.
- The design of estate roads should restrict vehicle speeds to less than 20mph.
- The design of any smaller properties should include storage areas for residents' buggies/bikes.

Environment Agency

No objection in principle to the proposed development but we request that the following planning conditions are attached to any approval as set out below.

- The development shall not be commenced until such time as; a scheme demonstrating that finished floor levels of the residential dwellings adjacent to Wells Green Brook are to be set at a minimum of 54.50 m AOD as recommended within the Flood Risk Assessment prepared by Lees Roxburgh (dated May 2013, ref 5104/R3), has been submitted to and approved in writing by the local planning authority.
- The development shall not be commenced until such time as; a scheme to demonstrate no alteration of existing ground levels within the 1 in 100 year (1% AEP) flood outline, has been submitted to and approved in writing by the local planning authority.
- The development shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

- The development shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.
- The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Swill Brook shall be submitted to and agreed in writing by the local planning authority.
- The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. It should be as wide as possible but must be at least 8 meters wide measured from top of bank. Bank top is defined as the point at which the bank meets normal land levels.
- The open space should also be location adjacent to the buffer strip in order to increase the overall size of riparian zone. This could contribute to the green infrastructure of the site.
- No development shall take place until a plan detailing the protection of the water vole population, a protected species under *The Wildlife and Countryside Act 1981* and *their* associated habitat during construction works and once the development is complete. Any change to operational, including management responsibilities shall be submitted to and approved by the Local Planning Authority.
- The development shall not be commenced until such time as a scheme to *dispose of foul and surface water* has been submitted to, and approved in writing by, the local planning authority.
- The foul drainage from the development must be directed to the main sewer network.
- The surface water discharge exit velocity should not exceed 1.0 metre/second and should be angled with the direction of flow in the Brook.
- applicant to layout the houses so that they are front facing to Swill Brook.
- Sustainable Drainage Systems (SuDS).

United Utilities

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

- This site must be drained on a total separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the adjacent watercourse which may require the consent of the Local Authority. For the avoidance of doubt no surface water flows shall communicate with the public sewerage system via direct or indirect means.
- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.
- Water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

Environmental Health

No objection subject to the following conditions:

- Submission, approval and implementation of, an Environmental Management Plan
- Construction works (and associated deliveries to the site) are restricted to:
 - Monday – Friday 08:00 to 18:00 hrs
 - Saturday 09:00 to 14:00 hrs
 - Sundays and Public Holidays Nil
- Submission, approval and implementation of, details of the location, height, design, and luminance of any proposed lighting An Air Quality Impact Assessment and an addendum been submitted with the application.
- No development shall take place until an air quality mitigation plan is submitted and agreed by the planning authority. The agreed scheme shall be implemented in full and shall include the following actions:
 - Residential Travel Plan. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options.
 - Individual Travel Plans for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons.
 - Electric Car Charging Points
- Submission, approval and implementation of, scheme to minimise dust emissions arising from demolition / construction activities on the site
- A Phase II Contaminated Land investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA). If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out. If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to the LPA prior to the occupation of the development.

Education

- A development of 275 dwellings will generate 50 primary aged pupils and 36 secondary aged pupils.
- On this basis a primary contribution of £542,315 will be required. Payable 50% on occupation of the site and 50% on occupation of 50% of the dwellings.
- No contribution will be required towards secondary.

Public Rights of Way Team

- The development is to affect Public Footpaths Nos. 4 & 6, Shavington cum Gresty as recorded on the Definitive Map.
- It is noted that there is no intention to formally divert any of the existing footpaths but rather they are to be accommodated within the design of the development. The proposed surfaces of the public footpaths would require the agreement of the Council as the highway authority.
- Part of footpath no. 4 is proposed to run parallel to an estate road with housing to the east on the south east side of the site. The depiction of this path raises some concerns as its alignment does not appear to be true to the route shown on the Definitive Map and it could

be that the line of the road is nearer to the true alignment of the footpath. This would not be acceptable as it would mean the extinguishment of the footpath. The alignment of the footpaths as represented on the proposed new Masterplan (provided at the 'Consultation' stage) are to be set 'within a green space corridor to protect their amenity value', the same section of FP 4 referred to appears to run in a green zone but becomes increasingly narrow to the east of the proposed pond and runs in very close proximity to three houses. This could raise privacy and security issues for future occupants and also reduces the claimed 'amenity value' protection.

- There will clearly be a requirement for the temporary closure of parts of the footpaths within the construction framework. The phased nature of this raises concerns as the Council can only provide Temporary Closure Orders for a period of 6 months after which time any requests for extensions have to be referred to the Secretary of State with the associated costs and uncertainty. It will also create lengthier periods of disruption to the users of the footpaths and consideration should be given to the provision of alternative routes during closures wherever possible.
- Request that the standard informatives regarding the protection of the right of way and safety of users during and after construction are attached to any planning consent.

Countryside Access Team

- The development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026:-
- Public footpaths Nos. 4 & 6 Shavington cum Gresty are well used rural leisure routes and also offer off-road connections to local facilities.
- Footpath No. 4 offers the only access point on the northern side of the proposed development site, and hence forms the most direct route to the facilities of Crewe, including the train station. Footpath No. 4 runs from the development site to the north, terminating on Weston Lane. The suggestion is therefore put forward that this path could act as an additional sustainable travel route for pedestrians, and, if upgraded to cycle track, for cyclists. It is noted that during consultation, a new cycle route was suggested by attendees, although the alignment of this requested route is not described. The developer should be tasked to assess the value of the improvement and upgrade of this route.
- The proposal to create some shared use routes for pedestrians and cyclists would be welcomed, including the provision of a toucan crossing on Crewe Road. The legal status and maintenance arrangements for such routes will require the agreement of the Council as the highway authority.
- The proposed footway/cycleway routes should be constructed and available for use before the first occupation of the first phase of the development in order that new residents have sustainable travel options upon moving in.
- The maintenance of the proposed path through the greenspace around the northern and eastern boundary of the site would be required to be included within that for the greenspace area, as the route would not be adopted as a definitive public right of way.
- Logged under the Council's statutory Rights of Way Improvement Plan (ROWIP) are suggestions from the Parish Plan 2012 for the provision of destination signage throughout the village on public rights of way (ref. W79) (and cyclist routes) and the development of a circular walks leaflet or similar (ref. W78). The developer would be

asked to contribute towards these aims and to provide information to new residents on the walking and cycling routes available in the area for both leisure and transport purposes.

Archaeologist

- The application is supported by an archaeological desk-based assessment, which has been prepared by CgMs Consultants on behalf of the applicants. The report acknowledges the archaeological interest of the site and confirms that this is primarily focussed on its potential to contain evidence for early salt production. In particular, it is noted in the Cheshire Historic Environment Record that the northernmost fields within the application area, immediately to the south of the Swill Brook, are described as 'Wall Field' on the tithe map of 1839 (CHER 7146). This placename element suggests the former presence of structures within the fields and, in the surrounding area, has a clear association with medieval and post-medieval saltmaking. In addition, the field immediately to the east of the application area's north-eastern limits has seen the recovery of a number of Roman lead troughs or tanks, which were used in the evaporation of the locally-occurring brine (CHER 2400/0/1-3). Numerous metal detector finds have also been reported from the fields to the east of the application area.
- In view of this clear archaeological potential, a geophysical survey was carried out across the application area by GSB Prospection Ltd, in association with CgMs Consultants and the resulting report has been submitted in support of the application. This report has not identified any features of interest within the application area and, in view of these results, it is concluded that it would not be reasonable to require further archaeological work across the southern part of the application area.
- The placename evidence noted above together with the recovery of Roman tanks and other metal detecting finds from the surrounding area does, however, suggest that the northern part of the site (as defined by the red stippled area in Figure 3 of the CgMs assessment) still has the potential to contain archaeological remains and requires further archaeological mitigation.
- It is advised, therefore, that if planning permission is granted the part of the application area referenced above should be subject to an initial, formal metal detector survey. This should be carried out under direct archaeological supervision by suitably-experienced individuals who have signed a form waiving any rights to ownership of finds and any claim to reward under the treasure Act (1996). The programme of mitigation should also include provision for trenching to investigate concentrations of material or areas of topographical interest, which should amount to no more than 250m of machining cut trench (a 1% sample of that part of the application area recognised as having continued archaeological potential). If this phase of work proves negative, that will conclude the archaeological mitigation, apart from production of a report but further work will be required if areas containing archaeological features are located. The work may be secured by condition.

Natural England

- The application site is in close proximity to Wybunbury Moss Site of Special Scientific Interest (SSSI). This SSSI is part of the Midland Meres & Mosses Phase 1 Ramsar and West Midlands Mosses Special Area of Conservation (SAC).
- Natural England has previously commented on this proposal in a letter dated 1 July 2013.
- In that letter Natural England objected to the development on the grounds that the proposal, as submitted would have a likely to have a significant effect on the interest features for which the Midland Meres & Mosses Phase 1 Ramsar has been classified as a result of recreational impacts in-combination with the other recent developments in the area and the existing underlying visitor pressure and therefore should be considered in an appropriate assessment.
- Subsequently in consultation with the Applicant's Ecologist, Natural England advised that that it may be possible to implement measures to avoid impacts on the designated site. Natural England suggested that any significant effects on the designated site could be avoided by improvements to the access facilities at Wybunbury Moss through the extension of the existing boardwalks and that if this commitment was incorporated into the development proposals, the local authority may be able to conclude that there is no likelihood of significant effects alone or in combination with the other recent developments in the area and the existing underlying visitor pressure.
- Following this, the Applicant has submitted additional information to Natural England in the form of an amended Assessment of Likely Significant Effect (ALSE).
- The amended ALSE provides an assessment of likely effects arising from the proposed development and now accepts the possibility that potential cumulative visitor pressure from the various residential developments in the area could have a likely significant effect on fen meadow habitats along the footpath within the designated site and that the proposed boardwalk extension, to which the developer will make a financial contribution (included in the S106 agreement), will allow a conclusion of no likely significant effect, alone or in combination.
- As a result of the additional information and the amendments to the ALSE Natural England can confirm that they withdraw their earlier objection.
- Natural England's advice is now as follows:
- Natura 2000 site – No objection
 - Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Midland Meres & Mosses Phase 1 Ramsar and West Midlands Mosses SAC have been classified.
 - Natural England therefore advises that the Local Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.
 - However, under Regulation 61 of the Habitats Regulations, the matter of significance is for the competent authority (in this case Cheshire East Council) to determine.
 - In this case, the applicant has submitted their own HRA – this is often known as a 'shadow' HRA. So the recording of the decision can be done with a simple statement to say that the Authority agrees with the shadow HRA undertaken by the applicant.
 - It is important that the avoidance measures detailed in the application documents are incorporated into the project design and included within a Section 106 agreement to ensure that these are secured so to avoid significant

effects on the Midland Meres & Mosses Phase 1 Ramsar. Measures to reduce or avoid impacts on a European site can be considered as part of the assessment of likely significant effect.

- SSSI - No objection
 - This application is in close proximity to the Wybunbury Moss SSSI. Natural England is satisfied that as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore advise that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Cheshire Fire and Rescue

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Greenspaces

- The proposal should provide:
 - An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
 - A Multi Use Games Area
 - An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.
 - An area of allotments – about 30 plots.

Highways

Initial Report – 12th September 2013-10-25

The comments of the Strategic Highways Manager can be summarised as follows:

- There have been concerns raised by residents regarding the proposed access to this development and I have noted the close proximity of the access to other existing access points. To ensure that we have properly considered the road safety implications of the proposed access a safety audit of the proposed access design has

be undertaken and no problems regarding visibility and turning conflicts were raised in the report.

- The traffic impact of the development has been considered at a number of local junctions on the highway network and these have been shown to operate within capacity on full build out of the site and these assessments do include committed development. The major omission of the assessment, is that the crucial junction of Nantwich Road /South Street junction was not included and it is this junction that suffers from high level of congestion. The considerable number of committed developments was recognised in the Transport Assessment and these cumulatively will significantly increase traffic flow using the junction.
- Therefore, it important that the operation of the Nantwich Road /South Street junction is assessed by the applicant as part of this application to enable CEC to consider whether the development will have a severe impact on its operation. As indicated, it is the CEC preference that the analysis is undertaken by constructing a micro simulation model of the junction and that also includes other nearby junctions that affect its performance.
- As there is further information required to be submitted, I cannot provided a highway recommendation on the application at the moment.

Additional Comment – 25th September 2013

- In summary, although the traffic impact of this development does only produce a relatively small percentage impact on the Gresty Road and Nantwich Road corridor, I would have to on balance, in the absence of mitigation measures raise objections to the scheme as it would lead cumulatively to further congestion and delay on the road network.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Introduction

- This Planning Statement comprises an objection from Shavington cum Gresty Parish Council to an outline planning application submitted by Taylor Wimpey UK Limited and Need- Beecroft (Shavington) LLP for residential and associated development on land east of Crewe Road, Shavington cum Gresty. Permission is sought for access with layout, scale, appearance and landscaping reserved for subsequent approval.
- It is submitted alongside and to support the many other objections submitted by local residents of Shavington to the same planning application.

The Current Site

- This is a large greenfield site comprising some 12.02 ha hectares and according to the submitted Planning Statement is to accommodate up to 275 dwellings plus a single convenience store, open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.
- Its release for housing will have a major impact on the character of the area.

Existing Planning Policy

- The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.
- It lies within an area of open countryside and policy NE2 applies.
- Quite clearly the proposal for residential development does not comprise one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is therefore contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

Applicant' Planning Statement

- The assertion that the site is a natural extension to Shavington village is contested rather it is considered to be an an open site, and as proposed for development would be an unplanned intrusion into open countryside with no significant strong natural boundaries which act as containment to the development .

Principle of Development

- It is disputed that the council does not have a 5 year housing supply. The approved February 2013 SHLAA confirms the supply at 7.15 years and the Council has made a number of decisions based on this figure. Therefore there should be no presumption in favour of development of this site on the basis of a lack of a 5 year supply. In addition as the base date for the supply is 31/03/12, it is considered that additional sites will have come forward during the past year thus increasing the supply still further.
- The application site itself comprises a significant area of land characterised by its openness, beyond the village in open countryside and significant weight can still be attached to the policies of the CNLP because of the availability of a 5 year housing supply in accordance with the NPPF.

Development Proposals

- It is not considered that “the East Shavington site fits neatly into, and will balance, the built pattern of the village, consolidating development on its eastern side where at present there is a only a single row of existing dwellings fronting the east side of Crewe Road” rather it extends housing well beyond the limited ribbon development to the north and south in an unconvincing manner with no defensible boundaries to the east and will appear as an ad hoc extension into open countryside without any limits.

Phasing

- The Council considers that this site should be phased to deliver housing post 2020 and it is not considered that an earlier release is justified given the 7.15 years of housing supply. The developer proposes the site to be completed by 2020.

Section 106 Planning Obligations

- The Parish Council considers that the lack of information on planning obligations to be a major omission of the development proposals. How else can it assess the impact on the community when no details are available. This information should be provided and circulated before the application is determined.

National Planning Policy

- It is not considered that post development economic benefits and the fiscal benefits should be regarded as strong material considerations in the determination of this application. These matters could equally apply to any housing proposal of this scale.
- Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development.

Emerging Local Plan Policy

- The applicant is unsure and makes contradictory statements in different documents as to whether weight should be attached to emerging Local Plan policy.
- The Parish Council accepts that the application site is identified in the emerging CEC Development Strategy as Site Crewe 7 to deliver 300 new homes. However limited weight should be given to the document given the significant level of objections to this site and early stage reached by the emerging plan.
- However it views with some dismay and great disappointment that the Council appears to be taking no notice of the response to public consultation on the Development Strategy as demonstrated by its previous decision to approve the Triangle application when the Council has not yet completed its analysis of public comment nor decided its response to the overwhelming number of comments received.
- The Parish Council is left with the feeling that if a site is included in the Development Strategy ie land east of Shavington, then it is going to receive planning permission regardless of any comments made by the Parish Council or local residents on the emerging Local Plan. This seems to make a mockery and sham of public consultation and begs the question of what price localism and the value of public involvement in the development process in Cheshire East.
- Moreover if consideration is given to a number of recent appeals decisions concerning housing development it is clear that Inspectors attach little weight to Local Plans in the determining of applications where the Plan is not well advanced as in this case so its inclusion should not count as a material consideration.
- It is clear that this site does not need to come forward for permission as there is a 5 years supply.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years as confirmed at the Strategic Planning Board meeting on 8 February 2013. Clearly Even if this site was not counted in the housing supply figures, it would appear to demonstrate that the Council still has a 5 year housing supply as it would only reduce the supply by about one third of a year.

- With a 5 year housing supply confirmed in the area then significant weight can be attached to the spatial policies of an existing Local Plan in the determination of any planning application.
- CNRLP 2011 is still being used by Cheshire East to determine planning applications and due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF.
- The fact that pre-application consultation has been carried with the local community is not considered to be a relevant material consideration as all competent applicants and agents should undertake such an exercise for large scale proposals as set out in the NPPF.

Assessing the proposal against the Local Plan

- The Parish Council has previously objected to the inclusion of this site in the draft Local Plan and dismisses that this inclusion adds any weight to the case for planning permission on this site. Nevertheless, it is worth assessing the site against the Local Plan's own criteria for housing development in this location.
- The draft Town Strategy identified a number of sites for housing around the town. However this site is not around the town but some distance from it. Similarly, the approach of seeking to develop 6-7,000 new homes in and around Crewe by 2030 provides no justification for the release of the application site now.
- The proposed Development Strategy considers that the majority of new housing should be provided in sustainable locations within Crewe, Macclesfield and the Key Service Centres.
- Shavington is to be defined as Local Service Centre (LSC) in the Development Strategy. After Crewe and Macclesfield and the Key Service Centres, it is a third tier location for new development.
- In such settlements, new development is required to meet local needs. Modest growth for Shavington is specified and the document goes on to confirm specifically that within LSC s small scale development to meet localised needs will be supported.
- It is inconceivable to understand how a development which comprises 275 dwellings constitutes small scale.
- LSCs are expected to accommodate 2,000 homes for the period 2010-2030, an average of 100 new homes per year. So if this site receives planning permission it will at a stroke have provided the total requirement for nearly 3 years for the LSC s. This seems to be an inappropriate level of development for one LSC to accommodate. Also this site together with the Rope Lane site and the Triangle site means that Shavington village on its own will have contributed over 600 dwellings, 6 years supply. This is not modest growth nor small scale development.
- Policy CS 8 requires development to prioritise investment and growth within the Principal towns and Key Service Centres. Shavington is not one of these centres.
- So too it is abundantly clear that the proposal for development on this site does not meet overall strategy of the new Local Plan. So even before the Plan has progressed very far, its overall Strategy will be set aside once again if this application is approved by Cheshire East.

Design And Access Statement

- The applicant is incorrect to state that Shavington is a key service centre. It is a Local service Centre(ref: page 24 of the Development Strategy).
- The site extends out eastwards into a wider area of open countryside to which it is more appropriately related than Shavington village. The majority of the site (early July site visit) was under cereal production. Beyond the site to the east there is no evidence of other development due to the tree and hedge cover. The eastern boundary of the site is very weak and poorly defined in landscape and physical terms.
- The woodland around Swill Brook effectively separates the site from the housing to the north.
- Part of the site lies adjacent to housing on Crewe Road but the bulk of the site lies well beyond the well -established residential areas of the village.
- Photos of the site were clearly taken in winter and aim to show the site in its most unattractiveness appearance. They do not give a credible picture of the site.
- The Visual Context is described with the emphasis on looking from the site to the residential properties on Crewe Road and making a case for how well related the site is to existing development. However looking in the other direction, the site equally can be read in the context and part of the wider countryside to the east.
- So too there are views from the footpaths into the wider countryside beyond.
- Walking the footpath through the site in July with the land under cereals, it is clear that the site in no way exhibits an urban fringe character and such a description is completely erroneous and is no justification for the granting of planning permission on this site.
- The Visual Analysis confirms that the site's eastern boundary has a sensitive interface with open countryside. This is an understatement as this boundary is weak and poorly defined emphasising the Parish Council's considered view that development of this site will represent a harmful visual intrusion into open countryside.

Biodiversity

- There is an objection from Natural England in terms of the impact of the development on the Wybunbury Moss which is part of Midland Meres and Mosses which has Ramsar protection and also impact on the SSSI. This is a strong material consideration which on its own justifies refusal of the application unless these objections can be overcome to the satisfaction of Natural England.

Landscape And Visual Appraisal

- Extracts from the document appear below in italics

"The eastern site boundary adjoins open agricultural fields marked by post and wire fencing which enables direct views from the higher levels in the eastern half of the site into the adjacent fields. Further east, beyond the Site, field boundaries are defined more strongly by hedgerow vegetation which generally restricts any long distance views to the east. There are no views of Hough, the closest village settlement to the east."

- This confirms the view that there are few if any human influences to the east which adversely affect the landscape character of the site and confirms further that the eastern boundary to the site is weak and indeterminate.

The site is partly enclosed by housing and partly by agricultural land. The adjacent agricultural land to the east is of higher quality than that on the Site which creates a distinct separation between the two areas. The character of the Site is strongly influenced by the adjacent housing which results in an urban fringe character.

- The site is not enclosed by housing. Visually when walking the site, it is seen as part of a wider agricultural landscape and if anything the site appears to be of higher agricultural value than the land to east. It is not a degraded landscape and does exhibit the characteristics of an urban fringe location as would be encountered at the edge of a major town.
- This a cherished landscape by local people with access via well used footpaths. It is not considered that a modern housing development would lead to a great enhancement of the local landscape character by extending built development further east into open countryside.
- The impact of the development can be seen from the following extract:

“Proposed development would be expected to result in some notable visual changes for some of the residential properties backing onto the Site and from the existing PROW’s within the site. Based upon the criteria for establishing visual sensitivity, these receptors would be considered to have high sensitivity. The nature and extent of the visual effects would ultimately be influenced by the detailed design of the proposals and the proposed treatment of boundaries relating to the adjoining properties.”

- The change to the landscape character would be significant. No mitigation can ameliorate the harm caused by the development and overcome the major visual intrusion into open countryside.

Conclusion

- The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP. It is not well contained within the framework of the settlement of Shavington.
- The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.
- The release of this site would represent an unplanned, ad hoc and unnecessary major intrusion into the open countryside beyond the confines of Shavington village. .
- Cheshire East has confirmed that there is a 5 year supply of housing land available in Cheshire East ie some 7.15 years. Policy NE2 of the CNRLP therefore is not out of date and weight can be attached to it in the determination of this application.

- The lack of a strong defensible physical eastern boundary to the site compounds the intrusion into open countryside which would inevitably result from this development.
- There would be significant harm to the character of the area which no amount of screening/landscape mitigation can overcome.
- Very limited weight should be attached to the emerging local plan because it has not reached a very advanced stage in its progress. In addition there are many objections to the allocation of this land as Strategic Site in the emerging Local Plan. Granting planning permission for this site would conflict with the overall Strategy and the detailed policy proposed for Shavington village.
- Contrary to the applicant's view the adverse impacts of the proposed development **would** significantly and demonstrably outweigh the benefits of the development. As such the proposal would be contrary to the NPPF.
- The release of such site will make it much more difficult to ensure the regeneration of Crewe and make brown field sites less attractive for housing development and investment by developers because of the availability of easier green field sites.
- **Shavington cum Gresty Parish Council urges Cheshire East Council to refuse this planning application No 13/2069N.**

6. OTHER REPRESENTATIONS

Local Residents Objections

Letters have been received making the following points:

Principle

- Shavington will become a suburb of Crewe reducing the present sense of community.
- Residents live in Shavington because it is a small village and want to keep it this way
- Residents moved here from Stoke-on-Trent because it is a village
- The size and nature of the planned development destroys the concept of a pleasant village.
- Will become a characterless dormer town for Stoke and South Manchester.
- Part of Shavington's appeal and its continued success is its neighbourhood concept and beliefs. The increase in population will degrade this.
- There are too many applications concentrated in this small area.
- Natural land boundaries between neighbouring Hamlets and Towns would be lost
- We cannot keep building on greenfield sites.
- Shavington is under siege from builders who do not want to make affordable housing, but to make profit from greenfield sites.
- Residents of Shavington have been really let down by the councils recent agreement to the development of 350+ homes on the Shavington triangle site.
- To add a further 275 homes would not only be totally disproportionate to the current size and character of the village, but would also be unsustainable.
- The proposal would increase the village by 20%. Coupled with the Triangle site this would increase the built-up area by c.40% in total (20% each site), which would spoil the character of the village as a reasonable-sized community.
- Too many housing applications have been granted in Shavington already.

- There is already planning permission for over 300 houses to be built in Shavington so why do we need any more?
- The developer states “Shavington has suffered from a lack of house building” and “whilst it is clear that Cheshire East needs new homes, Shavington has its own housing needs”.
- Whilst it might be “accurate” to suggest that there may have been no significant developments the recent approval for the 400 homes on the triangle contradicts this plus there are already a range of much smaller on going developments, for example Lime Grove and Rope Lane (near the Vine pub) areas, which go to amply demonstrate that the village is constantly expanding.
- The village has plenty of houses for local people to purchase with lots for sale, and quite a few are empty unable to sell or rent out.
- They say there are not enough properties for people to buy in Shavington, which is clearly not the case, as currently there are 40 properties for sale in Shavington, the cheapest being £115,000, without widening the search ¼ of a mile.
- www.rightmove.co.uk shows 54 homes available for sale in Shavington demonstrating that there is property available immediately for a range of purchasers. The prices for these properties range from £80k to £425k, indeed there are 34 homes under £160k.
- Other significant upcoming developments for Shavington include:
 - Gresty Oaks
 - 1000 new homes on the North side of the A500 running parallel to it from the High School to the Cheshire Cheese Pub
 - 57 Homes on Weston Lane between the Park Estate and Shavington Hall (currently refused but moving to appeal).
 - Village A Duchy Sites, South East Crewe, 1646 homes
 - Village B Duchy Sites, near Barthomley, 2604 homes
 - Site J - Gorsty Hill Golf Course, Weston, 1000 homes
 - Site T - Land on Crewe Road, Along A500 Linking to Park Estate, Shavington, 850 homes
 - Site V - Land South of Weston, Crewe, 850 homes
- Expanding the village at this rate will erode the beautiful landscape that surrounds it. This development is the thin edge of a potentially massive wedge which will destroy the character of the village.
- There are plenty of brown field sites around Crewe where development would benefit the area
- The housing offered by the developer does not meet the identified need for the area - in the consultations done by Cheshire East it identified a great need for more bungalows and there are none on the plan.
- The projected increase in households in Cheshire East up to 2021 presented in 'Economic Benefits', Housing provision on page 46 is misleading. On the figures presented, households are projected to grow by 0.65% pa but this is misleadingly presented as a 6.6% increase? The general data also notes that the population of Shavington is ageing, and this in itself indicates a slowing in growth of new households, as is borne out by the Cheshire East data on household increases since 2001 compared with projections to 2021.
- It would be better to consider all development proposals holistically once the full local area plan is published.

Loss of Agricultural Land

- Loss of agricultural land which is required to feed a growing UK population of 60 million
- As stated in a letter dated 13th May 2013 from, Cheshire East Planning Department, “this land is classified as Greenfield agricultural land and any changes would be permanent and irreversible”.
- Although the Planning Statement states that “The agricultural land is currently unoccupied” it is now cultivated and growing a healthy crop of wheat.
- The report submitted by Cogenhoe ALC states that the Agricultural Land Classification for the plot is made up of Grade 2 – 3b. The NPPF says that local authorities should take into account the economic benefits of the best and most versatile agricultural land, which this includes.

Drainage and Flooding

- Properties in Brook Avenue already flood following the construction of 14 houses to the rear. This proposal will make the problem worse.
- The proposed site is classified as prone to flooding by many home insurers.
- Residents have been told in the past by several insurers that they would not cover their houses whilst others have quoted unrealistically high premiums.
- Elevated insurance premiums would impact negatively on the disposable incomes of occupiers of the proposed dwellings.
- Weather is becoming less predictable and historic data is unlikely to be a good guide to future risks.
- Area of the site, about 500 m from Swill Brook was waterlogged for a considerable period during the winter of 2012 and spring of 2013, and clearly needs improved drainage.
- Houses built in this area will cause increased flooding to established properties.
- Existing gardens flood because the culverts that the brook passes under the roads are too small for the volume of water that passes through them.
- There is a risk of flooding to the school.
- The surface water from this 275 houses has to go somewhere, Taylor Wimpey say it will be a system called slow release, but it will flow into in the Brook.
- Culvert under the main Shavington to Crewe Road at capacity already.
- This plus all the other Developments that have already got planning permission in and around Shavington.

Ecology

- The area is home to many forms of wildlife including badger, foxes, Barn Owls, buzzards, pheasants and kestrels, and other diverse wildlife, plants and insects which have been in decline in recent years.
- The site has a substantial bat population, despite the findings of the bat survey conducted on 7th May 2013, which claimed no sightings of bats over a 2 hour period. Residents carried-out their own twilight survey at the rear of 58 Crewe Road on 30/06/13, recording all sightings of bats over a 5 minute period from 22.30-22.35, during which 5 minute period they saw 74 bats. As the bat survey in May acknowledged, this was prior to the main bat roosting season, but this is clearly a bat

habitat. Residents see many bats every night from approx. 9:00 -11:00 pm flying in and around our back garden.

- Native wildlife species are in serious decline because of loss of habitat and loss of more green land will make this worse
- There are two small ponds which become large lakes in the winter and Swill Brook is clean and fresh with an abundance of wildlife, rainfall that runs into the Brook will have its course severely altered which will affect wildlife.
- Residents report badger setts and rare newts on the site.
- Although there has been some investigation of the local wildlife it has been very limited.
- The excessive flooding that happens every Autumn/Winter on the land increases the frog population to almost epidemic levels.
- Destruction of protected trees that are over 100 years old just for the sake of housing - these provide great amenity value to the community and should be retained at all costs
- There are lots of nesting birds within the old oak trees

Rights of Way / Open Space

- The site has 5 points of access for public footpaths crossing the site and they are used regularly by the public. The development would have a detrimental impact on these well used footpaths:
 - Shavington cum Gresty FP4 (crosses proposed development)
 - Shavington cum Gresty FP5 (crosses proposed development)
 - Shavington cum Gresty FP6
- Taylor Wimpey suggest that their development would provide Shavington with much needed open space. Whilst Shavington does not have much open space within its confines, it is particularly dependent on the open spaces around its perimeter and this is why it is so important to protect these greenfield sites. Taylor Wimpey's proposal would actually destroy one of these areas. There is no need to create a new open space, when there is already a natural one.
- At present children run and play in the field. If it is built on there will only be concrete, and tarmac to play on and cars instead of a grassy field.
- Another play area is not required as the children already play in the field. There will be a loss of amenity for large numbers of dog walkers.

Lack of Economic Benefit

- "More houses will mean more people, which will mean more jobs, which will mean more money spent in the local businesses". What will actually happen is more houses will mean more people, who will work out of town, Stoke, Manchester, Birmingham and even London (where they will spend their money and waking hours),
- The projected economic benefits are only those that would accrue to any other similar sized development, for example job opportunities for construction workers and their resultant local spending in the chip shop and local convenience store.

Amenity

- The building of 275 houses would increase the amount of light pollution, which according to the NPPF, “decisions should limit the impact of light pollution from artificial light on local amenity, and intrinsically dark landscapes”.
- Noise pollution would also increase.
- Negative impact to the visual amenity from 60+ homes that surround/overlook the area
- Following consultation with local residents an additional landscaped buffer to the gardens at the rear of adjacent properties on Crewe Road to screen the development has been proposed. Properties on the Orchards appear to have been excluded from this enhanced screening.
- Proposed dwellings will be higher than existing properties and will overlook them resulting in loss of privacy and daylight
- Crime rates will rise and so will insurance costs. Residents will not be able afford insurance and will suffer loss.
- The planning statement shows an estimated delivery timetable of 5 years from the first Phase development to the completion of the overall development. How much disruption will local residents have to put up with on a daily basis with regards to noise pollution, dirt/dust and construction vehicles etc over this period?
- The plans submitted on 17th May 2013 are significantly different from the ones shown at the consultation.
- Neighbouring residents had one new build behind set at an angle. Now there is a larger new build facing directly into the property and it is not clear what type of build this is.
- Although the Final Master Plan State “Additional landscaped buffer to gardens at the rear of adjacent properties on Crewe Road to screen the development” this does not say whether it is for existing properties or the new builds. If it is the new builds there will be nothing to stop them removing this “buffer”.
- Concern that this “Final” Master Plan will continue to change.

Infrastructure

- The infrastructure including the electricity, gas, sewage system and the domestic water supply is not able to support this level of development
- There are no jobs for the people in Shavington
- The primary school are already over capacity, with children turned away because of lack of spaces and (birth rate figures indicate a 'bulge' in the next few years)
- The developer's representative has been lying by telling people that the primary school has “plenty of space
- It will not cope with the extra pupils and the education of children will suffer.
- The additional funding for 47 additional places from the LA for the school makes it unsustainable for the local school.
- If this development goes ahead people who have lived in Shavington all their lives may not be able to get their children into the local school because as the crow flies to the front door of the school the people from this development will get a place first.
- The NPPF states, “Advanced, high quality communications infrastructure is essential for sustainable economic growth” There is no evidence to show any improvement to the local mobile phone and 3G coverage. A present it is patchy at best, but with a further 275 properties being built in close proximity this is bound to deteriorate further.

- The doctors surgery, cannot cope. It is already difficult to make an appointment to see a doctor or have a blood test.
- Cheshire East cannot afford to fund schools and roads and is constantly looking for ways to reduce their costs.
- Need to consider cumulative infrastructure impact with other developments such as the 'Shavington Triangle'.
- The infrastructure of the Village, is only just being held together for the current residents. The size of development would bring the village to a point where the cracks become crevices and the fabric of the current infrastructure is eroded past a point where it can be rectified and saved.
- A small cash boost now for a massive set of continuing problems is not worth it

Highways

Access

- There is only one entrance on and off the proposed estate. Most estates have 2. What if the emergency services need to get on or of this estate i.e Ambulance, Fire, Police. Refuse collection?
- The proposed entrance to this site is on a bad bend where there have been accidents in the past
- The plans for a pedestrian and cycle exit adjacent to 56 Crewe Rd onto Crewe Road (B50710), which is one of the major entry routes for local traffic into Crewe town centre, railway station and the Weston Road and Nantwich Road commercial and business areas, as well as access to Mornflake Oats and the A500 Shavington bypass, constitute a danger to pedestrians and cyclists.
- The area the cycle/pedestrian walk way joins Crewe Rd is on a blind bend. This is probably due to the fact No 56 was the only property willing to sell to the builders. This is an accident waiting to happen given the speed cars travels on Crewe Road, the blind bend the crossing is proposed to sit on, the junction with Main Road, the awful parking for local business and the bus stop being moved.

Congestion

- 160 vehicles leaving the Estate at 30 Seconds per car equates to 80 minutes to leave this development, but would increase to 1 hour 20 if they all want to leave the estate at the same time.
- If the other proposed developments go head in and around Shavington it will be total grid lock
- The already busy roads would suffer from further congestion with a potential influx of 1270 more cars, assuming an average of 2 cars per household across both the Triangle and East Shavington developments.
- The village becomes gridlocked at 3.15 already when it is hometime with many people parking on double yellow lines for picking up children, calling at the co-op, post office chip shop hairdressers and Bargain Booze.
- There are only a small number of actual parking spaces within the village which are nowhere near enough!

- The congestion into Crewe at any time of day is increasing and this will just make it worse.
- The journey to the Health Centre and High School is already gridlocked at peak times.
- Crewe Road is already a major link into Crewe and to the A500 bypass; this is without the new development that is been planned on the Triangle.
- Most houses have at least 2 vehicles, and given that some 5 bedroom houses are planned this is a prudent estimate, that would mean at least another 550 vehicles from East Shavington alone, most at the key rush hour time of 8am to 9am.
- Although a cycle/pedestrian link has been included, there are no local major employers; meaning cycling or walking to work is not likely.
- Shavington does not have a public transport timetable that fits into modern working shift patterns.
- This does not fit in with NPPF requirement that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people".
- To avoid and minimise unnecessary travel from the development and due to the large number of new homes proposed, it may be prudent to include a requirement for a small corner shop within the application site. This will help minimise potentially unsafe pedestrian movement across Crewe Road, excess vehicular journeys and contribute to the development's sustainable credential.

Safety

- In the last five years, there have been four significant accidents on Crewe Road.
- Cars regularly exceed the speed limit.
- As any calming will inevitably slow traffic on the main road (especially at peak times) it will encourage more drivers to use alternative, free flowing routes. For example Weston Lane is already subject to "rat-run" traffic and this will result in a further increase in traffic along what is essentially a country Lane
- The roads are appalling within the village with many large potholes already and recurring broken drain problems, by the post office and The Vine pub, caused by heavy volumes of traffic, cars vans, buses and lorries.
- This development will make road safety within a small village much more hazardous!!
- Children will be involved in RTAs.
- Shavington has no pedestrian crossings
- Village has narrow inadequate roads with very fast traffic which is unrestricted by speed cameras.
- There has been a death in the village due to speed on Crewe Road in recent years.
- Within 50 yards of this numerous signs have been knocked down and never replaced.
- A number of near misses have happened as a result of the increase in traffic going to the busy shop which has opened on Crewe Road.
- Cars are constantly parked on double yellow lines outside the Co-op, Post Office and Bargain Booze causing hazard conditions for pedestrians, cyclists and drivers and congestion on Main Road and Rope Lane,

Proposed Toucan Crossing

- Concern that it will 'beep' at all hours. Considering the close proximity to several

bedroom windows, this could be detriment to peace and quiet currently enjoyed in the village. If it is approved Crewe Road, it should be a silent crossing out of respect to the current dwellings.

- Having safely crossed Crewe Road from the new development, pedestrians will find themselves on the 'island' currently known as 'Sugarloaf' which they then have to cross unassisted on Main Road adjacent to number 142, to proceed toward the village centre. This unassisted crossing is highlighted as dangerous / an accident black spot in the associated application documentation due mainly to the frequency of vehicle's travelling north up Crewe Road and exiting onto Main Road without indication. The proposal would therefore be detrimental to pedestrian safety.
- The location of the Toucan crossing puts the public in a position where a more dangerous road-cross is required to get them to their destination (school/ shop/ takeaway).
- The walkway around the west side of Sugarloaf is, in areas, very narrow. The increased pedestrian traffic will result in pedestrians (particularly with pushchairs) walking on the road, before the crossing at the north-most point towards the primary school.
- If the crossing is to remain in the proposed location, something be done to slow the northbound Crewe Road traffic down and make the turning onto Main Road less of the fast, tempting 'filter' it is now.
- Visibility of the crossing for drivers approaching will be impeded due to the location on a corner (often taken at some speed by drivers on Crewe Road).
- The crossing location is at a particularly wide section of road, and therefore will take an extended time to cross.
- A more appropriate location for a pedestrian crossing should be sought which has better visibility splays for approaching traffic, a shorter travel distance across the highway and a safer onward journey for pedestrians.
- Crewe Rd from the junction with Newcastle Rd has a dangerous 90 degree bend (with central solid white lines and cross-hatching) with no clear visibility around the bend for pedestrians coming from the proposed development.
- The exit from Main Road to the east of the proposed crossing (See Bus Stop and Crossing' document) has no footpath on its western side, and is busy with parked cars at the chip shop and hairdressers, with cars often parking partially on and blocking the pavement. It also contains the entrance to a currently unfinished development of several houses behind these shops. This road is the main direct route from the proposed development to the primary school upper entrance and car park, as well as to the village shops on Main Road.

Comparison to Alternative site at Gresty Oaks

- Compared to the proposal for the development of 'Gresty Oaks', accessibility to this East Shavington is poor, topography causes problems such as flood risks and drainage, the development is too far detached from Crewe and would generate extra car journeys, and it would place undue strain on the infrastructure of Shavington with no extra investment. It would also fail to meet the needs of developing Crewe itself, instead adding to disconnected village sprawl into existing rural land which fundamentally alters the existing character of Shavington.
- Gresty Oaks will provide substantially more houses (1089) than this and the Shavington Triangle developments combined, with better access to facilities and

infrastructure such as primary schools and medical facilities. It would also be more sustainable as it is within the 2km walking distance of major facilities such as Nantwich Road and the railway station, leading to less need for car journeys and, therefore, less associated congestion.

Other matters

- Negative impact on the valuation of current houses directly affected by this proposed new development. People who have bought their houses (did so on the basis that they can look out onto green fields at the rear of their property, not straight into someone else's house.
- Who will pay compensation, the Council, the developer, the builder?
- One of the core planning principles which is laid out in the National Planning Policy Framework (NPPF) is that planning should "empower local people to shape their surroundings". Over the past few years South East Cheshire has been inundated by speculative building projects, stating that they are trying to develop the areas concerned for our benefit and not for the benefit of the house builders' balance sheets. This is where empowering local people should come into play.
- It is the role of the planning department to review all the information submitted and to listen to the majority of comments made by people living locally.
- This development is not being built for the benefit of the village of Shavington but for the financial benefit of the landowners and builders.
- Cheshire East needs to look at ALL the developments being proposed for the Shavington/South Cheshire area as one and not each one on an individual basis.
- Concern that the application is due to be considered during the main school holiday period, when many local residents will be away on holiday.
- Due to the sheer mount of information provided it is impossible to go through all the documents in the tight time scale and due to holidays. Is this a deliberate ploy of the developers?
- Suggest that consideration be deferred to mid-October or November to facilitate maximum participation by the citizens of Shavington in the process.
- Demolition of a perfectly reasonable property to gain access to the site

Local Residents Support

Letters have been received making the following points:

- Stock shortage and high demand in this area.
- For a first time buyer, in rented accommodation, the sheer access to the property ladder in Cheshire East is vastly limited, with numerous developers opting to build apartments opposed to family homes.
- New build properties offering first-buy opportunities to first time buyers who are struggling to get on the ladder.
- Much needed homes being created in a prime location with superb transport links good use of land which currently serves no purpose, to create opportunities for people to live happily
- Encourage the growth of a Shavington community, allowing others to be part of it

- People living in village areas are precious about their surroundings and reluctant to accept 'outsiders' into their environment. These people need a reality check on the society we live in today. To be selfish about creating opportunities for others in a location they would like to live in has no place in this society.
- What is the alternative those objecting are suggesting? - "Build homes in Crewe where they belong...we don't want outsiders in our village!"?
- Many of the objections come from those individuals who are comfortably on the property ladder, and have been local residents for a number of years, thus not fully understanding the difficulties of first time buyers who have lived in the local area all their life and want to remain close to family and friends. For example living in Hough children of existing residents who have grown up in the area.
- This development will assist the local area with increased job opportunities, granted whilst the site is in construction but also from increased local spending from new residents in the existing shops, offering long term opportunities.
- From the outline plan it would seem that the development doesn't propose to encroach on the rural setting, but to only enhance it, providing structured walkways and cycle paths near to existing brook.
- Shavington still only has one children's park currently situated deep inside the residential area of Greenfields Avenue estate, so a new outdoor play area, free to use would be a fantastic addition to the local community.
- Having viewed another Taylor Wimpey development in Wheelock it is clear that they have an understanding of the surroundings, as the homes themselves do not look out of place against the older homes with character etc.
- The utmost thought will go into the design of each home to ensure that the East Shavington development is viewed in the same manner.
- It will bring new monies into the area
- It will provide affordable housing for the up and coming young people looking to leave home and set up on their own.
- It will bring new people into the area also to enjoy a vibrant community that has lots of activities such as pantomime, musical theatre, drama group, leisure centre etc.
- There are people who do not like change and organised groups against the bypass but now use it.
- It will contribute to medical and education facilities
- There will also be children who would want to join scouts so a suitable building should be provided.

Shavington High School

- Shavington High School is in support of the proposed development of housing
- The school is serving an ageing population and the schools roll has diminished in recent years.
- The school can accommodate 800 children, and has extensive playing fields, drama and ICT facilities and an adjoining leisure centre.
- The school are confident that they can provide an enjoyable and successful education and have capacity in the school to increase up to the pupil admission number of 800 having currently 600 on roll
- The community has much to offer. It has thriving small businesses, a drama club, medical centre ,leisure centre and high quality schools

- The school would welcome the addition of housing that would bring a cross section of the population, including families to the area.
- As Crewe has always been a centre of excellence for engineering and with the continued development of Bentley and a potential UTC it is imperative that all young people across the town and surrounding areas are equipped with skills to take their place in an evolving workforce
- Shavington High School have always offered a wide range of vocational subjects, such as engineering, electronics, construction, produce design. Whilst it is important to give pupils the opportunity to take these courses, it is not always easy to find high quality professionals who both have the subject expertise and ability to teach and work with children to staff these courses. Taylor Wimpey have given their commitment to the advancement of education in various building and construction disciplines, through demonstrations, such as the bricklaying workshop is currently being set up
- Pupils would also benefit from work experience on site, subject to health and safety and youth working guidelines and potential apprenticeships, not only with Taylor Wimpey but with its contractors. The school have commitment to all Year 10 pupils of experiencing a work place environment, though this is not always possible to accommodate, due to the shortage of work placements locally and the demand for this facility.
- The school see East Shavington and a valuable opportunity to establish an innovative relationship with industry and to benefit from a valuable resource in the community.

The Co-operative Group Estates

- The Co-operative Group is one of the largest and most diverse land and property operations in the UK, with interests which span both retailing, property investment and land development. It is also responsible for the management of rural land and property estates and the delivery of renewable energy developments. In the same way that The Co-operative Group is a recognised pioneer of ethical and environmental initiatives, our development approach seeks to demonstrate how, through careful design and innovation, we can add value and deliver on the values and principles that drive our business.
- The Group has been working closely with Cheshire East Council to secure an allocation for our Basford East site¹. We anticipate that the draft allocation which includes the provision of substantial quantum of B1 and B2 floorspace, 1000 dwellings and a local centre will be included in the submission draft Local Plan in light of its strategic significance, infrastructure provision and relationship to the Council's '*All Change for Crewe*' agenda.
- The Group have reviewed the planning application submission and conclude that the proposals conflict with the emerging Cheshire East Local Plan insofar as they relate to the phasing of the development. Shavington East is included within the Draft Development Strategy² as a preferred site for development, capable of delivering 300 dwellings in the later part of the plan period. This draft policy is heavily caveated by the stipulation that '*This site will be phased to start to deliver housing in the period post-2020 in order to ensure the delivery of the strategic employment sites at Basford East and West which include residential development.*'
- The application proposals fail to align with this requirement and Table 2 of the submitted planning statement identifies housing being delivered on the site as early as March 2015. Furthermore, the Planning Statement speaks at length about the positive response received from the Council's Development Management team yet fails to make

reference to the fact that the policy responses identifies that the application proposals should be phased to ensure development take place post 20203.

- The Group has concerns that the emergence of the application proposals ahead of the submission of a planning application at Basford East, particularly when taken with numerous other unallocated housing sites with planning permission, or subject to current planning applications within the Borough may have the potential to impact delivery of housing at Basford East and is contrary to the emerging Local Plan in this regard.

Persimmon Homes

- As a result of unsatisfactory progress in delivering a new Local Plan and a challengeable housing land supply, Cheshire East Council has been faced with determining a multitude of applications and prospective planning appeals for ad-hoc and opportunistic applications, which have gained support through the introduction of the presumption in favour of sustainable development contained within the National Planning Policy Framework.
- Through this representation the Company will seek to assert there are more suitable locations for accommodating future housing development within Shavington, which accord with the principles of, and will contribute to, delivering sustainable development.
- The Company agree with many other development industry stakeholders who assert there is an inadequate housing land supply within Cheshire East. Indeed, the Company estimate the Council's deliverable housing land supply to be significantly below the five year requirement, regardless of accounting for an additional buffer of 20%. However, land supply is only one consideration in determining whether to grant planning permission.
- The subject site has been recognised within the emerging Local Plan for Cheshire East as a prospective Strategic Site. However, this status should be given little weight as the emerging Local Plan is some distance from adoption.
- The strategic growth of a settlement such as Shavington, which the Company suggest is a sustainable location for new development, must not be determined through opportunistic applications where there are several more sustainable and beneficial options to accommodate growth. The Company suggest Shavington is capable of accommodating a reasonable scale of development. However, the delivery of new development offers an opportunity to establish a settlement boundary of permanence between Crewe and Shavington, thereby preserving the actual and perceived separation of the settlements through strategic planning.
- Shavington as a settlement is identified in the emerging Local Plan as a local service centre. However, the Company suggest the settlement's proximity to the principal town of Crewe, and the accessibility credentials of Shavington in terms of the settlement's location on the A500 and in close proximity to the M6, as well as the existing range of services and facilities, enhance the sustainability and capacity of Shavington as a sustainable settlement. However, if sustainable development is to be effectively delivered, the factors that enhance the sustainability of Shavington must drive the strategic planning and future development of the settlement. It would be foolish to permit a significant scale of housing development on a site that offers no particular benefits to the development and betterment of the urban settlement. For instance:

- East Shavington does not build upon the settlement's existing accessibility benefit, such as enabling immediate access to Crewe and the main highway network; and
 - The proposed development does not deliver an urban boundary for the settlement that is strong, defensible and of permanence.
- In a third tier settlement, albeit one with greater capacity to accommodate development due to the proximity of Crewe, pre-empting an emerging plan through facilitating opportunistic and unplanned delivery of new development that is strategic in scale will have a more significant adverse impact than might be felt in a larger settlement with greater capacity. This message is reinforced by a post- National Planning Policy Framework appeal decision at Adderbury, which concerned a similarly sized settlement.
- An appeal decision regarding a 65 dwelling scheme at Adderbury, Oxfordshire (APP/C3105/A/12/2168102) highlights the importance attached to the National Planning Policy Framework's core principle (paragraph 17) that planning should 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans'. The Inspector acknowledged the presumption in favour of sustainable development applied to the scheme, as a five year land supply – at district and sub-district level – was absent, and a higher rate than necessary of affordable housing provision also weighed heavily in favour of the proposal. However, the Inspector dismissed the appeal, attributing particular weight to the following points:
 - A 65 dwelling scheme, although not considered 'strategic' in the context of the district's main urban areas (Banbury and North Cherwell), would be considered a strategic development in the context of Adderbury, much like a proposal for 275 dwellings should be considered strategic in the context of Shavington;
 - The Inspector identified the settlement of Adderbury, similarly to Shavington, is faced with 'a range of possible options for both the scale and location of future development in the village. In so far as a decision on the appeal scheme in isolation may well pre-empt those local decisions, this is a matter that weighs against the appeal proposals'.
- Further to the last point, in the pro-growth and Localism era, saying "no" to inappropriate housing development that threatens the locally-led plan making process and would not constitute the most sustainable option for meeting development needs is not "anti-growth"; especially in the context of Cheshire East. The future housing needs of Cheshire East, subject to sound town planning, will be met due to the strength of the market. The significant manoeuvring by developers in the area is a reflection of Cheshire's strong market area and popularity as a place to invest.
- The Adderbury appeal highlights the importance of remembering that the absence of a five year supply does not automatically justify granting permission for a scheme that does not accord, conflicts or pre-empts the strategic planning process regarding the future scale and direction of development. Furthermore, the decision provides a good approach as to how the strategic planning process can be protected from ad-hoc major developments.
- Certainly, within Shavington there are alternative development options that more greatly accord with the delivery of sustainable development. For instance, there is an opportunity through accommodating new development at Shavington to establish permanently the separation of Crewe and Shavington as individual settlements. However, this should be achieved through careful planning and the formulation of urban boundaries of permanence as part of Masterplanned development proposals at

the north of the settlement. For instance, the site identified under site reference 2929 in the Council's latest SHLAA provides an opportunity to deliver a natural extension to the existing urban boundary, whilst also formulating a more permanent and defensible boundary (bounded by the A500), thereby preserving the gap between Crewe and Shavington, whilst also benefitting from greater accessibility than the subject site to the services and amenities of both Shavington and Crewe.

- The Company consider the recently allowed Wainhomes appeal at Rope Lane, Shavington, provides a good example of how development can be positively accommodated whilst shaping and reinforcing a permanent gap between settlement boundaries, acknowledged by the Inspector who stated 'whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe'.
- Furthermore, the accommodation of development to achieve a permanent boundary is far more ably and beneficially accommodated along the north western boundary of Shavington. The north eastern boundary of Shavington is affected by the proposed Basford West development and the southern boundary of Crewe is already strongly demarcated by an existing railway line.

HIMOR Group

- The application proposes 275 residential properties to the north of Crewe Road beyond the existing settlement boundary of Shavington. The proposals constitute a significant residential development within the village, which when considered cumulatively with existing commitments at Shavington Triangle (ref. 12/3114N) of 400 dwellings, and 80 dwellings at land on Rope Lane (Appeal ref. APP/R0660/A/12/2173294/NWF), will result in significant expansion of the village of Shavington.
- HIMOR object to the following assertions of the planning application:
 - The site will deliver housing required for the future economic growth of Crewe;
 - The Application site provides sustainable location for new residential development; and
 - The proposals will deliver significant benefits for Shavington.

1. "Helping to meet the strategic housing requirement for Crewe"

- The applicant states that the site will deliver residential development that will contribute towards meeting the strategic housing requirement for Crewe. The Draft Development Strategy (DDS) identifies a significant housing target 27,000 for Cheshire East and focusses growth towards the principal settlements of Crewe and Macclesfield. Crewe's significance is reflected in the (albeit now revoked) Regional Spatial Strategy for the North West (a 'key regional town') and is identified as a strategic priority for Cheshire East in the 'All Change for Crewe' document.
- HIMOR supports the focus in the emerging Local Plan on accommodating a significant proportion of growth in and around Crewe, as it provides a sustainable location and benefits from good connectivity between residential and strategic employment sites.
- The requirements for housing in Crewe can be appropriately delivered by strategic extensions to the town itself that offer sustainable locations for growth, and are readily accessible by a range of transport modes. Suitable, available and achievable development opportunities exist within and particularly on the edge of the principal urban area, and hence better related to the town of Crewe.

- Additional residential development at Shavington, as proposed, does not accord with this appropriate strategy. Shavington is recognised in both adopted and emerging policy as a separate, lower order settlement where only 'small scale development to meet localised needs' is appropriate. The draft Development Strategy identifies it as a Local Service Centre that is to accommodate only local needs (with a total of 2,000 homes directed to all of the Local Service Centres).
- The scale of additional housing development already consented (c. 480 units) for the village is already out of proportion to the size of the settlement and its lower order position in the settlement hierarchy. Existing households in Shavington total 1,728.1 The delivery of residential commitments will lead to the increase in the total number of households to 2,208, an increase of 27.8%. Factoring the proposed 275 dwellings, the total number of households could increase by 43.7%. This disproportionate increase runs contrary to the status of the settlement in the hierarchy, and would lead to a growth far beyond what could reasonably be needed to meet its local needs. It does not have the significant infrastructure and facilities associated with the principal urban area to support further expansion of the settlement. Shavington is a separate, settlement from Crewe and it does not form part of, or represent a 'suburb' of Crewe. Proposed residential development in Shavington should be considered in the context of the limited Local Service Centre housing delivery targets, rather than contributing towards the residual requirements for new housing in Crewe.

2. "East Shavington is a highly sustainable development"

- The locational characteristics of the site do not lend themselves to creating a sustainable development in accordance with national and local policy, which seeks to reduce reliance on private car journeys.
- The residential development of land to the east of Crewe Road will result in adverse transport impacts, given its poor location to employment locations, secondary education and Crewe town centre. Shavington already relies heavily upon surrounding settlements to serve the needs of its existing population and has the lowest level of self-containment of all settlements in Cheshire East, with 18.1% self-containment against a Borough average of 33%.² A high proportion of travel to work journeys end in Crewe and the proposals will further exacerbate high levels of out-commuting.
- Opportunities for sustainable transport are limited and high levels of car use recorded across the existing settlement will be a trend across the new residential development. Given the site's location on the edge of a village, physically separated from Crewe's urban form, it is unlikely that any improvements to pedestrian or cycle routes will overcome the significant distances to major destinations and provide a realistic alternative to the car.
- The proposals do not include measures to improve sustainable access to destinations outside of Shavington village; indeed, relocation of bus stops will lead to the removal of existing shelters, further decreasing the appeal of public transport for new and existing residents.
- Facilities within the settlement are limited and the applicant's claims that the site benefits from *"good levels of accessibility by foot to local amenities....providing a realistic alternative to the car for accessing the site"* are disputed. Walking trips to medical and educational facilities fall in excess of accepted distances and the sites poor pedestrian connections will result in an overreliance on private car journeys.

3. “The proposals will deliver significant benefits for Shavington”

- The most significant benefit as presented by the applicant is the delivery of new homes to meet the Crewe housing requirement. As previously discussed, this is a requirement that should be delivered in and around Crewe itself, rather than within lower order settlements. Additional benefits such as the arrest of decline of local shops and services, use of secondary school capacity and support of public transport services must also be questioned. The Applicant does not provide any information to support claims that village services are in decline. If existing services do need supporting, this can be ensured by the projected household increase of 27.8% resulting from residential commitments.
- The proposals do not provide significant benefits for Shavington that on balance with the departure from the settlement hierarchy and lack of sustainable transport connectivity provide a positive contribution to the future of the settlement, or wider objectives for the development of Cheshire East.
- Shavington East site was included within the Draft Development Strategy as Preferred Site 7, however, the document remains in draft and has not been subject to an independent examination. Shavington East's preferred site status is therefore not relevant for the purposes of determining this planning application.

Cllr David Marren

I wish to object to this proposal on the following grounds and request Cheshire East Council to refuse the application.

Emerging Strategy.

*This site is identified as a strategic site (Crewe 7) in the Cheshire East Council Local Plan ‘Shaping our Future’ document - A development strategy for development and sustainable communities. This document, together with ‘Shaping our Future – Policy Principles’, has been the subject of extensive public consultation and provides the basis for the Core Strategy of the Local Plan which is now being prepared. The strategy emphasises that this is a strategic site that will be phased to start to deliver housing in the period **post 2020** in order to ensure the delivery of the strategic employment sites at Basford East and West, which also include residential development.*

Additionally this site is located outside of the Shavington settlement boundary (as defined in the Crewe and Nantwich Adopted Replacement Local Plan 2011) within open countryside, where under Policies NE.2 and RES.5 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA (prepared and adopted by Cheshire East) shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal, certainly before 2020, does not apply. The proposal therefore does not accord with the emerging development strategy which indicates development only after 2020 and as such this application is premature. Previous appealed decisions have given credence to prematurity arguments where authorities can demonstrate 5 year supply of land.

Loss of agricultural land.

Policy NE.12 of the local plan states that policies which involve the use of the best and most versatile agricultural land, grades 1,2 and 3a based on the Ministry of Agricultural Fisheries and Food land classification for any form of irreversible development not associated with agriculture, will only be permitted where all of the number of criteria are satisfied.

However, it is accepted that the national planning framework also highlights that the use of agricultural land should be taken into account when determining planning applications; it advises planning authorities that, “significant developments” should utilise areas of poorer quality land (grades 3b, 4 and 5) in preference to higher quality land. The last time this site was considered for development (2003) by a planning inspector he accepted that “a major part of the application site is grade 2 agriculture land with the balance being largely grade 3b” and it was also his view, and one that I agree with, and hope the Council will agree with “that the best and most versatile agricultural land should not be used for allocations”.

Drainage

Part of the site, adjacent to Swill Brook, is actually defined as flood plain, on the proposals Map of the Borough of Crewe and Nantwich Replacement Local Plan 2011; Policies NE.20 and BE.4 are relevant. There has been plenty of photographic evidence already submitted of drainage difficulties in the area close to Swill Brook with houses on The Orchards being particularly affected. The construction of 275 properties and associated infrastructure on this site can only aggravate this situation.

Character of Shavington Village

Shavington village has accepted more than its fair share of development permissions in the last few months following the approval of the ‘Shavington triangle’ application and the ‘Rope Lane’ application. Basford East and West have Cheshire East’s Council’s support and will provide almost 1600 extra homes to draw upon the village infrastructure. These sites, which are more logical extensions of the built up area with defensible boundaries , should be developed first. Development of Shavington East is not necessary and certainly not at this time. Additionally, if permission of the application were granted, it is likely that speculators would seek to broaden the development, because apart from the Northern section, behind residential curtilages, the remainder only has hedgerow trees and so the first defensible boundary is probably Back Lane, linking Basford and Hough. This could result in the development of all of the land to the east of Shavington, up to Back Lane, which joins Basford with Hough; there is the distinct possibility that the individual identities of Shavington, Hough and Basford will be extinguished and as a minimum it will have a devastating effect on the future form of the village.

Paragraph 17 of the NPPF details the core principles of sustainable development. It is stated that planning should recognise “the intrinsic character and beauty of the countryside.

There is a small area of land which fronts onto Crewe Road, which gives open views over farmland to Mow Cop, which is 15km away. Previous inspectors have agreed that the Shavington East site offers a window into the heart of the countryside which is important to the character of the village and this opinion contributed to the upholding of previous “refusal

decisions” by planning inspectors both in 2003 and 1996. Exchanging a view of Mow Cop with that of a housing estate illustrates a complete failure to comply with the paragraph 17 principle.

Schools.

If permission for this development is approved it will generate an additional 50 + primary age children to be educated in this area. At one time, when the Shavington Primary intake was a two form entry and its pupil capacity was 420, this might have been accommodated. However, it is now, what is regarded as the ideal size for a primary school nationally, that being a single form entry with 30 children per class. The pupil admission number is 30 and the school is full. This is evidenced by the fact that 86 children applied for admission in September 2012 but only 30 were accepted. Of the 50 children that this development would generate, they will of course be of varying age and the school will be unable to plan for them or even accept them all, and this might well aggravate travel to school costs. Of course, the applicants will base their planning submission on just Shavington East, but Cheshire East and all the local schools will need to consider all of the other very close applications currently underway (Shavington Triangle, Rope Lane, Basford East and West).

A S106 formula levy on this development will not cover the stepped costs of dealing with these additional children; nor would it be acceptable that we introduce portacabin teaching onto the site.

Ecology.

I ask the Planning authority to treat the ecological assessment with some caution, and to carry out its own survey. I ask this because of the disparity of the TEP assessment findings with the observations of those who have greater familiarity with the site, namely those living near to the application site. It is easy to treat neighbour observations as biased because “they would say that, wouldn’t they?” and automatically believe the results of “an apparent” scientific survey that, some might claim, plays down the significance of the findings, and others might say actually distorts the findings; that view is understandable because the assessment carried out by TEP is not independent. An independent survey is one which is commissioned by the Planning authority, rather than the applicants, and as such is bound to be more acceptable. I illustrate my concern about the TEP assessment by the dismissive description attributed to the site in the assessment i.e. para 2.2-“ In brief, the site comprises grassland, arable fields, hedgerows, scattered trees, woodland, scrub, ditches and a stream.” This can be contrasted with the demised CNBC Planning authority description of site submitted to the Planning Inspectorate in 2003 when he was reviewing challenges to the CNBC replacement Local plan to 2011.

“The site is mainly comprised of open pastureland, with mature trees and hedgerows. Most of the site is flat, although in the northern part of the site, the land slopes down to Swill Brook and rises up towards Weston Lane. The site is bounded to the west by properties which front Crewe Road, apart from a break in the centre of the village, where the site extends to the pavement of Crewe Road. To the north, the site is bounded by the rear gardens of properties off Weston Lane and to the south by the buildings of Green Bank farm. To the east lies further open farmland. The site does not have a firm defensible boundary to the east. The open farmland extends to Back

Lane, which joins the settlements of Basford and Hough. Half of the site is Grade 2 agricultural land, whilst the remainder is mainly 3b."

The site is currently under cultivation with a crop of Barley.

Highways

In previous proof of evidence to the Planning Inspector (2003), Cheshire County Council, as the then Highway Authority, indicated," that suitable access and visibility standards necessary to support a housing proposal on this site could not be met. The site fronts the busy B5071, which links Crewe with the A500. Adjacent to the site is the junction with Main Road, which at peak times carries heavy traffic associated with the Primary School. The major concern however was the substandard visibility from the site onto Crewe Road and the forward stopping site visibility for existing road users. The Highway Authority concluded that the release of the site for housing would be potentially dangerous and detrimental to the free flow of traffic on Crewe Road and not in the best interests of highway safety."

Traffic use of Crewe Road has increased since then, and with the development approvals at the triangle and Rope Lane, and with the probable approvals of Basford East and West, traffic use will increase still further. The potential access to this site has not changed significantly and it would be illogical for the Highway Authority to now change its view.

Summary.

I urge the Council to support the views of the objectors to this application as the former Planning authority consistently did, in 1982, 1989, 1996 and 2003 all of which went before a Planning Inspector and were upheld. The application is contrary to policies: NE.2 (open countryside and policy); RES.5 (housing in the open countryside); NE12 (Agricultural Land Quality); BE4 (Drainage) and BE 3 (Access) of the Crewe and Nantwich local plan. In addition Cheshire East can demonstrate a 5 year supply of local housing land in accordance with the national planning framework and as such the application is premature to the emerging development strategy which currently says that development should be phased until after 2020. There are highway concerns as evidenced by the views of the former Highways authority, Cheshire County Council. There are no material circumstances to indicate that permission should be granted contrary to the draft development plan.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Air Quality Assessment
- Amphibian Survey
- Tree Survey
- Bat Survey
- Affordable Housing Statement
- Agricultural Land Classification.
- Air Quality Assessment
- Planning Statement
- Environmental Assessment

- Wybunbury Moss SSSI
- Community Consultation
- Archaeology Assessment
- Sustainability Statement
- Transport Assessment
- Geophysical Survey
- Landscape Appraisal
- Transport Assessment
- Travel Plan
- Tree Survey
- Utility Connections
- Construction Waste Statement
- Ecological Assessment
- Economic Benefits Statement
- Energy Statement
- Flood Risk Assessment
- Foul Drainage Statement.

8. OFFICER APPRAISAL

Main Issues

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

Principle of Development.

Housing Land Supply -The 2013 SHLAA

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are

higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State’s decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State’s letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was “between 7,366 to 9,070 dwellings”

The Secretary of State considered that there was “justifiable doubt” about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

“not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement.”

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets. Furthermore, although the Sedgefield methods ensures that a wider range of sites are made available more quickly, it does not result in anymore houses being built than the Liverpool method.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector's reasoning

relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council's ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council's original target of 6,776 homes had been met – and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making.

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing 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. The results of that consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations

responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites – Crewe Town Centre (200 dwellings), West Street / Dunwoody Way (up to 700 dwellings), Basford East (1,000 dwellings), Basford West (300 dwellings) and Leighton West (750 dwellings). Sites are also proposed at settlements surrounding Crewe including Shavington Triangle (300 dwellings) and 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. The strategy envisages:

- *Provision of 300 new homes (at approximately 20-25 dwellings per hectare);*
- *Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;*
- *Small scale retail development in the region of 600-700sqm, for local needs;*
- *Provision of:*
 - *Community facility;*
 - *Take away / restaurant;*
 - *Incorporation of Green Infrastructure;*
 - *Provision of appropriate Open Space including:*
 - *Village Green;*
 - *Multi Use Games Area;*
 - *Equipped children's play area;*
 - *Outdoor gym; and*
 - *Allotments;*
 - *Community woodland*
- *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;*
- *Consideration of any impact on the Wybunbury Moss Special Area of Conservation (SAC) and RAMSAR site and implementation of any mitigation measures; and*
- *On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, Green Infrastructure, open space and community facilities*

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.

The site is recommended for inclusion in the next version of the Local Plan – the pre-submission Core strategy. This iteration of the Local Plan follows the consultation on town strategies in 2012, the consultation on the Development strategy and Policy Principles in January 2013 and the further consultation on additional sites in May of this year. In accordance with Paragraph 216 of the NPPF the emerging plan can attract a growing

degree of weight according to its progression towards adoption, scale of objection and consistency with the Framework.

In this case, the site is considered acceptable in principle for housing, but the emerging Plan proposes to phase the development to after 2020 in order that the highway matters identified in this report can be resolved. In the context of a planning application a more forensic examination of the highway case may be appropriate than might apply in the more strategic context of the development plan. Accordingly if it was considered on detailed examination that the highway concerns fell away, there would be no remaining conflict with the emerging Local Plan.

Deliverability

Taylor Wimpey have emphasised that the East Shavington Site is not a speculative application. The intention is to deliver housing quickly in order to assist the Council in meeting its shortfall of housing land. Delivery rates were provided in the Planning Statement and are set out below

Activity	Lead in Time	Approx Dates	No of Units
Determination of outline application, negotiation of S.106 Agreement, preparation and determination of reserved matters application and discharge of conditions.	15 months	August 2014	0
Implementation of Infrastructure	6 months	February 2015	0
Phase 1 Development		March 2015	35
Completion of Phase 1 and commencement of Phase 2		March 2016	55
Phase 2		March 2017	55
Completion of Phase 2 and commencement of Phase 3		March 2018	55
Phase 3		March 2019	55
Completion of Development		March 2020	20

The developer has stressed their intentions to deliver housing in Shavington immediately.

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	EAST SHAVINGTON
Open Space:	Amenity Open Space (500m)	574m
	Children’s Play Space (500m)	574m
	Outdoor Sports Facility (500m)	611m
Local Amenities:	Convenience Store (500m)	551m
	Supermarket* (1000m)	3534m
	Post box (500m)	607m
	Playground / amenity area (500m)	574m
	Post office (1000m)	607m
	Bank or cash machine (1000m)	714m
	Pharmacy (1000m)	1829m
	Primary school (1000m)	747m
	Secondary School* (1000m)	1507m
	Medical Centre (1000m)	1829m
	Leisure facilities (leisure centre or library) (1000m)	1507m
	Local meeting place / community centre (1000m)	486m
	Public house (1000m)	855m

	Public park or village green (larger, publicly accessible open space) (1000m)	1538m
	Child care facility (nursery or creche) (1000m)	747m
Transport Facilities:	Bus stop (500m)	366m
	Railway station (2000m where geographically possible)	3883m
	Public Right of Way (500m)	22m
	Any transport node (300m in town centre / 400m in urban area)	22m
Disclaimers:		
<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 site fails against 12 criteria in North West Sustainability checklist, 6 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in Core Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, 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.

Similar distances exist between the town centre and the existing approved sites and approved sites at the Triangle, Coppenhall, Leighton and Maw Green. Furthermore, the site is large enough to provide some of its own facilities, such as children's' play space, although it is acknowledged not all the requirements of the checklist would be met on site.

The Highways Officer shares this view and has commented that the sustainability of this site is considered to be good, it is within walking distance of the Shavington Primary School and there are other shops, leisure centre and medical centre all within a reasonable walking distance from the site.

Shavington has a number of local bus services 6, 39 and 44 and these services use Crewe Road adjacent to the site and the evening bus services are to be improved following the planning approval of the Shavington Triangle.

Furthermore, as suggested by the Public Rights of Way Officer and Highways Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site.

The applicant is proposing to relocate existing bus stops closer to the site and also provide a new Toucan crossing on Crewe Road near to the junction with Main Road. Whilst this crossing is mainly to serve the pedestrian movements generated by the development, it will also benefit existing pedestrians in crossing Crewe Road. This is discussed in more detail below.

Therefore, overall the site is accessible to non car modes and is located within reach of local facilities. It also has a number of bus services that are available close to the site. As such, it does not raise any sustainability concerns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only 1 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.

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.

There are a sustainability and energy statements accompanying the application. The sustainability statement concludes:

- *The publication of the National Planning Policy Framework in March 2012 has given a special focus and impetus to the drive to deliver the homes that communities need. A presumption in favour of sustainable development is seen as a golden thread running through plan-making and decision-taking. East Shavington has long been regarded as a sustainable housing development recognised as far back as 2002 in the Sustainability Study commissioned by the former Crewe and Nantwich Borough Council to inform the Crewe and Nantwich Replacement Local Plan.*
- *NPPF states that there are three dimensions to sustainable development, an economic role, a social role and environmental role to improve the quality of the built, natural and historic environment as well as people's quality of life and delivering the homes that communities need.*
- *The Planning Statement in support of the outline planning application and this Sustainability Assessment clearly demonstrate the substantial roles, social, economic and environmental that East Shavington will play in delivering the new homes that Cheshire East Council, the Crewe area and Shavington need to meet strategic and local housing requirements.*
- *There is therefore a presumption in favour of sustainable development at East Shavington conveyed by NPPF, unless approving development proposals results in adverse impacts which will significantly and demonstrably outweigh the benefits.*

- *Cheshire East Council does not have a 5-year supply of housing land and the presumption in favour of sustainable development weighs even more heavily at East Shavington, and where NPPF urges Local Authorities to grant permission for sustainable development without delay.*
- *The loss of the East Shavington site, currently designated as open countryside under Policy NE.2 of the Crewe and Nantwich Replacement Local Plan, assumes considerably less significance, both in policy terms and in practical terms, and is outweighed by the benefits of delivery by East Shavington as explained in the Planning Statement and in this Statement.*
- *To repeat the words of the Minister for Planning in the ministerial foreword to NPPF: "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision".*

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.”

In terms of sustainable design, the energy statement summarises that:

- *The development will incorporate enhancements to the building fabric and services which will reduce the lifetime energy consumption of the development by 11.08% over the current Building Regulations Standards. These figures have been calculated using SAP2009 methodology.*
- *It is also recognised that further improvements to building fabric and services can have a similar if not greater impact on the reduction in energy consumption of a dwelling, provided by renewable energy.*
- *These proposed improvements have the added benefit of requiring little maintenance or operational knowledge of the occupant, unlike the installation of renewable technology.*

The fabric first approach to reducing energy use and carbon is positive but more could be done in terms of sustainable design, including climate change adaptation and passive design. Therefore it is suggested that a sustainable design strategy be developed to inform and accompany the reserved matters.

In summary, in terms of its location and accessibility, the development is relatively sustainable. Furthermore, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do. Therefore, 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.

Loss of Agricultural Land

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

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

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

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

The applicant has submitted an agricultural land classification study which concludes that the land comprises:

- 20% Grade 2
- 27% Grade 3a
- 53% Grade 3b

Therefore, whilst it is acknowledged that there would be a loss of some Grade 2 and Grade 3a land, over half of the site is Grade 3b (not the best and most versatile land). Furthermore:

- the current lack of a five year housing land supply,
- the fact that this site is identified within the draft development strategy
- the economic growth benefits are considered, on balance, to outweigh the conflict with local plan policy in terms of loss of good quality agricultural land, the adverse impacts of which are not considered to be significant or demonstrable. Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land.

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, in which this site is located. 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, 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. 25 affordable homes have been secured in Shavington, although it is unclear when these will come forward. There is also anticipated delivery of 120 affordable homes at the 'Shavington Triangle' site. However, 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 up to 275 dwellings, the affordable housing requirement, as per the Interim Planning Statement: Affordable Housing, is 83 affordable dwellings, with 54 provided as social (or affordable rent) and 29 provided as intermediate tenure dwellings.

As originally submitted the applicant was offering a tenure split of 65% intermediate dwellings and 35% affordable rented dwellings, which did not meet the requirements of the Interim Planning Statement: Affordable Housing.

However, following discussions with Council's Housing Officers, the applicants have confirmed that they will provide 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings offered is:

- 0-5% x 5 bed
- 0 – 10% x 4 bed
- 45 – 50% x 3 bed
- 50 – 55% x 2 bed.

Housing Officers have confirmed that this is acceptable. These requirements could be secured through the Section 106 Agreement.

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.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that:

- *The desk study assessment has established that no development has taken place on the site. Two small backfilled ponds have been identified as has a public sewer system (ref. separate Lees Roxburgh report).*
- *No mineral extraction issues have been identified with ground conditions generally likely to comprise topsoil overlying boulder clay, with made ground areas associated with the former ponds. Contamination risks are considered to be low and likely to be locally associated with these two pond areas.*
- *No issues have been identified with regard to geotechnical and environmental matters which are anticipated will constrain the development proposals.*
- *On the basis of this assessment, proposals for site investigations have been made.*

The report has been examined by the Councils Environmental Health officers, who have commented that there is a history of former pond use on the application site, and depending on the nature of any infill the land may be contaminated. This site is also within 250m of an

area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As well as the potential sources of contamination identified within the Phase I Preliminary Risk Assessment report, Environmental Health is aware of a former builder's yard adjacent to the north of the site. There may have been migration of contamination from this former land use onto the application site.

The Phase I Preliminary Risk Assessment recommends a Phase II site investigation be undertaken in order to assess the identified potential contaminant linkages. As such, and in accordance with the NPPF, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted./

Noise Impact

In the absence of any objection from the Councils Environmental Health officers, it is not considered that a refusal on noise grounds could be sustained. However, they have recommended the imposition of conditions requiring a Construction Phase Environmental Management Plan to be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of noise on existing residents during the construction phase, (including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes) and shall be implemented and in force during the construction phase of the development. This can be added as a condition.

Air Quality

The developer has submitted an Air Quality Impact Assessment which can be summarised as follows:

- *The development has the potential to cause air quality impacts at sensitive locations during the construction and operational phases. These may include fugitive dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the proposals. As such, an Air Quality Assessment was required to consider potential construction phase impacts and assess pollution levels at sensitive locations in the vicinity of the site both with and without the development in place.*
- *Potential construction phase air quality impacts were assessed as a result of fugitive dust emissions. Suitable mitigation techniques have been identified and, assuming these are implemented, impacts from construction activities are not considered to be significant.*
- *Dispersion modelling was undertaken in order to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. This indicated impacts on air quality were not predicted to be significant at any sensitive location in the vicinity of the site. As such, air quality should not be considered a constraint to outline planning consent.*

An addendum has also been submitted which is summarised as follows

- *Following the submission of the report further information was requested by Cheshire East Council. This report seeks to provide an additional assessment of potential air quality impacts within the Nantwich Road Air Quality Management Area (AQMA) using dispersion modelling*
- *The findings of the addendum assessment demonstrate impacts on pollution levels as a result of road vehicle exhaust emissions associated with traffic generated by the development were not predicted to be significant at any sensitive receptor location within the vicinity of the AQMA*
- *Indeed the development was shown to have a negligible effect.*
- *There are no adverse air quality impacts and air quality issues are not considered to be a constraint to the development.*

The Environmental Health officer has examined the submitted information and commented that the report considers both the construction and operational impacts of the proposed development and the addendum considers the potential impacts upon the Air Quality Management Area (AQMA) in Nantwich Road.

The report utilises ADMS Roads software to assess the road traffic emissions associated with the proposed development.

The report states that all of the existing receptors are predicted to experience increases in nitrogen dioxide (NO₂) concentrations. The addendum indicates that similar increases would be experienced in the AQMA in Nantwich Road. There is also a recommended list of mitigation actions. It is their opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to the Council's local air quality management objectives. It is therefore also considered that any mitigation proposals should also be significant and for this proposed development should include for electric vehicle infrastructure.

As such, Environmental Health have no objection on Air Quality grounds subject to the imposition of appropriate conditions.

Drainage and Flooding

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

- *The FRA has concluded that the Sequential and Exception Tests are not applicable and the risks of flooding to the development are associated with Swill Brook and the development drainage proposals.*
- *A hydraulic model of Swill Brook has been undertaken, interlinked with the modelled information provided by the EA, and the extent of Flood Zone 3 with allowance for climate change identified and within which no development is proposed. Floor levels adjacent to the brook will be set a minimum of 0.73m freeboard above the 1 in 100 year plus climate change flood level although there may be scope to reduce levels subject to a minimum freeboard of 0.6m in the context of a scheme layout. It is noted that this measure may prove academic due to other constraints to development alongside the brook including the EA's maintenance strip and the public sewers.*
- *The surface water flows generated by the development proposals will be restricted to greenfield run off rates and directed to Swill Brook. On site storage will be provided to*

United Utilities standards for Section 104 Adoption purposes which, in conjunction with the appropriate setting of development platform levels, will cater for the 1 in 100 year event plus an allowance for climate change. Whilst storage via oversized pipes is anticipated as being the primary form of storage, other options will be considered at a more detailed design stage. Adoptable drainage systems will become the responsibility of United Utilities. Systems which are not to be adopted will either become the responsibility of individual householders or, to communal areas, a Management Company to be set up by the developer.

- *On this basis, it is concluded that the FRA has demonstrated that the development can be delivered so as not to be at risk from flooding from external sources and can be drained so as to mimic predevelopment surface water flows, all in accordance with the requirements of NPPF.*
- *It has therefore demonstrated that the proposed development is appropriate in accordance with the criteria set within NPPF.*

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

The application has been subjected to a significant amount of pre-application discussion, which has refined the design principles.

Layout

The Council's Urban Design Officer has considered the application and commented that the masterplan layout is acceptable. He was initially uncomfortable about the numbers and how that could impact at detailed design stage and was seeking some reassurance that this masterplan works in delivering the design principles in the Design and Access Statement (DAS). He therefore suggested that the applicant submit a testing layout to justify the numbers proposed as the upper limit, and this has been duly submitted by the applicant.

He also expressed concerns regarding the awkwardness of the block in the triangle between the rights of way and how this will work out at detailed design stage. These pedestrian routes contribute to creating a wedge shaped site that could create awkward townscape. In hindsight, it would have been better if this had been given over to an open space use or potentially a community facility, but this could be addressed at the reserved matters stage.

The concepts that underpin the structure of the scheme seem logical, but also make for an interesting layout for the site. The centralised green space leading to Swill Brook, incorporating existing rights of way, helps to naturally divide and characterise the site. The focus of the greenspace at the heart of the site with a focal point created by existing trees could act as a powerful centrepiece for the development.

Another positive element in the layout is the pedestrian connection to the heart of Shavington from the south west. It is unfortunate that it could not run more directly across the adjacent space, given the constraints over land use and the aspiration of the adjoining owners.

There is a sense that spaces and buildings to a large degree shape the scheme. The key will be ensuring this at the detailed design stage

Having reviewed the testing layout the Urban Design Officer is comfortable about the number proposed. It does get dense in the north western part of the site and a modest reduction would benefit this area. However, on balance, given the present climate, he is of the view that the Council would struggle to make a strong design case to oppose this layout, given its other strengths.

Movement

There is a clear street hierarchy within the layout, although the Urban Design Officer is critical of the street to the south of the shared surface being a primary street. This should be a secondary or tertiary street to encourage use of the primary street forming the main vehicular loop.

In terms of pedestrian movement, the level of connectivity within and to the surrounding area is positive. However, rather than the combined footpath/cycleway running along the southern stretch of the primary loop, it may be better for it to run to the central heart space and connect with the network there, as there does not appear to be any advantage with its present alignment.

The turning heads of some access in the north of the site appear a little impractical and a couple of units in the far north east corner appear not to be accessible.

The shared surface route from heart space to the village centre is potentially a very positive feature of the scheme, subject to its detailed design. The western end of this will need to be carefully detailed at the reserved matter stage to stop it becoming an alleyway rather than an attractive pathway. Lighting will be important for its night-time/winter use

A key to the success of this hierarchy will be the detailed design of streets and footpaths to avoid over-engineering and respond to the potentially naturalised character of the site and the character drivers set out later in the DAS.

Legibility

Building on the landscape structure, layout of blocks and the street hierarchy, there is the potential to create a very positive strategy to make this a highly legible and navigable development. The Urban Design Officer suggests that a landmark or focal building icon should be placed on a couple more buildings along the route of the shared surface, and that there is a need to identify the main entrance as a gateway feature. This entrance will be really important in setting the quality of the scheme and needs very careful consideration.

The quality of this corridor for vehicular and pedestrian arrival needs careful management and a strong landscape philosophy. The cycleway/footpath also needs to be attractive and safe to encourage non-vehicle modes of movement. A strong landscape strategy is advocated therefore.

Scale

The scheme should be predominantly 2 storey, given its peripheral character on the countryside edge. 2.5 storey should only be used in those areas identified the appropriate locations for that height of building. The building footprint and height parameters seem acceptable

Appearance/architecture

Generally the Urban Design Officer supports the principles set out in the character areas information. One point to reinforce is that all front boundaries should be defined in a positive way to demark private from public, including the areas of lowest density with a green character. Given the rural nature of the site and the desire to maximise landscape, hedging should be the predominant boundary treatment.

In terms of grassed areas, much of this should be left as a natural area rather than as amenity grassland. This will help ecologically, create a more naturalised character and reduce maintenance. This should be considered along street verges as well as in more extensive green areas

Open space, landscaping, play and active/healthy lifestyles

The more naturalised and central location of the main POS is positive, as is the naturalised corridor alongside Swill Brook. The landscaped edge along the eastern boundary offers the opportunity to create a filtered edge toward the countryside and to soften the profile of built form whilst allowing houses to benefit from countryside views.

More could be done to create landscape along streets, although the indicative planting along the primary route is noted. The quality of the entrance green space from the west will be important, as will that from the south.

The provision of an orchard area within the open space is welcomed but allotments could also be provided. (A possible area would be part of the wedged shape part of the site). It is proposed that this would form part of the open space provision secured through the Section 106 Agreement.

The formal play in the form of LEAP and kick about area could be supplemented by localised play designed into secondary and tertiary streets and the shared surface route.

Building For Life 12 Assessment

No	Criteria	Score	Notes
1	Connections	Green/Amber	Links to the west needs to be carefully designed. Southern gateway entrance needs careful design to foster 2usage. Links to surrounding area and network positive, links in the site positive
2	Facilities/services	Green	No mixed use now but links to the local centre and various amenities as set out in sustainability report Inclusion of community facility on site would reinforce sustainability

3	Public transport	Green/Amber	Positive links to bus stops in village centre via the western footpath/gateway and the high permeability within the scheme
4	Local housing requirements	Green	Meets Affordable Housing Requirements and will contribute to 5 year supply
5	Character	Green/Amber	There is the potential to achieve a really strong sense of place but without the testing layout it is difficult to determine fully
6	Working with the site and context	Green/Amber	The layout work with the existing character of the site and its context. This could be undermined at detailed design stage without careful detailed design and attention to detail
7	Well defined streets/spaces	Green/Amber	The framework is positive but it will be down to the detailed design to positively interpret the masterplan and principles
8	Easy to find way around	Green/Amber	There is the potential for a highly legible and individual scheme with a strong sense of identity but this is very dependant on the delivery of key principles at the detailed stage
9	Streets for all	Amber	Streets are generally designed as, multifunctional, human spaces. There is a danger that the loop could become over engineered and therefore detailed design will be crucial to overcome this
10	Car parking	Amber/Red	Without the testing layout that would be difficult to assess. There is a danger that car parking could become overly dominant in certain areas
11	Public/private spaces	Amber	Generally there is scope to provide delineation of public and private but character information talks about open landscaped frontages in certain lower density areas. The testing layout will demonstrate quality of private space. masterplan provides a positive structure in terms of public space.
12	External storage and amenity space	Red	No information has been provided but some properties could struggle to provide space outside for storage and retain a reasonable sized garden. Parking for cars may be at the expense of overall scheme quality in some parts of the layout, but need testing layout to properly assess.

Built heritage

There are no direct impacts on heritage assets.

Conclusion

Overall this is considered to be a good scheme, with a number of strengths and it performs well against the BfL12 criteria, with predominantly Green / Amber scores. It should be noted that the scheme is submitted in outline and the submitted details are only indicative.

Therefore, criticisms outlined above can be easily addressed at the reserved matters stage and it is not considered that a design case can be made to the refuse the application.

In order to ensure the principles set out in the Design and Access Statement translate into the detailed design, it is suggested that additional design information be developed alongside the reserved matters, explaining how the scheme has taken those forward and developing them further in terms of detail. In addition it is suggested that the applicant be required to develop a sustainable design strategy for the development, encompassing both climate change mitigation and adaptation.

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 but based on the submitted testing layout it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

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

Trees

The application is supported by a Tree Survey and Constraints Report submitted by TPE (TEP 3607.001 dated April 2013 and Tree Constraints Plan (Drawing 1 D3607.001D dated 21st September 2012). The report identifies that the trees were assessed in accordance with BS5837:2012.

A Landscape and Visual Appraisal (Randall Thorp May 2013) has also been submitted which proposes landscape mitigation to retain, protect and enhance existing landscape features, to mitigate the loss of features, protect existing residential amenity and footpaths provide open space and landscape character

The report has identified 100 trees, 23 groups of trees and 6 hedgerows within the application site and has provided a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The TEP report refers at Section 3.4 to Tree Preservation Orders and Conservation Areas and refers to two Orders:-

- Crewe and Nantwich Borough Council (Weston Lane, Shavington TPO 1979
- Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987.

Four trees identified within the survey are protected by the 1979 Order are located offsite to the north within the front gardens of properties on Crewe Road and are unaffected by the proposal

Thirteen individual trees and one group of trees within the site are protected by the Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987 and are material to this application.

The trees comprise of individual specimens of Oak and Alder standing within existing and former hedgerows. There are a number of unprotected Willows to the north eastern boundary section of the site which exhibit numerous cavities and branch failures and have low/medium potential to support bats. It is proposed that these trees will remain within open space provision.

One protected tree identified (T20 Oak) has been identified as a poor specimen due to its infection with *Ganoderma*: a decay fungus which produces simultaneous white rot. The tree is a significant landscape feature located in a central position within the site. The report proposes either removal of this tree or its reduction and retention as a conservation monolith. The D & A statement proposes that this tree, and two other protected trees close by, will be retained within central green space as part of Green Infrastructure provision. In this regard, the Landscape Officer is satisfied that this can be reasonably dealt with at reserved matters stage.

The application proposes access into the site through the demolition of 28 Crewe Road at the southern end of the site. The position of this access, at its junction with Crewe Road will not impact upon any protected trees at this point and also respects the root protection area (RPA – BS5837:2012) of a mature 'A' category Oak (Tree T23 of the TEP report) located on the southern boundary to the rear of No.28.

The position of the proposed access (SCP drawing SCP/12287/F04 Revision C dated 26/3/2013) identifies the proposed access route up to a point adjacent to 'The Grove'. Reference is made to 'Scheme Parameters' Plan and the D&A statement (page 6) which shows the proposed access route in its entirety and identifies the removal of two B Category protected Oak trees (T82 and T83) (T10 and T11 of the TPO).

A second access point is also proposed onto Crewe Road/Main Road to serve as a 3 metre cycleway/pedestrian link and emergency vehicle access. This second access point does not appear to impact upon any existing protected trees

The TEP report identifies both Oak trees as 'Fair' specimens, 'B' category which in terms of landscape contribution make little contribution to the wider community (quality B2) and some cultural and conservation value (B3). The report further states that Oak T82 shows evidence of an internal cavity, is of low vigour, and that Oak T83 has epicormic growth within the crown.

The two protected Oak trees are visible from FP4 and FP6 and therefore provide some contribution to public amenity within the immediate locale. Little detail has been provided on the arboricultural significance of the defects identified, although the report suggests both trees have a 'long' estimated remaining contribution.

In consideration of the impact of the loss of these trees to the amenity of the area the Landscape and Visual Appraisal proposes the following mitigation measures (para 6.4-6.19). These principles have been agreed by the Council's Landscape Architect:

- new planting to mitigate the loss of the two protected Oak trees as part of the greenspace network including :
 - buffer planting rear of 66-82 Crewe Road.
 - greenspace adjacent to 56 Crewe Road.
 - central greenspace within the site.
 - greenspace buffer along the northern and eastern boundary.
 - existing footpaths to be located within POS.
 - community orchard.
- the retention of the remaining TPO trees within the site.

Basic mitigation measures should seek to retain the existing tree resource where possible. Where this is not possible, specialised construction methods should be considered to minimise damage and/or where tree losses are anticipated alternative locations should be considered for the access. Where no alternatives are possible then replacement planting should be considered.

In conclusion, the proposal will result in the direct loss of two protected Oak trees (T10 and T11 of the Crewe and Nantwich Borough Council (Shavington Green, Shavington) TPO 1987. A range of mitigation measures are proposed which include provision of green space and new planting within and around the boundary of the application site and retention of all remaining TPO trees. Such planting must include the provision of 'high forest' (large) trees within the structured landscape scheme to ensure climate adaptation resilience.

The removal of the two protected Oak trees will result in a 'slightly moderate' loss to the amenity of the area. The loss is not considered to be significant in terms of the trees contribution to the wider amenity. Nevertheless, the Landscape Officer considers that, in the light of the proposed removal of two protected Oak trees, such mitigation should be qualified by a statement clearly giving reasons that all other reasonable alternatives to the proposed access have been discounted. This has been provided. Accordingly, it is not considered that a refusal on the grounds of loss of protected trees could be sustained in this case.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. The criteria cover the ecological, historical and archaeological significance of the hedgerow.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever

possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The survey has recorded six hedgerows, with one located to the north eastern site (p29 D&A statement) (shown as H1 on the TEP report) identified as 'Important' under the Hedgerow Regulations 1997. The hedgerow is proposed to be retained within proposed open space. This can be ensured through the use of conditions.

Countryside and Landscape Impact

The Council's Landscape Officer has considered the Landscape and Visual appraisal. This indicates that it 'encompasses' the guidelines set out for Landscape and Visual impact assessment (2nd edition). The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the National and Cheshire landscape character area in which the application site is located. He is satisfied with the baseline landscape character information submitted. However, the appraisal does not appear to be complete.

Reference is made to landscape and visual sensitivity in Table 1, which has been assessed for the site. Table 2 refers to the magnitude of change for landscape and views, and Table 3 indicates a table that allows an assessment of the significance of landscape and visual effects. This process, although referred to in the methodology, does not appear to have been completed. Rather, the landscape appraisal indicates that the landscape sensitivity is low, and indicates that 'the site has capacity to accommodate change which will not be significant or unacceptable in landscape terms', but doesn't offer an assessment of significance of landscape effect. The landscape appraisal appears to be based on the 'retention of landscape features of value (5.5), retention of existing footpath links (5.6), and following best practice landscape principles (5.7). However, this is an outline application and as the appraisal indicates in point 2.16 *'It is assumed that the final scheme will be developed in accordance with the outline DAS to achieve a high quality, well landscaped, new residential area.* But as an outline application any masterplans or layouts are purely illustrative and cannot be considered otherwise.

The Council's Landscape Officer agrees with the principles expressed in the proposed landscape mitigation. However, he points out that reference is made to the fact that the application site is designated 'open countryside' (saved Policy NE2 in the local Plan). Yet this saved policy is not included in the list of relevant saved policies listed within the Assessment.

Policy NE2 Open countryside is a relevant policy in the Crewe and Nantwich Replacement Local Plan 2011 , and states that approval will only be given for 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. As justification this policy indicates that such works themselves would be expected to respect the character of the open countryside.

These points have been brought to the attention of the developer and additional information has been submitted to address the issues.

The Landscape Officer has considered this additional information and commented that the assessment has been based on the assumption that the proposed development will be in accordance with the Scheme Parameters (Drwg No. 487A.21A) and that the buildings will be of 'high quality (7.16), although this is an outline application and such information is currently unknown.

Based on the Scheme Parameters Plan he would broadly agree with the landscape appraisal regarding landscape features, namely that if implemented according the Scheme Parameters Plan, that there would be a moderate beneficial effect upon landscape features. He does not agree that the effect on landscape character would be negligible (7.12), and feels it would be more adverse than stated, although not significantly so.

With regards to the visual appraisal he would broadly agree that there would be a slight adverse effect on residential properties (7.16), and feels that the visual effect from the footpaths would be more adverse than stated in the appraisal, although not significantly so.

Any positive effects would depend largely on the development being undertaken in accordance with the Scheme Parameters (Drwg No. 487A.21A). As such these parameters should be retained through appropriate conditions and the S106 agreement.

Education

The Council's Education Officer has examined the application and concluded that a development of 275 dwellings will generate 50 primary aged pupils and 36 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 £542,315 is required payable 50% on commencement and 50% on occupation of 50% of the dwellings. 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 4,125sqm of shared recreational open space and 5,500sqm of shared children's play space which is a total of 14,000sqm of open space.

According to the Planning Statement Approximately 2.99 ha, of open space, which exceeds the policy requirement, will be delivered on site to include:

- Pedestrian routes/trails around the site, connecting to existing Public Rights of Way.
- A new community orchard.
- Equipped children's play area.
- Village Green/Picnic/Kick-about area, with seating.

- A Swill Brook enhanced wildlife woodland corridor.
- New feature pond.

The Councils Greenspaces Officer has examined the detail of the above proposals and commented that the open space provision should include:

- An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.
- A Multi Use Games Area
- An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.
- An area of allotments – about 30 plots.

This can be secured through the Section 106 Agreement, along with a residents management company to ensure the long term maintenance of the Open Space.

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:

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 has commented as follows:

Designated Sites

Wybunbury Moss Site of Special Scientific Interest, Ramsar site and National Nature Reserve and Special Area of Conservation is located 1.2km from the proposed development site.

It is noted that Natural England have now withdrawn their objection to this development subject to mitigation measures in respect of Wybunbury Moss, which includes a contribution towards additional boardwalks within the Moss, being secured through a section 106 agreement.

As advised by Natural England under Regulation 61 of the Habitat Regulations it is for the Council to determine the issue of significant likely effect. He advises that the 'Assessment of Significant Likely Affect' provided by the applicant consultant is acceptable and should be adopted by the Council. As well as the adoption of the assessment it should also be noted that no significant effect on the SSSI, SAC or RAMSAR site is likely to occur alone or in combination with other developments and consequently a further, more detailed, Appropriate Assessment is not required.

Barn owl

The Council's Ecologist is satisfied that barn owls are not reasonable likely to be present or affected by the proposed development.

Hedgerows

Hedgerows are Biodiversity priority habitat and hence a material consideration. The existing hedgerows should be retained and enhanced and additional native hedgerows incorporated into any detailed layout proposals developed at the reserved matters stage. This matter can be dealt with by means of a planning condition if outline consent is granted.

Bats

Only limited potential for bats exists in the two properties subject to demolition works to facilitate the site entrance. No evidence of bats was recorded in these two properties and the Council's Ecologist is satisfied that bats are not reasonable likely to be roosting within these two properties.

No trees with 'High' potential to support roosting bats have been recorded on site. Two trees with low-medium potential to support roosting bats have been identified that will require

removal to facilitate the proposed development. No evidence of roosting bats has been recorded within these trees. As a precautionary measure to minimise the risk posed to roosting bats the applicants ecologist recommends that these trees are subject to 'soft' felling techniques. This approach is considered to be acceptable.

Great Crested Newts

No evidence of great crested newts has been found and the Council's Ecologist advises that this species does not present a constraint on the proposed development.

Ponds

Ponds are a Local Biodiversity Action Plan (BAP) Priority Habitat and hence a material consideration. 'Pond 1' and 'Pond 4' will be lost from the site as a result of the proposed development. The two ponds to be lost are small and ephemeral in nature. The provision of a new additional pond is proposed to compensate for the loss of the two existing ponds. This approach is acceptable.

Water voles

This protected species has been recorded at Swill Brook the watercourse to the north of the site. In order to safeguard this species an undeveloped 8m buffer of semi-natural habitats will be required. As this part of the site is shown as open space on the submitted indicative layout this should be entirely feasible. The Council's Ecologist also recommends that if outline consent is granted any future reserved matter application be supported by proposals to safeguard this species and enhance the retained habitat. These two matters can be dealt with by condition.

Breeding Birds

The proposed development has the potential to disturb nesting birds, potentially including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions requiring a survey to be carried out prior to any works taking place in bird nesting season and provision of features suitable for use by breeding birds including house sparrow, swift and house martin should be imposed.

Common Toad

This species which is a UK BAP priority species and hence a material consideration has been recorded on site. However the Council's Ecologist advises that provided that additional compensatory ponds are included in the layout the proposed development is unlikely to have a significant adverse impact upon this species. This can also be secured by condition.

Impact on Public Right of Way

Public footpaths Nos. 4 & 6 Shavington cum Gresty cross the site and are well used rural leisure routes and also offer off-road connections to local facilities. The public rights of way team have considered the application and have commented that the the development may present an

opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

Accordingly, they have raised no objection to the proposal subject to the upgrading of footpath no. 4 to a cycle track, the creation of some shared use routes for pedestrians and cyclists, the provision of a toucan crossing on Crewe Road, provision of destination signage throughout the village on public rights of way, and provision of information on cycle and walking routes. The legal status and maintenance arrangements for the new routes within the site will also need to be defined. However, this can all be secured through the Section 106 Agreement and conditions.

Archaeology

An archaeological desk based assessment has been submitted with the application which can be summarised as follows:

- *The assessment has established that there are no designated heritage assets within the study site and no potential impacts on any designated heritage asset in the wider vicinity of the study site have been identified.*
- *There are no non-designated heritage assets identified within the study site recorded on the Cheshire Historic Environment Record (HER) although the HER does suggest the presence of salt-making in the post-medieval, and possibly medieval, periods. Archaeological and historical information from the surrounding area indicates that the study site has a moderate potential for Roman and/or post-medieval salt production sites. Any such remains would vary in significance from local to regional depending on date and state of preservation.*
- *It is not considered likely that any such remains would require physical preservation but that the impact of the development could be adequately mitigation by the excavation and recording of any archaeological remains.*
- *Any planning application for development of the site is therefore likely to attract a condition requiring the archaeological investigation and recording of the archaeological interest of the site prior to development.*

In addition a geophysical survey has been undertaken. The results of which can be summarised as follows:

- *No anomalies of clear archaeological interest were detected by the survey. Several linear responses were recorded that may be old field boundaries: some clearly correlate with first edition OS mapping.*
- *Possible past ridge and furrow agriculture and more recent ploughing was detected, as were anomalies due to natural soil variation. Responses of modern provenance from a pipe, pylons, fencing and probable debris were also detected.*

The Shared Services Archaeologist has examined the submitted reports and raised no objection subject to a condition requiring a formal metal detector survey to be carried out as well as a programme of mitigation to include provision for trenching to investigate concentrations of material or areas of topographical interest and the production of a report. If this phase of work proves negative, that will conclude the archaeological mitigation. However,

further work will be required if areas containing archaeological features are located. This should also be secured by the condition.

Highway Safety and Traffic Generation.

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

- *The proposals for a development of up to 275 houses include a purpose built access with a 6.75m carriageway and a segregated 3m cycleway/footway on the northern side. The proposals also include a 3.7m wide shared cycleway/footway between the site and Crewe Road, emerging near Main Road at the centre of the village. Within the site, there will also be off road cycle routes linking to both cycle access points on Crewe Road.*
- *The proposals offer the potential for improvements to be made to the centre of the village. This includes the provision of a Toucan crossing on Crewe Road and the relocation of existing bus stops. The new vehicular access will also incorporate pedestrian refuges to assist with crossing Crewe Road south of the village centre. These improvements meet the requirements in NPPF which state that safe and suitable access to the site can be achieved for all. They will benefit existing residents as well as the residents at the new development. The site is located in a very sustainable location for everyday facilities. Within 500m of the centre of the site there are numerous convenience stores, a post office, take-away and Primary School. Within 1600m of the centre of the site there is a medical centre, leisure centre, pharmacy and nursery. This is an easy walk/cycle distance for the majority of the population or a short bus journey for those who couldn't walk there. There are up to 4 buses per hour through Shavington village and some of these call at the Secondary school/medical centre etc.*
- *The site has a good level of public transport and the nearby centres of Crewe and Nantwich can be reached within a 30 minute journey. Alsager and part of Sandbach can be reached within a 45 minute bus journey. The buses link the site to Crewe Railway Station which would enable residents to commute conveniently from the site. The site is also in an ideal location for accessing the proposed Basford East and West developments, Crewe Business Park, Crewe Railway Station, Crewe Gates Farm Industrial Estate and Manchester Metropolitan University.*
- *One of the core planning principles within the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of Public Transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable. It also states that plans and decisions should take account of whether opportunities for sustainable travel modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. The site is ideally centrally located within Shavington Village. The new pedestrian/cycle link will enable a direct and convenient route between the site and the village which will enable new residents to easily walk and cycle to local facilities and to reach the bus stops on Crewe Road for travel further afield. These new facilities for pedestrians will increase footfall in the village, making shops and facilities more viable whilst reducing the pressure on short-stay parking within the village. The pedestrian/cycle link to Crewe Road means that from the centre of the site, the bus stops on Crewe Road will be within 300m.*

- *In order to further encourage the use of public transport, walking and cycling from the site the planning application is accompanied by a Travel Plan (TP). The TP will include initiatives such as a welcome pack with each home, detailing walk and cycle routes and public transport services. There may be additional incentives included in the TP to encourage the use of alternative to the private car.*
- *Visibility splays from the proposed site access are safe for the speed of traffic along Crewe Road. A ghost-island right-turning lane will be constructed at the access point to ensure that ahead vehicles have sufficient clearance to pass vehicles waiting to turn right. Two pedestrian refuges will also be provided within the junction on Crewe Road to assist in crossing safely. Capacity assessments have demonstrated that the site access will have spare capacity far into the future.*
- *The capacity assessments have revealed that nearby junctions would operate with spare capacity in 2020 and 2030. The assessments have been carried out with a robust approach which includes: assessing for up to 275 dwellings, using 85th percentile trip rates, assuming background traffic growth will be 21% between 2009 and 2030 and including committed development traffic.*
- *Overall, the junctions within Shavington Village can accommodate the predicted development traffic. Further away from the site on the A500 and the A51, the development impact would reduce to between 1 to 2%, which would be imperceptible on the operation of the local highway network. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of a development are severe. This report has demonstrated that the two main junctions nearest the site can comfortably accommodate the proposed development traffic. Away from these junctions, the development impact on the highway impact will be minimal and is likely to be imperceptible on the operation of junctions.*
- *For the reasons set out above and throughout this report, there are no traffic, transport or highway related reasons to prevent the site from being granted planning permission for up to 275 dwellings.*

Access

The Strategic Highways Manager has examined the application and commented that there is only one main access proposed to serve the development this is shown a 6.75m carriageway with a 3.0m shared footway/cycleway facility. Additionally, a right turn lane is indicated on the B5071 Crewe Road as part of the access proposals. Whilst, the access design is a suitable design to serve the 275 units proposed the access is close to two other existing access and this may give rise to turning conflicts. To address this issue the applicant has submitted a Stage 1 safety audit undertaken on the submitted access design and this does takes into account the existing accesses. The safety audit did not identify problems regarding the access design and existing private access points and therefore he is content that the road safety aspects of the design have been dealt with.

Traffic Impact

The traffic generation rates proposed for the development are accepted and this translates into approximately 200 vehicles in the morning peak and 240 vehicles in the evening. The distribution of the development traffic assigned to the road network is also considered to be acceptable. A number of junctions close to the site and the site access itself have been

tested for capacity in the opening year 2012 and future year assessment of 2030 has been undertaken. The results of the junction testing indicates that all of the junctions in the Transport Assessment (TA) would work within capacity at 2020 and 2030 and as such highways would not be raising any capacity issues with these junctions.

Whilst, a number of the local junctions have been tested there is a more strategic concern regarding the impact on the wider network, the traffic from the site will be distributed on key corridors Newcastle Road (west), A500 and importantly the Crewe Road/Gresty Road corridor to Crewe. Although there is an impact on Newcastle Road and the A500 from this development, this is considered to be a small increase that is not a severe impact that would be raised as a reason to reject the proposal. The potential impact of the development traffic on Crewe Rd/Gresty Road corridor was not assessed and recognised in the original TA. There have been a number of major developments approved for residential and employment that will add significantly to traffic using the B5071 Crewe Road and ultimately passing through the Nantwich Road/South Street junction.

As the Nantwich Road/South Street junction already has congestion problems in the peak hours with long queues forming this will be made worse when all the committed development comes forward. Therefore, cumulatively the impact of the committed development plus this development was of concern and this needed to be assessed by the applicant in order for CEC to consider the operation of the junction, with development traffic added in.

As the operation of Nantwich Road/South Street junction is affected by other nearby junctions and also Crewe Station, a stand alone junction assessment would not be accepted and the CEC view is that a micro-simulation model was required to reflect the interaction of the nearby junctions on the Nantwich Road corridor. As a result an appropriate model scope would be:

- South – To the Gresty Road/South Street/Catherine Street Junction
- East-West – Edleston Road junction to and including the Weston Road Roundabout
- North – Mill Street/Nantwich Road Junction

The model should include the existing pedestrian crossings on Nantwich Road.

It is important that to be fit for purpose the model is validated to current traffic conditions and to DMRB standards including journey times, queues lengths and turning volumes. Pedestrian demand at the junctions and crossings must be accurately reflected.

As a result of these comments, the applicant has provided a micro simulation Vissim model of the Nantwich Road corridor that encompasses the Weston Roundabout to Edleston Road that includes the South Street junction.

Overall it is accepted that the model submitted is of a sufficient standard to undertake model test runs on development scenarios although the models submitted only refers to the base case and a 2020 future year test with committed development and a further test with this application site included. There are a number of small technical issues that are of concern with the model but if these issues were addressed in the model the conclusions would not materially change.

The model journey times predict significant increases in delay along Nantwich Road with both the committed and development generations included in the traffic flow. Journey times along Gresty Road have not been included in the model, although highway officers would expect that the journey times would increase considerably if it had been modelled in the committed and development scenario. In summary, the model does indicate that there is going to be further delay along the Nantwich Road corridor which invariably means longer queue lengths and this would be the same for the Gresty Road approach to the Nantwich Road.

It is the contention of the applicant that the addition of the 275 dwellings in this application does not produce a significant or severe impact if it is considered alongside the already large number of committed developments. In percentage terms this analysis is correct. The impact of this application alone on journey times and therefore subsequent increases in queue lengths would be small when added to the already committed development schemes.

However, it is the cumulative effect of each of the approved developments that is the concern of the Highway Authority. There are already long queues on Nantwich Road and Gresty Road/South Street and these will undoubtedly increase as each development is built out. Clearly, depending on the size of development, the impact on the existing flows using Nantwich Road and Gresty Road is only likely to produce a small percentage impact and it is for consideration when congestion becomes so severe that further development cannot be accommodated.

In response the applicant has submitted a technical note which can be summarised as follows:

- *This review has been prepared in response to a review of the Vissim modelling undertaken by CEC which we understand accepts that there is a negligible traffic impact arising from the East Shavington proposals on the Nantwich Road corridor in Crewe. However, we also understand that the CEC has expressed concerns about the cumulative impact of this proposal, in addition to the already committed developments in the area, which lead to existing congestion issues for the Council.*
- *Paragraph 32 of NPPF sets out the test for measuring the transport impact of a development. It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- *The principle that negligible impacts can combine to produce a severe impact is in our view unreasonable. In particular, in this case, the road network in question is over 3km from the development site and is part of the principal road network through Crewe. Furthermore, it provides the only means of access to the railway station. If it were reasonable to resist any increase in traffic then there would effectively be an embargo on development in Crewe and the surrounding area.*
- *CEC has reached a conclusion on traffic impact based upon the poor operation of a road network that they have already accepted would be improved significantly in the very near future. The introduction of the Crewe Green Link Road would provide an alternative route for a significant amount of traffic currently using Nantwich Road. In addition, the Council has secured funds for improving the capacity of the South Street/Nantwich Road and Gresty Road/Nantwich Road junctions.*
- *Future residents of the development site have a choice over the direction that they take to reach any destination. There is no journey either starting or ending at the development site which relies 100% on the use of Nantwich Road. Therefore, if the*

highway network were to be so severe, drivers would find alternative routes to their destinations.

- *The Vissim model has already been used to identify that a significant improvement to capacity along Nantwich Road could be achieved by improving the operation of the pedestrian crossings outside of the rail station. This could be undertaken with the funds already secured by the Council from developers, and if there had been any impact to mitigate against from the East Shavington proposals, then this could have been contributed to by the current proposals.*
- *The position now presented by CEC appears to be that there is a negligible traffic impact from the proposal, which leads to a situation that it would be non-CIL compliant to offer improvements, but without improvements the Highway Officer may recommend refusal of planning permission.*
- *For the reasons set out above, we firmly believe that there continue to be no highway, traffic or transport reason to resist the proposals as submitted.*

Planning Balance

Given the concerns expressed by the highways authority, it is necessary to undertake an exercise to balance the potential negative impacts of the development against the benefits that it would deliver. The applicant has undertaken this process and concluded as follows:

The adverse impacts of development at East Shavington are as follows:-

- *The loss of open land in conflict with Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan. The recent appeal decisions referred to above however confirm that CNRLP is out of date insofar as those policies which attempt to influence or control the supply of housing land and Policy NE.2 is one of them.*
- *The loss of a relatively small quantity of “best and most versatile “(BMV) agricultural land amounting to 2.2 ha Grade 2 (20% of the site) and 3.0 ha Grade 3a (27% of the site). Shavington is surrounded by land which is predominantly BMV and there are no opportunities to avoid development on BMV and direct development only to areas of lower quality land. Over half of the East Shavington site comprises poorer quality land Grade 3b.*
- *The effect of traffic generated by the East Shavington development on the South Street/Gresty Road/Nantwich Road, Crewe junction 3km to the north of the site. This is negligible as demonstrated by the applicant’s Transport Consultants, SCP. Para 32 of NPPF states:-*

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” (my emphasis).

The impacts are negligible as stated and therefore are certainly and without doubt not severe in the words of NPPF. This has been tested at the request of Cheshire East Highways with a detailed VISSIM model, which has confirmed the impact as negligible. Advice has been received from leading counsel that a refusal on highway grounds on this basis would be unreasonable and the council risks costs if they do.

However these effects of varying degrees must also be weighed in the balance against the benefits and in this context the underlying merits and benefits of the East Shavington Development Site cannot be over-stated:-

- *The 2002 CNRLP Inspector would have allocated East Shavington for development were it not for policies at that time which directed development towards Leighton West and Coppenhall under the sequential tests at that time but which do not now apply.*
- *East Shavington came top of the list of sites as the most sustainable, in a study commissioned for the CNRLP Inquiry by Cheshire County Council, from JMP Consultants, beating five other large potential housing sites in the Crewe and Nantwich area.*
- *Taking into account the proposed cycle and pedestrian link direct to Shavington village centre, East Shavington is the most sustainable of the eight Strategic Sites and four Alternative Strategic Sites in the Development Strategy, apart from Crewe Town Centre, measured against the Accessibility Criteria (nearest to services and facilities) set out in the Council's Strategic Sites Appraisal.*
- *East Shavington is not in the Green Gap nor is it located in the Strategic Open Gap in the emerging Core Strategy.*
- *East Shavington will deliver up to 83 affordable homes in the Shavington and Wybunbury area where there is a recognised shortage.*
- *East Shavington will deliver market and affordable homes in a village, Shavington, which has seen no major development for some 40 years.*
- *There were only objections to East Shavington from 27 properties and of those only 11 came from residents in properties either adjoining or within the immediate vicinity of the East Shavington site, a remarkably low number for a site of this size.*
- *Several letters of support have been submitted from local people and also from the Crewe Chamber of Commerce and Shavington High School.*
- *East Shavington has been designed in layout terms to form a "marriage" with Shavington village with strong, direct and convenient links to Shavington village centre, and vice versa, consolidating the built area of the village.*
- *East Shavington will deliver a range of community benefits:-*
 - *Significant area of open space/parkland to help make up a local shortfall.*
 - *Footways and cycleways for the benefit of the whole village community.*
 - *Ecological enhancements alongside Swill Brook.*
 - *A Community Orchard.*
 - *A Toucan crossing point to Crewe Road.*
 - *Youth employment and training opportunities with Shavington High School will be provided.*

- *It will provide a financial contribution for :-*
 - *Improvements to the Wybunbury Moss SSSI boardwalk to facilitate and control pedestrian access.*
 - *A community fund to help local organisations.*
- *It will deliver significant economic benefits:-*
 - *33 full time new jobs.*
 - *£2.5m net additional local retail expenditure.*
 - *£395k additional Council tax receipts.*
 - *New homes bonus payments of up to £2.5m.*

It is clear therefore that the planning balance is clearly in favour of East Shavington, a truly sustainable development which will deliver the economic, social and environmental roles demanded by NPPF. East Shavington development will help to revitalise the Shavington village community by bringing into it significant investment helping to sustain the broad range of services and facilities that Shavington enjoys, well into the future. NPPF carries a strong presumption in favour of sustainable development and urges local authorities to approve sustainable development without delay unless there are adverse impacts which would “significantly and demonstrably “outweigh the benefits. There are no adverse impacts which would outweigh the benefits.

The benefits outlined above are we believe, appreciated by most people and community groups who we have consulted and others involved with the East Shavington proposals. This is not a speculative development proposal like many others in Cheshire East. Taylor Wimpey is ready to deliver homes at East Shavington now to help make up 5 year land supply. In accordance with NPPF policy at paragraphs 9 and 49, decisions should be made on the basis of the presumption in favour of sustainable development.

Having considered carefully this submitted information, planning officers are of the view that the applicant’s assessment is a fair one and agree with its conclusions, that, in this case, the impact of the scheme in highway terms does not outweigh the benefits in terms of the additional housing land supply, which recent Appeal decisions have determined is urgently required.

9. CONCLUSIONS

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. However, the site was identified within the draft Development Strategy and is recommended for inclusion within the Pre-Submission Core Strategy (but phased until 2020 on the same highway grounds as under consideration with this application) plus recent appeal decisions have determined that the Council does not have a 5 year supply of housing land. In particular, the Inspector expressed concerns regarding the deliverability and likely yield of some strategic sites. The applicant in this case is a volume housebuilder and evidence has been provided that this site will deliver within the next 5 years and as such can make an important contribution in terms of housing land supply.

These are important material considerations, which, in this case are considered to outweigh the local plan policy presumption against this proposal and therefore the presumption in favour of sustainable development should apply in this case.

Following the negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and the future provision of primary school education. It would also provide the policy compliant level of affordable housing provision (30%).

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, contaminated land, air quality, noise impact, layout and design, built heritage, hedgerows, ecology, drainage/flooding 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, there is not a significant failure to meet these and all such facilities are accessible to the site. Furthermore, sustainability also includes the provision of both affordable and market housing, as well as the economic growth benefits arising from the construction industry. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some of the best and most versatile agricultural land, this accounts for less than half of the site area, and in accordance with recent Appeal decisions on the matter, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss.

On the negative side, the housing will be built on open countryside contrary to the provisions of Policy NE2 of the Local Plan, although the proposal will not have a significant impact on the landscape character of the area. The proposal will result in the loss of two protected trees as a result of the construction of the main access road into the site. However, it has been demonstrated that in highway safety terms, this is the only practicable location from which vehicle access can be taken. There is also concern regarding the highway impact of the scheme.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on countryside, loss of trees and highway issues are outweighed by the benefits of the proposal in terms of residential provision.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, subject to the necessary outstanding information being submitted, and no objections being raised by the relevant consultees, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **Primary Education contribution of £542,315**
- **Minimum of 4,125sqm of shared recreational open space and 5,500sqm of shared children's play space to include:**
 - **An equipped children's play area to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children.**
 - **A Multi Use Games Area**
 - **An outdoor gym (similar to that in Queens Park, Crewe) with 12 pieces of equipment.**
 - **Specification for the above to be as set out in the Greenspaces consultation response dated 18th September 2013**
- **An area of allotments – minimum 30 plots. Specification for the above to be as set out in the Greenspaces consultation response dated 18th September 2013**
- **Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.**
- **Development to be undertaken in accordance with avoidance measures to avoid significant effects on the Midland Meres & Mosses Phase 1 Ramsar including contribution to improvements to the access facilities at Wybunbury Moss through the extension of the existing boardwalks (Amount TBC)**
- **30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings:**
 - **0-5% x 5 bed**
 - **0 – 10% x 4 bed**
 - **45 – 50% x 3 bed**
 - **50 – 55% x 2 bed.**
- **affordable units to be tenure blind and pepper potted within the development.**
- **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**
- **Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008**

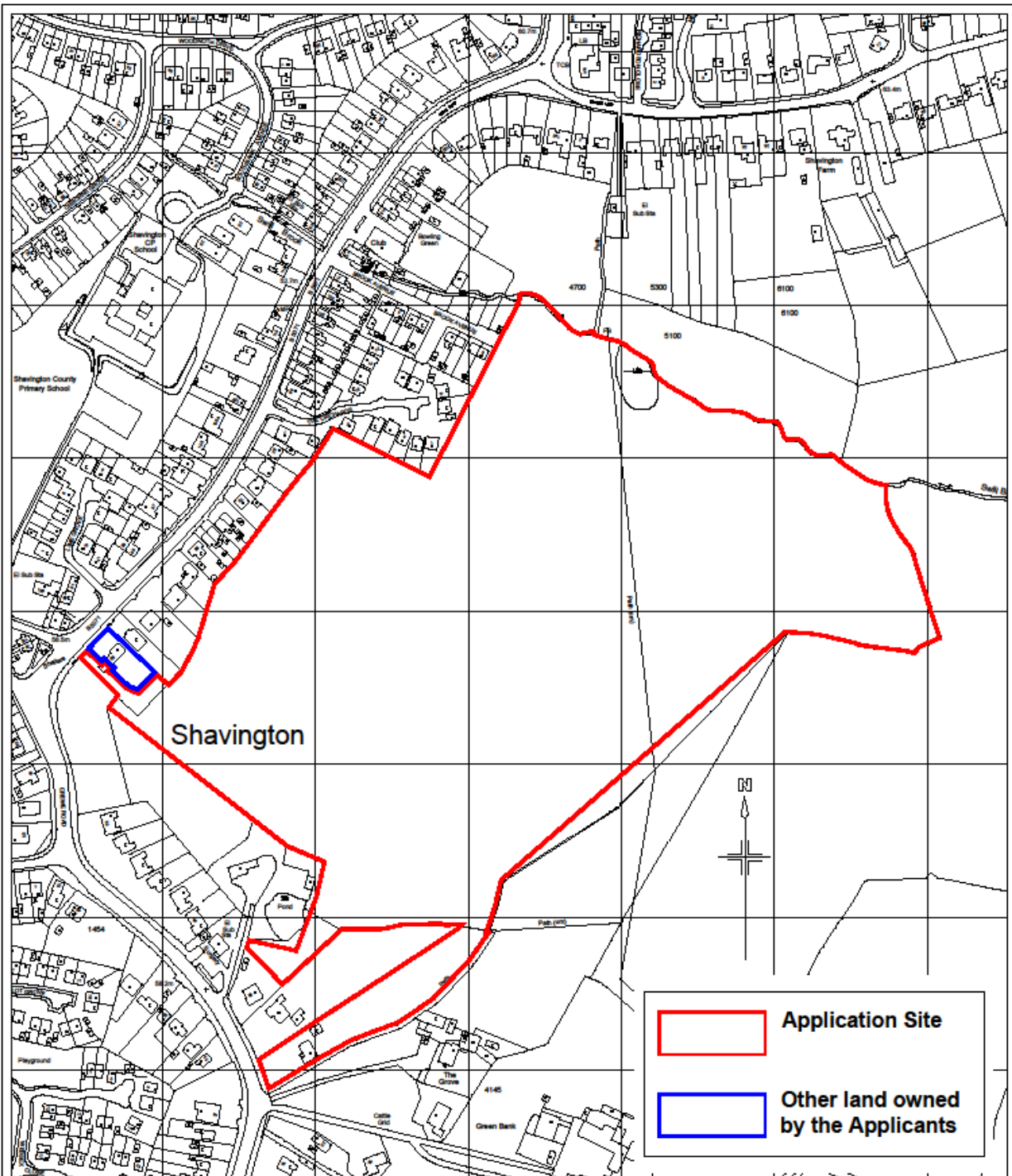
And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. Finished floor levels of the residential dwellings adjacent to Wells Green Brook to be set at a minimum of 54.50 m AOD**
- 5. Submission, approval and implementation of scheme to demonstrate no alteration of existing ground levels within the 1 in 100 year (1% AEP) flood outline.**

6. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development,
7. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
8. Site layout to be designed to contain any such flooding within the site.
9. Reserved matters to make provision for the provision and management of an undeveloped buffer zone alongside Swill Brook at least 8 meters wide measured from top of bank. .
10. The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping;
11. Reserved matters to make provision for open space adjacent to the buffer strip
12. Submission, approval and implementation of a scheme to protect the water vole population,
13. Submission, approval and implementation of a scheme to scheme to dispose of foul and surface water
14. Site must be drained on a total separate system with foul drainage connected into the public foul sewerage system and surface water discharging to the adjacent watercourse
15. The surface water discharge exit velocity shall not exceed 1.0 metre/second and shall be angled with the direction of flow in the Brook.
16. Reserved matters to make provision for houses to front on to Swill Brook.
17. Submission, approval and implementation of a Sustainable Drainage Systems (SuDS).
18. Safeguarding of breeding birds
19. Submission, approval and implementation of a scheme of nest boxes
20. Provision and detailed design of proposed wildlife pond
21. Submission, approval and implementation of, an Environmental Management Plan
22. Construction works (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
23. Submission, approval and implementation of, details of the location, height, design, and luminance of any proposed lighting
24. Submission, approval and implementation of, an air quality mitigation plan including:
 - Residential Travel Plan. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options including information about walking and cycling routes
 - Electric Car Charging Points
25. Submission, approval and implementation of, scheme to minimise dust emissions arising from demolition / construction activities on the site

26. Submission, and approval of A Phase II Contaminated Land investigation and implementation of an necessary mitigation.
27. Upgrading of footpath no. 4 to cycle route
28. Reserved matters to make provision for Footpath no.4 to be maintained on true alignment, within a green corridor with properties fronting on to it.
29. Provision of Toucan Crossing
30. Submission, approval and implementation of scheme of pedestrian and cycle signage
31. Reserved matters to make provision for shared use routes for pedestrians and cyclists through the site
32. Submission / approval and implementation of a scheme of archaeological mitigation.
33. Landscaping submitted as part of reserved matters to be in accordance with the Scheme Parameters (Drwg No. 487A.21A).
34. Landscaping submitted as part of reserved matters to include new planting to mitigate the loss of the two protected Oak trees as part of the greenspace network including :
 - buffer planting rear of 66-82 Crewe Road
 - greenspace adjacent to 56 Crewe Road.
 - central greenspace within the site.
 - greenspace buffer along the northern and eastern boundary.
 - existing footpaths to be located within POS.
 - community orchard.
35. The retention of the remaining TPO trees within the site and submission / approval of a scheme of tree protection
36. Implementation of Tree Protection.
37. Reserved matters to make provision for retention of “important” hedgerows as defined in the Hedgerow Regulations
38. Submission / approval and implementation of a Design Principles document
39. No approval for indicative layout
40. Submission / approval and implementation of details of bin storage
41. Submission / approval and implementation of boundary treatment
42. Submission / approval and implementation of sustainable design strategy
43. Submission of construction details for access / roads
44. Provision of access / roads
45. Provision of parking
46. Submission / approval and implementation of materials
47. Replacement hedge planting

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

**EAST SHAVINGTON**

**Crewe Road,
Shavington,
Crewe**

Outline planning application for the erection of up to 275 dwellings, including access, landscaping, recreation and amenity open space, associated infrastructure, the demolition of no. 28 Crewe Road, and of the single storey extension to no. 56 Crewe Road. Permission sought for means of access. Layout, scale, appearance and landscaping are reserved for subsequent approval

McDyre & Co.
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SITE PLAN**Applicants**

Taylor Wimpey UK Limited, Need-Becroft (Shavington) LLP,
Paul Need and Tracey Ann Need

Dwg. No. ES/SP/1

April 2013

Scale: 1: 2500 @ A3

Application No: 11/1879N

Location: LAND NORTH OF PARKERS ROAD, LEIGHTON

Proposal: A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date

Applicant: Bloor Homes and Linden Homes

Expiry Date: 12-Sep-2011

11-1879n -REVISED REPORT OCT 2013

SUMMARY RECOMMENDATION

APPROVE subject to Section 106 Agreement and conditions

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Highway Safety And Traffic Generation.
Contaminated Land
Air Quality
Noise Impact
Landscape Impact
Hedge and Tree Matters
Ecology,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education**

REFERRAL

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

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.

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.*

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

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;

Furthermore, given the length of time which has passed since the application was original considered by Strategic Planning Board and the changes which have taken place in terms of national, regional and local planning policy in the intervening period it is considered to be prudent to consider the application in its entirety afresh.

In all other respects the scheme is identical to that originally presented to and approved by the Strategic Planning Board at its meeting in October 2011.

1. SITE DESCRIPTION

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.

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 Pym’s Lane and the village of Bradfield Green to the North West.

1. DETAILS OF PROPOSAL

The proposal is a “hybrid” application (i.e. part outline and part full planning permission). Full planning permission is sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission is 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 is being applied for.

2. RELEVANT PLANNING HISTORY

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

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)
Draft Development Strategy
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Leighton Hospital

- Mid Cheshire Hospitals Foundation trust (MCHFT) wishes to make representations to the Council and make them aware of concerns that the immediate infrastructure is not suitable to support further planned development.
- MCHFT have their Leighton Hospital campus off Smithy Lane Leighton, immediately adjacent to the planned Parkers Road development.
- There are already traffic delays at certain times of the day to the Smith Lane / flowers Lane, Bradfield Road / Minshull New Road mini roundabout junctions. The poor sight lines from Smithy Lane causes traffic to back up along Smithy Lane past the hospital entrances. This means that blue light vehicles attempting to access and egress the hospital site frequently cause vehicles to have to mount the pavement. The fact that there is only a pavement on one side of the road is additionally problematic.
- The Leighton hospital site also houses Crewe West Ned Police Station.
- Delays occur at the mini roundabout due to the increased traffic leaving Bentley Motors and gaining easier access across the mini roundabout due to there being far better sight lines from Minshull New Road, giving priority to these vehicles. This causes a delay for Smithy Lane traffic.
- At the opposite end of Smithy Lane delays also occur when attempting to join Middlewich Road due to the restricted junction width at this end of Smithy Lane (i.e. no right turning lane). In short traffic congestion occurs at both ends of smithy Lane and would be worsened by the development without mitigation measures being introduced.
- MCHFT would thus appeal to the Council to not make the current situation worse as a result of the Parkers Road development. It could ultimately result in a life or death issue

- MCHFT does however, see a need for up to 25 one or two bedroom key worker housing units and as the largest rural employer in the area, can thus see a need for key worker housing. However they cannot see a need for such a high percentage of affordable housing in the more rural setting of Leighton. They would therefore appeal to the Council to consider a higher compliment of affordable housing in its more urban sites such as the Coppenhall development. Thus a reduction in affordable housing at the parkers Road site should allow additional revenue to be invested in highways infrastructure including pedestrian pavements and cycle lanes.
- MCHFT believe that the Traffic Impact Assessment as undertaken is not sufficiently developed and should
 - o Be undertaken at peak travel time (i.e. when Bentley Motors staff change shift – early evening)
 - o Take the Councils Committee Development s(i.e. Coppenhall housing) into condieration
 - o Include a long term traffic projection past 2016
- MCHFT would like to see
 - o Road junction improvements to both ends of Smithy Lane so as to ease the impact of the additional Nantwich traffic
 - o The realignment of the mini roundabout give that the land adjacent will be owned by the applicant
 - o A second vehicular existing onto Flowers Lane so that the Middlewich Bound traffic could bypass the mini roundabout
 - o Additional pedestrian pavements and cycle lane linking the housing development to Leighton Hospital and Bentley Motors (as the two largest employers in the area) thus encouraging walking as an alternative means of transport
- Finally as part of the major development on the land adjacent to the hospital MCHFT would wish to see it include widening and straightening of Smithy Lane, bus lay-bys at either side adjacent to the main entrance and a pedestrian crossing point, the latter items being to encourage both staff and visitors to travel by public transport.

Leighton Hospital – 14th June 2011

The Chief Executive of Mid Cheshire Hospitals NHS Foundation Trust submitted the following comments: “Mid Cheshire Hospital’s NHS Foundation Trust would support in principle, the provision of low-cost affordable key-worker housing as part of the above development. The Trust’s residential feasibility study has identified that it is not cost-effective for it to provide 1 and 2 bedroom units (for the current market rent of £500pcm). In this respect, the Trust does not currently have a sustainable solution for its married persons accommodation. MCHFT would in the future therefore intend to dispose of up to 25 married person’s accommodation unit as part of any future strategy.

It would therefore assist the Trust if the private sector could meet the anticipated short fall and re-provide 25 married persons units immediately adjacent to our Leighton Site.”

Leighton Hospital – 17th October 2011

The hospital trust have seen the latest plans for the junction improvements, either end of Smithy Lane. These should go some way to mitigate the additional traffic burden arising. The

trust believe that it is probably the best they can hope for - at this first stage of the wider development of Leighton West.

The trust also understand that continuous pavements will now be provided (around Manor Lodge et al) back to Parkers Road. This is an added bonus.

If the developer's Traffic Impact Assessment is also now robust, then the hospital cannot add any more comment.

It obviously represents a major step forward from the developers initial proposals.

South Cheshire Chamber - 19th August 2011

The Chief Executive of the South Cheshire Chamber submitted the following comments:

"...I am pleased to confirm that the Chamber of Commerce supports your proposed housing development at Parkers Road subject to the inclusion of the various highway improvements that you outlined and in particular those relating to improved access to Leighton Hospital.

The Chamber considers that the development addresses the needs identified in the 'All Change for Crewe' strategy for the long term economic regeneration of the area and also welcomes both the short and long term economic benefits that will arise from the development."

Sustrans

If this land use is approved by the Council's planning committee comments are as follows:

- a) The site will be a generator of significant additional traffic on roads such as Bradfield Road which already carry substantial flows of vehicles
- a) The site lies within 1/2 km of the unfinished Leighton greenway, which leads to Crewe town centre, (current end point Frank Bott Avenue) and 1km of Leighton Hospital.
- b) Would like to see the developer make a contribution to the walking/cycling network beyond the site to encourage more sustainable modes of travel. Examples are: an off highway 3 metre footway/cycle track from the site to the existing facilities at Parkers Road/Bradfield Road junction.
- c) Conversion of the south footway on Bradfield Road between the toucan crossing at the Merlin to the Smithy Lane/Bradfield Road roundabout to a 3 metre shared footway/cycleway.
- d) There should be several access points, for pedestrians and cyclists only, onto Parkers Road/Moss Lane away from motor traffic.
- e) The site layout should restrict vehicle speeds to less than 20 mph.
- f) Would like to see Moss Lane closed to through traffic to stop it becoming in short-cut when all other roads are congested.

- g) Smaller properties/apartments should include storage areas for residents' buggies/bicycles.

Archaeology

- The Planning Statement and Design and Access Statement submitted in support of the application note that a programme of archaeological assessment and evaluation has been undertaken with regard to these proposals. This work consisted of an initial desk-based assessment, which was prepared by Wessex Archaeology, and a subsequent geophysical survey of part of the site, which was carried out by Archaeo Physica. This process did not identify any major archaeological constraints and, across the bulk of the area affected by these proposals, it is advised that no further archaeological mitigation will be required. The one exception to this advice concerns a restricted area at the eastern limits of the application area and the boundary between Phases A and B of the development (c SJ6922 5820), immediately adjacent to Moss Road. Here desk-based work has identified the site of a building depicted on early 19th-century mapping and it is advised that the site of the building should be subject to an archaeological strip and record exercise, followed by the production of a report. The work may be secured by condition.

Environment Agency

No objection in principle to the proposed development but requests that any approval includes the following planning conditions.

- The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2011/817B/Lees Roxburgh Consulting Engineers and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the development to a maximum discharge rate off the site to a maximum of 88 litres/second (calculated to be the existing greenfield run-off rate for the area of the site).
 - Provide acceptable means of on-site surface water attenuation to cater for the 100-year critical rainfall event - plus allowances to deal with the impact of climate change.
 - Raise floor levels of buildings a minimum of 150mm above surrounding ground levels.
- The development hereby permitted shall not be commenced until such time as a detail design for a surface water regulation scheme has been submitted to, and approved in writing by, the Local Planning Authority.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

United Utilities

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities will require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability. United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -
 - a) The Local Authority takes responsibility for the maintenance of the pond
 - a) The freehold of the land on which the pond lies is transferred to the Local Authority
 - b) That measures have been taken to prevent flooding of properties
 - c) That a legal agreement is in place between all parties.
- A water supply can be made available to the proposed development.
- Water pressure in this area is regulated to around 20metres head. This should be taken into account when designing the internal plumbing.
- A separate metered supply to each unit will be required
- United Utilities encourages the use of water efficient designs and development wherever this is possible. Including utilising drought resistant varieties of trees, plants and grasses when landscaping and installing water efficient appliances such as dishwashers, washing machines.

Amenity Greenspace

No objection subject to:

- A private management company to be set up by the developer to maintain the open spaces within the development.
- The development to incorporate an equipped children's play area conforming to NEAP Standard. This means that there need to be a minimum of 8 pieces of equipment, plus 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings to be painted green; pedestrian gates to be yellow.
- The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour to be tarmacadam with pre-cast concrete edging surround.
- Access paths to gates to be tarmacadam.

Amenity Greenspace – 17th October 2011

- With regards to the open space play area, the Greenspaces Officer would wish to see equipment that caters for the needs of older children in the area, and which provides significant play value. For longevity, the Greenspaces Officer would wish that the equipment is primarily constructed of steel, rather than wood.
- Grass earthwork mounds are extremely difficult to establish and maintain. They featured on some of the Playbuilder year 1 sites in Cheshire East, and have since had to be removed.

Natural England

- It is noted that the development is proposed on existing agricultural land. The owner of this land will need to liaise with Natural England over the loss of land included in an Entry Level Stewardship agreement. The agreement holder will need to liaise with Natural England on how loss of this land to development might affect the agreement and payments received. However, this is a matter between Natural England and the agreement holder, and would not preclude the planning application being considered, given that the land does not have any statutory nature conservation designation.
- The wording in this *Summary of Construction Mitigation Measures* table suggests that these procedures and mitigation strategies are optional with the word 'should' used throughout. Natural England would recommend that the wording is rephrased to indicate commitment of these procedures and mitigation.
- It is noted that the photomontages provided do not provide a realistic visualisation of the proposed development in terms of landscape and visual impacts. Whilst Natural England acknowledge that this is an outline application but Natural England would expect to see realistic photomontages in the next phases of development which take into account the facade, mass and materials to be utilised in the proposed development (including the photovoltaic panels).
- Whilst Natural England support the use of renewable energy and in principle Natural England do not have major concerns about the use of photovoltaic panels on the properties proposed for Phase A, it will be necessary for these panels to be assessed for impacts on the Landscape Character and Visual Amenity of the area in which it is proposed. Thus far, there is no reference made to the photovoltaic panels in the Landscape and Visual chapter. This will need to be rectified in subsequent submission so that the effects of this development can be accurately assessed.
- Natural England note that an arboricultural survey has been undertaken on the trees within the site boundary and have highlighted a number of trees that require felling. A number of these trees have also been highlighted for their potential to support owls and bats. The Authority would need to be satisfied that if bat and owl roost are present that Natural England would be in a position to approve any licence required for the destruction of a roost. It is understood that bat surveys are underway to determine the presence of a roost. The authority would be advised to wait for the results of these surveys before determination.
- Should the surveys result in no roost, Natural England would still expect to see measures put in place to ensure that the trees are 'soft' felled and left in situ for a period of 48 hours before removal and that the Authority impose conditions that reflect the mitigation measures. As a couple of trees have the potential to have substantial

cavities and good potential to offer roosting opportunities, Natural England would recommend that these sections of trees are attached to any remaining trees thus minimising the loss of potential bat habitat. Any smaller branches and trunks could be used as suitable hibernacula and habitats in the ecological mitigation area.

- It is stated that there is no opportunity on the existing development footprint for breeding (i.e. ponds) and that there is a network of ponds that surround the site, which do support breeding newts. Natural England support the inclusion of the habitat area to the north east of the development but would recommend that this area incorporates a water body suitable to support and enhance the overall population of newts. Natural England would look favourably upon this inclusion.
- Natural England support zero carbon methodologies for housing and there is an opportunity for the development to also include biodiversity enhancements within the fabric of the dwellings that still allow for zero carbon construction. Dr Carol Williams has produced a book (Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build) that provides information on how to introduce low and zero carbon biodiversity into new builds. Natural England recommends that this book is utilised to help in the development of this project.
- Natural England support the proposals for mitigation (which should include the recommendations stated above). The Authority should ensure that all the mitigation measures are captured in sufficiently robust conditions should they be minded to grant planning permission. Natural England would recommend that consideration be given to the landscaping scheme and the potential for introducing night scented shrubs/ flowers that will attract insects and thus increase the food resource for bats.
- It is not clear what mechanism will be in place to ensure the success of the planting (particularly oak trees). It is acknowledged that this species will take a number of years for them to reach maturity and as such how will the success of this planting be monitored and rectified in the case of failure to survive. Natural England would recommend that an agreement (through a section 106 potentially) is considered between the applicant and the Authority.
- As previously stated above all dead trees for felling should be undertaken carefully and any sections that have the potential to offer roosting opportunities should be erected on any remaining trees within the development site.
- Natural England support the inclusion of refugia in the proposed mitigation habitat but would also welcome the inclusion of a water body. This will help to enhance the overall population and habitats available.
- Post monitoring of the habitat will be required as part of the EPS licence but Natural England would also recommend that post monitoring surveys are undertaken that include for the other species that have been mitigated for so that any alterations/ changes can be implemented to support the mitigation strategy and longevity of the biodiversity enhancements.
- Natural England support the inclusion of bird nesting boxes.
- Natural England do not agree with the residual effect of negligible for trees especially as a number of oak trees will be lost as a result of the development. The oak trees will take a number of years to mature (as acknowledged) and therefore the adverse effects are likely to remain for a number of years post construction.
- Whilst Natural England would not expect to see every dwelling cater for all species of bats there is a potential to provide roosting opportunities in 1 or more of the dwellings for brown longed-eared bats. Natural England would recommend that this is investigated further.

- Natural England support the inclusion of the Travel Plan and would recommend that this commitment forms part of an appropriate condition of any planning approval.
- It is acknowledged that sustainability has been considered in this application. Natural England supports the incorporation of sustainable design solutions.
- Natural England is satisfied with the contents of the Environmental Statement, but wish the above comments (above) to be given due consideration during the development of future stages within the planning process.

Natural England – 27th September 2011

Natural England provided the following further comments in response to additional information being submitted.

“In Section 1 (Introduction) and Section 9 (Ecology and Nature Conservation) it is stated that a number of additional surveys have been undertaken in respect of bats and whilst we do not necessarily disagree with the overall conclusions, the survey information does not appear to have been submitted or included in the Environmental Statement Addendum. We would expect the Authority to ensure that they obtain these surveys (assessment of trees and bat activity surveys) and are satisfied that they reflect the conclusions and recommendation.”

The Applicants submitted this information as part of the Environmental Statement Addendum.

“With respect to great-crested newts, we are satisfied that our comments have been taken into account with regard to additional newt mitigation enhancements. Any trapping of newts from the development footprint will require a licence from Natural England and therefore it is for the 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 on planning applications. We have however produced guidance on the highlevel 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.”

Environmental Health

No objection to the application subject to the following comments

- This site is located on areas of ground which have the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- As such, and in accordance with PPS23, recommend conditions requiring a phase II investigation and remediation should planning permission be granted.

- Due to the size of the development, recommend an Air Quality Impact Assessment prior to the development commencing.
- Due to the close proximity of busy roads, recommend a noise assessment survey to be undertaken prior to the development commencing.
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.
- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.
- Any external lighting of the proposed site should be submitted to and approved by the borough council before being installed, due to the close proximity of local residents.

Environmental Health – 17th October 2011

- The information supplied in Appendix 13.1 of the Environment Statement is not a noise assessment but a prediction in the increase of traffic noise. Therefore our comments still stand as we need to know the current noise levels generated from traffic noise so we can determine what level of protection, if any, is required in the proposed development.

Highways

- To summarise the application, the proposal is for a residential development of 400 units with two points of access: one from Parkers Road and one from Flowers Lane.
- The first junction is from Parkers Road and will provide a properly designed priority junction which will incorporate a ghost island right turn lane with a pedestrian refuge.
- In addition this junction will incorporate a right turn lane improvement for the diagonally opposed junction into Beconsall Drive which will improve traffic management between the two junctions.
- Also on this frontage, the developer will be providing a PUFFIN crossing on the notional pedestrian desire line to the local facilities, school and shop.
- The second junction onto Flowers Lane will again be a simple priority junction and this will be supplemented by an extension to the street lighting on Flowers Lane which will effectively extend the 30 mph speed limit for the full frontage of the site.
- This has multiple advantages.
- The junction will be well lit and the approach speed to the new roundabout design will be reduced.

- In addition the treatment of Flowers Lane will see significant footway improvements on both sides of the road together with the provision of a zebra crossing between the new access and the roundabout which will improve pedestrian safety.
- Bradfield Road/Parkers Road traffic signal junction: The provision of an improvement in the signal controller with the introduction of MOVA software which will improve traffic management and make the signals responsive to traffic load on the separate arms of the junction and allow more efficient queue reduction at times of peak flow.
- Bradfield Road/Flowers Lane/Smithy Lane roundabout: A new roundabout is proposed at this location to improve the capacity allowing the development traffic to be accommodated whilst offering some overall betterment to the general junction capacity. It is a non-standard roundabout design but is acceptable in terms of design and safety.
- This improvement will be made within land owned by the applicant and land which falls within the public highway.
- Flowers Lane/A530 traffic signals: A minor improvement to the signal junction has been proposed by the developer and this is now agreed by the Highway Authority.
- Smithy Lane/A530 junction: The proposal at this junction is for the provision of traffic signals to replace the existing priority junction with a ghost island right turn lane. The Highways Development Management Team consider this to be an effective proposal and the space available at the junction will accommodate an effective signal design.
- The design of this junction is agreed by the Highway Authority
- Financial Note: These highway improvement proposals have been broadly costed and the value of the works will be in the region of one million pounds.
- Contribution to the wider highway network: In addition the developer is also offering financial contribution to the wider highway network and has provisionally offered a sum of £300,000 towards the Remer Street corridor upon which this development proposal is shown to have an impact.
- The Transport Assessment offers a detailed analysis of the modal choice and sustainable links which will serve this site.
- It does show that the site has reasonable connectivity across the town of Crewe despite its location on the north west side of the Crewe area.
- There have been some lengthy discussions between the developer and the Highways Development Management team regarding the accessibility of the site and the improvements being offered.
- Improvements take the form of improved footpath links local to the site and some cycleway provision.

- The provision of the PUFFIN and zebra crossings also aid connectivity.
- Moss Lane: It is important at this point to inform members about the issues surrounding Moss Lane and the local concern about traffic impact from this development. Clearly Moss Lane is a narrow country lane which should not be burdened with additional through traffic from a new development. The development guards against this through the provision of two points of access which can be utilised from anywhere within the site. This means that if generated traffic is to travel in the direction of Middlewich or Winsford, it will use the Flowers Lane access and will not need to use Moss Lane which would be a longer and slower route.
- If generated traffic is to travel in the direction of Crewe or Warrington it will use the Parkers Road access and will not need to use Moss Lane which would be a longer and slower route.
- The Strategic Highways Manager is confident that there will not be a problem with traffic from the development using Moss Lane.
- This site is proposed for phased development of the residential units and significant negotiations have taken place regarding the internal layout.
- It is important that the site is brought forward with a design which is driven by the guidance within the Manual for Streets document issued by the Department for Transport.
- This document leads on guidance for quality development and the need to ensure residential developments provide a sense of place through quality design which will provide good social infrastructure.
- Amongst these design initiatives, the detail of highway design within residential development has changed to provide more innovative layout which supports the quality design whilst providing highway layout which supports traffic needs in a more controlled environment.
- The design being offered for this site is innovative and will provide a design of good quality and one which the Strategic Highways Manager supports.
- The development impact has been assessed and there are mitigation measures being provided on the road network that will satisfactorily cater for the development traffic and also there is a financial contribution provided towards the wider strategic highway improvements that will need to come forward in due course.
- The Strategic Highways Manager does not object to the planning application subject to the applicant entering into a S106 Agreement for the sum of £300,000 towards highway improvements on the strategic road network.
- The applicant will need to enter into a S278 Agreement with the Highway Authority to provide the junction improvements identified in this report

Highways – 17th October 2011

- Highways have investigated the design of the new roundabout in safety terms and although it is a non-standard roundabout they are now content with the design and capacity of the new roundabout.
- All of the improvements can now be delivered through the S278's the only S106 contributions are the £300,000 and the travel plan

Education

- By applying the pupil yield of 0.162 this development will generate 65 primary school places and CEC pupil projections have 28 surplus places in the "local schools" (i.e. schools within a 2 mile walking distance).
- Therefore a contribution has been sought for the additional 37 pupils which cannot be physically accommodated.
- This equates to a payment of £398,990.

5. VIEWS OF THE PARISH / TOWN COUNCIL

1. The infrastructure is inadequate to cope with these additional dwellings.
1. The highways will also be inadequate to cope with the additional traffic generated by 400 homes.
2. Flooding: The issue of drainage and flooding is an on-going problem in the parish, so much so that "Drainage" is a standing item on the Parish Council agendas; this development will exacerbate the problem.
3. Finally, if the Strategic Planning Board is minded to approve the application, the Parish Council would urge that landscaping measures are introduced which are compatible with the street scene on Moss Lane at Leighton.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 1 Barrows Close 1 Fox Covert Way 1, 15, Burton Grove 1, 6, 14, 15, Parkfield 1, 7 Tollemache Drive, 4, 9, 10 Bleasdale Road, 10 Rydal Mount 10 Verdin Court 103 Kestrel Drive 8, 9, 20, 23, 33, 35, 47, 52, 56, 57, 58, 60, 66, 69, 72, 74, 77, 81, 85, 86, 108 Beconsall Drive 6, 11, 12 19, 52, 53 Farmleigh Drive 2, 3, 11, 15 Moss fields 11, 15, 35, 37, 49 Thornfields 6, 27, 30, 33, 34, 39, 52, 61, 64, 111, 115, 117 Lamborn Drive, 5, 12, 39 Elmstead Crescent, 7, 13 Lyceum Way, 14 Burton Grove, 16 Melrose Drive 16 Mills Way, 2, 17 20, 22, 28, 29, 48, 49, 68, 70, 72, 74 , 76 Beltony Drive, 2 Fox Covert Way, 2 Simpson Court, 2, 6 Thorpe Close, 21 Ardleigh Close, 4, 5, 6, 9, 22, 27, 29, 30, 33, 36, 74 Thorntree Drive 28 Parkers Road 28 84, Verdin Court, 4, 98, Beconsall Close, 8, 9, 41 Lambourne Drive, 46 James Atkinson Way, 5 Barrows Close, 63 Lime Tree Avenue, 7 Lyceum Close, 74 Merlin Way, 8, 9, Magecroft, 8 Parkfield, 9 Englefield Close, 9 Lawford Close, 97 Millstone Lane making the following points:-

Principle of Development

- Houses are not needed and there is no demand
- There are many unfinished developments in Crewe already- in particular the prominent location neighbouring Morrison's Supermarket.
- You cannot justify leaving that site unfinished and an obvious eye-sore to all Crewe residents and visitors to the town
- Is the due to a poor planning decision being made previously? If so it should serve as a warning to the Planning Officers investigating the above mentioned application. Maybe the Councils resources would be best used in forcing this company to complete this eyesore before approving planning applications elsewhere.
- Other areas that have been left unfinished and should be completed prior to any other building areas.
 1. Underwood Court apartments which have been closed down.
 1. Replacement of houses or apartments which were knocked down several years
 2. The proposed development local to the Cross Keys local to the end of North Street.
- Would it not make sense to complete one development before starting another?
- Maybe that option isn't as financially rewarding, and what does the Council propose to do with the anticipated profits of the proposed Bloor Homes site off Parkers Road?
- Unfinished developments are proof that there is no demand for new homes in Crewe
- The site may also not be completed leaving an eyesore
- There are many vacant properties and houses for sale which are failing to sell. The market would not accommodate a further 400 homes.
- The area has already experienced over development in the past.
- There are a large number of brownfield sites in Crewe which are in need of development.
- This is over development for the area and the taking of a green field site and is contrary to the Crewe and Nantwich Local Plan.
- The local landscape is being eaten away by developers exploiting every single piece on land they can their hands on. If this was Willaston, Shavington or Wistason, there would be an outcry. The area should be left as it is.
- This proposal will also completely obliterate the current residents open space. Families & children enjoy free time here and the general country side feel to the area will be lost. Dog walkers will have no option but to revert to the streets and the routes to more than one school will become a precarious one. What kind of community will this create?
- The long period of development associated with this project and the governments own decision to stop development plans where they were not considered necessary should be taken into account
- It is ridiculous to think that all housing demand for the whole of Cheshire East will be met by putting the houses all in one town, which seems to be Cheshire East's plan. I would argue that the NIMBYs (Not In My Back Yard) at Cheshire East Council have introduced this policy to keep development away Congleton and Macclesfield and such places. It is interesting to note that Congleton's MP made a comment in response to the policy - 'Release of housing land is an issue of concern to all communities in the Congleton constituency. Residents object strongly to the release of Green Belt for

housing purposes' - Fiona Bruce. There was no response listed from Crewe and Nantwich MP.

- There is no proven need for extra houses in the North West anyway. A recent report from Institute for Public Policy Research says ' The North West of England is the only region where supply could meet demand, with 40,000 extra homes compared to the number of households, due to the high rate of unoccupied premises at present'.
- Crewe is the area of the borough that least needs 'affordable homes', which seems to how these developments are justified. The house prices in Crewe are the cheapest within Cheshire East.
- Some of the terraced streets in Crewe are already starting to look run-down and since the recession some properties are boarded up. Building on Green Field sites on the edge of town will only force down prices in Crewe further and lead to further decay of the properties in the town centre.
- The people of Crewe will have to suffer increased congestion, degradation of property prices, increased pressure on public services such as schools, doctors, etc., so that building companies can do easy building on flat green fields to make huge profits. All this because Cheshire East can't be bothered to put together a properly thought-out plan, or are too afraid of litigation if they fail to release enough housing. Five years on Crewe will be more sprawling and have problems more associated with larger cities, without any of the benefits of a large city. Either that or these new developments will end up the way of the ghost estates of Ireland.
- We feel that all these should be completed as it would give a lot of additional properties for habitation before you propose to build on the Green Area for planning application ref; 11/1879N.

Highways

- The proposed access road on to the estate is almost opposite to the present access into Beconsall Drive and at the present time it is very difficult to access Parkers Road especially in the morning.
- Risk to lives as access to Leighton hospital is congested
- The local infrastructure already struggles to cope with existing levels of usage. There is severe congestion
- Many local roads are very dangerous and poorly maintained.
- The Council is already failing to maintain the existing road structures to a safe and satisfactory level, the extra traffic generated by further housing development will exacerbate the problem.
- Residents do not think an in depth survey of the traffic movements has been done especially taking into consideration the effects that another large scheme in the area is planned.
- Not only are improvements required to the immediate infrastructure there is a need also for road and safety aspects at Barrows Green and Minshull New Rd roundabout and the current proposals do nothing to alleviate this.
- The matter of an access road has not been sufficiently detailed. It gives no detailed location. It only states North of Parkers Road. Where exactly is the access road going to be? Moss Lane is unable to sustain the amount of traffic exiting from 400 houses. Bradfield Road is West of Parkers Road as are all other roads leading to the main Middlewich – Nantwich Road.

- The period of time that the cars are "nose to tail" on Middlewich Road and the surrounding lanes is constantly increasing!
- The priority should be to redevelop and improve what we already have to enable us to cater for our existing population and not to bring more chaos.
- Parkers Road is heavily congested to the lights every weekday morning. Middlewich Road is backed up regularly in both directions and Smithy Lane is blocked every morning and night, which impedes the hospital. This is already a problem that needs solving, not compounding.
- It appears by noted current practice that Cheshire East only adopts housing estates once the maximum time period to do so has passed, and does not properly correspond to complaints regarding sewerage issues and street lighting. This practice would entail and frustrate owners of the proposed 400+ houses.
- Some residents have already had a ten year battle to have their street adopted, this is despite of (or, as the case may be, in spite of) constant complaints of drainage issues and unconnected street lighting.
- How are the hospital emergency vehicles supposed to cope with even more traffic on an already overloaded infrastructure? The period of time that the cars are "nose to tail" on Middlewich road and the surrounding lanes is constantly increasing! To compound matters the roads are in an absolutely disgusting condition.
- The infrastructure in the area is already congested with Hospital traffic and Bentley Motors employees. 400 houses will bring some additional 600 cars and the area will not cope and lives will be put at risk
- Crewe is a railway town and had lots of rail lines running through it, with bridges over at various points. This means that whatever planners try to do with the roads, there is always congestion. It's getting worse and will be worse still with thousands of extra cars which arrive with the extra homes. It takes residents longer to get from Leighton to Weston Road than it does from Nantwich to Hanley! Cheshire East planners and decision makers have obviously never had to travel around Crewe.

Design & Visual Impact

- The impact on the environment and the general landscaping will ruin the area and the tranquil setting.
- Residents have moved to the area for it's rural location, and for the country lanes surrounding, that are a precious place to walk and cycle.
- Also, green spaces lead to increased quality of life, which has quantified economic benefits
- The development will will become the slums of the future, due to the developer trying to maximise the number of units through minimising the living area.

Ecology

- There will be a negative effect on local wildlife due to the destruction of large areas of green.
- The developments are on precious green spaces and there has already been massive habitat destruction in Crewe in recent years, leading to very visible wildlife deaths.
- Natural ecosystems provide the air we breathe, the soil we grow our food on and the water we drink;
- There are great crested newts in the area

Infrastructure

- Does Cheshire East already plan to grant Planning Permission for not only 2,281 houses, but also all land necessary for increasing the infrastructure and if so, how and when will those plans be put to public consultation?
- Impact upon medical services in the area, are not limited to the hospital, and include GP's, health centres, midwives, health visitors, dentists, and other council services. Local services are already at stretching point and additional demand will not ease the situation.
- Whilst the report created by Bloor Homes states Doctors and Dentists are currently taking on NHS patients, residents fail to see this actually happening in the area, with many local residents already having to travel out of the area for some services.
- It is already difficult to get doctors appointments; with another 16,000 people coming in to the area it will put more strain on the system.
- Impact upon education. Local schools are already at capacity and adding additional places will only impact upon the ability to provide quality schooling. Residents fail to see how the Bloor Homes report can suggest that for 400 homes less than 150 children will arrive in the area.
- Whilst these figures are based upon some 'research' by Bloor, they do have a 'crystal ball' and cannot guarantee this statement. When the figure exceeds 150 and the situation within local schools becomes untenable, where will Bloor Homes be then, certainly not taking any responsibility or offering to build more schools?
- Further enquiries regarding future school population numbers need to be made in depth which residents do not believe has been done.
- An E. V. A. should be done and the results fully published and made available and guarantees made that all the infrastructure and benefits are in place before the estate is built.
- This year, even without the proposed houses, residents have found that local children have found it difficult to secure places on the school rolls.
- There is a lack of local amenities, lack of local shops and already low water pressure;
- The developers have promised to deliver another childrens play area. What the area needs is a doctors, pharmacy, development of an existing or addition of a new school, a restructuring of the current road system, redevelopment of the town centre. These are the kind of things the area needs, not more housing bringing more cars and people to our already overcrowded roads.
- Both Mablins Lane and Leighton Primary Schools are full to capacity and are already having to use small porta-cabins to accommodate the extra places that were required for the new estates built in the last 10 years.
- Waste collection services are overrun and there are no plans to re-instate weekly collections. What impact will the thousand or so people have on the immediate environment?
- Bloor Homes have offered no incentive to the Local Residents (eg junction improvements, zebra crossings etc,) if this is the case, why is this application even being considered?

Lack of Jobs

- Employment in the area is very hard pressed - bringing more people into the town will not help the current residents to find employment; It will make the task even harder.
- Locate new housing development where there is work available. People who do purchase houses on the site will be travelling out of the area using fuel and putting further strain on the planets resources.
- It is a fact that large companies like Bombardier may be in decline and could well close especially since the recent disappointing news

Amenity of existing properties

- During the development, which is due to last at least 5 years, the dust, noise and general disruption will be of great disturbance and of detrimental impact to the health and well being of residents, along with the long term damage of extra congestion.
- There would be dust, mud on wet days along with noise
- The increased volume of traffic & road noise would be considerable, with at least 400-800 vehicles leaving and arriving several times daily, plus service vehicles, deliveries and visitors. The increasing road noise is already a problem and we are unable to leave windows open and at times it is impossible to relax in the garden.
- Would block view of countryside
- Residents bought houses with back gardens backing onto Parkers Road with an outlook across agricultural land which is mainly grassland used for the production of hay etc. A year or so ago a Communications Mast was erected which looks a eyesore but they live with it. Then an application is submitted for Planning permission for a residential Development for up to 400 houses!
- The whole area especially Beconsall Drive area will be surrounded by houses, and will no longer be living on the outskirts of a pleasant rural area but will be in the centre of a ever increasing housing estate.

Flooding

- Drainage and flooding issues. The proposed site and surrounding fields are renowned for their poor drainage, and the area is regularly flooded, often spilling out onto the local highways. This area is not able to deal with additional homes and is likely to increase flooding risk for future generations.
- The proposed site suffers from poor drainage and this is likely to worsen with additional concrete/tarmac coverage.
- How will adequate drainage be provided on a field that constantly floods and has done-witnessed by residents for over thirty years?
- Why has a proposed planning application been submitted for approval on what is quite obviously a flood plain?

Other matters

- Local people do not want this development
- Proposal will devalue the local area in relation to social as well as economic viability.
- Residents remember the last homes being built off Parkers Road where they had to put up with workmens caravans and portaloos during which time one resident contracted hepatitis which they still believe was down to the drainage work being carried out.

7. APPLICANT'S SUPPORTING INFORMATION:

- **Arboricultural Impact Assessment**
- **Consultation Statement**
- **Draft Section 106 Heads of Terms**
- **Environmental Statement**
- **Open Spaces Assessment**
- **Planning Statement**
- **Sustainable Energy Statement**
- **Transport Assessment**
- **Utilities Assessment**
- **Affordable Housing Statement**
- **Design and Access Statement**
- **Flood Risk Assessment**
- **Landscape Statement**
- **Travel Plan Framework**
- **Viability Report**

8. OFFICER APPRAISAL

Main Issues

Given that it is submitted as a hybrid, the main issues in the consideration of this application are the suitability of the whole site, in principle, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education. In addition, the acceptability of the detailed design of the southern part of the site in respect of the access, layout, appearance, scale and landscaping must also be considered.

Principle of Development.

Housing Land Supply -The 2013 SHLAA

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State’s decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State’s letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was “between 7,366 to 9,070 dwellings”

The Secretary of State considered that there was “justifiable doubt” about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

“not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement.”

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council’s assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets. Furthermore, although the Sedgefield methods ensures that a wider range of sites are made available more quickly, it does not result in anymore houses being built than the Liverpool method.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector's reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council's ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council's original target of 6,776 homes had been met – and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making.

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated –

that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Emerging Policy

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Draft Development Strategy has been published for consultation at the start of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The proposal does comply with the Interim Policy as it is located on the edge of Crewe. In addition, the proposal supports wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centres and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

As well as being adjacent to the settlement boundary of Crewe, the interim policy requires that the site is, is not within the Green Gap; is not within an allocated employment area and is not within an area safeguarded for the operational needs of Leighton Hospital. It is considered that the application site meets all of these requirements.

The interim policy also states that the development must be well related to the existing fabric of the settlement. These matters will be discussed in greater detail below.

A further requirement of the interim policy is that the site is capable of being fully developed within five years of the granting of outline planning permission. In this case the applicant has confirmed that because 2 separate house builders will be involved in bringing the site forward, it will be delivered within 5 years.

The proposal will certainly increase the supply of housing in Crewe and, as will be discussed in more detail below, it will also improve the, choice and quality of housing in the town through the provision of a range of house types and tenures, including affordable housing, and through sustainable development.

‘All Change for Crewe’ is the route map for charting the town’s development over the next two decades. The strategy intends that by 2030, Crewe will be a nationally significant economic centre with a total population in excess of 100,000 people (currently it has about 83,000), one of the leading centres for advanced, engineering and manufacturing in England and recognised as a sought-after place in the South Cheshire Belt for people to live, work, put down roots, and develop their talents. In order to achieve these objectives, significant additional housing will be required. This proposal will go some way towards supporting the delivery of the Council’s overall vision and objectives for Crewe. It therefore meets all of the requirements of the Interim Planning Policy on the release of housing sites, with the exception of 35% affordable housing (discussed in more detail below).

It is acknowledged however, in respect of the Appeal at the Elworth Hall Farm site, the Inspector concluded that:

“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the

promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight."

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

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

The SHLAA 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 131 homes in the period 2010 - 2015 and 269 units between 2015 - 2020. It therefore forms an important part of the identified 5 year housing land supply.

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.

The Strategy states at paragraph 7.12 *"within Crewe, at the end of the 2010/11 monitoring period, there were commitments for 887 dwellings; in addition the Strategic Housing Land Availability Assessment identified the potential for around 500 additional dwellings to be built within the town. Since that date, planning permissions have also been granted for 400 dwellings on Parkers Road; 650 dwellings at Coppenhall East and 51 dwellings at Gresty Green Road."*

Paragraph 7.13 goes on to say that *"taking all of the commitments into account, there would be a need to find sites for around 3,300 dwellings. It is likely that these sites would be located on the edge of the town and that they would be developed as either housing sites or mixed use sites, including abundant green spaces, employment, local centres and new Primary Schools."*

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 the following sites:

- Crewe Town Centre (200 dwellings),
- West Street / Dunwoody Way (up to 700 dwellings),
- Basford East (1,000 dwellings),
- Basford West (300 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 commitment. At Parkers Road, the strategy envisages:

- Phased delivery of around 400 new homes (at an average of 30 dwellings per hectare);
- Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
- Incorporation of Green Infrastructure including open space, to include an equipped children's play area;
- Provision on site or appropriate contributions towards Green Infrastructure, education, health, open space and community facilities; and
- Provision of contribution towards highway improvements to the Remer Street corridor.

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.

Affordable Housing

In considering the issue of affordable housing it is necessary to refer to the latest Ministerial Guidance on unlocking stalled housing schemes, including the specific legislative provisions which have been enacted to support developers in this endeavour. The relevant policy framework was set out concisely in the Applicant's supporting letter dated 24th May 2013 as follows:

The planning policy context at national level provides clear guidance which supports the revisions which this submission requests. The National Planning Policy Framework (NPPF) calls on Local Planning Authorities to "boost significantly the supply of housing in their areas" (paragraph 47). The objective is to deliver a wide choice of high quality homes, including affordable housing, and Local Planning Authorities are encouraged to set policies designed to meet this need, preferably on site. The NPPF makes clear however that "such policies should be sufficiently flexible to take account of changes in market conditions over time." (Paragraph 50, last bullet point).

The NPPF emphasises the importance of ensuring viability and deliverability; without this plans will simply remain plans and will not secure necessary development on the ground. It advises that "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.” (Paragraph 173).

This paragraph continues by confirming that “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 costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.” (Paragraph 173).

Subsequent to publication of the NPPF, in September 2012 the Secretary of State for Communities and Local Government made a Ministerial Statement “Housing and Growth” which placed particular emphasis on the need to ensure housing developments are not stalled by unrealistic Section 106 obligations. The Statement said “it is vital that the affordable housing element of Section 106 Agreements negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent any construction of new housing. This results in no development, no regeneration and no community benefits at all when agreements are no longer commercially viable. The Government estimate that up to 75,000 new homes are currently stalled due to site viability. Section 106 is an important tool to provide affordable housing and we welcome the flexible approach that many Councils have already taken to renegotiating these agreements where necessary.”

The Statement gives explicit encouragement to Local Planning Authorities to demonstrate flexibility and a willingness to ensure that proposals are not held up by viability issues. In decisions earlier this year Cheshire East Council have already demonstrated that they embrace this advice in appropriate circumstances.

The Government’s policy advice to Local Planning Authorities has recently been given statutory force through the Growth and Infrastructure Act which received Royal Assent on 25 April 2013. By inserting Section 106 BA into the Planning Act it expressly allows for applications to be made on viability grounds for a reduction in affordable housing requirements to ensure development become economically viable. Whilst this statutory provision relates to pre-existing Section 106 Agreements, it logically follows that draft agreements which have yet to be executed (albeit in this particular case were effectively in an agreed form) should follow precisely the same principles.

In summary National Policy and the recently introduced statutory provisions expressly encourages Local Planning Authorities to approve variations to the terms of Section 106 agreements in order to ensure that development which is otherwise acceptable is not prevented from coming forward.

This provides an important context for the Committee’s deliberation.

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 sites of 15 dwellings or more or than 0.4 hectare in size.

However, the Interim Planning Policy on the Release of Housing Land (IPP) states that greenfield sites permitted under this policy (which was the prevailing policy at the time of the previous resolution) will be expected to deliver: a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing. According to the latter, the 35% provision should be split on a 65% social rent, 35% intermediate tenure basis.

The site lies partly within the Crewe sub-area and partly within the Minshull Vernon sub-area in the Strategic Housing Market Assessment (SHMA) 2010. The current affordable housing need for the area in Crewe, as identified in the SHMA is for 256 new affordable homes annually. This is made up of 127x 1-beds, 20x 2-beds, 47x 3-beds, 40x 4/5-beds 26 x 1/2 bed older persons units. For the Minshull Vernon sub-area the SHMA 2010 shows there is an annual requirement for 5 new affordable homes per year between 2009/10 – 2013/14. This is made up of a need for 3 x 3 beds and 2 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 1130 for Crewe the majority of which require 1, 2 and 3 bed accommodation, but there are also 54 applicants who require 4 bed or larger accommodation. For Minshull Vernon there are 3 current applicants, who require a 1 bed, 2 bed and 3 bed.

It is expected that the affordable housing to be delivered at this site will primarily serve the need for Crewe but may also assist by serving some of the need for Minshull Vernon.

The proposed layout for Phase A as originally submitted with the application included a schedule of accommodation indicating affordable housing provision of 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, this totals 26 units which equates to only 20% of the 131 units to be developed in Phase A. This would mean a requirement that of the remaining 269 units to be developed in the subsequent phases 114 would need to be affordable in order to meet the IPP requirement of 35% affordable across the whole site.

The reason Bloor Homes gave for the reduced percentage provision of Affordable Housing in Phase A is due to the need to kick-start the development through private market housing provision. Housing would accept the reduced affordable housing provision in Phase A subject to the S106 Legal Agreement ensuring the requirement that 35% of the 400 units proposed across the whole site are delivered as Affordable Housing.

Therefore the proposal as originally submitted was compliant with the IPP in terms of overall provision. The Housing Section were also satisfied with the proposed split of type and tenure of housing, as well as its design and distribution throughout the site, including the provision of a lower percentage of affordable housing in Phase A and a higher percentage in Phase B, which will average out to 35% across the site. Therefore, it was considered that subject to a suitable prior legal agreement to control occupancy of the properties and provision of the social rented affordable units through a Registered Provider who are registered with the

Tenant Services Authority to provide social housing, that the scheme was acceptable in terms of affordable housing provision at the time of the previous resolution.

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, the NPPF, and paragraph 173 in particular, also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

Since the previous resolution to grant planning permission, 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.

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.

This concludes that the revised 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. On the basis of the FVA as originally submitted Gerald Eve were unable to conclude that the Section 106 contributions represented the maximum the scheme can afford and further viability testing needed be undertaken to establish the appropriate level of contributions. However, Gerald Eve have subsequently been provided with additional information by DTZ in respect of the above-mentioned matters. In summary:

- Detailed comparable evidence has been provided to support the sales values per sq. ft.
- A full breakdown with an RP offer has been provided for the affordable housing values.
- Further cost information in relation to the abnormal costs has been provided.
- Full phasing details has been provided.
- The profit level is a reasonable return for development in the current market.

Gerald Eve have assessed the additional information and have concluded (based on the information provided) that the revised Section 106 and 10% Affordable Housing represent the maximum that the scheme can afford in accordance with the RICS guidance.

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.

On the basis of Gerald Eve's advice, 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.

Whilst the reduction in the overall percentage of affordable housing, is 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.

Members may recall that at its meeting on 22nd August 2012, Strategic Planning Board resolved to approve an application for residential development at the nearby Maw Green site, with an overall affordable housing provision of 10%. This case is not dissimilar.

At its meeting on 5th 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.

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. 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.

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.

However, the IPS states at paragraph 7.7 that, in circumstances where there 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."

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.

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.

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.

The Affordable Housing Interim Planning Statement also requires that the affordable units should also 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 location of the affordable units appears to achieve pepper potting, and the design and appearance appear to be similar and therefore the proposal is also acceptable in this regard. The Applicants have clarified that the design and form of the affordable houses are same as the open market houses, the drawings submitted for both the affordable houses and open market houses of the same type are the same.

The developer has also drawn attention to the intention to provide 25 key worker units for Leighton Hospital staff in the second phase. This has been included as a direct result of the consultation with Leighton Hospital. This is also noted and is considered to be a benefit of the scheme. It has been included within the Section 106 provisions.

On the basis of the above, and the advice of Gerald Eve, the proposed amendment to the affordable housing provision from the previous resolution is considered to be acceptable.

Contaminated land

A desk study has been submitted with the application which has identified that the site comprised agricultural fields since the first edition historical map of 1875. The site has remained undeveloped until present. Former ponds were recorded in the western and central portions of the site and were backfilled by 1893 and 1977. Drainage ditches were also present on the site and some appear to have been filled in between 1977 and 1988.

Given the findings of the desk study and nature of the existing use, no source of contamination has been identified. However due to the proposed use it is recommended that further investigation to identify the presence of possible contaminated land and subsequent requirements for remediation or mitigation relating to human health risks.

The Council's Environmental Health officers have examined the report and agreed with its conclusions. They have commented that the site is located on areas of ground which have the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Therefore, they have raised no objection on contaminated land grounds subject to the imposition of an appropriate condition requiring an intrusive investigation to be carried out.

Air Quality

The application has been accompanied by an Air Quality Impact Assessment which utilised 2009 monitoring data and has not highlighted any air quality issues as a result of the development. Therefore the Environmental Health Section has raised no objection subject to an updated assessment being submitted at the reserved matters stage using current data. This can be secured by condition. Environmental Health have also recommended the submission and implementation of a Construction Environmental Management Plan (CEMP) and a Travel Plan to minimise any impact on air quality arising from dust construction and traffic following completion of the development respectively. This can also be secured by condition.

Noise Impact

The developer has submitted what they refer to as a Noise Impact Assessment with the application which states that noise levels have been measured at a number of different locations around the site. Traffic noise levels were found to be relatively modest generally falling into Noise Exposure Category A or B of PPG 24. The highest noise levels (falling onto the boundary of NEC B/C) were measured at locations close to Parker's Road. The proposed layout with the nearest dwellings to Parker's Road facing towards the road is a good design as it means that the rear gardens will be screened effectively from traffic noise by the houses themselves. Where necessary, some acoustic fencing has been recommended. Sound insulation measures have been recommended for habitable rooms of those dwellings in Phase 1 that will be closest to Parker's Road. No special measures are required for any other areas of the site.

Subject to these recommendations being implemented, noise levels in gardens and inside rooms will be within the standards that are recommended in British Standard 8233. Therefore there will be no unacceptable traffic noise impacts on the proposed residential development.

The Environmental Health officer has commented that the information supplied in Appendix 13.1 of the Environment Statement is not a noise assessment but a prediction in the increase of traffic noise. Therefore a full noise impact assessment will need to be secured prior to commencement of development by condition.

Landscape Impact

The Environmental Impact Assessment includes a Landscape and Visual Impact Assessment undertaken using a methodology developed by Capita Symonds and states that it recognises and respects the advice contained within the Guidelines for Landscape and Visual Impact Assessment (2002) (second edition) (GLVIA) published by The Landscape Institute and Institute of Environmental Management and Assessment.

The assessment concludes with comments to the effect that the site is visually well contained, has no national landscape designation and the landscape is not considered to be particularly sensitive. The conclusion is made that the proposed development will create a change in the land-use and landscape character of the development site. The nature of this change will however be similar in scale and complimentary in character to that existing elsewhere within the local area and the mitigation measures incorporated into the design will help to assimilate the development into the wider landscape and townscape context.

Whilst it does not identify that initially it would be necessary to remove a significant length of hedgerow on the Parkers Lane frontage, in general the assessment appears to be comprehensive and the Council's Landscape Officer would broadly agree with the methodology and its findings. Whilst the landscape and character of the site would be irreversibly altered, subject to landscape mitigation measures as indicated, in the local context reasonably such change could be deemed acceptable.

Overall the indicative landscape proposals appear reasonable. Taking into account the site location, the Landscape Officer has some concerns about some of the tree species proposed for use on the site, e.g. Dawn Redwood and Plane. However, such details can be agreed as part of detailed landscape proposals. For Phase A, a fully detailed and specified landscape scheme would need to be secured by condition. Boundary treatments will also need to be given careful consideration and boundary treatment conditions should be applied.

With regard to Phase B, the Landscape Officer had expressed concern about the width of the landscape buffer to the northern boundary. The amended plans show that the buffer strip has been widened to 3m along the western half of the northern boundary and 12m on the eastern half of the northern boundary. The west facing section of the 'northern' boundary is now at a width of 8m. The applicant considers that these areas are significant and when roads and front gardens that will front the boundary are taken into account there is a very wide areas of no/low built form to the site edge. In particular, the 12m strip offers much more than simply a grass verge. This provision will support and enhance the existing public footpath (which exits the site from the north-west corner passing through the adjacent land) and will allow for future tree/shrub planting, recreational use and movement through and out of the site. From a landscape, open space, ecological and permeability perspective the developer considers that the layout offers an appropriate and balanced option for the site. The Landscape Officer has commented that there has been a marginal increase in the width of the buffer strip for the north west section of the northern boundary which is welcomed although it should be noted that it would only really accommodate the existing hedge, hedgerow trees and a wide grass verge.

The second access on to Flowers Lane, which is also shown on the amended plans will involve the loss of a hedge and possibly an Ash tree. However, the tree is in decline and a

replacement hedge could be secured by condition. The amended layout also includes a reduction in the POS to the south west and places development in a more prominent position when viewed from Flowers Lane. This lane has a rural aspect and the larger area of POS would have provided a good buffer to the development. However, reduction in this area of public open space provides for a wider strip along the northern boundary than in one block at the western end of the site, and given that the application for Phase B is only in outline, a further buffer strip could be included at the reserved matters stage.

Hedgerow and Tree Matters

The tree survey submitted with the application identified 47 Trees, comprising 38 Oak and 9 Ash. Of these 6 were identified as category R and recommended for removal in the context of the development. Of the remainder, 38 were of high quality (category A), and 18 of moderate quality (Category B) and 7 low quality (category C).

The proposed layout for the land to the south would appear to allow for the retention of existing mature trees and the Landscape Officer is satisfied that with appropriate protection measures this should be achievable.

The proposed new access from Parkers Road would result in the loss of a length of hedgerow which contains a significant number of young trees. The trees were not included in the tree survey. However, mitigating planting could be achieved by using similar size planting stock.

Whilst only indicative, the proposed layout for the land to the north demonstrates that a layout could be achieved which allowed for the retention of existing significant trees.

The specification for tree protection fencing in the tree survey would not be sufficiently robust without additional bracing and in the event that the development is deemed acceptable, comprehensive tree protection conditions will be necessary for both phases of development. These should include arboricultural method statements specific to each phase with details of arboricultural supervision.

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

The Design and Access Statement (para 5.8.3) indicates that it would be necessary to remove 65 metres of hedgerow in order to accommodate the development. However, the Ecological Assessment cites a much higher figure and it appears that approximately 160 metres would have to be removed on the Parkers Road Frontage alone and potentially two 20 metre sections mid site in Phase B to facilitate access.

Under the Hedgerow Regulations, the lengths of hedgerow proposed for removal are checked against various archaeological, historic and ecological criteria to ascertain if it

qualifies as 'Important'. The site ecological survey (para 9.68) identifies that none of the hedgerows on the site were species rich and none qualifies as important under the ecological criteria in the Hedgerows Regulations 1997.

The Shared Services Archaeologist has confirmed that the hedgerows have been checked against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations and that these hedgerows are not covered under the stated criteria. Consequently they are not considered to be of archaeological importance.

To turn to historic importance, an evaluation of the heritage value of hedgerows to be removed from the site has been undertaken in accordance with the requirements of the Hedgerow Regulations 1997.

The hedgerows on the site are associated with agricultural field structure and are not related to any historic parish or township. They incorporate no archaeological features included in the schedule of monuments. The hedgerows are not situated wholly or partly within an archaeological site included in the schedule of monuments and are not associated with any such feature. The hedgerows are not connected to any pre-1600 estate or manor or any such associated buildings.

The hedgerows form part of a field system although the date of the formation of this system is unknown. The earliest document held at the Record Office which indicates the presence of hedgerows at the site is from 1847, which post-dates the Inclosure Act of 1845. Due to the absence of any documentary evidence of the presence of hedgerows prior to 1845, the hedgerows on-site are not classed as important under the 1997 Regulations.

Based on the analysis presented above, the hedgerows present on the site are not classified as 'important' under the criteria specified in the Hedgerow Regulations 1997. Consequently, it is considered that the proposed hedgerow removal is acceptable. However, a hedgerow protection condition will be necessary to ensure that all hedgerows to be retained as part of the development are protected during the course of construction operations.

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 all of the surveys have been undertaken to a high standard by suitably experienced ecological consultants.

Great Crested Newts

Great Crested Newts, a European protected species, have been recorded breeding at a number of ponds in close proximity to the proposed development.

In the absence of mitigation the proposed development would pose a significant risk of killing/injuring any animals on the site and would result in the loss of significant areas of terrestrial habitat and potentially isolate a known breeding pond from the surrounding terrestrial habitat. No breeding ponds will be lost as a result of the proposed development.

To mitigate the risk of great crested newts being directly harmed by the proposed development the applicant is proposing their exclusion from the development footprint

through the implementation of pit fall traps and amphibian exclusion fencing. This approach is in accordance with standard best practice methodologies.

To mitigate and compensate for the loss of terrestrial habitat and isolation of the ponds all immediate terrestrial habitat (within 50m of each pond) will be retained and enhanced, a new pond will be created and a buffer strip of tree planting/vegetation/ open space has been provided along the northern boundary of the site.

However, the proposed mitigation includes limited habitat creation and the strategy relies on newts having access to the open countryside to the north of the proposed newt habitat area. As such its success would be extremely vulnerable to any further development on land to the north of the site. However given that the land to the north does not benefit from any allocation or extant planning permissions for development, the proposal must be assessed on its own individual merits, and as such is considered to be acceptable. It should also be noted that Natural England appears to be supportive of the proposed mitigation and have not objected to the application. To ensure the success of the newt mitigation area the public must be excluded from accessing it and management proposals must be provided to ensure its long term viability. These can be secured by condition.

Bats

Bats are a protected species and a BAP priority species and were recorded foraging around the site. However there was no evidence of roosting bats being present. The proposed new pond and planting to the north of the site will at least partially compensate for any loss of foraging habitat and the Council's Ecologist does not anticipate that the proposed development having a significant impact upon bats.

Breeding Birds

The hedgerows and trees on the proposed development site are likely to support breeding birds including Biodiversity Action Plan Priority species. If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and birds as part of the development. Specifically, prior to undertaking any works during nesting season, a detailed survey is required to check for nesting birds and a scheme for the incorporation of features suitable for use by roosting bats and breeding birds including house sparrow and swifts, should be submitted, approved and implemented.

Hedgerows

Hedgerows are a local BAP habitat and a material consideration. The proposed development will result in the significant loss of hedgerows. However, this could be partly compensated for through the provision of newly planted native species hedgerows on the northern boundary of the site, which could be secured by condition.

Natural England

The comments in respect of the Natural England consultation are also noted. Natural England and the Council's Ecologist have no objections to the scheme, including the proposed Great Crested Newt Mitigation.

Open space

The proposed layout makes provision for a large central formal open space, incorporating a children's play area within Phase A, and a further area of informal recreation space, adjacent to the Flowers Lane Access, as Part of Phase B. Other peripheral areas of informal open spaces are also proposed. These are in addition to the wildlife mitigation areas referred to above. The Council's Greenspace Officer has examined the proposal and raised no objection to the proposed on-site provision, subject to a private management company being set up by the developer to maintain the open spaces within the development.

He has also requested that the development incorporate an equipped children's play area conforming to NEAP Standard. This means that there need to be a minimum of 8 pieces of equipment, plus 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate. The railings should be painted green and pedestrian gates should be yellow. The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. Equipment should have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour should be tarmac with pre-cast concrete edging surround. Access paths to gates should be tarmac.

In response to these comments, the developer has stated that based upon a scheme of up to 400 new homes, the development must provide at least 1.4ha of open space and children's play space. Policy RT.3 of the Local Plan states this should be a functional area that can be easily maintained, it should be a single area that is open and accessible on foot and where possible it should link to the wider open space provision in the area, and if more than 400m from an equipped area of play the LPA will require a contribution towards play equipment.

The Masterplan identifies an area of 1.89ha for open space and children's play space. This is provided as 0.94ha informal open space, 0.52ha of children's play area in the centre of the Site, with 0.43ha classified as incidental open space. The proposed locations have been identified to provide recreational links to other areas of open space.

The central space was designed to conform to LEAP / Local Landscaped Area for Play standards. There is also an existing children's play area nearby at Moss Lane. The Applicants will provide an equipped children's play area within this Site which goes beyond meet RT.3's requirements. The application more than complies with this policy requirement.

Notwithstanding this NEAPs require a minimum activity zone of 1000m² which includes play equipment and a hard surfaced area of 465m² – e.g. 5-a-side / MUGA. These are generally designed to cater for older children and usually provided in much larger developments.

The equipped play area is one that includes a dry river bed feature, grassed earthwork mounds incorporating wooden and stone feature play equipment. It would be enclosed by railings as requested by the Council. During the community consultation support was given by many residents to this approach to the play area as it provides a contrasting play area

scheme and choice to residents to that which exists on the housing scheme adjoining Moss Lane.

However, the Greenspaces Officer has commented that such “natural” play areas have proved to have limited life spans and have been shown to be hard to maintain and where they have been used previously have had to be removed. Therefore the recommendation in this respect remains unchanged.

Subject to the above requirements, which could be secured through a Section 106 agreement, and in the absence of any objection from the Amenity Greenspaces Section, it is considered that the proposal is considered to be acceptable in terms of open space provision.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes the site lies in an area of Zone 1 Flood Risk. It has concluded that the risk of flooding to the development arising from external sources can be discounted. United Utilities have confirmed that their public foul system to the east has sufficient spare capacity to serve the proposed development. It is proposed to limit surface water flows from the development effectively to the greenfield run off rate and to connect into the public system to the east also as agreed with United Utilities.

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

Overall the development proposals should seek to contain a 1 in 100 year event plus an allowance for climate change with additional storage to be provided along the ditch corridor at the Moss Lane boundary or alternatively increasing the capacity of the adoptable piped system. Private drainage, i.e. not adoptable, serving houses and individual units within the development will be designed to current building standards. Floor levels will be set a minimum of 150mm above external ground level.

It is concluded that in accordance with the NPPF the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate and will have no adverse impacts.

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.

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	Parkers Road
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store (500m)	387m
	Supermarket* (1000m)	3017m
	Post box (500m)	972m
	Playground / amenity area (500m)	0m
	Post office (1000m)	2228m
	Bank or cash machine (1000m)	380m
	Pharmacy (1000m)	387m
	Primary school (1000m)	700m
	Secondary School* (1000m)	3223m
	Medical Centre (1000m)	380m
	Leisure facilities (leisure centre or library) (1000m)	2426m
	Local meeting place / community centre (1000m)	4057m
	Public house (1000m)	868m
	Public park or village green (larger, publicly accessible open space) (1000m)	1212m

	Child care facility (nursery or creche) (1000m)	380m
Transport Facilities:	Bus stop (500m)	294m
	Railway station (2000m where geographically possible)	5485m
	Public Right of Way (500m)	292m
	Any transport node (300m in town centre / 400m in urban area)	292m
<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 9 of the facilities listed, of which 8 are significant failures. The site meets the required distances against 13 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 Leighton West, Coppenhall, The Triangle, Basford and Maw Green.

A number of facilities in the checklist such as open space will be provided on site. Also there is possibility of and potential for others such as child care facilities, post box or bus stop 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 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.

The Council's IPP, carries a requirement for a high quality development designed to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

According to the design and access statement, originally submitted with the application, the approach to meeting Code for Sustainable Homes Level 4 was principally through improvements to the fabric of the building (e.g. improvements to insulation and air tightness over building regulations and the installation of a low carbon Flowsmart boiler and a solar thermal (hot water) system.

Other measures included reducing water usage internally, attenuating the rate and volume of surface water runoff so it does not exceed the current rate post development and using building materials that have a low environmental impact. These measures, in conjunction with others required to meet code level 4, standards would help to fulfil the developments responsibilities with regard to sustainability and climate change.

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

The developer prepared an energy strategy for the proposed development to optimize the energy consumption of the site which considered the following measures:

- Maximising the thermal efficiency of individual buildings through thermal mass and insulation
- Minimising demand for water heating, space heating and cooling, lighting and power in individual dwellings through efficient equipment and controls
- Calculating the residual energy demand for the site
- Maximising the amount of the residual demand which can be provided through on-site generated renewable energy (either collective or on individual dwellings)
- Meeting the remaining demand efficiently, e.g. CHP (non-biomass or waste powered), district heating and cooling, ground source heating and cooling

The development would take into account the following hierarchy for feasible heating systems:

1. Solar Water heating
1. Co-generation, preferably powered by renewable

2. Community Heating
3. Heat pumps
4. Gas condensing boilers and efficient temperature and timer controls

The energy strategy considered appropriate on site renewable energy production including those listed and assessed which was the most feasible for the site. At least 10% of total site energy demand would be produced from an on-site renewable scheme. The energy strategy demonstrated that this target would be met through energy efficiency measures and the installation of 160 kWp photovoltaic panels.

The information submitted by the developer with the original application indicated that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme was therefore to be secured as part of the reserved matters through the use of conditions.

However, as explained above, the submitted FVA report indicates that it is not financially viable to provide the 10% renewable energy and Code Level 4 within the development and Gerald Eve have independently agreed with this conclusion.

Furthermore, 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.

Also, 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.

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.

Design

Phase A of the development has been laid out with 4 blocks of properties along the southern boundary facing on to Parkers Road, and a number of detached dwellings on the eastern boundary orientated towards Moss Lane. This creates an active frontage to both roads, which adds visual interest and improves the security of this area. The main gateway to the

development is from a T-junction access mid-way along the Parkers Road frontage with a main spine road running due north from this junction and bisecting the site. This provides a welcoming and interesting gateway to the development.

Moving through the development the site has been subdivided into a number of blocks of houses by a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Amended plans have been secured to include a second access point to Flowers Lane, which as well as providing a better highway access solution, which is discussed in more detail below, also improves pedestrian and cycle permeability of the site. This is particularly important for people travelling to and from the development and other residential areas to the east and south east, towards Leighton Hospital which lies directly to the west. The roads and squares will be lined with trees, which helps to compensate for existing trees that will have to be removed, and will create a more pleasant residential environment. Shared surfaces have been utilised in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

At the heart of the development, as stated above, is a large central formal open space, incorporating a children's play area. This is overlooked by properties, and will benefit from natural surveillance as a result, as well as contributing to a pleasant residential environment.

The indicative layout to Phase B shows a continuation of the main spine road and the remainder of the site divided up into blocks, similar to those within Phase A, by secondary vehicle and pedestrian routes. A further area of open space is shown adjacent to the Flowers Lane access. The amended plans also provide for an increased landscape buffer to the northern boundary of the Phase B site where it adjoins open countryside.

To turn to elevational detail, the surrounding development comprises predominantly modern, suburban, cul-de-sac, development, on the adjacent housing estates to the south and west. To the north and west is open countryside with sporadic traditional vernacular farm buildings, which pre-date the expansion of Crewe. There is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

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

Although external appearance and design of Phase B are reserved matters, on the basis of the designs which have been produced for Phase A it is considered that an appropriate design can be achieved for the remainder of the site.

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

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided for Phase A demonstrates that distances in excess of 25m will be maintained to the nearest neighbouring dwellings on the opposite side of Parkers Road to the south. A distance of approximately 35m will be maintained between the nearest proposed dwelling and The Gables Nursing Home which is situated to the east of the site. An even greater separation will be achieved between the proposed development and the properties to the east in Thorn Tree Drive and the other dwellings on Bradfield Road and Flowers Lane to the west. Intervening landscaping both existing and proposed will also help to mitigate any adverse effect on amenity of existing dwellings outside the site.

Furthermore bungalows will be provided on the site in Phase B to the rear of the existing properties on Parkers Road. These were included as a direct result of requests from the local community to reduce the impact of the development on existing properties surrounding the site. It is considered that this will help to mitigate any adverse effect on the outlook and amenity afforded to these dwellings

To turn to the amenity standard that would be achieved within the development, in the majority of cases, the recommended minimum separation distances set out above would be achieved. However, there are a number of cases where separation distances between principal windows have been reduced to 18m to the rear of properties and 15m to the front of properties.

In most cases, reduced distances between rear windows only apply where properties are not directly facing and measurements are taken at the closest point. Furthermore, whilst the minimum density standard of 30 dwellings per hectare has been omitted, Government advice in the NPPF indicates that local planning authorities should still have regard to the need to make effective and efficient use of land in the consideration of planning applications. If the minimum standards were to be achieved, it would not be possible to accommodate the number of dwellings which are currently proposed and additional greenfield land would be required in order to meet the housing land supply shortfall which currently exists.

In respect of separation distances to the front of dwellings, modern urban design principles encourage tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. Furthermore, those rooms which face on to the highway are always susceptible to some degree of overlooking from the public domain. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 15m between dwellings could be justified.

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

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

Education

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

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

In effect this means that contributions towards new education facilities can only be sought where the education authority is able to demonstrate that new housing development is likely to generate more children than local primary and secondary schools can accommodate, and that the contribution should be proportionate to any shortfall in capacity.

It is accepted and common practice for local authorities to consider capacity at all primary schools within walking distance of an application site. In the case of primary schools, the Department for Education defines walking distance as a two mile radius from a pupil's home address. CEC's education department recently provided data which showed the pupil roll and current capacity at each primary school within this two mile zone. It showed that according to pupil projections there are 28 surplus places in the "local schools".

The proposed development is expected to generate demand for an additional 65 primary school places, based on CEC's own child yield assumptions (0.162 primary school age children per dwelling). This would mean whilst there is some capacity in local primary schools, there would be a shortfall in capacity of 37 places. In accordance with Circular 05/05 it is necessary for the developer to contribute toward the cost of provision for an additional 37 primary school places in order to meet the need for school places in the future.

To calculate the S106 contributions required for 15 additional primary school places, the education department have used the latest DfE building cost multiplier for the period 2008/09. This is £12,257 (Q4 2008) which, when indexed, gives a current multiplier of £11,850. Cheshire East Council's regional weighting factor is 0.91. The proposed contribution has therefore been calculated as follows: $15 \times £11,850 \times 0.91 = £398,990$.

This is a widely accepted method for calculating contributions which we have seen applied by numerous Councils on previous planning applications for housing developments. Furthermore, it is considered that a contribution of £398,990 is fairly and reasonably related in scale and kind to the proposed development, in accordance with the Community Infrastructure Regulations 2010.

Highway Safety and Traffic Generation.

This site has been the subject of extended highway negotiations both at pre-application stage and since it was registered with the Local Planning Authority. A scope was agreed with the developer's highway consultant and a draft Transport Assessment provided shortly

before the application was submitted. Subsequently there have been two revisions to the Transport Assessment as the Strategic Highways Manager has asked for improved analysis and additional information.

Most recently, the developer and their highway consultant negotiated with the Highways Development Management team a significant new package of measures which demonstrated a more thorough approach towards the mitigation of development impact. These proposals have now been the subject of a technical addendum note to the Transport Assessment and were received by the HDM team on 14th September.

Access to the site

The proposed development will have two points of access from the existing highway infrastructure. The first junction is from Parkers Road and will provide a properly designed priority junction which will incorporate a ghost island right turn lane with a pedestrian refuge. In addition this junction will incorporate a right turn lane improvement for the diagonally opposed junction into Beconsall Drive which will improve traffic management between the two junctions. Also on this frontage, the developer will be providing a PUFFIN crossing on the notional pedestrian desire line to the local facilities, school and shop.

The second junction onto Flowers Lane will again be a simple priority junction and this will be supplemented by an extension to the street lighting on Flowers Lane which will effectively extend the 30 mph speed limit for the full frontage of the site. This has multiple advantages. The junction will be well lit and the approach speed to the new roundabout design will be reduced.

In addition the treatment of Flowers Lane will see significant footway improvements on both sides of the road together with the provision of a zebra crossing between the new access and the roundabout which will improve pedestrian safety.

Impact on the Wider Network

The new proposals also offer more significant improvements to the local highway infrastructure and this is seen as a much more positive position by the Strategic Highways Manager. The Transport Assessment has identified an impact at the following junctions and accordingly a number of highway improvements have been negotiated, which would be provided by the developer under a Section 278 Agreement under the Highways Act 1980. These are detailed below.

Bradfield Road/Parkers Road traffic signal junction: The developers propose the provision of an improvement in the signal controller with the introduction of MOVA software which will improve traffic management and make the signals responsive to traffic load on the separate arms of the junction and allow more efficient queue reduction at times of peak flow. The Strategic Highways Manager is satisfied that this is a straightforward improvement that will mitigate any adverse impact at this junction.

Flowers Lane/A530 traffic signals: The proposal by the developer was for an altered design of these traffic signals which when assessed by the Highways Development Management team did not adequately satisfy standards and therefore needed to be revisited

in order to find a solution. This work has now been carried out and the Strategic Highways Manager is satisfied with the design that has been put forward.

Smithy Lane/A530 junction: The proposal at this junction is for the provision of traffic signals to replace the existing priority junction with a ghost island right turn lane. The Highways Development Management Team consider this to be an effective proposal and the space available at the junction will accommodate an effective signal design.

Bradfield Road/Flowers Lane/Smithy Lane roundabout: The developers have proposed an improvement to the size and geometry of the roundabout to improve capacity and mitigate development traffic impact whilst offering some overall betterment to the general junction capacity. This improvement will be made within land owned by the applicant and land which falls within the public highway and as originally proposed, involved the construction of a non-standard roundabout (and was the subject of concern). Highways audited the scheme and provided safety comments on it. An amended design was then submitted but again safety (and potentially capacity) remained compromised. To try and overcome these issues highways have looked at a double-roundabout design with a view to discussing such a proposal with the Applicant and their consultant. Whilst this is a safer design it would not work in capacity terms.

The highways team have considered another design that involves a non-standard (though larger) type of roundabout and may require more land in the control of the Applicant. The highways engineer has confirmed that this is now acceptable. Leighton Hospital had also initially expressed concerns about the scheme based on the minimal level of highways improvements which were offered when the application was first submitted. However, through negotiation, a comprehensive package of improvements has been secured and Leighton Hospital has confirmed that they are satisfied with the outcome. All of the improvements, with the exception of those on the Remer Street Corridor and the travel plan can now be delivered on land either within highways ownership or that of the applicant. Therefore they can be dealt with through the Section 278 Agreement and have been omitted from the Section 106.

Moss Lane: There is significant local concern about traffic impact from this development on Moss Lane, which is a narrow country lane which should not be burdened with additional through traffic from a new development. The development guards against this through the provision of two points of access which can be utilised from anywhere within the site. This means that if generated traffic is to travel in the direction of Middlewich or Winsford, it will use the Flowers Lane access and will not need to use Moss Lane which would be a longer and slower route. If generated traffic is to travel in the direction of Crewe or Warrington it will use the Parkers Road access and will not need to use Moss Lane which would be a longer and slower route. The Strategic Highways Manager is confident that there will not be a problem with traffic from the development using Moss Lane.

However, Members have previously expressed concerns regarding this road and in accordance with their previous a condition requiring a highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation is recommended.

Contribution to the wider highway network: In addition the developer is also offering financial contribution to the wider highway network and has offered a sum of £300,000 towards the Remer Street corridor upon which this development proposal is shown to have an impact.

A request has been received from the local community via the Ward Member to divert an element of this funding towards the construction of a “drop-off” lay-by at Leighton Primary School.

As stated above a planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

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

Leighton Primary School is located approximately, 600m from the Leighton West site and would be one of the principal primary schools that would absorb the additional pupil yield generated by the proposed development. As a result it is likely that the proposed development would exacerbate existing traffic congestion and highway safety problems resulting from parents dropping-off children outside the school gates during morning and afternoon peak periods. The school, local community and Ward Member have identified that the provision of a lay-by would alleviate this problem. It is therefore considered that the works are necessary to make the development acceptable in planning terms and are directly related to the development.

The cost of the works, are likely to be a small percentage of the overall sum which has been secured for highway improvements as part of the development. It is therefore considered that the works are fairly and reasonably related in scale and kind to the development.

It is acknowledged that highways technical feasibility work will also be required and this work was also in hand at the time of report preparation.

It is also acknowledged that the proposed amendment will result in the diversion of part of the agreed £300,000 away from projects within the Remer Street corridor such as improvements to the Sydney Road Bridge. However, given the small sum of money required for the lay-by, relative to the substantial costs and long timescales involved a scheme such as Sydney Road Bridge, it is considered that the proposed amendment will not have a significantly detrimental effect on the overall deliverability of these projects and that any impact is outweighed by the advantages of a visible short term benefit to the local community.

Therefore, is recommended that the Section 106 agreement makes provision for £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School.

For clarification, with regard to the trigger points within the Section 106 Agreement for highways contributions, the developers will make £200K available (of the total of 300K for highway improvements) at request of the Authority to provide the lay-by i.e. it does not have to wait for completion or 5 years. This reflects the existing draft s106 which already includes the provision for £200K to be requested after commencement. However, it is considered that this should be stated explicitly within the Strategic Board resolution.

Accessibility

The Transport Assessment offers a detailed analysis of the modal choice and sustainable links which will serve this site. It does show that the site has reasonable connectivity across the town of Crewe despite its location on the north west side of the Crewe area. There have been some lengthy discussions between the developer and the Highways Development Management team regarding the accessibility of the site and the improvements being offered. Improvements take the form of improved footpath links local to the site and some cycleway provision. The provision of the PUFFIN and zebra crossings also aid connectivity.

It is also recommended that the previously agreed contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site is included within the Section 106 agreement.

Internal Layout

This site is proposed for phased development of the residential units and significant negotiations have taken place regarding the internal layout. It is important that the site is brought forward with a design which is driven by the guidance within the Manual for Streets document issued by the Department for Transport. This document leads on guidance for quality development and the need to ensure residential developments provide a sense of place through quality design which will provide good social infrastructure. Amongst these design initiatives, the detail of highway design within residential development has changed to provide more innovative layout which supports the quality design whilst providing highway layout which supports traffic needs in a more controlled environment. The design being offered for this site is innovative and will provide a design of good quality and one which the Strategic Highways Manager supports.

Conclusion

The development proposal for this site is considered to have sound potential. The highway improvements and designs for the site are also comprehensive in their intent, and the overall package is an acceptable one. With the exception of the non-standard roundabout (ovalabout) at Minshull New Rd/Smithy La/Flowers La/Bradfield Rd the Strategic Highways Manager is satisfied the proposals can be suitably delivered through a Section 278 agreement, subject to compliance with road safety audits. The financial contributions and provision of the Minshull New Rd/Smithy La/Flowers La/Bradfield Rd can be achieved through the Section 106 Agreement. Therefore, in summary, the Applicant has overcome the transport issues associated with the development proposal.

Community consultation

The Applicant's undertook an extensive pre-application consultation which included the ward Councillor, the Parish Council, local schools, Leighton Hospital and local residents. The application has been informed by feedback from the local community. A total of 122 written responses were received to this pre-application consultation, 40 per cent of which were explicitly supportive or partially supportive.

As a result of local feedback:

- Bungalows have been introduced to the outline phase – a direct result of discussions with neighbours and local residents over need and visual amenity.
- Key worker homes introduced – a direct result of discussions with Leighton Hospital.
- Status of the Flowers Lane access reviewed and vastly improved.
- Planned pedestrian routes to the Hospital and schools to be improved.
- Plans for a new newt habitat and landscaping improved.

The information provided demonstrates that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

Other Matters

A supportive response from the Chamber of Commerce has been received and duly noted.

The developer has drawn attention to the promotion of apprenticeship opportunities that will be available during the construction of the development which was put forward by the applicants. The Applicants are happy for the detailed number and agreement to be secured through a planning condition. This has been added to the recommendation.

9. CONCLUSIONS

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where according to policies NE.2 and RES.5 new residential development is not normally permitted. 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 proposal is supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development except where this would compromise key sustainability principles.

The site complies with the Interim Planning Policy, although, previous Inspectors have afforded this document very little weight. However, Inspectors have attached considerable weight to the SHLAA, in which the site is considered to be sustainable, available, suitable and achievable and as a result forms part of the Councils identified 5 year supply of housing

land. It is also identified as a commitment in the emerging Development Strategy and the Crewe Town Strategy. These emerging policies are important material considerations which are considered to outweigh the provisions of the adopted Local Plan. The development of the site for the residential use therefore considered to be acceptable in principle.

It is considered that the highway safety and traffic generation issues can be addressed through a number of junction improvements, which would be provided by the developer through a combination of Section 278 and Section 106 Agreements as well as appropriate developer contributions to other off-site highway improvements. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh the adverse visual impacts in this case. The proposal is acceptable in terms of the proposed landscaping strategy and it is considered that through the use of appropriate conditions significant trees can be incorporated into the development. The hedgerows on site to be removed are not considered to be significant under the criteria set out in the Hedgerow Regulations in respect of archaeological, historic or ecological value.

With regard to ecological impacts, the Council's ecologist and Natural England are satisfied with the proposed mitigation measures and have withdrawn their initial objection to the scheme in respect of the impact on Great Crested Newts. Any adverse impact on Breeding Birds can be mitigated through the use of an appropriate condition relating to the timing of works.

The scheme complies with the relevant local plan policies in terms of amenity, policy requirements in respect of public open space provision have been met within the site, and it is considered that the layout and design respects the character and appearance of the surrounding area.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

The proposed education contribution has been calculated using a recognised methodology and is considered to be fairly and reasonably related in scale and kind to the proposed development, in accordance with Circular 05/05.

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 will contribute to enhanced walking and cycling provision.

A Financial Viability Appraisal (FVA) has been submitted and independently verified to demonstrate that it is not financially viable to provide the 35% affordable housing required by

the Interim Policy on the Release of Housing Land (IPP) or the 30% affordable housing requirement of the Interim Planning Statement on Affordable Housing (IPS). However, it is viable to provide 10% affordable housing which will contribute towards creating a mixed and balanced community. The FVA also shows that it is no longer financially viable to meet the requirements of the former RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4 as set down by the IPP.

Whilst this is regrettable, the NPPF makes it clear that viability is an important material consideration and that it is important to ensure that sites are deliverable. This is reinforced by, and should be considered with reference to the Ministerial Guidance and new legislative framework referred to above which is specifically designed to unlock housing sites which are stalled, such as this, so that they can make a proper contribution to housing needs in the Borough.

Furthermore, it should be noted that since the resolution to grant planning permission was passed, the RSS has been revoked and that Appeal decisions received in the intervening period have determined that only limited weight can be given to the provisions of the IPP. Also, the conditions only required the provision of Code Level 4 and 10% renewable energy if it could be demonstrated that it was “feasible or viable” to do so. It is considered that such a case has already been presented through the submission of the FVA.

In summary this proposal is considered to be sustainable development, no harm has been identified to outweigh the benefits of the scheme and, particularly in view of the Council's five year housing land supply position, permission should be granted.

10. RECOMMENDATION

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. (To include the provision for £200K for the layby to be requested after commencement)***
- 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***

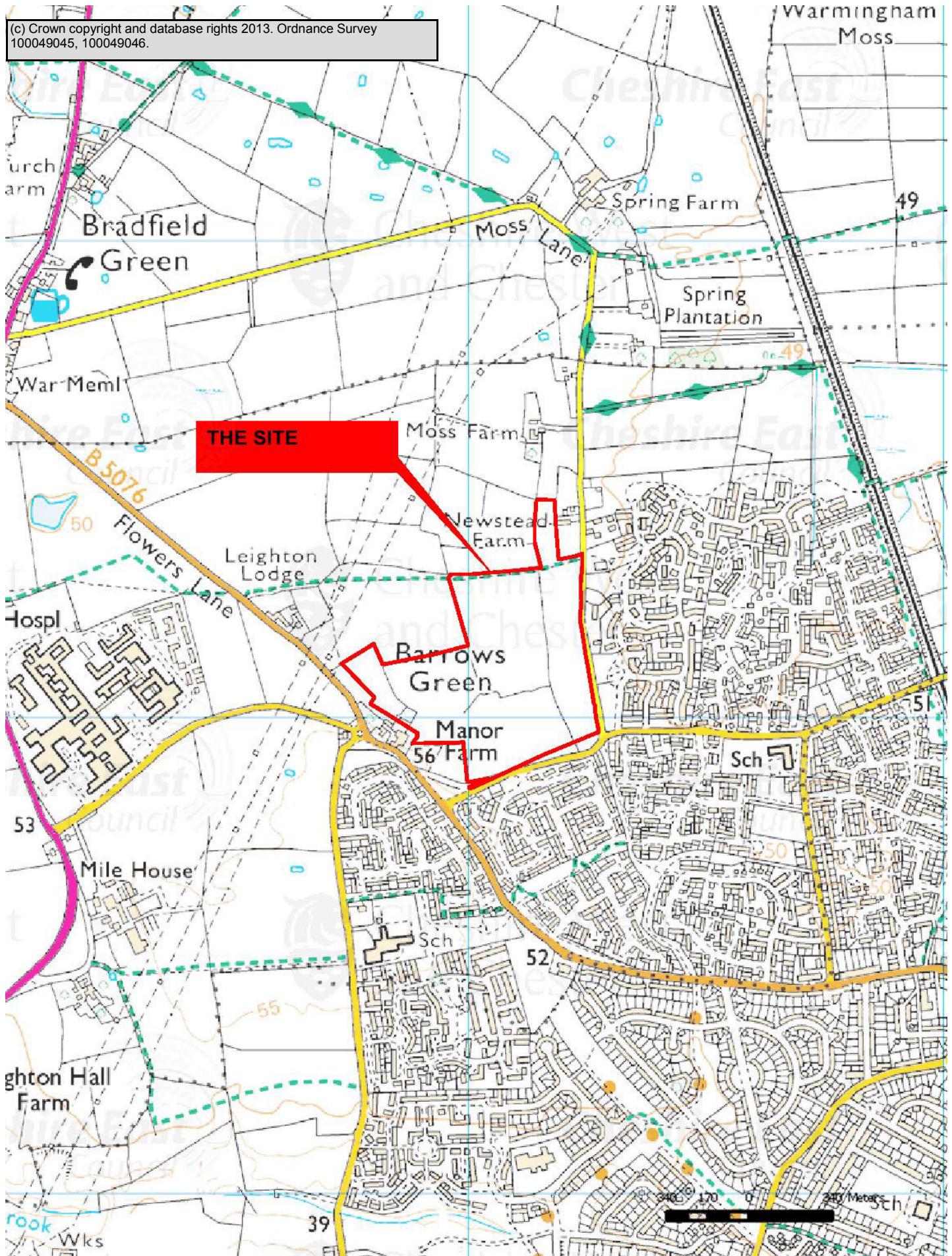
- 4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.**
- 5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 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**
-

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Application No: 13/0041C

Location: LAND OFF MIDDLEWICH ROAD, HOLMES CHAPEL

Proposal: Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area.

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 21-Mar-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions and signing of a S106 legal agreement

MAIN ISSUES

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

1. REFERRAL

The application has been referred to Strategic Planning Board because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Holmes Chapel.

2. SITE DESCRIPTION

The application site measures approximately 4.6 hectares in size and is located on the northern side of Middlewich Road towards the west of the settlement of Holmes Chapel

Village. The site comprises of a series of flat grassed paddocks which are used for the keeping of horses.

The site is adjoined to the east by residential development, to the north by the Grade II listed Cotton Hall and an equestrian centre, and to the west it is adjoined by Cotton Farm barns and open fields. The site falls outside of the settlement limits for Holmes Chapel and is therefore designated as Open Countryside in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

This application seeks outline planning permission for the construction of up to 80 dwellings. All matters are reserved for approval at a later stage.

4. RELEVANT PLANNING HISTORY

24296/1 – Residential Development – Withdrawn 22-May-1992

5. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

GR21 Flood Prevention

GR 22 Open Space Provision

NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 Affordable Housing and Low Cost Housing

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

6. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions restricting hours of construction / piling, a condition requiring submission of an environmental management plan, contaminated land, submission of a scheme to mitigate against road noise and a condition requiring individual travel plans to be submitted.

Highways

No objection - This is an outline application with all matters reserved. It envisages 80 houses, privately-owned, taking vehicular access from Middlewich Road via an upgrade of the existing driveway to Cotton Hall. Pedestrian and cycle access will also be available via the entrance to the Equestrian Centre, off Middlewich Road at the east side of the proposed development. However, although the Transport and D & A Statements imply that pedestrian access can be provided into Ravenscroft, so providing a quieter route into the village centre, this requires rights over third-party land and so although very desirable cannot be assumed as achievable. Thus all walking and cycling into the village centre will in all probability have to be along Middlewich Road. There is only one footway along Middlewich Road, on its southern side, so pedestrians need to cross the road on leaving the site regardless of their intended direction.

The submitted Transport Statement proposes the provision of a Toucan Crossing on Middlewich Road to assist pedestrians and cyclists. This is considered essential, in view of the lack of footway along the north side of Middlewich Road. The crossing would fall on the desire-line for movements to the High School and Leisure Centre as well as links to other facilities and residential areas. Provision of this crossing and associated works will require an agreement under S278 of the Highways Act. In view of the necessity of this crossing, the Strategic Highways Manager will need to be satisfied that all land required for the crossing and approaches is under the control of the highway authority or the developer, and to have received a satisfactory Stage 1 Road Safety Audit, before accepting the development.

The proposed vehicular access provides adequate visibility to and from Middlewich Road. A 5.5 metre carriageway with 10m radii will be required for the junction itself but within the site a more flexible layout can be accepted subject to adequate provision for servicing and emergency vehicles and for undertakers' services. The road system will need to ensure that speeds are limited to 20mph or less.

Parking is stated to be on the basis of two spaces per property, which may be in the form of one space plus garage. There are concerns that in the latter case the inability of garages to also provide adequate storage space for gardening equipment and the like will result in their not being used for parking, with a resultant overflow of vehicles onto the highway. This will need to be considered at the detailed application stage.

The development can only add to the existing undesirable levels of traffic through Holmes Chapel. To encourage the use of greener modes it is advised that the developer provide bus stops on Middlewich Road (and safe pedestrian access thereto) in the vicinity of the development to encourage use of public transport.

Public consultation is proposed this summer on options for reducing the impact of traffic now passing through the village. A contribution of £100,000 towards such measures to offset the impact of the development on the local urban environment and road safety is required.

Greenspaces

No objection subject to the onsite Amenity Greenspace and the onsite Locally Equipped Area of Play being transferred and maintained by a management company.

Education

No objection - 80 houses will generate 14 primary and 10 secondary aged pupils. Taking into account the local schools capacities and forecasted capacities then on this basis no contribution is required.

United Utilities (UU)

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/surface water sewer and may require the consent of the Local Authority. No surface water flows shall communicate with the public sewerage system via direct or indirect means.

English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of the council's own specialist conservation advice.

Archaeology

No objection subject to a condition securing a programme of archaeological works.

Public Rights of Way (PROW)

No objection subject to financial contributions towards improving local footpath and cycle links.

Jodrell Bank

No objection subject to a condition requiring electromagnetic screening materials to be incorporated into the dwellings.

7. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL

Object on the grounds that:

- the application falls out of the established settlement zone line for Holmes Chapel

- sufficient planning permission has already been granted for residential use in Holmes Chapel without the need to develop this site

7. OTHER REPRESENTATIONS

Representations have been received from 26 addresses objecting to this application on the following grounds:

- Additional housing is not needed, there is already a large development of housing underway on the Sanofi Aventis / Fisons site and ample Brownfield land in the village
- The Council already has a 5-year supply of housing
- Site is not sustainable
- Proposal would lead to pressure for further development at the back of the site
- Proposed access would be dangerous
- Volume and speed of traffic along Middlewich road is very bad and will be made worse
- The traffic studies are flawed
- There have been numerous road traffic accidents in the area
- Access road to the site will run through a children's play area
- Proposed play area will lead to anti-social behaviour
- Roads, infrastructure and amenities have got worse since a similar application was submitted years ago and are oversubscribed
- Parking within the village centre is constrained
- The site is Green Belt and Greenfield. It is not in the borough plan
- Walking and cycling is becoming a risk due to volume of traffic
- Application contravenes covenants on Cotton Hall which states that houses must not be built between the hall and Middlewich Road
- Possibility of building creep towards M6 motorway
- Local drainage and flooding problems and potential de-stabilisation of local river bank
- Loss of views
- Disruption during construction (including dust)
- This site was not included within the councils previously identified sites for future development
- Area is predominantly a retirement area. Family homes would lead to noise
- Wildlife and protected species will be affected
- There are little of no footways between the site and the village
- Proposal would result in the loss of an equestrian and recreational facility which is used to train Olympians and Paralympics Judge
- Proposal would contravene deeds

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply,

sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

Policy Position

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

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

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

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

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

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

Housing Land Supply

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6,835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State’s decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State’s letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply

rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was “between 7,366 to 9,070 dwellings”

The Secretary of State considered that there was “justifiable doubt” about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion the view was taken that the Council had “not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement.”

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council’s assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in he downgraded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is ironic that when the Council has been criticised for a “rose tinted” view in its approach to supply an even greater optimism is now considered *de rigueur* in the setting of housing targets. More importantly neither Sedgefield nor Liverpool make any difference to the number of

homes ultimately built – and so the widespread mantra that Sedgefield boosts the supply of housing is ephemeral and illusory.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector's reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites the consequence is to undermine the Council's ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council's original target of 6,776 homes had been met – and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However none of that diminishes the overall conclusion that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

Countryside Policies

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of Settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies along with normal countryside policies should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that Settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However the Inspector considered that settlement zones lines were not driven by the need to identify land for development but rather are based on the objective of protecting countryside once development land is identified. Consequently he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is “primarily aimed at countryside & green belt protection”; these objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals, conflict with countryside policies was acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion the Inspector memorably noted that “the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”. Therefore Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, 1.8ha (45%) of the site is classified as Grade 3A, which is considered to be the 'best and most versatile' agricultural land. The remaining 2.2ha (55%) is not considered to fall within the category of being the 'best and most versatile land'. However, it is important to note that the area of farmable land is not significant, measuring only 1.8 ha. At present, the plot is divided into paddocks and is used for the keeping of horses. It is not in agricultural use at present. Due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by development and separated from the larger open fields to the west), it does not offer a contribution to the high quality agricultural land in the area.

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

Sustainability

The site is considered by the SHLAA to be sustainable in terms of location. The site is located on the westerly edge of Holmes Chapel Village. The Village centre is only 1000m to the east of the site. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the Holmes Chapel Railway Station.

The NPPF advises that there are three dimensions to sustainable development which require the planning system to perform a number of roles. These roles consist of an economic role, a social role and an environmental role. This proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure. With respect to fulfilling the environmental role, this will be considered later. Subject to this, the proposal is considered to be sustainable.

Design Considerations

Site layout is reserved for subsequent approval. However, an indicative layout has been submitted which shows a main spinal road utilising the existing access that serves the equestrian centre and a cluster of building to the north of the site. The access road would pass through an area of open space and then would have cul-de-sac spanning off the main access road.

The frontage to the site along Middlewich Road is tree lined with mature poplars. The indicative layout has been amended to respect these specimens and these will help to screen the development from views of the main approach road into Homes Chapel. Further, the development would be shifted over to the eastern side of the site, with western parts given over to the amenity space. This would ease the transition with the open countryside and would also fall into line with the surrounding development. In land use pattern terms, it would generally 'round-off' the edge of the settlement

The position of the proposed Public Open Space softens the edge to the open countryside, and according to the indicative layout, would be well overlooked by some of the proposed units.

On this basis, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Tree Matters

The submission is supported by an arboricultural survey and constraints report. The report indicates that the primary developable area, retains all trees considered to be of amenity value (grades A-C), and takes account of issues such as shade and dominance and root protection areas (RPAs). The report indicates that the secondary developable area can be developed where issues such as shade and dominance are not a factor.

The tree survey assessed 5 hedgerows, 5 groups of trees and 3 individual trees. The most significant trees on the site are a line of 51 Poplar trees which border Middlewich Road. These trees are afforded Grade B1/2 in the survey and are a visually prominent.

A revised site layout plan has been provided which shows the site layout with arboricultural constraints. The layout generally respects tree root protection areas and crown spreads. The row of proposed dwellings on the Middlewich Road frontage would be within the secondary developable area and would be influenced to a degree by shade from the Poplar trees. Whilst this situation does need to be addressed, it can be resolved at the reserved matters stage. The Council's Tree Officer has stated that, should the outline application be approved, a tree protection plan and detailed statement will be required with any future reserved matters submission once a definitive site layout is proposed.

Landscape

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views and glimpses of the development would be achievable from the Middlewich Road. Nonetheless, these impacts have been assessed as being moderately adverse from the various vantage points in the submitted landscape appraisal. The development would amount to a squaring off of the settlement owing to it being surrounded by existing development to the east, south and to a degree the equestrian facilities to the north.

Taking into account the enclosed nature of the site and the successful retention of the existing boundary hedges and trees, the Council's Landscape Officer considers that the

scheme would be respectful to the surrounding landscape. Details of precise landscaping, planting, site levels and boundary treatment could be secured by condition. The development would not jut out and would therefore not appear intrusive or harmful within the landscape setting.

Provision of Open Space

The scheme proposes an area of Public Open Space (POS) offset towards the western portion of the site which would be a Locally Equipped Area of Play (LEAP). This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space and play area would be managed and maintained by a management company. As such, a contribution to the Council for the on-going maintenance of the on-site amenity green space would not be required. Subject to the applicant entering into a Section 106 Agreement to secure the establishment of the management company, the scheme is found to be in accordance with SPD6.

Impact on Setting of Listed Building

To the north of the site, lies the grade II* listed Cotton Hall. English Heritage has advised that the proposal should be determined in accordance with national and local policy and in accordance with the council's own specialist conservation advice.

In response to advice received from the Council's Conservation Officer, the amended indicative layout has shown additional supplemental planting to the northwest corner of the site and the nearest units have been laid out in a crescent shape to provide a less regimented layout, a better gateway to the development and a softer buffer with the boundary to the curtilage of the listed building. It is considered that such amendments would result in a development that would have an acceptable impact on the setting of Cotton Hall, subject to an appropriate final design being secured at the reserved matters stage.

Impact on Residential Amenity

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

The layout and design of the site are reserved matters. However, the indicative layout indicates that these distances can be maintained to the adjoining dwellings. Therefore, no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore, the layout also demonstrates the required distance standards can be achieved within the site and that an acceptable level of private amenity space can be achieved.

With respect to noise, the Council's Environmental Protection Unit initially raised concerns regarding the submitted noise survey. However, following discussions with the agent, it is considered that the proposed dwellings can be adequately protected against road noise generated by the adjacent Middlewich Road and nearby M6 motorway. The mitigation put forward comprises of upgraded glazing specifications acoustic ventilation for some units and acoustic fencing specifications. Subject to these, the proposal accords with Local Plan Policy GR6.

Highway Safety and Traffic Generation

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

Access is reserved for approval at a later stage. However, the indicative layout shows that the site would be served off the existing access which serves Cotton Hall to the north. The Strategic Highways Manager has confirmed that such access arrangement would be achievable and would meet with the required visibility standard.

In terms of pedestrian requirements, the submitted Transport Statement proposes the provision of a Toucan Crossing on Middlewich Road to assist pedestrians and cyclists. This is considered essential, in view of the lack of footway along the north side of Middlewich Road. The crossing would fall on the desire-line for movements to the High School and Leisure Centre as well as links to other facilities and residential areas. Coupled with this, the Strategic Highways Manager seeks contributions towards traffic management in the village centre and bus stops on Middlewich Road.

Given that there are no bus stops in the immediate vicinity of the site, and given the proposal would introduce more vehicle movements to the local highway network, such requirements are deemed reasonable, necessary and relevant to the development to be permitted in accordance with the CIL regulations. Subject to these being secured by way of planning obligation / agreement, the scheme is found to be acceptable in highways terms.

Impact on Protected Species

The application is accompanied by an ecological assessment.

The Council's Nature Conservation advises that the habitats on site are of low value and do not present a significant constraint upon development. The development proposals may still result in an overall loss of biodiversity due to the loss of poor semi-improved grassland habitats. As such, the applicant has been recommended to undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development. This would enable the total ecological

impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. It is recommended that authority be delegated to the Planning and Place Shaping Manager to agree the sum of the contribution.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds. The Council's Nature Conservation Officer has recommended conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use by breeding birds. Subject to these being implemented, the requirements of the National Planning Policy Framework and the EC Habitats Directive are satisfied.

Flooding and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur.

United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions. However, the Environment Agency has still not commented. When comments are received, these will be reported to Members by way of a written update.

Provision of Affordable Housing

The proposed development will provide 24 affordable units (16 social/affordable rent and 8 for intermediate tenure) within the proposed 80. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. The applicant suggests that the majority of the affordable homes will be provided as 2 & 3 bed properties, but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided.

The applicant (Persimmon Homes) also states that they will make their own shared equity product available at Middlewich Road, whereby they will sell properties as shared equity at 80% of market value. Whilst these properties will offer help to people who cannot buy at the full open market value, they should not be counted towards the planning obligation requirement for 30% affordable housing as they do not meet the requirements of the Council's 'IPS: Affordable Housing' or the definition of affordable housing in the glossary of the National Planning Policy Framework. As such, the intermediate housing should be provided and transferred to a RSL.

Education

The provision of 80 houses will generate 14 primary and 10 secondary aged pupils. However, the Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

Archaeology

The application is supported by an archaeological desk-based assessment. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and related to the possible line of a Roman road, following the approximate line of the modern Middlewich Road, and the proximity of Cotton Hall. The hall is included in the Cheshire Historic Environment Record (CHER 1072), where it is noted that structural elements of the building appear to date from the 14th century. Documentary evidence suggests that there may have been more extensive medieval settlement in the vicinity of the hall.

The Cheshire Shared Services Archaeologist has advised that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. However, it would be reasonable and necessary to secure a programme of archaeological works by condition.

Other Issues Raised by Representation

The issues relating to covenants and deeds raised by objectors are a civil matter and are not therefore a material planning consideration.

The loss of the equestrian facility is not a matter which would preclude the approval of this development.

For the avoidance of doubt, the application site is located in the Open Countryside and is not designated as Green Belt as stated by objectors.

10. REASONS FOR APPROVAL

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. A suitable layout has been tabled which demonstrates how the provision of 80 units and public open

space could be delivered on the site whilst respecting distances with boundary hedges, trees, adjoining properties and the adjacent grade II* listed Cotton Hall.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3a agricultural land, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land. Recent appeals have also supported this interpretation.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

Notwithstanding flooding and drainage considerations (which will be reported by way of an update), the proposal is considered to be acceptable in terms of its impact upon ecology and archaeology. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

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

- **30% affordable housing (24no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **Provision for a management company to maintain the on-site Amenity Space and LEAP**
- **£100,000 Highways contributions towards traffic management in Holmes Chapel and Provision of Toucan Pelican Crossing on Middlewich Road**
- **Provision of Bus Stop/s on Middlewich Road**
- **Commuted Sum towards ecological offsetting to be agreed**

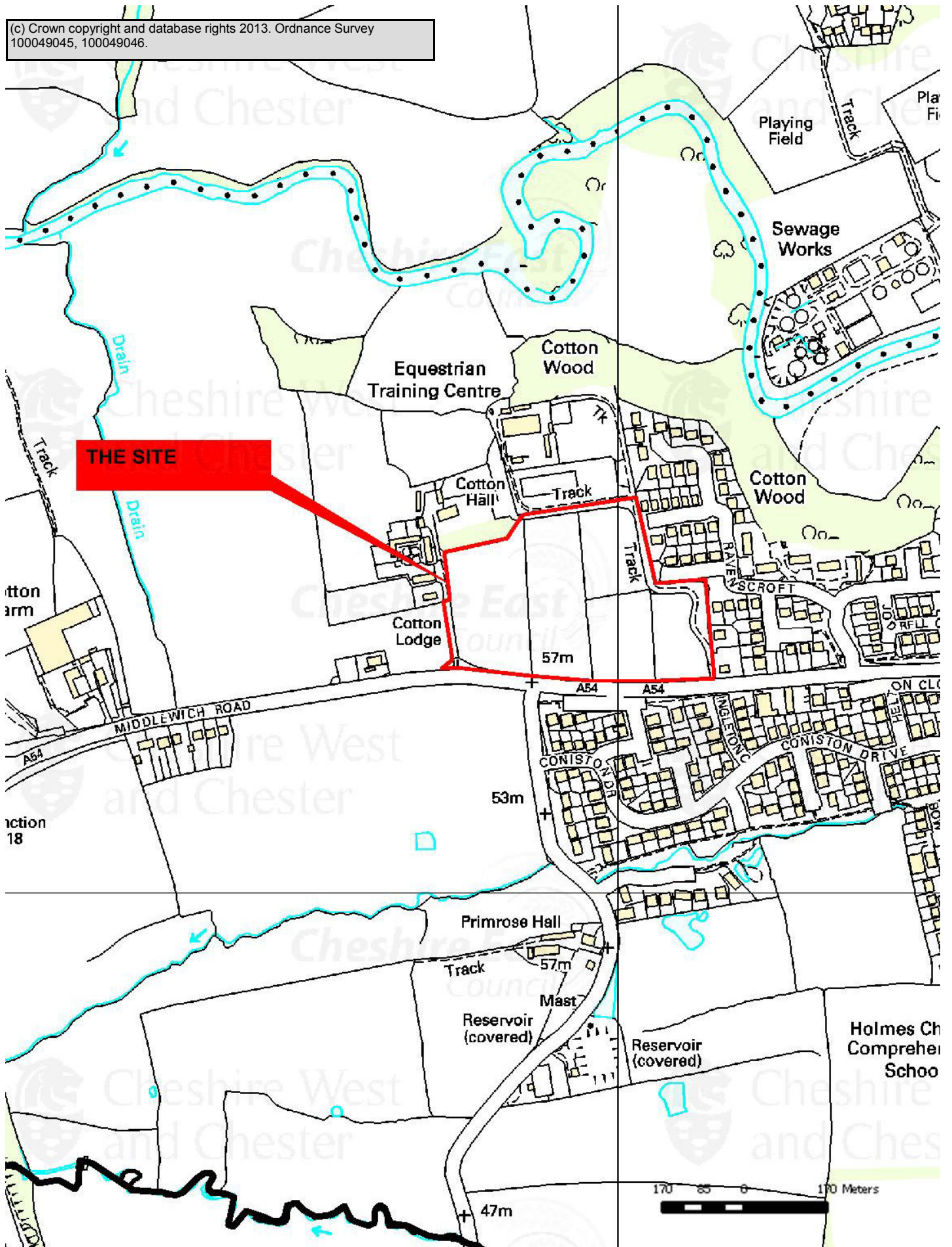
And the following conditions

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Amended / Approved Plans**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Details of pile driving operations to be limited**
- 7. Submission of details of bin storage**
- 8. Details of drainage (SUDS) to be submitted**
- 9. Scheme to limit surface water runoff and overland flow**
- 10. Only foul drainage to be connected to sewer**

- 11. Retention of important trees**
- 12. Tree and hedgerow protection measures**
- 13. Arboricultural Specification/Method statement**
- 14. Landscape scheme to include replacement native hedgerow planting and boundary treatments**
- 15. Implementation of landscaping scheme**
- 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 17. Jodrell Bank Electromagnetic screening measures**
- 18. Implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted**

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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Planning Reference No:	10/1149W
Application Address:	HOUGH MILL QUARRY, BACK LANE, WALGHERTON, NANTWICH
Proposal:	EXTENSION OF TIME TO COMPLETE RESTORATION WORKS FOR A PERIOD OF FIVE YEARS
Applicant:	ANTHONY CONSTRUCTION LTD
Application Type:	APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION
Ward:	DODDINGTON

SUMMARY RECOMMENDATION:

Approve subject to entering into an appropriate Deed under s106 and subject to planning conditions.

MAIN ISSUES:

- Principal of the development
- Public Rights of Way
- Cumulative effect on neighbouring residential amenity
- Nature conservation
- Soils, land use, restoration and aftercare

REASON FOR REPORT

This application has been referred to the Strategic Planning Board under the Council's scheme of delegation as this constitutes a Major Waste application on a historical mineral site.

DESCRIPTION OF SITE AND CONTEXT

Hough Mill Quarry is a former sand and gravel quarry situated on the southern edge of Wybunbury, approximately 4 miles south and south east of Crewe and Nantwich respectively.

Access to the site is from the A51 London Road which forms the south western site boundary. Land to the east, south and west beyond A51 is in agricultural use, whilst Wybunbury village lies to the north of the site. Lea Forge Trout Farm is situated directly to the south east of the quarry, whilst a

commercial fishing lake borders the north eastern boundary of the site. A bridleway (Lea BR6) runs adjacent to the eastern edge of the site which would be unaffected by the development.

An order to divert Public Footpath Lea No.2 outside of the application site to accommodate the restoration activities was confirmed on 26th April 2012 and has been advertised.

The application site covers 27ha and includes the former quarry workings in the north east and north west, separated by Jerusalem Pool fishing lake, and Forge Brook, which flows through the centre of the site. The site also includes the former processing/stockpile areas, access road and land to the south of the access road.

Two Grade B Sites of Biological Importance are situated adjacent to the application site boundary: Jerusalem Wood on the northern boundary and Jericho Wood and Pasture situated adjacent to Jerusalem Pool. The site also lies within 1.6km of Wybunbury Moss, Ramsar Site, Special Area of Conservation, Site of Special Scientific Interest and National Nature Reserve.

A small number of residential and commercial properties lie in close proximity to the site, with the majority aligned along the western boundary. A derelict farm house lies adjacent to the western site boundary, whilst a further property is located adjacent to the trout farm.

RELEVANT SITE HISTORY

The extraction of sand and gravel at this quarry has been undertaken since the mid 1960's. The historical permission for the site approved a restoration to agriculture and nature conservation through the importation of inert material. The site was worked sporadically by a number of owners who left the land with significant open voids and in a poor, semi-restored state.

A time limited consent was granted in 2005 (ref 7/P05/0217) to fully restore the site to agriculture and nature conservation by April 2010, using inert fill material and top soil. The consent permitted the importation of 400,000 m³ of clean inert waste material to act as a 2m containment layer for the previously poorly restored surfaces, which was to be overlain by top soils and planted in accordance with the approved restoration scheme. The consent was subject to a section 106 legal agreement to provide for extended management and aftercare of the nature conservation and wetland area of the central portion of the site for a 15 year period in accordance with an agreed management plan.

The restoration of the site has progressed with the north western section being filled to permitted levels and re-seeded. The north eastern section is mid-restoration and requires further fill material, whilst work is yet to start on the central and southern sections. Due to the economic downturn and subsequent lack of available fill material for the scheme, a large proportion of the site remains un-restored.

DETAILS OF PROPOSAL

This is an application to vary condition 3 of consent 7/P05/0217 to permit a further 5 years to complete the restoration of the site (from the date of submission of the application). This would permit works to continue until March 2015. No other amendments are proposed to the approved development apart from minor modifications to the restoration scheme to incorporate mitigation proposed in the amphibian survey.

The applicant has estimated that 80,000 m³ of restoration material is required to complete the operations which would enable a 2m thick layer of inert material to be placed across the site to achieve the approved restoration profile. No changes are proposed to the permitted working arrangements on site. These allow inert material to be screened and processed using mobile plant on site to produce sufficient soil making material for the project; with any remaining oversized/unsuitable material processed and exported to the local construction sector as a secondary aggregate. The hours of operation remain unchanged at 0730 – 1800 hours Monday to Friday 08.00 – 12.30 Saturday with no operations on Sunday or public holidays. Plant maintenance is permitted between the hours of 07.30 – 19.00 Monday to Saturday. Likewise no additional vehicle movements are proposed over consented movements of 72 vehicle movements in a day (36 in and 36 out).

POLICIES

The relevant Development Plan Policies are:

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 20: Public Rights of Way
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 27: Sustainable Transportation of Waste and Waste Derived Materials
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation

Cheshire Replacement Minerals Local Plan (CRMLP)

- Policy 9: Planning Applications
- Policy 41: Restoration
- Policy 42: Aftercare

Borough of Crewe and Nantwich Adopted Local Plan 2011

- BE.1: Amenity
- BE.4: Drainage, Utilities and Resources

NE.2: Open Countryside
NE.5: Nature Conservation and Habitats
NE.8: Sites of Local Importance for Nature Conservation
NE.9: Protected Species
NE.12: Agricultural Land Quality
NE.17: Pollution Control
RT.9: Footpaths and Bridleways

National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

Other Material Considerations

Government Review of Waste Policy in England 2011
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report May 2011
Consultation paper on PPS10: Planning for Sustainable Waste Management and its practice guide 2013

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager raises no objections.

The Borough Council's Landscape Officer does not object to this application as long as the conditions attached to the existing planning consent are adhered to.

Natural England

Initial response: 13th May 2010

NE consider that the proposed development in its current form should not have a significant effect on the Wybunbury Moss site, either alone or in combination with other plans or projects. They are also satisfied that the proposal would not have any significant impacts upon National Trails, Access Land, or the areas of search for new national landscape designations.

NE have requested that the recommendations made in the Extended Phase 1 Habitat Survey and Restoration Proposals document be included as planning conditions in any planning permission. They confirm that the proposals do not appear to raise any significant soil resource protection or reclamation issues and broadly support the outline aftercare strategy. They do however recommend that the proposals set out in the Section 106 Management Plan be extended across the whole site.

In respect of protected species they note that the proposals may affect Great Crested Newts, Bats, Badgers, Barn Owls, Breeding Birds, Reptiles, Water Voles, White Clawed Crayfish and Otters.

Bats - the Phase 1 survey notes the potential for the presence of bats within the derelict buildings at Lea Forge Farm. They concur with the recommendation of the ecological report which suggests that a full bat survey should be conducted, however this must take in to consideration both the buildings at Lea Forge Farm, and also any other areas on the site which may provide suitable habitat for roosting/foraging bats in order to ascertain the potential impact on the protected species.

Badgers - The Phase 1 Habitat Survey notes that Badgers are likely to be present on the site. The document notes that the 2005 survey is out-of-date and that there are indications of additional badger activity (new setts have been established). An updated badger survey is therefore required, and appropriate mitigation in light of the findings may be necessary.

Barn Owls - A survey may be necessary if there are any proposals to undertake development on Lea Forge Farm.

Breeding Birds - If building works are undertaken during the bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. If breeding birds are found during this survey, the nest should not be disturbed and works should be delayed until nesting is complete and any young birds have fledged.

Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites.

Reptiles - They note that there are a number of areas within the site that may provide a habitat for reptiles, in particular the common lizard, grass-snake and slow-worm. They concur with the recommendation of the Phase 1 Habitat Survey, which suggests that a full reptile survey should be undertaken.

Water Voles - The Phase 1 Habitat survey suggests that there will be no direct intervention or disturbance of the [Forge] brook so no further actions are required. However, if any restoration activity is likely to have an impact on habitats which may support the species, further surveys will be required.

White Clawed Crayfish - They note that it is possible that the species may be present within Forge Brook. The survey suggests that the proposed restoration has the potential to enhance the habitat potential for the species. However if the restoration process is likely to have a detrimental impact upon the brook, additional surveys for white-clawed crayfish will be necessary.

Otters - The Phase 1 survey makes reference to the recording of an otter in Forge Brook in 2000. Otters may potentially be present within the site, and therefore further surveys may be required if any habitat likely to support otters will be affected by the restoration process.

Sand Martin - They note that sand martins are known to use the site, and that there is a colony in the middle of the sandpit restoration area (p.21). The

Phase One Habitat survey indicates that a portion of remnant exposed sand-face will be preserved in an area at the north east of the site to enable the establishment of a new colony. Any work which may affect the colony site(s) should be conducted outside of the nesting/breeding season.

Response to updated ecological surveys

The updated protected species survey has identified that Great Crested Newts, a European protected species may be affected by this application. This information provided indicates that the two ponds scores are in the 'Average' assessment for overall great crested newt suitability.

Natural England (NE) refers to its Standing Advice with respect to Great Crested Newts. As standing advice, it is a material consideration in the determination of applications.

All competent authorities, when exercising their functions must have regard to the requirements of the Habitats Directive (See Regulation 9(5) of the 2010 Habitats Regulations). Planning authorities are competent authorities and are exercising a function in deciding whether or not to grant planning permission. In this instance, Cheshire East Council is the competent authority and it is for you to assess the proposal and determine whether or not to grant planning permission. Natural England has provided advice in the form of standing advice (see above link).

The judgement in the recent case of *Morge (FC) (Appellant) v Hampshire County Council* [2011] UKSC 2 considered the application of this duty. It came to the conclusion that, if the Planning Authority concludes that the carrying out of the development for which permission has been applied for even if it were to be conditioned, would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a licence being granted. The licensing authority is Natural England. When considering the likelihood of a licence being granted it may be helpful for local authorities to view the guidance on how Natural England applies the 3 tests when considering licence applications.

Cheshire Wildlife Trust:

Although we found the GCN survey methodology, results and risk assessment acceptable we do have the following comments.

- The area to be 'left undisturbed to create invertebrate habitat mound' (GCN Report Phasing Plan) should be included, if possible, in the Section 106 Agreement area in order to ensure that the recommendations of the GCN report are fully implemented (in the interests of the protected species)
- It is unclear why there is a specification for a seed mix included in the MP. There are no recommendations for re-seeding of any areas in the Section 106 Agreement Land Management Plan and CWT would strongly endorse this approach. Natural regeneration is preferred over

any introduced grassland mixes. Limited tree and shrub planting would however be acceptable.

Nature Conservation Officer:

Reptiles

The submitted survey is acceptable. As no evidence of reptile species was recorded no further action is required.

Badgers

Two Badger setts were recorded during the updated survey; however these are some distance from the proposed works. Reasonable Avoidance Measures are suggested by the submitted report. I advise that no adverse impact on badgers is likely to result from the proposed development.

Bats

A number of features were recorded with potential to support roosting bats none of which appear likely to be affected by the proposed development. No further action is therefore required in respect of this species group.

Breeding Birds

Breeding Birds are present and so the following two conditions should be attached to any permission granted:

Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason:- to safeguard protected species in accordance with PPS9.

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

Reason: To secure an enhancement for biodiversity in accordance with PPS9

Great Crested Newts:

Initial advice:

The GCN survey has revived the presence of the species at one of the former Quarry settling ponds. Four survey visits were undertaken which is adequate to establish presence/absence however a further two survey rounds should have been undertaken to establish the population size in accordance with the Natural England guidelines. In this instance however, as only two adult newts were recorded I am satisfied that the population is very unlikely to be anything but 'small'.

To avoid any disturbance of potential GCN habitat the submitted survey report recommends that 'Phase 4' of the restoration is allowed to re-vegetate naturally. This approach is acceptable in purely ecological terms. Phase 2a is also awaiting landfill and subsequent restoration, however I am satisfied that this part of the site is far enough away from the identified breeding pond that great crested newts are not reasonable likely to be affected.

Comments in respect of further species surveys:

A number of protected species surveys have been undertaken at the site. Significant impacts on any protected species are unlikely with the exception of Great Crested Newts which could be affected by restoration works in close proximity to the identified breeding pond. To avoid any adverse impact on Great Crested Newts the applicant is proposing to allow 'Phase 4' of the restoration works to vegetate naturally. This approach is acceptable to avoid any adverse impact on GCN however the area that is intended to be allowed naturally re-vegetated should be clearly shown on the restoration plan.

Advice in respect of the pond identified within 250m of the application site:

The submitted information relating to the Habitat Suitability Assessment of the pond to the south of the site is limited so there is no way of knowing if fish are present in these ponds or if large numbers of wildfowl are present. Both of these factors would affect the likelihood of great crested newts being present. However the 'average' HSI score that has been calculated would in my view indicate that breeding GCN are reasonable likely to be present at these two ponds.

However, the ponds surveyed are 230m from the nearest disturbing development. The area of proposed works that falls within 250m of the pond is consequently small in area. Additionally there appears to be suitable terrestrial habitat located closer to the pond to the south/east of the pond.

In my view, whilst GCN are reasonable likely to be present at this pond the proposed development is not reasonable likely to have a significant impact on any population present. I therefore advise that there is insufficient justification for requesting a more detailed GCN survey of this pond prior to the grant of consent. I confirm that allowing the small area of land within the site which falls within 250m of the un-surveyed pond to regenerate naturally with possible some tree planting is an appropriate strategy to mitigate any potential impacts of the restoration works on great crested newts which may occur at this pond.

I am satisfied with their assessment that GCN will not be affected by the works as long as they have identified all of the parts of the site where there is remaining works to take place.

The Borough Council's Environmental Protection Officer raises no objection but recommends that current conditions with respect to the mitigation of noise and dust are replicated to ensure that there are no nuisance issues.

Cheshire Archaeology Planning Advisory Service does not object to the application. Archaeological issues surrounding this application in 2005 were addressed in Condition 38 in the 7/P05/0217 planning consent. The conditions attached to the planning consent have been included in Appendix 1 of the documentation submitted in support of the present application and as long as Condition 38 is adhered to this will address the archaeological issues.

The Public Rights of Way Unit An application to divert Public Footpath Lea No.2 was confirmed on the 26th April 2012. No objections have been received by PRow Unit.

The Mid-Cheshire Footpath Society notes that Lea Footpath 2 has not been diverted onto the line shown on the plans and their agreement with the previous applicant was that the line should remain essentially the same and be diverted away from the farm, over the stream and exit close to the quarry exit. They ask that the applicant be made aware of his obligations to keep Lea footpath 2 open and walkable at all times until a new route is agreed.

The Environment Agency does not object to this application but requests an informative in relation to the Water Resource Act 1991 to be included on any decision notice should planning permission be granted.

VIEWS OF THE PARISH / TOWN COUNCIL

Wybunbury Parish Council:

- The former Cheshire County Council's 2005 restoration approval in content shall not be altered but may be added to for the extension of time.
- All original time scales from the 2005 approval document should be extended by five years from the new approval date.
- The Parish Councils for Wybunbury, Walgherton and Hatherton as well as Doddington should be involved with the annual management of the site review along with Cheshire East Council.
- That 12 months prior to the final completion of the total restoration of the quarry, a meeting of all interested parties be held to discuss the future use of the quarry after the completion of the restoration works.
- Time scales for the section 106 agreements also be extended by five years.
- Once the restoration has been completed, a new public right of way be designated to connect the circular path from Back Lane to continue around Jerusalem Wood via the Jerusalem fishing pool and to cross the brook and skirt Jericho Wood and then join up with the restored Public Footpath Lea No.2 right of way. This new right of way would open up the area creating a most impressive walk with great views of the land, woods, lake and river side walk, then lead back to Wybunbury a long Public Footpath Lea No.2.
- That no further applications of time should or would be considered for this quarry.

If the above comments were taken strongly into consideration when approval of the application is considered, Wybunbury Parish Council would offer no objection to an extension of time.

Hatherton and Walgherton Parish Council made no comments on the application.

OTHER REPRESENTATIONS

There have been no letters of representation received in relation to this proposal from local residents or other third parties.

APPLICANT'S SUPPORTING INFORMATION

Planning Supporting Statement dated March 2010 prepared by Halletec Environmental;

Planning Drawings;

Vehicle load figures 2006 – 2009;

Dust Assessment February 2010

Contaminated Land Assessment March 2010;

Noise Update Assessment March 2010;

Transportation Assessment March 2010;

Section 106 Area Management Plan June 2012;

Archaeological Assessment;

Draft section 106 agreement; and

Waste Management Exemption.

Extended Phase 1 Ecological Survey revision 3 November 2011

Great Crested Newt Survey and Risk Assessment version 2 July 2011

OFFICER APPRAISAL

Principal of the development

The proposed variation is required to avoid the site being left partially restored and unfit for any beneficial purpose, as has been the case in the past. The scheme also allows for the continued long term management of the ecological and nature conservation assets on the site including the SBI at Jericho Woodland and Pasture, Jerusalem Wood and Jerusalem Pool.

The original timescales for the project were calculated on the basis of achieving average monthly loads of approximately 1200. Following the prolonged economic downturn, the operator has struggled to obtain sources of suitable inert fill. Average monthly loads in 2010 were approximately 300, and whilst they have been slowly improving (averaging 500 in 2011/2012) there still remains an estimated 80,000 m³ of restoration material required to complete the works. Should works on site cease before the scheme is completed, this would leave land partially restored with an unsympathetic landform and which lacks appropriate landscape treatment. It would also make the aftercare arrangements difficult to implement.

In addition, it is noted that the inert subsoils used for the restoration of this site enable a sustainable means of diverting Construction, Demolition and Excavation waste (CD&E) from landfill which is one of Cheshire East's largest

waste streams (49% of the overall waste arisings). This helps to meet the requirements of the revised waste framework directive, targets in the Waste (England and Wales) Regulations 2011, and the planning objectives of PPS10 and the CRWLP. It is also noted that there are few similar facilities in the south of the authority able to provide an outlet for CD&E waste arisings and the scheme also accords with the approach of NPPF which requires minerals sites to achieve high quality restoration and aftercare schemes.

On this basis, it is considered that the proposal is in accordance with the overall objectives of CRWLP and PPS10, and supports the approach of PPS10 and NPPF.

Ecology and Nature Conservation

The site has potential to support protected species habitats including great crested newts (GCN), badgers, reptiles, water voles, otters and white clawed crayfish.

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 where:

(a) it is in the interest 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.

Cheshire Replacement Minerals Local Plan Policy 9 requires an application to be accompanied by an evaluation of the proposed development and its likely effects, direct and indirect. Where adverse effects are identified, a description of the proposed measures to avoid, reduce or remedy the effects should be provided where appropriate, as well as monitoring/management arrangements should permission be granted.

Crewe and Nantwich Borough Adopted Replacement Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specifically 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 or adequately mitigated (through locating on an alternative site with less harmful impacts) 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 it is unlikely, then the LPA should refuse permission. If it is likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

Great Crested Newts

The Nature Conservation Officer has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. The surveys identified a small population of Great Crested Newts, smooth newts, as well as a frog and common toad at one of the former settling ponds which lies directly adjacent to, and outside of the application boundary. The adjacent woodland, scrub and grass surrounding the pond are identified as providing any ideal habitat for newts. These areas remain outside of the planning application boundary and would be unaffected by the scheme. A further pond to the south east of the site, beyond the application boundary but within 250m of the proposed development, is also identified as being suitable for Great Crested Newt habitat.

To avoid any adverse impacts on this species, the restoration proposals have been revised to ensure those areas of the site in close proximity to the Great Crested Newt habitat are excluded from any infilling and are left to re-vegetate naturally in accordance with the recommendations of the survey. In addition, as a further mitigation, the updated restoration proposals also provide for the creation of an invertebrate habitat mound adjacent to the former settling ponds. The survey identifies that, following the implementation of this mitigation, there is no reasonable likelihood of harm to individual Great Crested Newts at the site and no Natural England European Protected Species Licence will be necessary.

On this basis, the Nature Conservation Officer is satisfied that the revisions proposed present an appropriate strategy to mitigate any potential adverse impacts on Great Crested Newts or their habitat arising from this scheme.

Badgers

The survey recorded 2 active badger setts (one main breeding sett and one annex sett) close to the application site. Given that all setts lie well outside the working areas of the site, the survey does not envisage any direct impacts upon badgers or their setts. Indeed, all important feeding areas will remain unaffected. Once restoration is complete, the site will offer enhanced foraging value of the site for badgers. Periodical badger monitoring is recommended, along with making site users aware of badgers and their movement, and restricting the movement of machinery within the vicinity of active setts.

A number of reasonable avoidance measures are also recommended to ensure there is no detrimental harm to badgers or their habitat which can be secured by planning condition. The Nature Conservation Officer advises that no adverse impact on badgers is likely to result from the proposed development.

Barn Owls and Bats

Whilst Natural England highlighted the potential impact of the development on Bats and Barn Owls, the proposal would not affect the derelict farm buildings on site or propose any felling of trees. As such, it is not considered that surveys for the presence of these species would be necessary. The Nature Conservation Officer advises that no further mitigation is therefore required in respect of these species.

Reptiles

Two working areas of the site were identified to be potentially suitable habitat for reptiles. Following a survey of the site, no species of reptile were observed. On the basis of these findings, the Nature Conservation Officer advises that no further mitigation is required.

Breeding Birds

The extended phase 1 survey identified the site as having great potential for nesting birds which are fully legally protected from disturbance or harm whilst nesting. This includes a number of birds listed as high conservation concern due to declining UK population. Sand Martins have previously been recorded as nesting in the cliff faces of the north eastern worked area, although no signs of activity were recorded in the most recent survey. During the intervening time, the weather, vegetation growth, cattle, rabbits and badgers might have destroyed all signs of these holes.

The extended phase 1 survey recommends any works in this area to be undertaken outside of the bird nesting season and the provision of an alternative sand martin colony in the north west corner of the sandpit to compensate for loss of any existing colony through the restoration activities. Both of these can be secured through planning conditions.

Other protected species

The extended phase 1 survey did not identify field signs of any other protected species, although some habitats on site offer some potential for some species. Forge Brook has potential for the white-clawed crayfish. However, the survey acknowledges that the adoption of Environment Agency Pollution Prevention Guidelines will protect the watercourse. Equally, this watercourse and its adjacent wetland area also have potential to support water voles and otters. For both species, given that this area lies outside of the application boundary and no direct intervention or disturbance is proposed during restoration, no further action is considered necessary for this species.

Having regards to the above, it is considered that the proposal would have an acceptable impact on nature conservation interests and would comply with Policies 12 and 17 of the CRWLP, Policies NE.2 and NE.9 of the CNLP; along with paragraphs 109, 118 and 144 of NPPF and the approach of PPS10.

Restoration and Aftercare

No amendments are proposed to the approved site restoration scheme aside from minor modifications to incorporate recommendations of the amphibian survey. This requires:

- a small strip of the land on the southern boundary to be left free from infilling to regenerate naturally,
- an area adjacent to the former settling ponds to be left undisturbed for the creation of an invertebrate habitat mound, and
- a larger area adjacent to the former settling pond left free from any infilling to secure a buffer of retained habitat for great crested newts.

Accordingly, the approved restoration plans have been amended to reflect these provisions and are considered acceptable by the Landscape and Nature Conservation Officer.

The existing consent was subject to a s106 legal agreement to secure a 15 year period of habitat management for those areas of the site identified to be of nature conservation value that are not subject to direct restoration works. This includes Jerusalem Pool fishing lake, Jericho Wood and Pasture SBI and the section of Forge Brook passing through the site. The legal agreement ensures that these nature conservation habitats are appropriately managed until December 2020, in accordance with an approved habitat management plan which was agreed in conjunction with the Nature Conservation Officer, Environment Agency and Natural England. Should planning permission be granted, it is proposed that this requirement will continue to be secured on any further consent by means of an appropriate Deed under s106.

Whilst Natural England has suggested that the s106 legal agreement should be extended across the entire site, it would be unreasonable to tie the landowner into an extended aftercare arrangement for other areas of the site which are of limited nature conservation significance. On the basis that such a requirement would not be necessary to make the development acceptable, it is not considered that this would meet the relevant 'tests' within the CIL

Regulations. It is also noted that the current planning conditions would be replicated on any new consent which includes a requirement for standard 5 year aftercare for these areas to ensure the land is made reasonably fit for agriculture.

As the broad restoration proposals and aftercare arrangements remain as per previously approved, the scheme is considered to accord with policies 41 and 42 of CRMLP, policy 14 of CRWLP and paragraph 143 of NPPF.

Residential Amenity; traffic, noise and dust

The current consent restricts vehicle movements to 72 a day (36 in and 36 out) to ensure there is no impact from excessive traffic movements. No amendment is proposed to this figure and no objections are raised by the Strategic Highways and Transportation Manager. As such, the proposal accords with Policies 12 and 28 of the CRWLP and Policy BE.1 Amenity of the CNLP, and the approach of NPPF.

NPPF and policies 12, 23, 24 of the CRWLP require that the impacts of noise and dust emissions are suitably assessed and controlled in accordance with Government guidelines.

The updated noise assessment concludes that the noise generated by site operations remain below established noise levels, controlled by condition on the existing consent.

The updated dust assessment identifies that the current dust emissions are considered negligible. The only potential source of significant dust emissions are those associated with the movement of vehicles on the internal haul road and the site operates in accordance with an approved dust mitigation scheme.

With the continuation of existing mitigation procedures the level of impact is considered to be negligible and regular monitoring ensures that noise and dust levels generated by operations at the site accord with current environmental standards. There is no history of complaints during the restoration phase and the Environmental Health Officer does not object to this application.

On the basis that the current mitigation procedures will remain in place, it is considered that the scheme will not generate any significant detrimental noise or dust impacts that would impact on human health or the natural environment. As such, it accords with NPPF paragraphs 17, 123 and 144, Policies 12, 23 and 24 of the CRWLP, along with paragraphs 29 of PPS10 and NPPF paragraphs 120 and 123.

Liaison Committee

Wybunbury Parish Council have expressed their interest in becoming involved with the annual review of site management and in establishing dialogue with the site owners to explore future options for the site. It is recommended that a liaison meeting is established (and secured by planning condition) to

facilitate dialogue between the operator and local community. This would accord with Policy 43 of CRMLP.

Impact on Public Rights of Way

An order to divert Public Footpath Lea No.2 was confirmed on 26th April 2012 and has been advertised. The diversion realigns the footpath along the western boundary of phase 3. As such, with the standard informative with regards to the operator's obligation towards the footpath added to any decision notice, it is considered that the proposal accords with Policy 20 of the CRWLP, Policy RT.9 of the CNLP and paragraph 75 of NPPF.

It is noted that Wybunbury Parish Council have requested that a new public right of way be created on completion of the development which would connect Back Lane with the reinstated footpath Lea No.2 via Jerusalem Wood SBI, Jerusalem fishing pool and Jericho Wood SBI. This does not form part of the proposals and Public Rights of Way unit have not indicated any requirement for further enhancements of the public rights of way on this site. It is considered that any future requirements for further public rights of way would more appropriately be progressed separately with the Public Rights of Way unit, in conjunction with the landowner, on completion of the restoration works proposed (when the future landuse for the site is known). It is also noted that the provision of the route requested by the Parish Council would include crossing two sites of biological importance and the area of land specifically set aside and managed under the s106 for nature conservation interests. As such the full nature conservation impacts of this would need to be appropriately assessed.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This section 73 application seeks to vary the condition that covers the completion date of the restoration of the quarry, thereby enabling consented levels to be reached and the desired and consented restoration achieved. It is important to recognise that this application does not seek to increase the consented levels of the site or bring any additional inert materials in addition to that already approved by the previous consent.

The proposed extension of time would enable the restoration of a former sand quarry which has been worked and abandoned without restoration to a suitable standard, leaving areas of open voids and un-restored land. The application proposes to continue to import and process inert waste materials to achieve sensitive restoration for agricultural use.

Whilst a time extension would prolong associated impacts on residential amenity, these would be limited due to the topography of the site and nature of the proposal. There has been no history of complaints during the restoration of this development. Current planning conditions to aid the mitigation of noise, dust, would be continued to ensure that there are no nuisance issues. The applicant proposes no increase in consented vehicle

movements, which were significantly less vehicle movements from that originally permitted when it was an active quarry.

The proposal would be beneficial in terms of visual amenity as it would result in a significant improvement in the visual amenity of the site, with partially restored areas being completed, voids filled and machinery removed. The proposal would provide significant nature conservation benefits derived from the implementation of appropriate habitat management to enhance existing areas of ecological value.

The failure to grant planning permission would result in failure to remedy the original problem of restoring the site. Overall, there appear to be no significant planning reasons to warrant refusal of this application. It is considered that the proposed development, subject to appropriate conditions, and an appropriate Deed under s106, would not have an unacceptable impact on any other material planning consideration. As such, planning permission should be granted.

RECOMMENDATION:

That the application be APPROVED subject to the following:

- (1) An appropriate Deed under s106 to continue the management of nature conservation land in accordance with an approved habitats and fisheries management plan for a period until 12th December 2020.**
- (2) Planning conditions covering in particular: -**

All the conditions attached to permission 7/P05/0217 unless amended by those below;

Approved plans;

Completion of the restoration works by March 2015; and

Establishment of a Liaison Committee

Implementation of the mitigation identified in the ecological surveys

Protection of breeding birds

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager in consultation with the Chair (or in his absence the Vice Chair of Strategic Planning Committee) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice

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Application No: 13/0735M

Location: Land South Of, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: Outline application for erection of up to 175 residential dwellings and associated highway and landscaping

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 06-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to s106 agreement and conditions

MAIN ISSUES

- Safeguarded land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Noise Impact
- Air quality
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open fields currently in agricultural use, and is located to the east of residential properties on Hill Drive and Cherrington Close. A public right of way (Footpath 89) runs along the western boundary of the site, and footpath 127 runs along the northern boundary. The site is identified in the Macclesfield Borough Local Plan 2004 as Safeguarded Land.

DETAILS OF PROPOSAL

The application seeks outline planning permission, with all matters reserved except for access. It is for a residential development comprising of up to 175 dwellings.

RELEVANT HISTORY

Application Refused 16th November 2012. Appeal allowed 30th May 2013

12/1627M – New vehicular access with means of access, layout and associated engineering works for consideration, with landscaping reserved for subsequent approval.

POLICIES

Macclesfield Borough Local Plan 2004

NE11 and NE17 relating to nature conservation;

BE1 Design Guidance;

GC7 Safeguarded Land;

H2 Environmental Quality in Housing Developments;

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC17 and DC18 Water Resources;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC40 Children's Play Provision and Amenity Space

T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

National Planning Policy

National Planning Policy Framework (The 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

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to the site being drained on a separate system

Environment Agency – No objections subject to conditions relating to FRA and drainage

Manchester Airport – No objection subject to condition relating to the airport's obstacle limitation surfaces

Public Rights of Way – No objections

Environmental Health – No objections subject to conditions relating to hours of construction, noise mitigation, air quality and contaminated land.

Strategic Highways Manager – No objections to the scheme are raised subject to the proposed junction improvement being delivered by a S278 Agreement

Education – Primary and secondary schools are forecast to be oversubscribed. Financial contributions towards additional school places will therefore be required.

Archaeology – No objection subject to condition requiring a programme of archaeological work.

Greenspace – No objections

Housing Strategy & Needs Manager – No objections

Stockport MBC – Adverse impact upon adjoining highway network needs to be mitigated through financial contribution for junction improvements and sustainable transport options.

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council – Object on the following grounds:

- This greenfield site is currently safeguarded land. According to the NPPF, planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review that proposes the development. The Local Plan review is still an ongoing process.
- HPC have requested that, in the new Local Plan, this site forms part of a Local Green Space as defined in the NPPF
- The Draft Handforth Town Strategy Consultation Report showed that 72% of respondents did not want this site to be developed.
- Development of the site would have an adverse effect of the flora and fauna of Hall Wood - a neighbouring site of special biological importance.
- Should permission be given to Greystone UK to build a care village on land to the north of the site, the access road for the Jones Homes development would pass right through the heart of the care village.

OTHER REPRESENTATIONS

Approximately 40 letters of representation have been received from local residents objecting to the proposal on the following grounds:

- Land is subject to countryside policies where built development is not permitted.
- Site is contrary to NPPF as a Greenfield site well away from local services.
- Contrary to policy GC7 of the Local Plan.
- Allowing the proposal would be premature and contrary to policies in the emerging plan.

- Impact on wildlife and adjacent SBI
- Increased congestion on Coppice Way / A34
- Occupants will be dependent on private car.
- Impact upon the amenity of neighbouring properties.
- No need for these homes if development on other side of bypass goes ahead
- Increased noise and pollution.
- Lack of school places.
- Field is liable to flooding
- Site is a valuable open space in an otherwise built up area.
- Handforth needs at most 138 dwellings to year 2030.
- Real need in Handforth is for social housing.
- Brownfield sites could accommodate requirements.
- The Handforth Open Spaces report, notes that there is a shortage of open space in this south-eastern area of Handforth.
- The requirement for this development is not justified.
- Land currently forms a natural buffer between the A34 and residential properties.
- Flood risk assessment is incorrect and flawed.
- Loss of agricultural land.
- Handforth should not be expected to take on a disproportionate burden of CEC's housing needs.
- Handforth is already one of the most densely populated wards in Cheshire East.
- Local residents are asking that this land be given country park status.
- Medical services will struggle to support so many houses.
- No provision for social and affordable homes.
- HOHGB group have submitted a petition bearing 1500+ signatures requesting that no development should occur on this and other greenfield sites within the parish.
- If CEC plans to build 2,300 homes in Handforth on the eastern of the A34, there would be no need for a new housing development on this site.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a site investigation report, design and access statement, noise assessment, landscape and visual impact assessment, an Historic Environment Desk-based Assessment, a hedgerow survey report, GCN mitigation strategy, draft heads of terms, consultation report, affordable housing statement, planning statement, waste plan, sustainability statement, flood risk assessment, transport assessment, phase 1 ecology survey, tree survey, agricultural land statement and an air quality assessment. The planning statement concludes that:

- The application would assist in bringing forward, at an early date, a contribution to resolving deficiencies in terms of housing supply, choice and affordable housing in Handforth.
- There is no National Planning Policy Framework protection for safeguarded land as such and where appropriate such land should be brought forward for development.
- The Handforth Town Strategy has identified the application site as a potential residential option and notwithstanding that more respondents objected to its development than supported it, the site was, nonetheless, considered sustainable.

- This site is, however, available for development and is developable commencing in late 2013/early 2014 and is the only substantial site within Handforth that would be immediately suitable and available for development. Other potential option sites in the Town Strategy were located in the Green Belt.

OFFICER APPRAISAL

HOUSING LAND SUPPLY BACKGROUND

The 2013 SHLAA

On 1 March 2013, the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole

rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State's decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State's letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was "between 7366 to 9070 dwellings"

The Secretary of State considered that there was "justifiable doubt" about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

"not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement."

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector’s reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7366-9070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council’s ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council’s original target of 6776 homes had been met – and also that the Secretary of State’s minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council’s supply figures – using a base of 9000 homes rather than the figure of 9399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

COUNTRYSIDE POLICIES

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was:

“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”

Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

PLANNING POLICY

The application site is designated as Safeguarded Land under Macclesfield Borough Local Plan policy GC7. The purpose of the safeguarded land is to serve development needs in the longer term (i.e. well beyond the plan period). It is not allocated for development at the present time and may only be allocated in the future within the strategic planning context. It should also be noted that the emerging local plan identifies this site as part of the new village at Handforth East, comprising 50 dwellings, with the remainder of the new settlement on the eastern side of the A34 providing 1750 dwellings. Given the stage of this emerging plan, it is considered that only limited weight can be afforded to it at this time. However, it is clear that the site will make a valuable contribution to housing supply in the Borough.

As members will be aware, the care village development on the adjacent site was allowed on appeal earlier this year. The Inspector examined the safeguarded land issue in some detail. In summary he identified that the local plan period ran for 7 years between January 2004 and 2011, that we are now 2 years past the end of this period (now almost 3 years). The Council is therefore well beyond the plan period. He also noted the development pressure on the Green Belt land to the east of the A34, as identified in the emerging local plan documents. The Inspector stated:

“It therefore now appears that planning to protect the integrity of the boundary of the Green Belt in this area is not working. The safeguarded land, rather than providing sequential land release for future development needs, is throttling development. This is leading to the consideration of options where Green Belt land would be removed from the designation and immediately allocated for early development.”

As a result, the Inspector concluded that the safeguarding of site, between the settlement and the Green Belt, under policy GC7 has:

“already fulfilled its purpose since its first designation in 1988 and has been overtaken by events...It also appears, in conflict with the National planning Policy Framework, the Green Belt boundaries will need to be altered at the end of the LP period. LP Saved Policy GC7, as it relates to the appeal site, therefore shows little consistency with the Framework and is thus out of date.”

Similarly, the Inspector in the recent decisions relating to housing land supply concluded that the development plan is out of date in terms of the provision of housing.

Consequently, paragraph 14 of the Framework applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole.

SUSTAINABILITY

With regard to sustainability, another Inspector on the adjacent site noted in her decision in 2010, that the site is a greenfield site and therefore not the first priority for development. However, she also acknowledges that in local plan policy GC7 and the SHLAA that there is recognition that the land is capable of development for housing. The site was also considered to be adequately proximate to Handforth district centre and its transport links, and that it seemed unlikely that the topography of the land would deter residents from walking to the local facilities. The site is therefore considered to be in a relatively sustainable location.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

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

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 175 new family homes (including up to 53 affordable homes), a children's play area, on site public open space, and financial contributions towards education provision.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The site is located in the Wilmslow and Alderley Edge sub-area for the Strategic Housing Market Assessment 2010, which identified a need for 51 new affordable homes each year made up of a net requirement for 2 x 1 beds, 17 x 2 beds, 17 x 3 beds, 9 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the information taken from the SHMA 2010, there are currently 254 applicants on the housing register who require social or affordable rented housing in Handforth. These applicants require 74 x 1 beds, 117 x 2 beds, 43 x 3 beds and 6 x 4 beds (13 did not specify bedroom numbers)

In line with the Interim Planning Statement: Affordable Housing there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing

(IPS). This equates to a requirement for up to 53 affordable dwellings, with up to 35 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

An appropriate mix of affordable dwellings to meet the need identified in the SHMA 2010 and also taking account of the requirements of applicants on the Cheshire Homechoice would be a mix of 1, 2 and 3 bed affordable homes including flats and house and some 1 or 2 bed properties suitable for older persons.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting (in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%). The Draft Heads of Terms states that the affordable housing will be provided no later than the sale or let of 80% of the open market property. This is acceptable as long as there is a high degree of pepper-potting.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and be tenure blind and also not be segregated in discrete or peripheral areas.

HIGHWAY SAFETY AND TRAFFIC GENERATION

The proposed access is the same as that approved as part of the care village proposals. Therefore, no highway safety issues are raised in this regard.

The submitted Transport Assessment states that the traffic associated with the care village has been included as committed development and also the proposed Next store development which has yet to gain formal approval has also been included as a sensitivity test.

The applicants have assessed the capacity of junctions close to the site, notably the roundabout on Coppice Way where the access is taken from and the existing roundabout on the A34 Wilmslow-Handforth By-Pass although an assessment has not been undertaken at the major junction at the A555 and Stanley Road.

With regard to the site access junction roundabout and the A34 roundabout there is no capacity issue in the morning peak 08.00 – 09.00 as the nearby retail park is not a peak hour generator. The base traffic situation (opening year 2018) at the A34 roundabout is operating over capacity in the weekday Friday peak 17.00 -1800 without development and this is projected to increase with development, the main concern being the queuing on the A34 South which is forecast to increase from 50 to 78 passenger car units. The Saturday afternoon peak is also operating over capacity but traffic queues are not as extensive.

In summary, even though in percentage terms the additional traffic generation is small compared with the existing flows on the A34 there are currently excessive queues southbound at the A34 / Coppice Way roundabout and these will be increased by this development. As a result, it is considered to be reasonable to expect the development to

mitigate its own impact and in this regard the applicants have submitted an improvement scheme to deal with its own traffic impact on the A34 / Coppice Way roundabout.

The improvements involve providing an additional flared lane on the south arm of the roundabout. The capacity tests undertaken for the junction show that the queue lengths on the problematical southern arm will reduce with the development in place, compared with the existing situation. The Strategic Highways Manager therefore raises no objections to the proposal subject to the improvement scheme being delivered by a S278 Agreement, and the works being completed prior to occupation of the development.

Stockport MBC Highways

There are existing congestion issues concerning the queues backing up from the A555 junction on the A34 and this queue affects vehicles accessing the A34 from the retail park along the Long Marl Drive on-slip. The responsibility for the A555 junction falls within Stockport MBC.

Stockport MBC has highlighted that there is no comprehensive assessment of the impact of development on the A34/A555 and A34/Stanley Road junctions other than a comment that the impact is not considered material when considering background traffic levels along the corridor. They maintain that this corridor and junctions are demonstrably operating at or in excess of capacity and suffer from extremes of traffic congestion and delay during peak traffic periods and on a Saturday afternoon. The proposed development generates numbers of vehicle trips and Stockport MBC suggest that mitigation is provided in a sustainable manner to sufficiently deal with this impact by way of a financial contribution of £700,000. This would allow for junction improvement works at the Stanley Road roundabout junction and the Earl Road/Stanley Road priority junction which will assist highway operation for traffic travelling to and from the North, and those which are likely to choose to travel through the Stanley Green Business Park Estate to avoid the A34 corridor. In addition, there are a number of walking and cycling routes around the Stanley Green Area which would benefit from improvement and would enhance the accessibility of the development site and potentially contribute towards a reduction in the number of car borne trips associated with the site. Stockport Council also considers that the introduction of new and/or improved frequency of bus services running in the area would afford significant benefits and is worthy of investigation and delivery.

Having regard to the issues raised by Stockport MBC, as noted further below there is some potential for improvements to existing rights of way for pedestrians and cyclists in the local area. In terms of public transport, the site is less than 500 metres from the nearest bus stop which provides regular services to Macclesfield, Wilmslow, Stockport and Manchester. Handforth train station is also approximately 600 metres from the site. The site is reasonably well served by public transport. As such, improvements in this area are not considered to be necessary to make the development acceptable in planning terms.

The applicants have also responded to Stockport MBC comments by noting that Stockport do not acknowledge that junction improvements have already been identified for both the A34 / A555 and the A34 / Stanley Road junctions as part of the SEMMMS proposals, for which funding has been fully secured, and construction is expected to start in Winter 2014 with completion in 2017. These improvements will comfortably accommodate the additional traffic

from the proposed residential development and therefore negate the need for further junction improvements.

Having regard to the CIL regulations, further information has been requested from Stockport in terms of details / drawings / broken down costings for the proposed junction works and how the specific impact of this development translates into £700,000. Any additional information received will be reported in an update.

PUBLIC RIGHTS OF WAY

The development will affect Public Footpath No. 127 Wilmslow, as the proposed access road cuts right through it, and may have some impact upon Public Footpath No. 89 Wilmslow as recorded on the Definitive Map of Public Rights of Way, once the final layout of the scheme comes forward as a reserved matter.

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

The two public rights of way within and adjacent to the site are presently public footpaths. However, a proposal to upgrade these into shared use facilities may be more useful as a resource to residents of the proposed development and wider local community and provide appropriate alternatives to the use of the private car, in line with the Framework. Indeed, a suggestion registered under the Council's statutory Rights of Way Improvement Plan seeks the upgrade of public footpath No. 127 along the northern edge of the application site to a cycle facility in order to provide a link from Hall Road to the northeast of the A34. However, this path appears to be outside of the application site on third party land (clarification is being sought on this issue). Further details as to the permeability of the site for pedestrians and cyclists will be required at the reserved matters stage.

CONTAMINATED LAND

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the outline application recommends that further investigations are required to fully profile any potential contamination at the site. A condition requiring further Phase II investigations is therefore necessary.

AIR QUALITY

An Air Quality Impact Assessment has been submitted with the application. The report methodology and conclusions are accepted by Environmental Health and it is concluded that there will not be a significant impact on local air quality.

However, given that the cumulative impact of developments in the area may lead to a steady decline in air quality, conditions are recommended aimed at encouraging a modal shift to low carbon transport modes. A Travel Plan can outline measures aimed at encouraging and incentivising Low Carbon Travel Options, which will help to offset any impact. Environmental

Health recommends an appropriate condition relating to this in the event the application is approved.

In addition, the Air Quality Report outlines a number of control measures aimed at reducing the off site impact of dust during the construction phase, the implementation of which is recommended as a condition.

NOISE IMPACT

The applicant has submitted a noise assessment, which recommends mitigation designed to ensure that occupants of the proposed properties are not adversely affected by road traffic noise from the A34 by-pass. It is therefore recommended that a condition is attached to any approval to ensure that noise mitigation recommendations contained in this report to ensure compliance with the 'good' standard of BS8233 1999 shall be implemented as part of the construction of the dwellings. No significant noise impacts are therefore identified.

LANDSCAPE AND TREES

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. The application site currently consists of a parcel of arable farmland and rough grassland bounded by the Wilmslow to Handforth Bypass (A34) to the east and adjoined to the west by residential development at the eastern edge of Handforth. Hall Wood aligns the southern site boundary with a tract of scrubby vegetation, hedgerow and tree planting along the site's northern edge.

The main landscape features of the site are along its boundaries, which provide the opportunity for much of it to be retained. The development of an open greenfield site will inevitably have a significant visual impact. However, as this is an outline application, it is difficult to comment on the illustrative layout in any detail. Nevertheless, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently, a refusal of on landscape or visual grounds is not justified. However, the reserved matters should:

- Seek to conserve and enhance the majority of the existing trees and hedgerows as an integral and structuring part of the Landscape Framework,
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces,
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment of the existing and new planting and landscape areas.

A number of individual tree specimens are prominent features adjacent to the northern public footpath and hedge H1. Four trees (Sycamore T1; Lime T2; Oak T3 and Sycamore T6) are considered to be significant features and should be considered for long term retention. The Illustrative Master Plan identifies a potential conflict with trees Sycamore T1 and LimeT2 where there is an access and proposed footpath link. However, there should be enough flexibility in the scheme to allow for required Root Protection Areas to be designed to allow for the long term retention of these trees.

The inclusion of the remaining A and B category trees within the public open space/pond areas should ensure their long term safe well being.

The Arboricultural Survey Schedule refers to three hedgerows, (H1, H2 and H3), and are also referred to in the Hedgerow Regulations Survey Report. Of these H1 and H2 are located to the northern boundary situated either side of footpath (FP127). H1 is not considered to be important under the Hedgerow Regulations 1997, but is recognised as having important conservation value. Hedgerow H3 is to the west of FP89 and forms the rear garden boundaries of residential properties on Woodlands Road and Cherrington Close and therefore is not deemed important under the Hedgerow Regulations.

Hedgerow H2 on the south side of the footpath has been deemed important by virtue of the known presence of Great Crested Newts (para 6 of the Regulations). Sections of both Hedgerow H1 and H2 would need to be removed in order to facilitate the proposed main site access as shown on the Illustrative Site Master Plan.

The retention of A, B and C category trees are a material consideration and, whilst most appear to be unaffected, the constraints identified above should be incorporated into the final design at full application stage. Any such application will require a supporting Arboricultural Impact Assessment and Tree Protection Plan.

ECOLOGY

The Nature Conservation Officer has stated that the application is supported by an acceptable ecological assessment and makes the following comments.

Great Crested Newts

A small population of great crested newts is present at a pond to the south of the proposed development site and at ponds some distance to the north. In the absence of mitigation, the proposed development is likely to have a moderate impact on this species through the loss of terrestrial habitat and the risk of individual animals being killed or injured during the construction process.

To mitigate the risk of animals being killed/injured the applicant's ecologist is proposing to remove and exclude amphibians from the footprint of the development by means of the use of amphibian fencing in accordance with standard best practise. The loss of terrestrial habitat will be compensated for by the construction of three new ponds within a newt 'receptor area' to the south of the proposed development.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must

consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council’s housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

The proposal is contributing to housing supply in the local area including a significant proportion of affordable homes. As such, the proposal is helping to address an important social need.

Mitigation

The nature conservation officer advises that the proposed great crested newt mitigation/compensation is broadly acceptable. However, the retained pond to the south of the site should be excluded from any area of public open space. This is to reduce the risk of invasive species or fish being introduced to the pond which would be to the detriment of the newt population. The development should also be kept away from this pond. This will allow for the retention of 30 metres of core terrestrial habitat immediately to the north of the retained pond, which together with the new ponds to the south will be an acceptable mitigation strategy that will maintain the favourable conservation status of the species.

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

Common Toad

This species is a Biodiversity Action Plan priority species and a material consideration. The above mitigation strategy for great crested newts would also be acceptable to address the potential impacts of the development upon common toad.

Bats

Only one tree on site has been identified as having reasonable potential to support roosting bats. This tree should be retained as part of the proposed development, which can be dealt with by condition. If this tree is retained the proposed development is unlikely to have a significant adverse impact upon bats.

Breeding Birds

The proposed development site is likely to support breeding birds potentially including Biodiversity Action Plan priority species, such as lapwing, which are a material consideration for planning. In respect of lapwings it is likely that only single or small numbers of birds are present. A survey for nesting birds and incorporation of features for use by breeding birds will therefore be required by condition.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. All the existing hedgerows on site should be retained and enhanced as part of the proposed development. The hedgerow along the western boundary of the site is particularly species rich. This matter may be dealt with by means of a boundary treatment condition if consent is granted.

A condition requiring the submission of a 10 year ecological management plan is also recommended.

LAYOUT & DESIGN

With all matters reserved for subsequent approval, only an illustrative layout has been submitted. The submitted indicative layout seeks to provide a generous offering of open space, attractive green spine corridor leading from the entrance and smaller green streets leading from this, shared surface squares providing focal points and tree planning is used to soften boundaries. These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

The density of the development has been closely examined due to the existing development around Hill Drive being at a density of approximately 12 dwellings per hectare. The proposed maximum of 175 dwellings would be provided at a density of 24 dwellings per hectare. An additional consideration is the approved care village which was allowed at a much higher density. The proposed development sits between these two developments both physically and in terms of its density. As such, the density is considered to be acceptable in this case.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are two-storey and the approved care village comprises a mix of single and two storey properties, together with the 2.5 / 3 storey care home. In terms of scale, a wide variety of buildings either exist or have been approved in the local area. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of buildings greater than two-storeys will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

AMENITY

Policy DC38 of the Macclesfield Borough Local Plan states that new residential developments should generally achieve a distance of between 21m (front to front) and 25m ([back](#) to back) between habitable windows and 14m between a habitable window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The indicative site layout does show some distances between dwellings being below these distances. However, the layout and design of the site are reserved matters and it is considered that there is some flexibility within the layout to accommodate the dwellings, whilst retaining acceptable relationships between them. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and the existing dwellings that border the site. No further significant amenity issues are raised at this stage.

FLOODING

The Environment Agency has no objection in principle to the proposed development but requests that planning conditions relating to surface water and overland flood flow routing are attached to any planning approval. The proposed development will only meet the requirements of the National Planning Policy Framework if the mitigation measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

OPEN SPACE

Formal comments from the greenspaces officer are awaited. However, policy DC40 of the Macclesfield Borough Local Plan requires the provision of 40 square metres of open space per family dwelling (more than two bedrooms). Therefore, for a development of 175 dwellings, 7000 square metres of open space will be required. In addition, a new LEAP play area will need to be provided on site, set within a community park with good access and circular routes, landscaping, free play and amenity areas for all.

EDUCATION

A development of 175 (assuming all have 2 or more bedrooms) dwellings will generate 32 primary aged pupils and 23 secondary aged pupils applying the pupil yields 0.18 for primary pupils and 0.13 for secondary.

Primary Schools within 2 miles and secondary schools within 3 miles of the development have been considered for capacity.

The 4 primary schools (Dean Oaks, Wilmslow Grange, Lacey Green & St. Benedicts) are forecast to be oversubscribed from 2013 and for the duration of the forecasts. The Council is currently consulting on expanding 3 of these schools (one of which is an academy) in order to meet its basic need requirement. The developer will therefore be required to pay their proportionate share of the build cost for the pupils that it will generate.

$32 \times 11919 \times 0.91 = £347,081$ for primary accommodation

The secondary school (Wilmslow High School) is forecast to be oversubscribed and a contribution will be required to accommodate the pupils generated of this age. $23 \times 17959 \times 0.91 = £375,882$ for secondary accommodation.

ARCHAEOLOGY

The application is supported by an archaeological desk based assessment, which considers the archaeological potential of the site in the light of data held in the Cheshire Historic Environment Record and an examination of the historic mapping and aerial photographic evidence. Only two features of interest have been identified and comprise a possible Second

World War air raid shelter in the north-west part of the site and a crop mark in the north east part of the site, which may indicate an enclosure of unknown date.

The archaeological interest of these features is not sufficient to generate an objection to the development on archaeological grounds or to require any further pre-determination work. However, it is advised that in the event that planning permission is granted, the site should be subject to a programme of archaeological work in order to investigate these features further. Briefly, this programme should consist of initial trenching of the enclosure and air raid shelter, followed by more extensive investigation if significant remains prove to be present. A report on the work will need to be produced and the mitigation may be secured by condition.

AGRICULTURAL LAND

The Framework states that:

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

The applicant has submitted an agricultural land classification study which concludes that the land quality on this site is mainly Grade 4 and sub-grade 3b. As noted above this land has been safeguarded for development since 1988 and is identified as part of proposals for the new settlement at Handforth East in the emerging local plan. Having regard to this and the Inspector's comments on the adjacent site, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

These land quality grades are at the lower end of the land quality spectrum. Therefore, it will not result in a loss of the best and most versatile agricultural land. The site is small and there will be negligible effect on agriculture from the loss of this isolated piece of lower quality agricultural land.

Surplus soil could be used to restore other sites which are short of soil, to preserve the soil and retain soil functions such as water and carbon storage. For these reasons the loss of agricultural land is considered to be acceptable in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of up to £347,081 (32 places) towards primary accommodation and £375,882 (23 places) towards secondary.
- The provision of a LEAP facility and management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
- Phasing of affordable housing
- Affordable units to be constructed to achieve at least Level 3 of the Code for Sustainable Homes (2007), and be integrated with the open market homes.

Community Infrastructure Levy (CIL) Regulations

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

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

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

The development would result in increased demand for school places at the primary schools within the catchment area which have no spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within an area identified as safeguarded land in the Local Plan. However, the safeguarded land policy (GC7) was considered by the Inspector at the care village appeal on the adjacent site who found the policy to be inconsistent with the Framework and was out of date. Similarly, this has been the case with the Council's housing land supply. Therefore, paragraph 14 of the Framework applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole.

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

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of a greenfield site, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of mitigation to offset the impact upon the local newt population is considered to be acceptable. It is also acknowledged that there will be some additional impact upon the local Highway network which can be adequately mitigated with the identified improvement works.

The proposal is a sustainable form of development. In the absence of any identified significant adverse impacts, a recommendation of approval is made, subject to the heads of terms identified above plus the following conditions and subject to the receipt of outstanding consultee responses.

Application for Outline Planning

RECOMMENDATION:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. A32HA - Submission of construction method statement
11. Ecological buffer zone to pond
12. Surface water drainage scheme to be submitted
13. Development to be carried out in accordance with Flood Risk Assessment
14. Scheme to control over land flood flow routing to be submitted
15. Hedgerow retention and enhancement
16. Retention of tree(s) with bat roosting potential
17. Safeguarding breeding birds
18. Provision for breeding birds and roosting bats
19. Implementation of Great Crested Newt mitigation strategy
20. Submission of landscape and habitat management plan
21. Provision for pedestrians and cyclists
22. Written scheme of archaeological investigation to be submitted
23. Development to be carried out in accordance with recommendations in submitted noise assessment
24. Noise mitigation scheme to be submitted
25. Submission of a travel plan
26. Development shall be carried out in accordance with the mitigation outlined in the submitted Air Quality Impact Assessment report
27. Supplementary Phase II investigation to be submitted

28. Drainage details

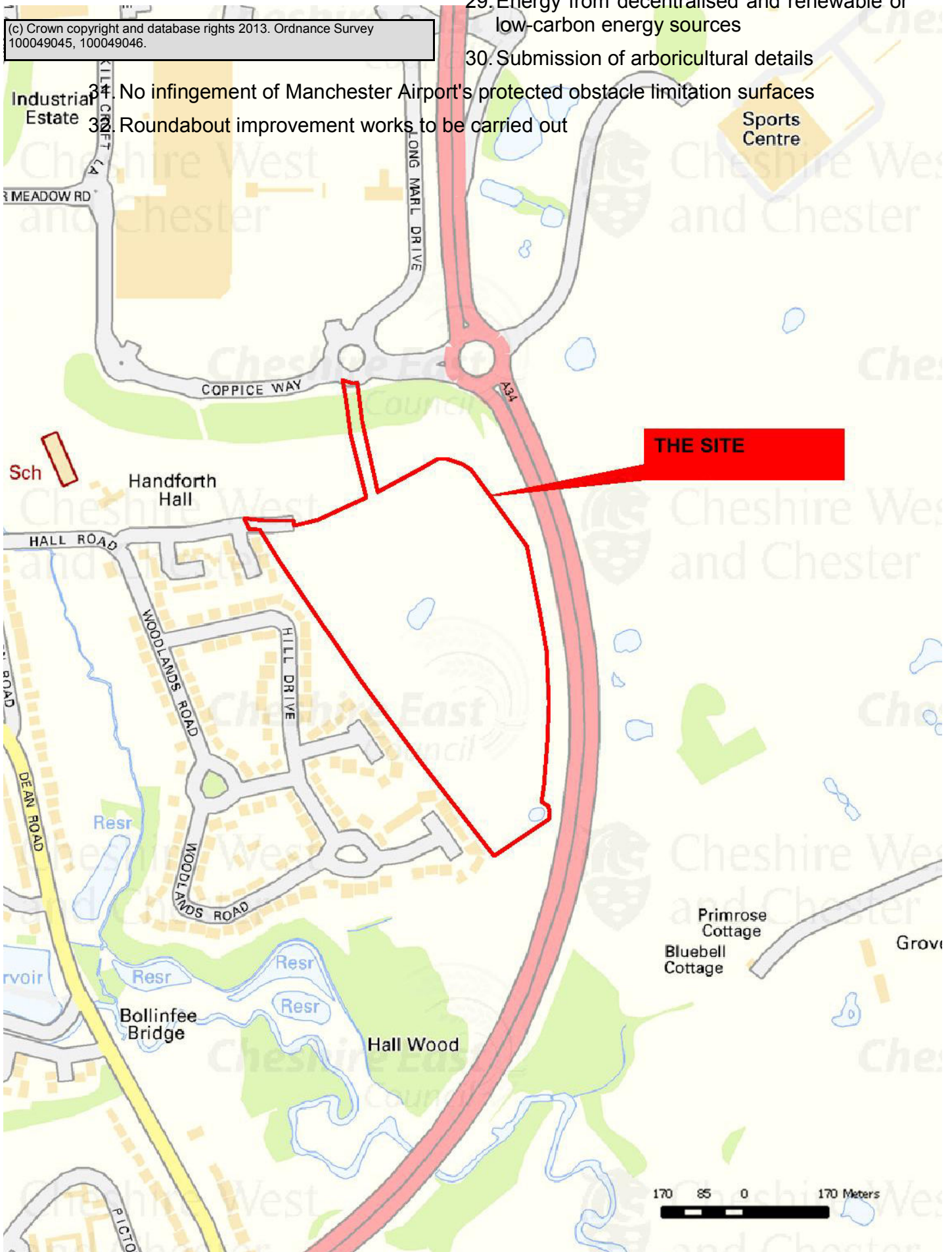
29. Energy from decentralised and renewable or low-carbon energy sources

30. Submission of arboricultural details

31. No infringement of Manchester Airport's protected obstacle limitation surfaces

32. Roundabout improvement works to be carried out

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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: 06-Mar-2013

Date Report Prepared: 24 October 2013

SUMMARY RECOMMENDATION

Approval is recommended subject to conditions, including an additional condition requiring the completion of a s106 agreement prior to the commencement of development.

MAIN ISSUES

- Not applicable.

REASON FOR REPORT

Members of the Strategic Planning Board resolved to delegate the application back to the Planning & Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board for approval subject to referral to the Secretary of State, and subject to the completion of a Section 106 Agreement and conditions. The previous committee report and minutes are attached below.

The application site is currently owned by Cheshire East Council. Consequently a S.106 agreement cannot be entered into at this time because as a matter of law any Council cannot enter into an agreement as landowner and Local Planning Authority.

Instead of the previously proposed s106 agreement that was required to be completed prior to the permission being issued, it is now recommended that a condition is added to state:

"No development pursuant to this permission shall be commenced on the Site unless and until all interests in that land are subject to and bound by the terms of the section 106 planning obligations agreement, the draft of which is appended to this permission".

This will then remove the requirement for the issue of permission to be subject to the prior completion of a s106 agreement, and will allow the eventual new landowner to enter into the agreement. The s106 will be required to secure the following Heads of Terms:

- Payment of a Commuted sum of £15,000 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 of £15,000 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 of £45,000 for upgrading footpaths in the local area.
- Payment of a commuted sum of £205,000 for improvements to local bus services to and from the site.
- Payment of a commuted sum of £30,000 for new bus stops on Earl Road.
- Payment of a commuted sum of £100,000 for infrastructure works within the employment site
- Submission and implementation of an employment and skills plan (local employment agreement)

It should also be noted that the minutes from the meeting on 14 August are incorrect where they state that the Heads of Terms are to include the *“Payment of commuted sum towards or provision of an electric car charging point”*. The update report dated 12 August 2012 (Annexe 2 below) refers to the requirement for electric car charging points to be provided via planning condition and is therefore not required within a s106.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original recommendation of APPROVAL remains, subject only to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Development in accordance with Flood Risk Assessment
5. Site to be drained on a separate system
6. Phase 2 contaminated land survey to be submitted
7. Landscaping - submission of details
8. Landscaping (implementation)
9. Electric car charging points to be provided
10. No subdivision of retail unit
11. Provision of cycle parking shown on the approved plans
12. The building hereby approved shall be constructed to achieve a minimum rating of BREEAM ‘very good’ as outlined in the sustainability assessment
13. Details of external lighting to be submitted for approval
14. Requirement for Section 106 planning obligation / agreement

ANNEX 1

PREVIOUS COMMITTEE REPORT

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: 6th 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:

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

The most recent planning permission on the site was:

17th 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.

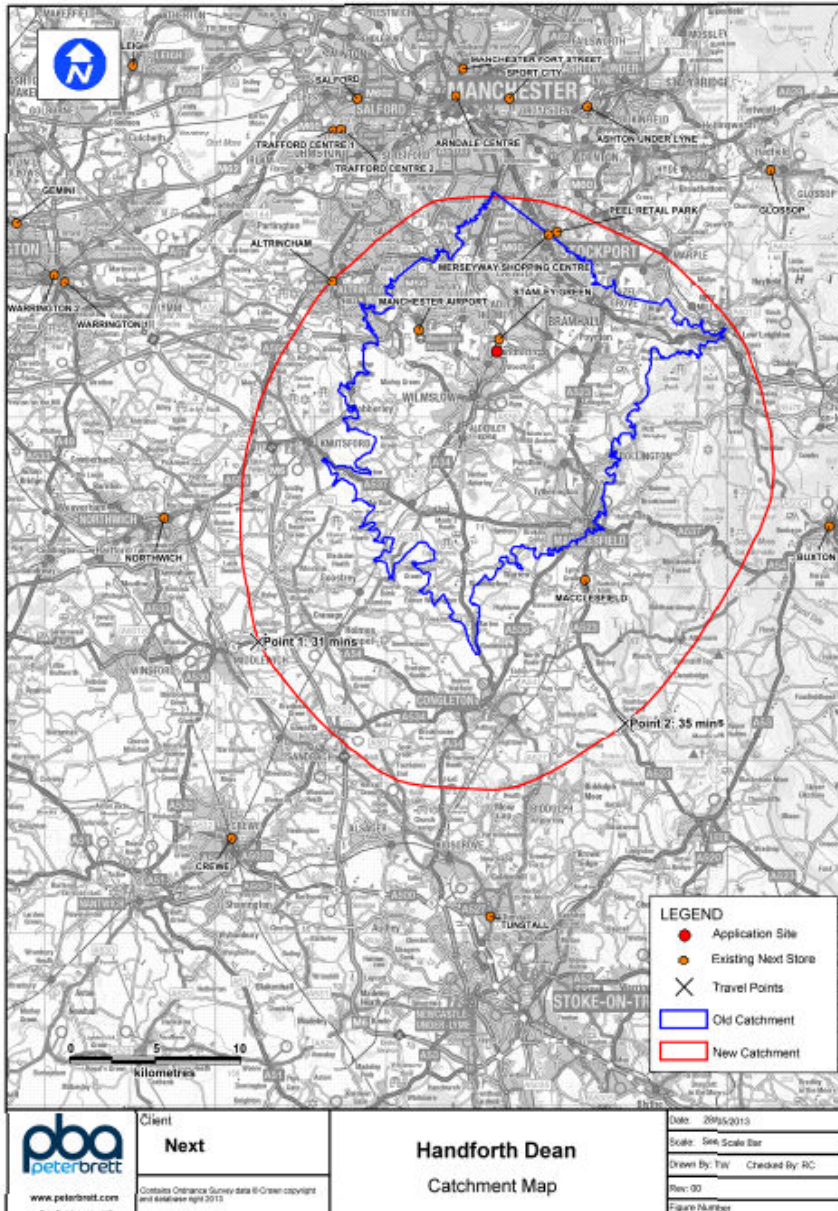


Figure 1: catchment areas.

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.

ANNEX 2

PREVIOUS COMMITTEE UPDATE

STRATEGIC PLANNING BOARD – 14 August 2013

UPDATE TO AGENDA

APPLICATION NO.

12/4652M

LOCATION

Land off Earl Road, Handforth

UPDATE PREPARED

12 August 2013

KEY ISSUES

Retail Impact

Comments from the retail consultant (WYG) are still awaited and will be reported to members as a verbal update.

S106 package

As noted in the original report the development does trigger the requirement for open space contributions in lieu of on site provision, and the development will create some demand for open space / recreation facilities. Given the location of the site and its distance to existing facilities that would be improved with any financial contributions, this impact is unlikely to be significant. Therefore a figure of £15,000 for open space and £15,000 for outdoor sport and recreation is considered to fairly and reasonably be related in scale and kind to the development.

The provision of this development on existing employment land could contribute towards enabling future employment uses through contributions towards the provision of infrastructure for the remaining employment site.

Accessibility to the site is raised in the original report as a significant issue due to the considerable reliance on the private car. Therefore mitigation is required to make the development acceptable in planning terms. A financial contribution of £205,000 would extend the existing 312 service between Stockport and Handforth Dean. This would provide an additional evening service and a new hourly Sunday service between 07.30 and 18.00 for a period of five years. New bus stops could also be provided close to the site on Earl Road.

In terms of footpaths and cycle routes, there is some potential to improve cycle routes in the local area. Notably footpath 80 between Delamere Road / Earl Road and Spath Lane / Bramhall could be upgraded to a cycle path. A feasibility study would however be required to establish the extent of the upgrade requirements. But this would facilitate access for cyclists from the south / west and north / east. This is still being discussed with the applicant at the time of writing.

Finally, electric car charging points are something that would take advantage of opportunities for the use of sustainable transport modes by incorporating facilities for low emission vehicles. This is something that could be dealt with by condition as opposed to through the s106.

Therefore, the following heads of terms are recommended:

- Payment of a Commuted sum of £15,000 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 of £15,000 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
- Upgrade of existing footpath / tracks (footpath 80 between Delamere Road / Earl Road and Spath Lane / Bramhall) to cycle routes (discussions ongoing at the time of writing)
- Payment of a commuted sum of £205,000 for improvements to local bus services to and from the site.
- Payment of a commuted sum of £30,000 for new bus stops on Earl Road
- Payment of a commuted sum of £100,000 for infrastructure works within the employment site
- Submission and implementation of an employment and skills plan (local employment agreement)

An additional condition is also recommended requiring 2% of the total number of car parking spaces to be provided with electric car charging points.

CONCLUSION

As in the original report, a recommendation of approval is made, subject to the outstanding comments from the retail consultants.

ANNEX 3

PREVIOUS COMMITTEE MINUTES

58 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

Consideration was given to the above application.

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

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be delegated back to the Planning & Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board for approval subject to referral to the Secretary of State, subject to the completion of a Section 106 Agreement securing the following broad Heads of Terms:-

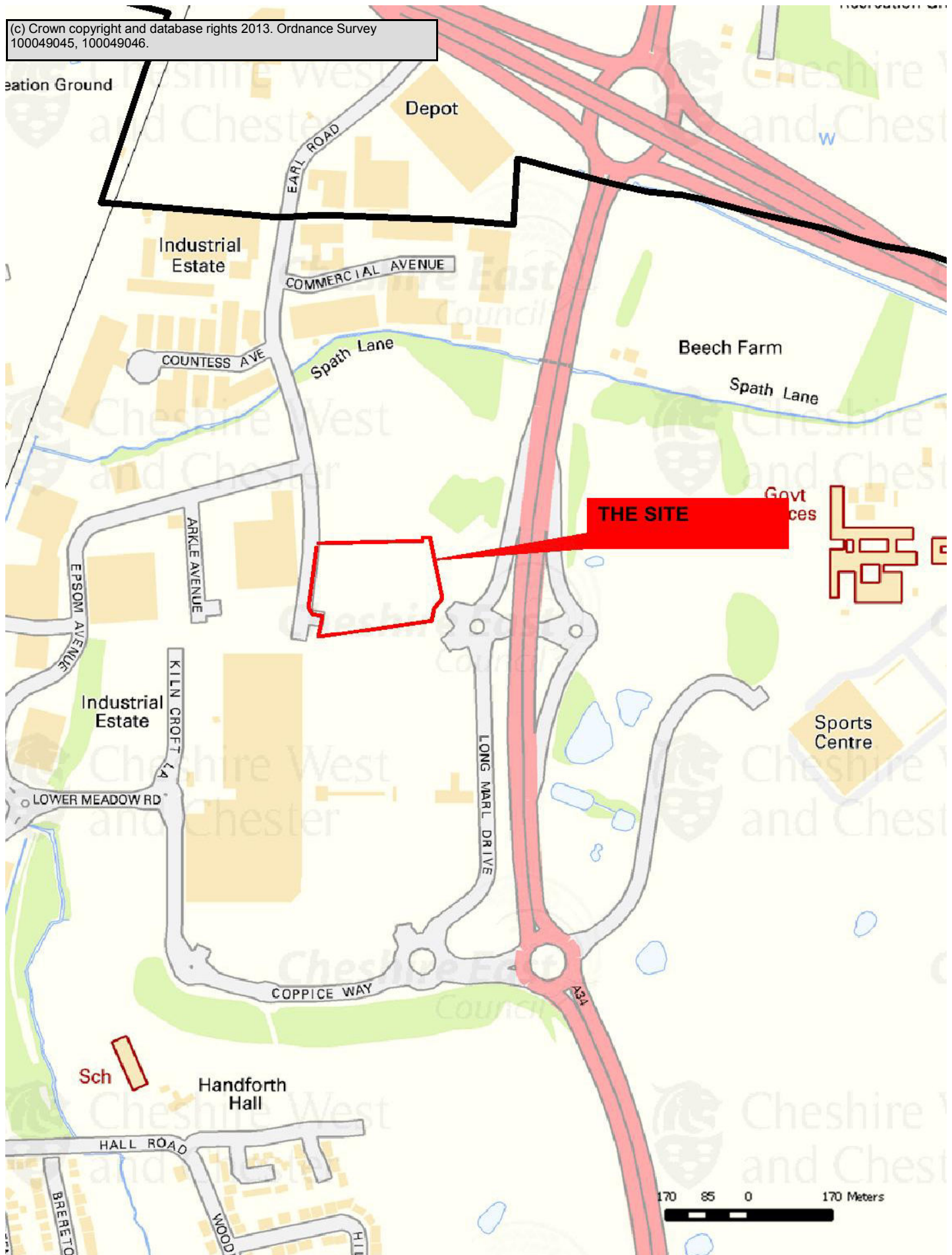
- Payment of a Commuted sum for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum for off-site provision of recreation/outdoor 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).

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of samples of building materials
4. Development in accordance with Flood Risk Assessment
5. Site to be drained on a separate system
6. Phase 2 contaminated land survey to be submitted
7. Landscaping-submission of details

8. Landscaping (implementation)
9. Electric car charging points to be provided
10. No subdivision of retail unit
11. Provision of cycle parking shown on approved plans
12. The building hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' as outlined in the sustainability assessment
13. Details of external lighting to be submitted for approval

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Application No: 13/3762N

Location: Land To The North Of Cheerbrook Road, Willaston, Nantwich, Cheshire, CW5 7EN

Proposal: Construction of 21 two-storey residential dwellings, new shared access and associated works (resubmission 13/0641N)

Applicant: Wainhomes (North West) Ltd

Expiry Date: 06-Dec-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Green Gap

Location of the Site

Renewable Energy

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

Planning Balance

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.98 ha and is an L shaped site located to the northern side of Cheerbrook Road, Willaston. The site is within open countryside and Green Gap.

To the south and east of the site is residential development (fronting Cheerbrook Road and the Fields). To the north and west is agricultural land.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 21 two-storey dwellings. The site would be accessed via a single access point which would be located between 32 and 26a Cheerbrook Road.

The dwellings would mainly be detached properties, but would include some semi-detached dwellings and a terrace of three dwellings. The site would include the provision of 30% affordable housing.

This application includes an identical layout to the scheme refused under application 13/0641N which was refused for the following reason:

'The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy'

3. RELEVANT HISTORY

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7th May 2013 – Appeal Lodged – Awaiting Public Inquiry Date
10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22nd December 2010
P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12th December 2007
P07/1407 - Additional Vehicular Access – Refused 10th December 2007
P07/0832 - Replacement Dwelling – Approved 10th August 2007
P06/1376 - Replacement Dwelling – Withdrawn – 12th January 2007
P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31st January 2007 – Appeal Lodged – Appeal Dismissed

4. 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)
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)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets

Other Considerations

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

5. CONSULTATIONS (External to Planning)

United Utilities: No comments received but as part of the last application they stated that:

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

- *A public sewer crosses this site and UU will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.*
- *Deep rooted shrubs and trees should not be planted in the vicinity of the public sewerage system.*
- *This site must be drained on a separate system combining on site just prior to connecting in to the public sewerage system with the surface water flows generated from the new development being limited to a maximum discharge rate of 6.5 l/s as determined by United Utilities.*
- *Unless otherwise agreed in writing by the local planning authority no building shall be erected within 3metres of any public sewer or 5 metres of the trunk watermain running through the site.*

- *A 24" Concrete Trunk Water Main crosses the site. UU require access for operating and maintaining it, UU will not permit development in close proximity to the main. The 10m easement strip for the 24" Concrete Trunk Water Main must not be encroached upon and no heavy machinery should be used in the immediate vicinity. This pipe is of paramount strategic importance as it supplies water to over 25000 properties in the Crewe area.*

Strategic Highways Manager: The submitted plans are unchanged from the earlier application. The site plan (Revision L) shows a visibility splay of 2.4 metres by 60 metres. This is considered to be appropriate for the size of development and speed of traffic on Cheerbrook Road and necessary on grounds of road safety. However, it is not wholly convincing that this splay can be achieved within land controlled by the applicant. Even if planning approval is granted, the Council cannot be obliged to enter the necessary agreement under S278 of the Highways Act for the provision of the access until this provision is shown to be met.

If the Council is minded to approve the application, a developer contribution of £20,000 should be sought to improve local footways and cycling facilities, street lighting and bus shelters, in order to mitigate the adverse effect of site-generated traffic on local road safety and to encourage alternatives to the use of the car. On the earlier submission, 13/0641N, the developer intimated that such a contribution would be acceptable.

Environmental Health: Conditions suggested in relation to hours of operation, pile foundations, external lighting, and air quality. An informative is suggested in relation to contaminated land.

Public Open Space: No comments received but as part of the last application they stated that:

A contribution £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston. Local youngsters have requested the Parish Council for such a facility recently.

Public Rights of Way: The development does not appear to affect a PROW.

Sustrans: Sustrans have Identified Cheerbrook Road as a quiet route, forming part of National Cycle Network route 551 (Newcastle - Shavington - Willaston - Nantwich). Therefore Sustrans would not be in favour of a development of this scale at this location.

Education: A development of 21 dwellings will generate (0.18 x 21) 4 primary aged children and (0.13 x 21) 3 secondary aged children.

Primary schools are forecast to be oversubscribed and therefore a contribution will be required. However there is sufficient capacity within the local secondary schools to accommodate the pupils of this age.

Therefore £40,999 will be required towards primary education.

No contribution is required for secondary school education.

6. VIEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to this application on the following grounds:

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.

- This is a re-submission of application 13/0641N which has already been refused by Cheshire East Council for the following reason:

"The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy."

Those same reasons for refusal still apply to this application and there is no reason for that decision to be changed.

- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to schools, medical facilities and transport links. In four of the criteria the site would be rated as "Significant failure to meet minimum standards." Therefore, the proposed development should be considered unsustainable.

- Not only is the local primary school more than 1,000 metres from this site, but it is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.

- The drains and sewers along Cheerbrook Road do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. When The Paddock development was built on the other side of Cheerbrook Road some of the properties had to have cesspits included as the existing drains and sewers were inadequate.

- There are already significant issues with traffic congestion in the area. The very busy Cheerbrook roundabout at the junction with the A51 Nantwich bypass is at the end of the road and long queues of traffic form at peak times along the A51 between the Cheerbrook, Peacock and Middlewich Road roundabouts. Travel in the opposite direction from the site involves passing through the centre of Willaston village, where congestion occurs due to the narrow roads filled with parked cars. There is a significant lack of parking facilities within the village and this is exacerbated by rows of terraced houses in the village centre with no off road parking.

- Cheerbrook Road itself is a narrow road with no pavement on one side of the road, but being a relatively straight road it is subject to all too frequent speeding by motorists. It is a key area monitored by the local Speedwatch team and a significant number of vehicles are recorded exceeding the speed limit. The proposed entrance to the site is directly opposite to the entrance to another small development and would effectively form a dangerous crossroads.

- There is no public transport at all covering this area of the village.
- There are several wildlife species afforded protection under the Wildlife and Countryside Act 1981 and the European Habitats Directive which have been regularly observed on the site, including barn owls and bats.
- In response to the original application (13/0641N) the Parish Council expressed great concern at the cynical and premature removal of several mature trees at the frontage of the proposed site. This site was previously subject to planning applications for the construction of a single dwelling (application nos. P07/1435 and 10/4452N). Condition 5 of the planning approval to application 10/4452N stated :-

"Prior to the commencement of the development, details of measures to be used to protect the existing trees along the frontage of the site with Cheerbrook Road from damage due to construction work shall be submitted to and approved in writing by the Local Planning Authority, and such measures as approved shall be carried out before the development commences and maintained throughout the period of construction until completion of the development."

"Reason: To ensure that these trees which make a significant contribution to the visual character of the area are not prejudiced by the development. This is in accordance with Policies NE.5 (Nature Conservation and Habitats) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011."

- These trees had been cut down prior to the submission of application 13/0641N, directly in defiance of the above condition, and in a move clearly designed to remove a potential obstacle prior to determination of that application. It has now come to light that the tree stumps are still alive and are sending out shoots, effectively coppicing the tree. Any further damage to these trees should, therefore, be avoided.

Rope Parish Council: Rope Parish Council strongly object to this application because it lies within the Green Gap as defined in policy NE4 of the saved Borough of Crewe and Nantwich plan which has been redefined as Strategic Open Gap in the emerging Cheshire East plan. If this development were allowed it would further weaken this policy. The more the policy is weakened the more likely there are to be further applications within the green gap. There has been a considerable amount of consultation between Cheshire East, parish councils and the public over several years which have led to the Green Gaps being retained as Strategic Open Gaps in the emerging plan. There is a strong and widespread opinion that the gaps should be retained in their entirety, local democracy should be respected.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 21 local households raising the following points:

Principal of development

- The site is within the Green Gap
- There are many unsold homes in Willaston
- There are enough approvals in Shavington and Nantwich
- The previous application was refused

- The development is contrary to the emerging local plan
- Brownfield sites should be developed first
- The proposed development is contrary to Policy NE.4
- Over development of the site
- The site is not sustainable
- Cheshire East now has sufficient housing sites

Highways

- The access would create a new cross roads
- Vehicles speed along Cheerbrook Road
- Cheerbrook Road is too narrow with no pavement
- There is no public transport
- Cheerbrook Road cannot cope with the extra traffic
- Highway safety
- The access to The Fields is poor
- Pedestrian/Cyclist safety
- There should be no access to The Fields which is an unadopted road
- Unsafe access
- No construction vehicles should use The Fields
- Impact upon the Cheerbrook Road roundabout
- There is limited parking within the village
- Visibility at the site entrance is poor
- Cheerbrook Road is used as a rat run

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Trees have been felled without permission
- Loss of Green Land
- Loss of habitat
- The trees that were removed are still alive and should be protected
- The trees on the site should be protected

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- The site is not sustainably located and fails the sustainability checklist
- Increased pressure on GP services

Amenity Issues

- Proximity to residential properties along The Fields
- Loss of privacy
- Visual impact
- Noise and disruption from construction of the dwellings
- Increased noise
- Increased pollution

Other issues

- The density and style of development is not appropriate
- The design of the dwellings is out of character
- Increased flooding
- There is a high level of local opposition to this development
- Drainage problems

An e-mail has been received from Cllr Silvester to say that he fully supports the reasons of objection made by the Parish Council.

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Planning, Design and Access Statement (Produced by Emery Planning Partnership)
- Transport Statement (Produced by Royal Haskoning)
- Ecological Survey and Assessment (Produced by ERAP Ltd)
- Drainage Statement (Produced by REFA Consulting Engineers)
- Geo-Environmental Investigation Report (Produced by REFA Consulting Engineers)
- Arboricultural Survey (Produced by HELMRIG Ltd)
- Landscape and Visual Impact Assessment (Produced by Barnes Walker)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

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

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

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

Housing Land Supply

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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions the Inspector found that the housing land supply over 5 years is 5750 dwelling. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20%

buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is out of date and the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The

current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

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.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land 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 as part of the planning balance.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In terms of the extent of Green Gap within the Inspectors Report into the Local Plan, it states that the Councils justification for the Green Gap Policy is set out in an appendix to the Housing Topic Paper prepared for the Housing Round Table. As a result, it is considered that the Policy is Housing Land Supply Policy and therefore out of date.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap, the Inspector determined that:

'In my view Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and I agree with the appellant that if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy'

As part of the Inspectors Report into the Local Plan, he found that:

'The width necessary to achieve adequate separation is a matter of judgement and I see not benefit in a detailed analysis of the (Green Gap) boundary unless there is a specific identified need to do so – for example if it were not possible to meet the CRSP (Cheshire Replacement Structure Plan) housing provision. This is not the case in this review of the Local Plan'

This echoed by the Inspector at Rope Lane where he found that Policy NE.4 was qualified by references to an adequate supply of housing and as this position has now changed the Inspector attached limited weight to the Policy.

Finally the Inspectors Report for the Local Plan states at paragraph 143.2.1 that:

'I have concluded that the existing boundaries of the Green Gap designations continue to be appropriate for this plan period' (Up to 2011)

Given that the Council cannot demonstrate a 5 year supply of housing land, it is considered that Policy NE.2 and NE.4 are out of date.

Location of the site

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

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

- Amenity Open Space (500m) – 350m
- Children's Play Space (500m) – 350m
- Public House (1000m) – 600m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 300m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Primary School (1000m) – 1300m
- Bus Stop (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Public Right of Way (500m) – 650m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 2414m
- Supermarket (1000m) – 2,400m
- Secondary School (1000m) – 2090m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Willaston, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development on Cheerbrook Road from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The application site is an irregular shaped field bound to the south by properties along the northern side of Cheerbrook Road and to the east by The Fields, along the eastern side of which are a number of residential properties. The north the site is bound by agricultural land and to the west is bounded by the extended gardens of a number of properties located along Cheerbrook Road.

As part of the application, a Landscape and Visual Impact Assessment has been submitted. This correctly follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 2nd Edition 2002. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which the Councils Landscape Architect feels is accurate and correctly identifies the application site as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley. The Councils Landscape Architect agrees with the assessment of the landscape and visual impacts as described.

The application site is a relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the surrounding agricultural landscape. The green edges would be retained on this site and this will allow the proposed development to sit more comfortably on the urban edge and assimilate more easily into the wider rural landscape. The assessment indicates that all hedgerows will be retained and also protected during the construction works and that the treeless hedgerows along the north and eastern boundaries will also have trees added to as part of the proposals.

It is not considered that the development would result in Willaston coming closer to Nantwich or increase the visibility of the built-up area from Nantwich. It is not considered that any localised loss of openness would weigh significantly against the development.

Affordable Housing

Willaston is located in the Crewe sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which shows that for the sub-area there is a requirement for 1280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 256 new affordable units per year made up of 123 x 1bed, 20 x 2bed, 47 x 3bed, 40 x 4/5bed and 26 x 1/2 bed older persons units.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 43 applicants who have selected Willaston as their first choice. The number of bedrooms these applicants need are 15 x 1bed, 14 x 2bed, 10 x 3bed and 2 x 4bed units (2 applicants have not specified the number of bedrooms they require).

To date there has been no delivery of affordable housing between 2009/10 – 2013/14 in Willaston and the SHMA sub-area of Crewe has not seen the required number of affordable homes delivered. Therefore, as there is affordable housing need in Willaston and the SHMA sub-area of Crewe. There is a requirement that 30% of the total units at this site are affordable, which equates to 6 dwellings. The Interim Planning Statement on Affordable Housing (IPS) also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. This would equate to 4 rented units and 2 intermediate units on this site.

The Councils Affordable Housing Officer has suggested that an Affordable Housing Statement will be required. This would include the following:

- Highlighting which units will be
- The tenure proposals for the affordable units
- Confirmation that the affordable units are tenure blind and the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- Confirmation that the affordable units are 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).
- 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.
- Any social or affordable rented properties that are provided will need to be transferred to a Registered Provider to own and manage.

In this case it is considered that all of these issues could be dealt with through the use of an affordable housing condition. The use of such conditions has been accepted elsewhere within Cheshire East by the Planning Inspectorate (Land off Warmingham Lane, Middlewich and Land at Loachbrook Farm, Congleton).

Highways Implications

The development would have a single vehicular and pedestrian access point onto Cheerbrook Road (with no pedestrian or vehicular access onto The Fields).

The design of the access accords with Manual for Streets and the applicant has provided an amended plan to show that visibility splays of 2.4m x 60m can be achieved. This visibility splay exceeds the requirement for Cheerbrook Road which is a 30mph road where visibility splays of 2.4m x 43m are required according to Manual for Streets. A condition will be attached to ensure that the visibility splays are provided prior to the commencement of development and thereafter retained.

The internal road layout and parking provision of 200% plus 2 visitor parking spaces meets with the Highways Officers standards and is considered to be acceptable.

In terms of increased vehicle movements, the Transport Assessment submitted with the application identifies that the site would generate 11 two-way trips during the morning peak hour and 12 two-way trips during the evening peak hour. This would not have a material impact upon the highway network and complies with the NPPF which states that

‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’

A number of the objections refer to a driveway opposite the proposed access which would result in the creation of a cross-road. The driveway opposite serves a limited number of dwellings and the vehicular movements from this access and the proposed access would be minimal and would not raise a highway safety issue.

It is accepted that there is a footway on just one side of Cheerbrook Road, but it is located on the application side of Cheerbrook Road and this would give access to the range of services and facilities within Willaston.

A number of objections have referred to a previous refusal for an access at this site. This application is not considered comparable as it was for an ‘in and out’ driveway for a single dwelling where the former trees would have potential obscured visibility. This application needs to be determined on its own merits in accordance current planning guidance, and, as discussed above, it is not considered that there are any safety issues associated with this access.

The Highways Officer has suggested a contribution of £20,000 should be secured towards the improvement of cycleways, footways, street lighting and bus shelters. Given the Members previous concerns about sustainability it is considered that this contribution is necessary to mitigate this development.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and east of the site.

Plot 1 would be set at an angle and would face down the access drive and towards the side elevation of No 26a Cheerbrook Road. This property only has obscured glazed windows to its side elevation. To the side elevation facing No 32 Cheerbrook Road, there would just be a ground floor door to the side of plot 1 and, due to the off-set nature of plot 1, it is considered that the development would not have a detrimental impact upon residential amenity. The siting of plot 1 is considered to be acceptable in terms of its impact upon residential amenity.

To the south of the site, the properties which front onto Cheerbrook Road have relatively long rear gardens. There would be a separation distance of over approximately 37 metres between the proposed dwellings and those fronting Cheerbrook Road. Plot 21 would have a side elevation with a single en-suite window at first floor level facing south. This property would have a separation distance of 37 metres to the rear elevation of No 26 Cheerbrook Road.

To The Fields there would be a separation distance of approximately 25 metres from the front elevation of plots 12-14 and the front elevation of No 12 The Fields. From Plot 11 there would be a separation distance of approximately 27 metres to the front elevation of No 18 The Fields (both measurements exclude the single storey additions).

As no residential properties are located to the west of the site, there would be minimal impact upon the very long rear gardens to this side.

The separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighboring residential amenity.

The Environmental Health Officer has requested conditions in relation to noise during construction, pile driving, external lighting and air quality. These conditions will be attached to the planning permission.

Trees and Hedgerows

The application is supported by a tree survey which includes an arboricultural impact assessment. The Council's Tree Officer does not agree with all the categories afforded to trees in the tree survey schedule. She considers some specimens proposed for retention have limited value and others proposed for removal to have longer life expectancies than suggested. Nevertheless, she does not consider any of the specimens merit TPO protection. With appropriate protection measures, the proposed layout could be accommodated without harm to hedgerows or significant trees. Replacement planting could be secured for trees removed as part of a landscape scheme. As a result, the impact upon the trees on the site is considered to be acceptable.

It is apparent trees have recently been felled from the Cheerbrook Road frontage and this issue is raised as part of the letters of objection. These specimens were not subject to TPO protection, although a condition of planning application 10/4452N required a scheme for their protection. However, as planning permission 10/4452N was not implemented the condition cannot be enforced and the LPA has no control over the loss of these trees. If the application were to be

approved, a scheme of replacement planting would be secured through the use of a planning condition.

Hedgerows

In this case, the boundary hedgerows would be retained and supplemented with additional tree planting. As a result, the impact upon boundary hedgerows is considered to be acceptable.

Design

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

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

In this case, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The layout shows that the properties on the site would overlook the highway and parking areas. The properties located at corner plots would have dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development. The tree planting would also help to screen the development to the adjoining residential properties.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

As part of the negotiations with the last application, amendments were negotiated to the layout to secure the following:

- Garage to Plot 1 located to the rear of the plot with the dwelling moved further forward to provide a better entrance into the site
- Alteration to plots 3, 5, 6 19 and 20 to ensure that the garaging is less prominent within the street scene.
- The plots which are located close to The Fields have been re-orientated so that they now face The Fields rather than being side-on. This would improve the relationship to this side.
- Parking areas have been broken up with more landscaping.

In terms of the detailed design of the dwellings, they would include detailing such as bay windows, chimneys, timber panelling to gables, porch details, and headers and sills to windows. The detailed design is considered appropriate and would not appear out of character in this part of Willaston.

It is considered that the amendments have improved the design and layout of the scheme and that it would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Habitats

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat. The landscaping plan submitted in support of the application shows the existing hedgerows being retained and enhanced as part of the proposals. This is considered to be acceptable.

Grassland Habitats

The grassland habitats on site have been identified as being 'semi-improved' in character. Whilst the time of year when the survey was undertaken means that a full appraisal of the grassland habitats cannot be undertaken. The Councils Ecologist advises that it is unlikely that the grassland habitats are important. However the grassland habitats do however have some biodiversity value that would be lost as a result of the proposed development.

Protected and priority species

The site is likely to support a number of bird species: potential including a number of Biodiversity Action Plan priority species, which are a material consideration for planning.

The site also potentially provides foraging habitat for Barn Owl which are known to occur in this locality. Similarly, polecat and hedgehog which are also BAP priority species may also occur on site at least on a transitory basis.

The Councils Ecologist advises that whilst the habitats on site are of relatively low value and do not present a significant constraint upon development, they do have some biodiversity value and could potentially support a number of BAP priority species. Consequently, the development proposals could potentially result in an overall loss of biodiversity. The Councils Ecologist therefore recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

In this case the Councils Ecologist has carried out an assessment and has suggested a contribution of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich. This would be spent on the creation of additional lowland grassland habitat to mitigate this development and the developer has agreed to make this payment which would be secured as part of a S106 Agreement.

The submitted Ecological Report does not identify that Bats, Great Crested Newts or other protected species would be affected by the development. The results of this assessment are accepted by the Councils Ecologist.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. In this case the level would be 735sq.m. Policy RT.3 does state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment, if easily accessible from the site.

In this case, there is POS and children's play space to the rear of the properties fronting The Fields. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £18,000 towards providing a Skate Park on this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 4 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £40,999. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would be served by Shavington High School. There are surplus spaces at this school and there is no requirement for a secondary school contribution.

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. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required as part of this application.

A drainage statement submitted with the application states that the foul water drainage will discharge into the existing combined sewer. United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Other issues

Some letters of representation have raised the possibility of a WWII plane crash on the application site. Any definite crash site requires a licence from the Ministry of Defence's Service Personnel and Veterans Agency (Commemorations and Licensing). The persons who have raised this issue will need to do some more research on the precise location and date of the crash and the serial number of the plane involved (at present there are no such details). They will then be able to present information to the agency referenced above in order to ensure that any necessary licence is obtained. This issue will be dealt with under separate legislation and it is not considered that this will affect the determination of this planning application.

Planning Balance

The NPPF states that sustainability gives rise to 3 dimensions: economic, social and environmental.

In terms of the environmental impact the development would result in the loss of Green Gap and Open Countryside. However, the relevant Local Plan policies are considered to be out of date as part of the Rope Lane appeal decision. Furthermore the location of the site is considered to be sustainable being on the edge of Willaston.

In terms of the economic impact the development would bring short term advantages of jobs and in the longer term would add population to the town to increase vitality and viability.

The social aspect would met by the provision of 30% affordable housing which is given significant weight due to the fact that there has been the delivery of 0 units within the 5 year period where there is a requirements for 1280 affordable dwellings.

Therefore the proposed development is considered to be sustainable development.

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 Willaston 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 the loss of habitat which could potentially support BAP species. In order to mitigate, this impact in accordance with paragraph 109 of the NPPF, a level of contribution has been calculated to provide off-site improvements. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide improvements off-site. This contribution is directly related to the development and is fair and reasonable.

Given the concerns about the sustainability a contribution of £20,000 has been agreed towards cycleways, footways, street lighting and bus shelters. This would negate the concerns about the sustainability of the site and is therefore necessary, 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. Following the recent appeal decisions, the automatic presumption in favour of the proposal does apply and Policies NE.2 and NE.4 are considered to be out of date.

In this case the emerging development strategy can only be given limited weight.

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.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity 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.

The planning balance clearly weighs in favour of the proposal and the development is considered to be sustainable.

11. RECOMMENDATIONS

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

- 1. A commuted payment of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich**
- 2. A commuted payment of £40,999 towards secondary school education**
- 3. A commuted payment of £20,000 towards cycleways, footways, street lighting and bus shelters**
- 4. A commuted payment of £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston**

And the following conditions

- 1. Standard time limit 3 years**
- 2. Approved Plans**

3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
6. External lighting details to be agreed
7. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
8. Works should commence outside the bird breeding season
9. Materials to be submitted and approved
10. Landscaping to be submitted and approved
11. Landscaping scheme to be implemented
12. Remove Permitted Development Rights for certain plots
13. Boundary Treatment details
14. Tree and hedgerow retention
15. Tree Protection to be submitted and approved
16. The parking spaces to be provided on the approved plan should be provided
17. Visibility splays of 2.4 metres by 60 metres to be provided before development commences and thereafter be retained.
18. Provision of 30% affordable housing which equates to 4 rented units and 2 intermediate units on this site.
19. Windows to the south-east facing elevation of plot 1 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 1.
20. No development within 3 metres either side of the centre line of the sewer which crosses the site
21. 10 metre easement strip for the 24" Concrete Trunk Water Main

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

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control 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.

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Application No: 13/3025N

Location: LAND OFF VICARAGE ROAD, HASLINGTON

Proposal: The erection of 44 detached/terraced dwellings, parking and amenity space; and the creation of public open space, including appearance, landscaping, layout and scale. The original outline application was not an environment impact assessment application.

Applicant: ELAN HOMES LTD/MULLER STRATEGIC LTD

Expiry Date: 16-Oct-2013

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES****Impact of the development on:-****Principal of the Development****Landscape****Affordable Housing****Highway Implications****Amenity****Trees and Hedgerows****Design****Ecology****Open Space****Education****Flood Risk and Drainage****REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board, as it relates to an outline application which was determined by the Strategic Planning Board.

The application was deferred at the Strategic Planning Board meeting on 9th October 2013 for the following reason:

'That the application be deferred for further discussions with Officers and the developers regarding the layout of the application site to ensure further consideration be given to the location of the affordable housing and whether there was a justifiable need for alleyways to be included within the design'

Amended plans have now been received to address the reason for deferral and consultation has been carried out with local residents, ward members and Haslington Parish Council.

1. DESCRIPTION OF SITE AND CONTEXT

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

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

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

2. DETAILS OF PROPOSAL

This is a Reserved Matters application for 44 dwellings. Its density is therefore 30 dwellings per hectare.

The Reserved Matters to be determined as part of this application relate to appearance, landscaping, layout and scale. Access was approved as part of the outline application 12/3564N.

The site would include the provision of 30% affordable housing, and 2,048sq.m of public open space. The layout plan shows that the POS would be located to the north of the site.

The development would consist of 2 to 4 bedroom units with the following mix: 9 two-bed units, 12 three-bed units and 23 four-bed units.

3. RELEVANT HISTORY

12/3564N - Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington – Approved 18th June 2013

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

Other Considerations

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

5. CONSULTATIONS (External to Planning)

Environment Agency: The submitted information is now sufficient to the Environment Agency and they have withdrawn the previous objection to the planning application.

The EA recommends that the flood storage area is designed in a way that benefits both nature conservation and people. The EA feel there is an opportunity to contribute to the riparian corridor and green infrastructure.

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

Strategic Highways Manager: The internal road layout has been designed to meet adoption standards and there are no technical issues that the strategic highways manager would wish to raise on the road design. The cul-de-sac that serves plots 20-24 does not have a turning head but given the short road length, refuse and delivery vehicles can reverse into the cul-de-sac.

Each of the properties will have a minimum of 200% parking, the some of the larger plots do have in excess of this provision and this is an acceptable level of parking provision.

There is as conditioned in the outline application a number of parking spaces for residents of Vicarage Road, this revised layout of this parking is acceptable.

In summary, the layout meets design and parking standards and there are no objections raised.

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

Public Open Space: No comments received at the time of writing this report. As part of the outline application they stated that:

'A commuted sum payment of £35,000 for the extension of the existing skatepark on Haslington Playing Fields on Maw Lane will be required'

Education: No comments received at the time of writing this report. As part of the outline application they stated that:

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

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

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

PROW: No comments received at the time of writing this report. As part of the outline application they stated that:

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

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

Natural England: It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council still considers that this development site is inappropriate development outside the settlement boundary with unsafe access via Vicarage Road and Cartwright Road where the effective road width is constricted by kerbside parking for former council housing built without off road parking. Adding traffic to this area will increase risks to children in the road and result in problems for emergency vehicles accessing the area. Specific objections to the current application include:

- Layout of the parking area, it is not clear from the various contradictory plans as to how this will be set out, will cars be able to turn around within the parking area or will they have to reverse out onto the access road.
- Crime & Prevention issues: How is the communal car park to be monitored, cars parked in the area will not be visible from resident's homes? The use of alleyways to provide access to the rear gardens of the terraced/affordable properties has created alleyways adjoining

the gardens of existing properties on Crewe Road - how will these potential Crime hotspots be monitored and policed - this is poor design when national guidelines require the designing out of crime from new development.

- The grouping of the affordable houses has generated crime attracting alleyways and is contrary to the "Pepper potting" policy, the affordable houses should be spread throughout the development, ideally grouped in pairs to avoid the need for alleyways.
- It is unclear who will be given access to use the shared parking area, will this include residents of Cartwright Road, will payment be required, who will own and maintain the area?
- T1 Oak Tree, why does the best tree on the site according to the arboricultural report only have a 1/2 circle of Construction Exclusion Zone, this will put the roots and branches at risk. It is not clear how the main access road will be constructed over the roots of the T1 Oak tree, details are only provided for driveways not the main access road.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 18 local households raising the following points:

Principal of development

There is no need for housing within the village

The development is contrary to the Parish Plan

Impact upon the open countryside

Loss of agricultural land

The views of local residents have not been taken into account

The affordable housing should be pepper-potted

The proposed alleyways would create security issues

AQ similar application has been refused on this site

Highway implications

Cartwright Road and Vicarage Road are too narrow

Existing on-street parking restricts access

Additional traffic congestion

Access for construction vehicles is not possible

Pedestrian safety

Highway safety

Insufficient parking for residents on Vicarage Road

No parking provision for residents on Cartwright Road

There should be traffic calming at the junction of Crewe Road and Cartwright Road

People with children, older and disabled residents on Vicarage Road require access to their properties

Potential impact upon the sewer which runs down the highway

Green issues

Damage to the Oak tree at the entrance to the site

The tree should be subject to a TPO

Construction traffic will damage the tree

Impact upon Owls, Bats

There are Badgers on the site

The loss of wildlife

The Oak tree should be retained
The boundary hedgerows should be retained
The loss of hedgerow and trees
The development will damage the boundary hedgerows
The protected species report is not adequate

Infrastructure

Lack of capacity at the local primary school
The drainage system is overloaded and cannot cope
Lack of infrastructure
Lack of NHS infrastructure

Other issues

The existing properties along Cartwright Road and Vicarage Road are suffering subsidence problems and this development will make matters worse
The site suffers flooding
The Environment Agency have objected to the application
All members of the Strategic Planning Board should attend site visits

A petition signed by 170 residents has been received objecting to the application.

The full text of all the letters of representation can be found on the Councils website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Elan Homes)
- Design and Access Statement (Produced by Elan Homes)
- Energy Performance Matrix (Produced by Elan Homes)
- Construction Method Statement (Produced by Elan Homes)
- Tree Protection and Arboricultural Method Statement (Produced by Sheilds Arboricultural Consultancy)
- Phase II Contaminated Land Assessment (Produced by GRM Development Solutions)
- Gas Protection Measures (Produced by GRM Development Solutions)
- Brine Report (Produced by Johnson, Poole and Bloomer Consultants)
- Bat and Bird Mitigation (Produced by Sensible Ecological Survey Solutions Ltd)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecological Survey Solutions Ltd)
- Arboricultural Impact Assessment (Produced by Sheilds Arboricultural Consultancy)
- Addendum to Statement of Community Involvement (Produced by Elan Homes)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

In this case the principle of a development of 44 dwellings and the point of access have already been accepted following the approval of outline application 12/3564N.

This is a Reserved Matters application to consider appearance, landscaping, layout and scale. Therefore, this application does not provide an opportunity to re-examine the principle of development or the point of access.

The development would provide a density of 30 dwellings per hectare across the whole site or 35 dwellings per hectare on the developable area of the site excluding the POS.

Landscape

The principle of residential development has already been accepted on this site and the majority of the existing boundary trees and hedgerows would be retained (as discussed below).

The main landscaping issues that remain in this site relate to the provision of a retaining wall to the POS and the scheme of landscaping for the site. As part of the negotiations with this application the height of the retaining wall has been reduced and additional street scene drawings have been provided and this shows that the retaining wall would vary from 1.2 metres to 2 metres in height. It is considered that a scheme of landscaping along the retaining wall would help to reduce its impact and that details of the finish of the retaining wall could be conditioned.

Access to the POS would be via a proposed ramp and following negotiations this has been relocated outside the root protection area of a large Oak tree.

The detailed landscaping scheme has been revised following discussions with the Councils landscape architect to reduce the number of non-native species. The issue of landscaping will be dealt with through the imposition of a planning condition.

Affordable Housing

There is a requirement for 23 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older person dwellings within this SHMA area. To date there has been the delivery of 8 affordable dwellings.

A s106 agreement was entered into by the applicant in relation to the outline application which secured an obligation for the provision of 30% of the total dwellings on site to be provided as affordable dwellings, with 65% of the affordable dwellings to be provided as either affordable or social rented dwellings and 35% of the dwellings to be provided as intermediate tenure dwellings.

The s106 agreement also required an affordable housing scheme to be submitted with the reserved matters application, with the scheme required to set out:

- The type of rented and intermediate unit to be provided;
- The size & type of the affordable homes;
- The number of bedrooms in the affordable homes;
- The location of the affordable homes.

The s106 also secured obligations in relation to the delivery of the affordable dwellings, requirements for the dwellings to be transferred to a Registered Provider and occupancy criteria for the affordable dwellings.

As part of this application the applicant is offering the following:

- 13 affordable homes overall, which equates to 30% of the total dwellings and therefore satisfies that requirement of the s106 agreement:
- 2 x 2 bed (Audley House Type) which are 62m² in size;
- 7 x 2 bed (Beeston House Type) which are 64m² in size;
- 4 x 3 bed (Howden House Type) which are 69m² in size.

The type of affordable housing being proposed is acceptable as 2 bedroom and 3 bedroom dwellings and will go towards meeting some of the affordable housing requirement for Haslington & Englesea (in particular the SHMA 2010 identified the highest requirement for 2 and 3 bed properties in this sub-area).

The amended plans show that the affordable dwellings would now be plots; 3, 4, 5, 6, 13, 14, 16, 17, 18, 36, 37, 43 and 44. These dwellings are pepper-potted as per the requirements of the Interim Planning Statement: Affordable Housing (IPS). The location of these units is supported by the Councils Housing Team. As a result, it is considered that the reason for deferral has been addressed.

In terms of the type of dwellings proposed, the affordable units would consist of 5 pairs of semi-detached dwellings and a single terrace of three dwellings. As a result, there is no requirement for alleyways and this area of concern has been addressed.

The applicants planning statement explains that there is agreement in place for the affordable dwellings to be transferred to Plus Dane and that 8 will be delivered as rented and 5 as shared ownership. This complies with the requirements of the S106 agreement.

Highways Implications

The principle of the proposed access has been accepted as part of the outline application.

In terms of the internal road layout, this has been designed to meet adoption standards and is considered to be acceptable by the Strategic Highways Manager.

In terms of the proposed parking, the development will include a minimum of 200% parking which is considered to be acceptable in this location.

The outline application includes a condition that a parking area for at least 6 spaces should be provided for the existing properties on Vicarage Road. The submitted plan shows that this would be located at the entrance to the site and the condition attached to the outline consent states that it should be constructed prior to the construction of the dwellings.

At the SPB meeting on 9th October 2013, concern was raised about the impact upon residents who live on Cartwright Road and that there is a lack of off-street car parking. This issue was discussed as part of the outline consent and, as the principle of development has been accepted, it is not possible to revisit this issue. However, it should be noted that, of the properties backing onto the site 7 properties have off-street parking and 3 do not. Given the layout of the site and the need to retain an existing tree, it is not possible to provide off-street parking for residents on Cartwright Road.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site.

The submitted plan shows that there would be a separation distance of 16.5 metres between the side elevation of plot 44 and No 30 Vicarage Road with a proposed parking area between. This separation distance is considered to be acceptable between non-principle elevations.

Between the rear elevation of plot 32 and the rear elevation of No 30 Vicarage Road there would be a separation distance of 25 metres which exceeds the spacing standards contained within the Councils SPD.

In terms of No 31 Vicarage Road there would be a separation distance of 7 metres to the side elevation of plot 1. Again this separation distance is considered to be acceptable between non-principle elevations. A condition will be attached to ensure that the first floor window to the side of Plot 1 is obscure glazed.

There would be a separation distance of 28 metres between the front elevations of plots 12-15 and the side boundary of no 31 Vicarage Road which is considered to be acceptable.

From the rear elevation of No 40 Cartwright Road there would be a separation distance of 37 metres to the blank side elevation of Plot 3. This exceeds the guidance standard separation distances as contained within the Councils SPD.

To the south there would be a separation distance of approximately 44 metres to the closest property which fronts Crewe Road (No 213) and the rear elevations of plot 3-11. Again this exceeds the guidance standard separation distances as contained within the Councils SPD.

The impact upon neighbouring residential properties is therefore considered to be acceptable.

Trees and Hedgerows

Trees

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

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

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

The submitted plan shows that all A and B category trees located around the boundary of the site would be retained, with low category specimens (mainly fruit trees remnants of a former orchard) to be removed to accommodate the design of the development. The majority of these would be protected through the use of protective fencing.

The main issue is the impact upon the large Oak tree at the entrance to the site. The submitted arboricultural method statement identifies that in order to provide adequate clearance it will be necessary to undertake some pruning work to raise the crown of this tree which overhangs the site. The report identifies that the crown structure of the tree is such that adequate clearance can be obtained by the removal of secondary and tertiary branches, with no removal of any primary limbs. The pruning works shall consist of:

- The removal of any branch stubs, deadwood, hung up branches and climbers, the removal of sucker growth, the removal of epicormic growth to a height of 5 metres above ground level
- Crown lifting to a maximum height above ground level of 5-6 metres: cut back to appropriate pruning points above the access road and car parking area only;
- Lateral crown reduction by 1.5 – 2 metres on south east side of crown, including reshaping and balancing;
- Re-shaping and balancing;
- The works shall not include the removal of any branch of which any part is more than 100mm in diameter or any pollarding or topping.

The Oak tree would be protected by 2.4m high protective fencing with a no-dig zone within the Root Protection Area to the north and north-west of the tree.

The construction of the access would be in accordance with a construction specification/method statement which states that:

- Existing services within the site should be retained wherever possible. Where existing services within the RPAs (Root Protection Areas) require upgrading, the upmost care must be taken to minimise disturbance. Where feasible trenchless techniques are to be employed, (and only where necessary) open excavations be considered
- Where new services are to be introduced into the site, they should be located outside of RPAs wherever possible, where they will not interfere with tree roots. If any excavations are required within the RPAs, all trenches are to be excavated by hand and radially to the tree trunks, under direct on-site arboricultural supervision. They are to be carried out under National Joint Utilities Group (NJUG) guidelines.
- Excavations for the foundations of the access road immediately adjacent to the RPAs of the existing Oak Tree may be undertaken with an excavator using a toothless grading bucket under direct on-site arboricultural supervision. If roots are encountered during the supervised, excavation around the roots are to be continued manually.
- The soil is to be loosened with the aid of a fork or pick axe and then cleared with the aid of an Air-spade, Air-vac and or shovel. Any roots found will be cleanly severed by the arboricultural consultant with either a hand saw or secateurs.
- Any roots found with a diameter of less than 25mm shall be cleanly severed by the arboricultural consultant. Any roots of 25mm and above shall be excavated around without damaging them; the arboricultural consultant shall decide if it's feasible or necessary to retain the root, if not it shall be severed.

- The edge of the excavation closest to the trees will be covered with damp hessian to prevent soil collapse or contamination by concrete.
- If any unidentified services or suspect objects are unearthed, Elan will cease work immediately and seek the advice of the Site Manager.
- All attempts will be made to minimise disruption of any encountered tree roots within the road formation, but some damage will be inevitable.

The above information has been considered by the Councils Tree Officer who considers that the works suggested are acceptable.

Hedgerows

The existing boundary hedgerows would be retained and the plans have been revised to increase the separation distance to the boundary hedgerows. The impact is therefore considered to be acceptable.

Design

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

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

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The layout shows that the properties on the site would overlook the highway, communal parking areas and the public open space.

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

The proposed dwellings would be two-stories in height which is consistent with those which surround the site and is considered to be acceptable. The properties would have varied ridge lines which would add interest to the street-scene.

In terms of the detailed design, the proposed dwellings would include projecting gables, bay windows, sloping roofs, lintel and sill details, porch detailing and a mixed palette of materials. The detailed design is considered to be appropriate in this location and would comply with Policy BE.2 of the Local Plan and the NPPF.

Ecology

Bats

Two trees were identified during the determination of the outline application as having potential for roosting bats. One of these trees, the oak located near to the site entrance, is proposed for pruning including the removal of dead wood. A bat activity survey has been undertaken and has not recorded any evidence of roosting bats within this tree.

The second tree which is described as a dead Ash overhanging the brook is located off site and no works are proposed to this tree. Furthermore there would be no construction works within the vicinity of this tree. The impact is therefore negligible.

Other Protected Species

A sett for another protected species has been discovered along the northern boundary of the site. The sett is located within the proposed POS and is a reasonable distance from the harder elements of the proposed development. Mitigation proposals have been provided to reduce the impacts of the proposed development upon badgers which includes the avoidance of heavy works within 20 and 30m of the badger sett. The mitigation measures are considered to be acceptable by the Councils Ecologist and a condition will be attached to secure the migration.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The application site is currently bounded entirely by hedgerows. The proposed development will result in the retention of all boundary hedgerows and is therefore acceptable.

Fowle Brook

The submitted plans show an undeveloped buffer along the boundary with Fowle Brook in accordance with condition 7 of the outline consent.

Public Open Space

The S106 Agreement for the outline application includes a requirement of 'no less than 1,800sqm' of public open space. In this case the submitted plan shows that there would be 2,048sqm. As this exceeds the requirement it is considered to be acceptable.

The open space would be located at the northern end of the site which is preferable due to the flood risk requirements of the Environment Agency, the position of a protected species sett and from Ecology purposes it would be preferable to provide a green buffer along the brook.

In terms of children's play space, the S106 Agreement secures a contribution of £35,000 towards the upgrading of the existing Haslington Skate Park at Maw Lane or the Gutterscroft Play Area, Primrose Avenue. This sum will be paid to the Council prior to the occupation of more than 50% of the dwellings on the site. The sum will be spent following consultation with Haslington Parish Council.

Education

The S106 Agreement for the outline application includes a contribution of £75,924 towards enhancing the capacity of local primary schools within a 2 mile radius of the site. This sum will be paid to the Council, prior to the occupation of more than 50% of the dwellings on the site.

Flood Risk and Drainage

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

In terms of the flow rates from the development to Fowle Brook the drainage design provides a discharge rate to match those contained within the FRA provided as part of the outline application and is acceptable.

In terms of flood storage, this would be provided within the POS outside the Fowle Brook buffer zone and calculations have been provided to justify the required volume.

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

Other issues

At the last Strategic Planning Board meeting a query was raised about the imposition of conditions to the Reserved Matters application.

The query raised the following conditions which are attached to the outline consent;

- Construction hours (condition 5)
- Pile driving hours (condition 6)
- 10% of predicted energy requirements from decentralised and renewable or low carbon sources (condition 11)
- Method statement for deliveries to the site, how and where materials will be unloaded and details of where contractors vehicles will park (condition 19)
- Bin storage details (condition 21)

As the above conditions are attached to the outline consent there is no reason to repeat them on any reserved matters approval.

Additional conditions will be attached in relation to a scheme of maintenance for the car parking area for residents on Vicarage Road and that residents will not be charged for using the car parking area. The contaminated land informative has now been attached to the recommendation.

10. CONCLUSIONS

The principle of residential development on this site has already been accepted following the approval of outline planning application 12/3564N.

The provision of the access was approved as part of the outline application and the issue of highway safety is considered to be acceptable. The development would provide 6 parking spaces

for existing dwellings located on Vicarage Road. In terms of traffic generation, the scale of the development means that the development would not have a significant impact upon the highway network.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that, due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough.

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

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed development subject to conditions.

The scheme complies with the relevant local plan policies in terms of amenity and in all cases the proposed dwellings would exceed the separation distances set out in the Council's SPD. The impact upon residential amenity is therefore acceptable.

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

Following negotiations as part of this application the Flood Risk Assessment is considered to be acceptable by the Environment Agency.

The amended plans show that the affordable housing would be pepper potted and the affordable housing provision is considered to be acceptable.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Consequently there is a presumption in favour of the development. Accordingly the application is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Obscure glazing to the side elevation of Plot 1 facing No 31 Vicarage Road**
- 2. No additional windows to be installed in the side elevation of plots 3, 9, 19, 30, 36, 37, 41 & 44**
- 3. Removal of Permitted Development Rights for Plots 3, 4, 5, 6, 13, 14, 16, 17, 18, 36, 37, 43 and 44**
- 4. Materials as application**
- 5. Construction of the access as shown on plan reference VRH/TPP/07/12/01 in accordance with the construction specification/method statement for the construction of the access**
- 6. The proposed development to proceed in accordance with the submitted badger survey and mitigation statement**

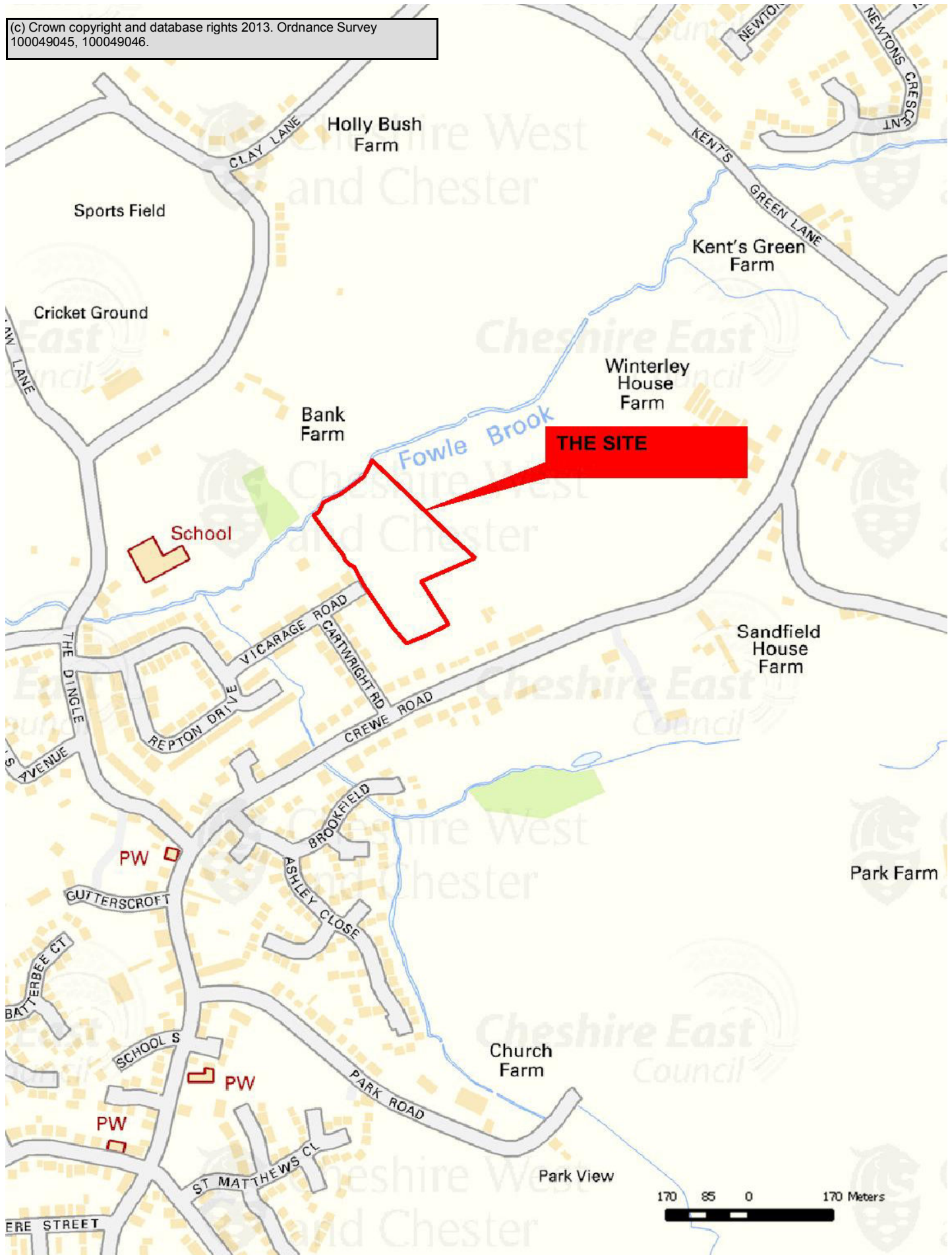
7. Landscaping submission of details
8. Implementation of landscaping
9. Details of the retaining wall and boundary treatment to the open space
10. Maintenance scheme for the car parking area to be provided
11. The Parking area shall be free of charge

Informative:

1. 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.

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

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Application No: 13/2406M

Location: Former Kay Metzeler Ltd, WELLINGTON ROAD, BOLLINGTON, SK10 5JJ

Proposal: Reserved Matters Application seeks approval for 91 Class C3 residential dwellings and associated works. (To follow Outline Application 11/4501M)

Applicant: Bellway Homes

Expiry Date: 23-Sep-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Housing provision
- 15% Affordable Housing (previously approved)
- Design considerations
- Provision of Public Open Space and a riverside walk
- Residential Amenity
- Noise issues from the electricity sub station
- Flooding and drainage
- Highways
- Impact on landscape, trees and ecology
- Ecology
- Land contamination

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The site is located to the north of Wellington Road, in the centre of Bollington. The site measures 4.4 hectares (approx. 10.86 acres).

The site is bounded by the Middlewood Way (viaduct) to the east. To the west lies woodland and farmland (which falls within the Green Belt). Bollington Medical Centre lies directly to the south of the site with residential development beyond on Wellington Road. The River Dean

flows along the northern boundary of the site and then along the western boundary and partly through the site.

The site comprises generally of single-storey, metal clad and blockwork structures.

The majority of the site is visible from the Middlewood Way (viaduct). There are a number of trees adjacent to the arches, which lead through to Adlington Road Business Park. The viaduct (which is locally listed) forms the edge of the Bollington Conservation Area.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E4. This policy allows for general industry (Class B2), warehousing (Class B8), high technology (Class B1b), and light industry (Class B1c) usage.

DETAILS OF PROPOSAL

This application seeks permission for the Reserved Matters (access, appearance, scale, layout and landscaping) for the erection of 91 residential dwellings, following the granting of Outline permission 11/4501M, which established the principle of the development. It was approved on 31st May 2013.

Reserved matters approval has already been granted under delegated powers for a food store to the eastern side of the site adjacent to both Wellington Road and the Middlewood Way.

RELEVANT PLANNING HISTORY

Many applications have been received in relation to the Kay Metzeler site over the years. However, it should be noted that these relate to the applications for development of the industrial premises. They are not considered to be of relevance to the determination of this application. The following applications are however considered to be relevant: -

11/4501M Outline Application for the Demolition of Existing Buildings and Erection of a Residential Led Mixed Use Development for up to 109 Dwellings and Co-op Foodstore with the Entrance off Wellington Road - All Matters Reserved - Approved 31.05.13

13/2520M Reserved matters being applied for are access, appearance, landscaping, layout and scale of the proposed food store. The planning application was not an environment impact assessment application - Approved 11.09.13.

PLANNING POLICIES

Local Plan Policy

Built Environment

BE1– Design Guidance
BE2 – Historic Fabric
BE3 – Conservation Area

Development Control

DC1 – New Build
DC3 – Amenity
DC5 – Natural Surveillance
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land

Employment

E4 – General Industrial Development

Transport

T2 – Integrated Transport Policy

Environment

NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments

Housing

H1 – Phasing policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing
H8 – Provision of Affordable Housing
H9 – Occupation of Affordable Housing
H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space

Implementation

IMP1 – Development Sites
IMP2 – Transport Measures

Other Material 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
SPG on Section 106 Agreements (Macclesfield Borough Council)
Ministerial Statement – Planning for Growth (March 2011)

National Policy

National Planning Policy Framework 2012

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No objections area raised, subject to some minor design changes.

Environmental Health Officer:

The Environmental Health Officer has assessed the application in relation to the demolition and construction phase of development, noise, air quality and contaminated land.

Similarly to the Outline application (11/4501M), the Environmental Health Officer recommends that conditions are attached in relation to piling, hours of working and a scheme to minimise dust emissions arising from demolition / construction activities on site.

As per the recommendations contained in application number 11/4501M – appropriate noise mitigation should be undertaken to ensure that occupants of the properties which are close to the Bollington Primary Sub Station on the site are not adversely affected by operational noise from the sub station.

The mitigation recommended shall be implemented prior to the use of the development / first occupation.

Contaminated Land

The application area has a history of industrial use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The reports submitted in support of the outline application identify contamination and areas for further investigation. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

Environment Agency (EA):

The EA has no objection in principle to the proposed development subject to reiterating that the conditions attached to the outline permission are complied with as follows:

- The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures, which relate to the provision of a surface water drainage scheme, based on sustainable drainage principles and limiting surface water run-off using underground storage. The external and internal levels are to be set as per the illustrative layout
- A detailed method statement for the removal of the weir. An assessment of removing the weir upstream and downstream will be required.
- A detailed method statement for any bank works, including reprofiling.
- A detailed management plan for the buffer riparian / linear park area adjacent to the River Dean. This should include details of the planting scheme and long term management regime for the area.
- A detailed management plan for the eradication or management of the invasive plant species on site.
- Given the sensitive location of the site, the EA recommends conditions are attached to ensure that any risks posed to controlled waters from land contamination are appropriately assessed.

Housing Strategy and Needs Manager:

No objection as the scheme accords with the required affordable housing provision (15%) secured by the s106 agreement on the outline consent 11/4501M.

Archaeology Planning Advisory Service:

The outline application for this site was commented on by the Development Control Archaeologist where it was advised that a targeted watching brief should be maintained during re-development of the site in order to investigate specific aspects of the 19th-century mill complex.

It is noted that the plans submitted in support of the present application clearly affect the areas of interest. It is therefore advised, that the previously-advised watching brief be maintained during relevant aspects of the development and that the work may be secured by the condition given in the earlier application (11/4501M).

Greenspaces:

Comments awaited.

VIEWS OF THE TOWN COUNCIL

3 letters have been received from Bollington Town Council.

The Town Council note that the commencement of demolition works on site, prior to the discharge of conditions was a very poor start for what has been a badged a flagship development for Bellway Homes and note that Cheshire East Council was still considering whether to take enforcement action.

In terms of the riverside walk it was noted that this did not currently have the pedestrian link with the Adlington Road playing fields and the Recreation Ground. This was due to land ownership issues in the vicinity of the Viaduct. Bellway would provide the path ready to link, but would not be able to complete the link until these issues had been resolved.

The second letter from the Town Council related to concern being expressed that conditions for prior approval relating to the demolition of the site, may not have been complied with before the demolition started in July.

The Town Council has had no information about this and particularly no reassurance that these conditions, which appear to be related to contaminated land remediation, present any safety concern for the community or the site workforce.

The Town Council have enquired as follows: -

- What are the conditions?
- Have the conditions now been complied with?
- Do they relate to site contamination, or hot spots of contamination, asbestos, or any safety matters and if so, why has work been allowed to continue without the necessary approval?

The Town Council want this development to go ahead, but issues such as this can only serve to raise worries in the community.

The third letter from the Town Council relates to the proposed spacing of a small number of the properties. The Town Council is happy with the proposed separation distances between facing windows of habitable rooms.

As Bellway highlight in their statement, the relationships of the houses reflects the streets of Bollington, where some properties are separated by more than 21 metres and some as little as 6 metres. The minimum on the proposed development is 13-14 metres, but there are relatively few of these mostly situated in the site's transitional quarter between the historic and the modern quarters. In the Town Council's opinion, they add character to the development and reflect what currently exists in abundance in the Town.

In view of this, Bollington Town Council request that Cheshire East Council's Strategic Planning Board do not refuse the application on these grounds. The local community has

been involved from the beginning in helping to shape this development and is happy with the proposal as submitted. This view is underpinned by Bollington Civic Society

The Town Council recommend approval of the application.

OTHER REPRESENTATIONS:

Bollington Civic Society consider that the development of 10 acres meets the need in Bollington for a mixed development of family housing of 3 / 4 bedroom size, the lack of which, has been driving families with children from the town.

The Civic Society are pleased to note the voluntary reduction in number of houses proposed, from 109 to 91, as it provides more space within the development. The majority of these houses are detached and they all have gardens. A small number of affordable houses have been included within the development with the same specifications as the other houses and we welcome this integration.

The Civic Society welcome the concept of the Historic quarter near the road maintaining the link with Bollington's heritage by the use of stone, leading to a Transitional quarter using stone and brick and the Modern quarter across the river. Large housing developments require a variety of housing styles and a high quality, distinctive palette of materials.

Attractive landscaping and improved linkages will improve pedestrian access in the middle of the town. A riverside walkway connecting Wellington Road to the Recreation ground will mean that the community can rediscover the river Dean.

The Civic Society acknowledge that Bellway Homes have provided ample opportunity for open discussion and consultation over questions of housing design and choice of materials and the Civic Society thank the developer for that cooperation.

The Civic Society note the following points for the consideration of the Strategic Planning Committee:

- That the hard standing on the internal roadways is largely tar rather than a choice such as blocks, or patterned bricks which underlines the concept of shared space as well as being visually more attractive. The Civic Society also expressed some concern as to whether or not the road exit would be able to cope with the volume of traffic engendered by the development plus the Coop traffic. A mini roundabout was suggested by several members of the Civic Society Committee.
- The Civic Society urge Cheshire East Council to stress the importance of creating a public footpath from the Recreation Ground through the arches of the Middlewood Way viaduct, to the new Waterhouse Mill development. This has always been seen as a considerable benefit to the town and will need negotiations with other landowners.
- Bollington setts, which lined both sides of the main road were removed when the road was resurfaced some years ago and stored in Lyme Green depot,

Macclesfield where they still are. The Civic Society have always wanted them to be used in some way in the town. This development would be an ideal opportunity for this to happen. They could be used to delineate the changes in road surfacing within the development.

- The new development will be enhanced by a 'storyboard' near the entrance of the site outlining the history of the site and Waterhouse Mill which goes back to before 1791, until its demolition in 1961, and its more recent industrial uses. There is an excellent new account of its history in the towns Discovery Centre at Clarence Mill, which has all the information required.
- The Civic Society are aware that there is current discussion of a suitable name for this development. It will come as no surprise the Bollington Civic Society would wish that name to be 'Waterhouse Mill'.

Overall, the Civic Society welcomes and supports the current proposed development as meeting the expressed wishes of the community of Bollington.

OTHER REPRESENTATIONS

The Council have received letters of representation to the application from (or on behalf of) 4 local residents. These documents can be viewed in full on the CEC website. The following is a brief summary of their views.

The parking provision for the Coop store is woefully inadequate. The Highways Agency recommended that the existing Coop store should have 21 parking spaces and the proposed new store is larger than the existing one. The writer believes that 30 parking spaces would be more appropriate, otherwise some of the existing traffic problems experienced on Albert Road will be transferred to the new site.

Pedestrian access to the Coop should be designed in a way that discourages shoppers in cars from parking on Wellington Road. An opportunity has been missed to incorporate small business into the site alongside the Coop store. It would be wonderful to have shops off the main road and more easily accessible.

The number of houses should be reduced allowing larger gardens and more open space.

A number of houses are situated near the river, which is prone to flooding.

Concern is raised over the additional traffic, which would result from the development and its effect on the already congested Wellington Rd at the proposed access point.

The neighbour at 51A Wellington Road initially raised a number of issues with regard to the proximity of plot 10 of the development and his property. The neighbour was concerned about the loss of privacy to his greenhouse.

Since the plans were revised, the neighbour now considers that the proposals are more sympathetic to his concerns. It is suggested that permitted development rights are withdrawn on plot 10.

One of the residents raises concerns over the works being carried out on the site in the absence of the conditions relating to decontamination and site remediation being discharged in the correct manner, i.e. before work commenced.

The writer alleges that the applicant has knowingly proceeded for four months without a valid planning permission being in place.

Secondly, the writer alleges that the developers are in breach of planning control (since work started on 1st July 2013) and as contends that on the basis of well established planning law, the commencement of development without the prior discharge of conditions and the approval of reserved matters renders the development unauthorised and essentially invalidates the planning permission.

Not only is the work carried out unlawful, but the writer does not believe that the developers can simply regularise matters by seeking the retrospective discharge of conditions or, by seeking an approval of reserved matters. Rather, a completely new full planning permission is the only valid way that the development can be regularised. Moreover, it is the only way that Cheshire East Council can ensure that a permission is in place should it need at any point in the future to enforce any of the conditions specified at the outline planning stage.

Thirdly, the writer remains concerned about the possible contamination levels on the site, especially the possibility of hotspots referred to in the GRM Report of November 2011. These concerns have been reinforced by a discussion the writer has had with a Planning officer dealing with a case on the Fylde Coast, which manufactured the range of chemicals used at the Kay-Metzeler site. In that instance the Planning officer said that they had experienced quite serious hotspots. In some areas earth moving operators although suited up with protective clothing had to be taken off the job, sometimes after only 24 hours exposure.

The resident has asked the following questions:

1. Do Cheshire East accept that the planning permission has been rendered invalid? If not, why not?
2. Will Cheshire East be requiring the developer to submit a full planning application, rather than to seek retrospective planning approval for conditions and reserved matters. If not, why not?
3. What penalties are you planning to impose for a clear, deliberate and sustained breach of planning control?
4. Given the hazardous nature of chemicals used on the site, how detailed a soil testing regime has been applied?
5. Have any hotspots been discovered and how have these been dealt with?

The writer feels that the manner in which the development is being dealt with raises serious issues of both principle and process which need to be addressed.

APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement, plus a revised Design and Access Statement
- Landscape Management Plan
- Design Justification

OFFICER APPRAISAL

Main Issues

Given that the principle of the development has already been accepted by the granting of outline planning approval in May 2013 (11/4501M), which included the provision of up to 109 residential units, the principle of development has been established and this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

This reserved matters application seeks to bring 91 residential units forward.

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

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

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187, it advises that:

"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;
- Removing an unsuitable industrial businesses from a residential area;
- Providing a choice of quality homes, including affordable homes;
- The relocation of the Co-op;
- £270 000 of contributions towards play (formal and informal) at Adlington Road, Bollington Recreation Ground and Coronation Gardens, improvements to the sports provision at Bollington Recreation Ground, including changing facilities, and improvements to the Middlewood Way. Funds have also been secured for a maintenance strategy and watching brief, to ensure works to the viaduct are phased over a number of years;

- £4 000 for a Traffic Regulation Order.

Sustainability

The site is located within the centre of Bollington and both access and connectivity to the site is good. The town includes a range of shops and local services. Additionally, there are also bus stops on Wellington Road adjacent to the site.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This was dealt with by condition under the outline application. The removal of contaminants from the land also help to provide environmental benefits.

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

With regard to its social role, the proposal will provide 91 new family homes (including 14 affordable homes), public open space, a riverside walk, and financial contributions towards to improve facilities in Bollington as highlighted above.

Taking this into account, the site is considered to be in a sustainable location and therefore accords with the NPPF's aims of fostering sustainable development.

Design Considerations

The Design and Access Statement includes an assessment of the area's character and vernacular, and describes how it has informed the design and layout of the scheme. Some thought does appear to have been put into creating a historical quarter, a Transitional and Riverside Walk Quarter and Modern Quarter, with a selection of house types and materials. However, they appear to be standard designs, although architectural detailing and materials has been varied. The materials proposed are:

For the Historic Quarter

- Natural stone for plots 1, 4, 37, 38, 66 and 67 on the front elevations
- Manufactured (reconstituted) stone elevations on plots 58-65 and 68 - 75
- Artstone heads and cills
- Black front doors and garage doors
- Slate effect roofs on plots 1, 4, 37, 38, 66 and 67.
- Marley manufactured Thru tone artificial slates
- White windows

For the Traditional and Riverside Walk Frontage

- Manufactured (reconstituted) stone facades with brick secondary elevations
- Full brick elevations
- Artstone heads and cills
- Black front doors and garage doors
- Marley manufactured concrete tiles
- White windows

Modern Character Area

- Full brick elevations
- Artstone heads and cills
- Black front doors and garage doors
- Marley manufactured concrete tiles
- White windows

There are some variations in the height and the type of housing, with a mix of detached (57 in number), semi-detached (28 in number), and terraced (6 in number) properties throughout the site. All these factors would add interest and variety in the development. It is considered that these would work together in context.

The choice of materials has been the subject of lengthy negotiations between Officers and the developer. Officers raised concern that the use of reconstituted stone would appear alien in the environment, especially if it were used along the Wellington Road frontage. They consequentially sought changes and the use of natural stone has been agreed for plots 1-7, 34-38 and 66 and 67. This is considered good progress and is representative of the historic pattern of development in Bollington.

The design of the dwellings are considered to be acceptable, given the site is largely self contained and that there is a mix of house types. It is also noted that there is a requirement for larger detached dwellings in Bollington. As such, it is considered the proposals accord with the design policies in the local plan and the NPPF.

The layout differs from the indicative masterplan submitted with the Outline application, due mainly to a reduction in the number of units from 109, down to 91.

Affordable Housing

14 plots (namely 66 – 75, 56 & 57 and 78 & 79) are all affordable homes. This represents 15% of the total dwellings being proposed on the site and meets the requirements of the s106 agreement for the outline application.

All the affordable homes are 3 bed properties. Although the Housing Strategy and Needs Manager would have preferred to see a wider mix of affordable house types, the Strategic Housing Market Assessment 2010 did identify a requirement for 109 three bed affordable homes each year between 2009/10 – 13/14 in the Macclesfield and Bollington sub-area and the properties will go towards meeting some of this need.

The majority of the affordable homes are located in one part of the site, However, there is some pepper-potting of the affordable units, so the location of the units is accepted.

As the correct amount of affordable dwellings are being offered, the Housing Strategy and Needs Manager raises no objection to the application.

Residential Amenity

Areas of the site have tight relationships in terms of complying with the distance between dwellings standards and there are instances where the proposal does not comply with Macclesfield Borough Local Plan policy DC38, However, overall, it is considered the layout is acceptable.

Policy DC38 of the Macclesfield Local Plan sets out the spacing standards expected between residential development to ensure sufficient levels of privacy and amenity are achieved. In brief, it advises that a distance of 21 metres should be maintained between a habitable room facing a habitable room front to front and 25 metres back to back. It also advises that 14 metres should be between a habitable room and non-habitable room.

The site is bounded by the Middlewood Way to the east and the River Dean runs through the site. The site has been divided up into three general areas and this is partly reflected in the character the developer is hoping to achieve. This has resulted in the density of the Historic Quarter and Transitional and Riverside Walk Quarters being more dense, with closer space interfaces, than the modern quarter. The relationships with the dwellings on the opposite side of Wellington Road are considered acceptable as the distance between these plot 1 and no. 54 Wellington Road is approximately 34m.

Turning to the standards of amenity within the site, the standards set out in Policy DC38 would be achieved when considering the rear to rear interface distances. However, there are a number of exceptions.

- The front of plots 4, 5, 7 and 7 would be directly opposite the front of plots 35, 36 and 37, with a separation distance of approximately 13-14 metres. This fails to meet the 'front to front' standard.
- The front of plots 46, 47 and 48 would be directly opposite the fronts of plots 78, 79, 80 and 81, with a separation distance of approximately 15 metres.
- The 'rear to rear' separation distance between plots 85 and 86, and 89 and 90 would be approximately 22 and 24 metres, whereas the policy guidelines is 25 metres.
- The space distances between plots 48 and 49, and rear of plots 60, 61 and 62 would also be approximately 23 metres.
- Other tight areas are the relationship between plots 71 and 74 and 71 and 72.
- There are a number of other areas where garages are sited relatively close to the rear elevations of properties, which could appear obtrusive. Namely to the rear of plots 13, 35, 44, 45, 65 and 82.

The distances in policy DC38 are guidelines only and the shortfall in the above circumstances is not considered to be as significant, as it can be argued that, with the use of appropriate materials, the tight relationship has been incorporated within the scheme to reflect the character of historic Bollington. Additionally, due to the layout and relationship between the properties, there would be some open views and therefore, the situation would not be overly oppressive. It is not considered a refusal on amenity grounds could be sustained. It is also noted that the Town Council and Civic Society have not raised any issue with the internal relationships. In fact, as noted in the representations section, the Town Council fully support these distances.

The rear of the properties would appear to have an acceptable level of private amenity space, commensurate to the size of the dwellings. Additionally, the riverside walk and area to the north of the site adjacent to the viaduct ensures that a good area of public open space is provided on the site. Accordingly, it is not considered a refusal could be sustained on these grounds.

It is considered that the distance between the plots opposite the viaduct (plots 50-57) and the viaduct (approximately 24m) is acceptable.

Landscape , Greenspaces and Trees

Presently, the site consists largely of industrial buildings, with large area of hardstanding with very little landscaping. The woodland to the eastern side of the site and Middlewood Way viaduct have a strong presence in ensuring that the development is assimilated in to the landscape.

The Landscape Officer considers that there should be a fence (estate railing) sited between the riverside walk and the houses in order to provide a better barrier between the public and private areas (to protect the defensible space etc). This should be conditioned should planning permission be granted.

Condition 32 of the outline consent (11/4501M) required the submission of a Landscape Management Plan. It is considered that the submitted Management Plan needs to be revised as follows:

- An introduction stating that the Public Open Space areas will be maintained in perpetuity by a management company and the area will be maintained in a safe and attractive condition suitable for public access;
- The soft works maintenance schedule only includes the first 5 years. This should be amended to include the ongoing maintenance/management and include selective thinning, tree and shrub replacement planting when necessary etc;
- The plan should include hard works maintenance (i.e. footpath/cycleway, footbridge, fencing/railings, street furniture/public art). This should include maintenance and replacement when necessary.

Conditions should be attached for the following hard landscape works:

- The various proposed block pavements;
- The surfacing of the Public Open Space footpath/cycleway;

- The footbridge across the river.

The Arboricultural Officer raises no objections to the development. Clarification was requested from the developer with regard to the Root Protection Areas of a group of offsite protected Lime trees (G16 of the TPO) and further details were requested with regard to the position of Plot 19 to ensure adequate space for Root Protection Areas and social proximity. The submitted details have been considered to be acceptable.

Ecology

The Nature Conservation Officer has commented on the proposals following the submission of additional information as follows:

Badgers

The badger sett recorded on site is located in close proximity to the proposed development. To mitigate the potential disturbance of the sett, the applicant proposes to temporarily close the sett entrances located closest to the development for the duration of the works. The sett entrances located slightly further away will remain open. This will be undertaken under a natural England license.

The Nature Conservation Officer advises that the submitted badger mitigation method statement is acceptable.

Linear Riverside Park

The Nature Conservation Officer raises no objections to the landscaping proposals for the riverside linear park area.

Open Space

Formal comments are awaited from the Parks Management Officer in relation to the provision of open space.

Highway Safety

The Highways Engineer raises no objections to the proposals. Much negotiation has taken place in relation to improving the road layout in an attempt to provide an enhanced design. The raised tables have been removed and shared surfaces have been advocated.

Environmental Issues

The Environmental Health Officer raised no objections to the development. The conditions attached to the outline scheme should be sufficient to protect amenity of neighbours.

OTHER MATERIAL CONSIDERATIONS

Issues raised by the Town Council and one of the neighbours, with regard to works having commenced prior to the discharge of conditions and the determination of the reserved matters application, is being reviewed by officers. Further feedback will be provided in an update report prior to the Strategic Planning Board meeting to address this point.

For clarification, the proposed plan does incorporate a route from Wellington Road, through the riverside walk and then over a bridge, under the viaduct to the Recreation Ground.

The volume of traffic associated with the development and junction requirements were considered when the outline application was approved. Therefore, this issue cannot be reconsidered at this stage. Similarly, the comments made with regard to the parking provision and access arrangements in connection with the Co-op and suggestion that small businesses should be incorporated into the scheme, were also considered at the outline stage. As such, these matters cannot be reconsidered at this time.

The request by the Civic Society for the Bollington setts which have been stored by Cheshire East following road resurfacing works some years ago, has been considered by the developer. Bellway Homes has confirmed that they will look at potentially using the setts. However, they cannot commit to using them at this stage as they don't know what quantity of setts are available, or what the condition of the setts are. It is therefore not considered reasonable to condition the developer to use these setts.

CONCLUSIONS

The proposal involves the redevelopment of a brownfield site following the approval of the Reserved Matters for the housing element of the development, which was outlined under application 11/4501M. The scheme has a number of additional positive planning benefits including remediation of the site, removing industrial uses from a residential area and providing much needed affordable homes within a sustainable location.

The design and layout of the scheme is considered acceptable, with some consideration of local character and site characteristics informing the design process. The development would assimilate into the landscape with existing trees around the perimeter of the site retained.

The proposal includes some on-site provision of public open space, including an attractive riverside walk.

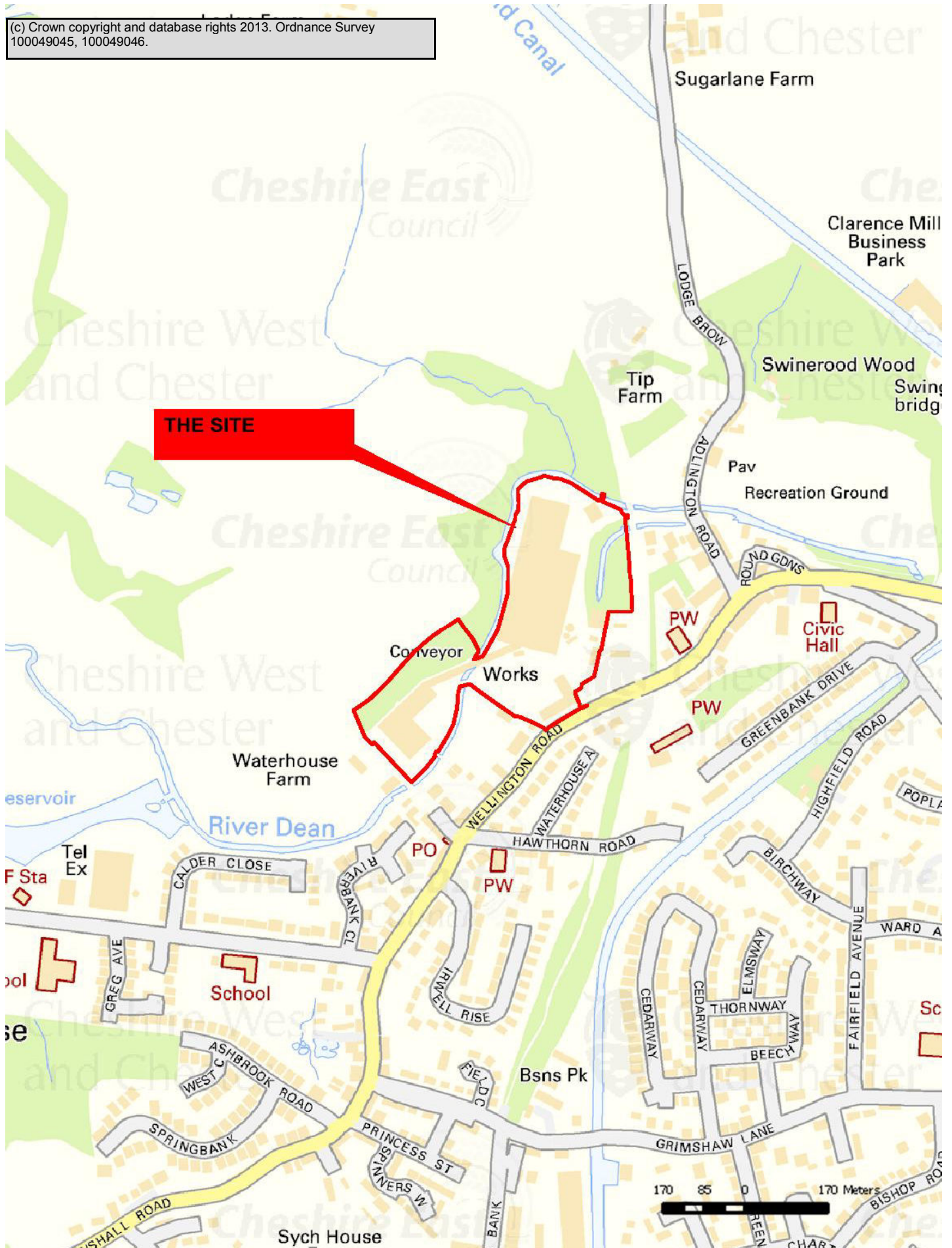
The residential amenity of future occupiers would be acceptable.

The traffic generation and impacts were dealt with at outline stage. The internal road layouts have been subject to amendments to satisfy the Strategic Highways Manager and design enhancements have been made.

The proposals comply with the relevant development plan policies and the NPPF and therefore, is recommended for approval subject to conditions.

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. Materials
4. Landscaping
5. Landscape implementation
6. Approved plans
7. Removal of PD rights

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CHESHIRE EAST COUNCIL

UPDATE REPORT TO: STRATEGIC PLANNING BOARD

Date of Meeting:	09/10/2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Newbold Astbury and Moreton Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

1. Report Summary

- 1.1 Newbold Astbury Parish Council and Moreton Cum Alcumlow Parish Council have submitted a joint application to designate their respective parishes as a combined 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 a neighbourhood plan is the formal designation of the geographic area to which a neighbourhood plan will apply, the neighbourhood area. When considering a neighbourhood area application, local authorities are empowered to exclude land from designation.
- 1.4 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 a proposed neighbourhood area.
- 1.5 In this instance, the proposed neighbourhood area includes land of strategic importance to the local plan (related to the proposed Congleton Link road). To remove future potential conflict of interest, it is recommended that the Council excludes this land from designation within the proposed neighbourhood area.
- 1.5 Limited funding for local authorities and for local communities is available from DCLG to support the process.

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 gives consideration to the reasons to exclude part of the proposed neighbourhood area from designation.
- 2.2 That the Strategic Planning Board recommends that the Portfolio Holder for Strategic Communities rejects the proposed neighbourhood area identified in Appendix 3 and does not designate the entirety of land within the proposed Astbury and Moreton neighbourhood area.

- 2.3 That the Strategic Planning Board recommends the Portfolio Holder for Strategic Communities approves land identified in Appendix 4 as a neighbourhood area for the purposes of preparing a neighbourhood plan within Astbury and Moreton.

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 Validity of the application

- 3.4 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.
- 3.5 The application submitted by Newbold Astbury and Moreton Parishes (please see Appendices 1 and 3 for further details) satisfies the criteria established above however, an amendment to the submitted application is proposed.

3.6 Reasons to Exclude Part of the Proposed Neighbourhood Area

- 3.7 Neighbourhood area applications submitted by parish councils may cover an entire parish or more than one single Parish. Although a neighbourhood plan must be prepared in general conformity with the strategic priorities of the Local Plan and be prepared to reflect and positively support such policies, a local planning authority can exclude land from any proposed neighbourhood area, particularly where land is identified as of strategic importance to the local plan.
- 3.8 Section 61G(4) of the Localism Act states that, when considering an application, a local authority must have regard to the desirability of designating the whole area of a parish council as a neighbourhood area. Where the Council decide 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.
- 3.9 Exclusion places such land outside the influence of future policies and development proposals prepared under a neighbourhood plan, ensuring future development may be assessed only against policies held within the Cheshire East Local Plan.
- 3.10 The emerging Cheshire East Core Strategy identifies the north west of Newbold Astbury Parish as containing an area of potential strategic significance. An initial corridor of interest has been identified where the proposed route of the Congleton Link Road may link to the junction of the A534 Sandbach Road to Sandy Lane. The strategic value of this area is of such significance to the future delivery of the Cheshire East Local Plan

that consideration should be given to its exclusion from the Astbury and Moreton Neighbourhood Area.

- 3.11 Internal consultation with CEC Highways suggests the area proposed for exclusion is considered reasonable to ensure no future conflict of interest..
- 3.12 The extent of the neighbourhood area requested for designation is identified in Appendix 3.
- 3.13 The extent of the area recommended for approval as the Astbury and Moreton Neighbourhood Area (excluding the land identified as being of strategic importance to the local plan) is identified in Appendix 4.

3.14 Existing neighbourhood area boundaries

- 3.15 No other neighbourhood area boundaries are under consideration.

4.0 Wards Affected

- 4.1 Odd Rode Ward

5.0 Local Ward Members

- 5.1 Cllrs Rhoda Bailey and Cllr Andrew Barratt

6.0 Policy Implications

- 6.1 The designation of Newbold Astbury and Moreton Parishes as a single neighbourhood area will enable Newbold Astbury Parish Council and Moreton cum Alcumlow Parish Council to prepare a joint 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 designated area.
- 6.2 The exclusion of land considered to be strategically important to the Local Plan will ensure that no future policy or development conflict can arise between the aims of the Cheshire East Local Plan and any future neighbourhood plan for Astbury and Moreton, particularly in relation to the delivery of the proposed Congleton Link Road.

7.0 Financial Implications

- 7.1 The designation of a neighbourhood area for Newbold Astbury and Moreton 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 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.
- 9.4 Whilst the power to exclude part of a proposed neighbourhood area from designation is supported by existing legislation and case law (see Daws Hill Neighbourhood Forum vs Wycombe District Council 13.03.2013) this option does invite the possibility that Astbury and Moreton Parish Councils may decide to legally challenge this position.

10.0 Background and Options

- 10.1 Neighbourhood planning was introduced by the Localism Act 2011 as a new community right to prepare a development plan document relevant to a specific geographic area.
- 10.2 A neighbourhood plan is a development plan document prepared by a relevant body (either a town/parish council or a neighbourhood forum) which allows communities to allocate land and write policies which relate to the development of land. 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 15/07/2013 to 27/08/2013 during which representations on the proposals were invited. Four responses were received, three of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.
- 10.7 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 areas 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	Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application
Appendix 2:	Results of Consultation
Appendix 3:	Neighbourhood Area proposed by Astbury and Moreton Parishes (Parish boundaries)
Appendix 4:	Recommended Boundary of Astbury and Moreton Neighbourhood Area
Appendix 5:	Indicative route of proposed Congleton Link Road
Appendix 6:	Correspondence from Astrbuy and Moreton Neighbourhood Plan Group

Appendix 1

Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application

'Newbold Astbury Moreton is a wholly rural Parish, a substantial proportion of which is part of the South East Cheshire Green Belt and includes a Conservation Area and designated large areas of ASCV, HLV and an SSSI.

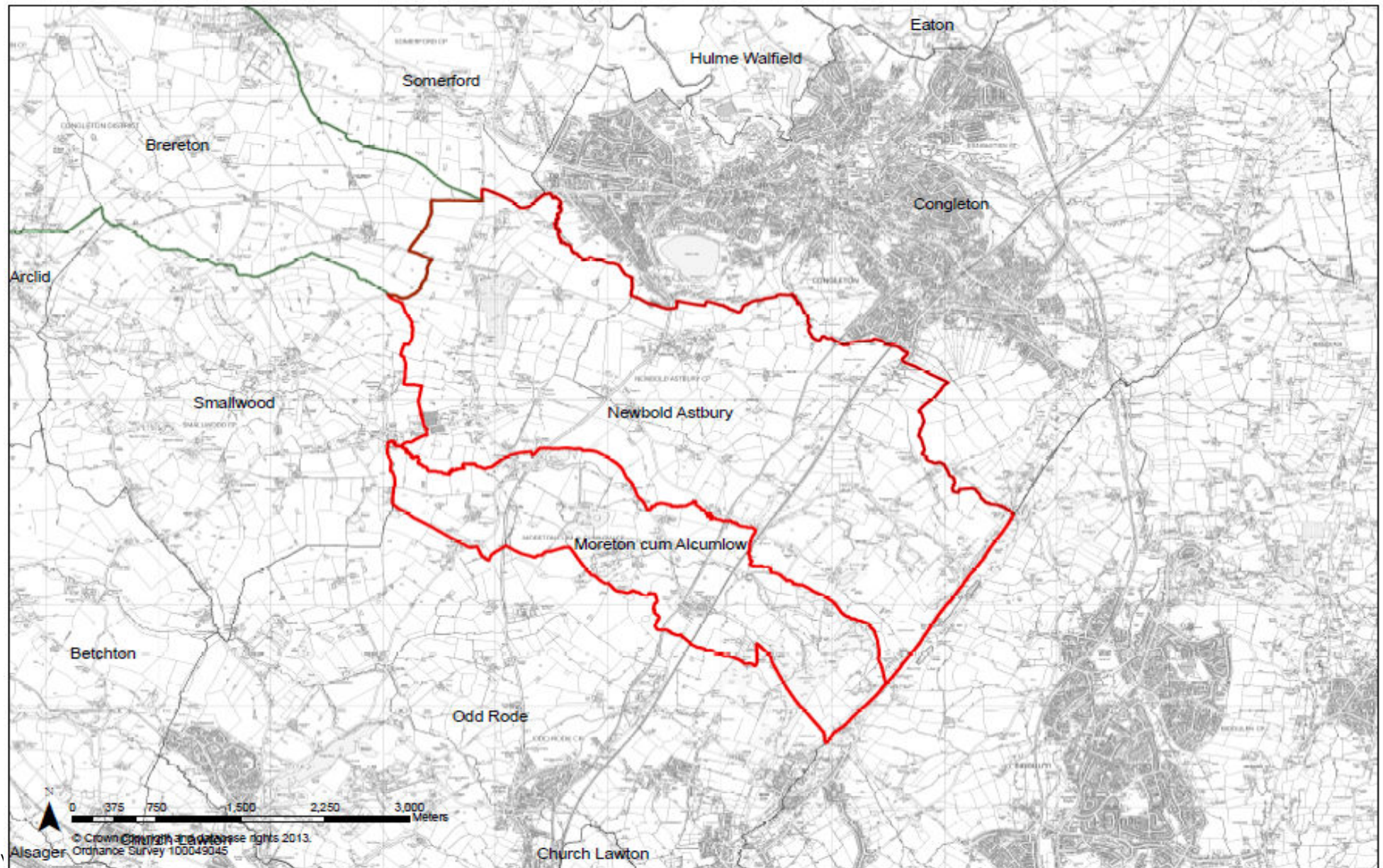
Lying immediately south of the urban settlement of Congleton and under pressure from urban expansion, a Neighbourhood Plan is considered essential to ensure the needs of the Parish population and communities and the largely agriculturally based economic activity are properly met by analyzing and coordinating future land use and development in the most appropriate and sustainable way.

Postal canvas and a public meeting have confirmed that the Parish Community strongly supports the concept of a Neighbourhood Plan which is appropriate for the whole Parish as a unifying Objective.'

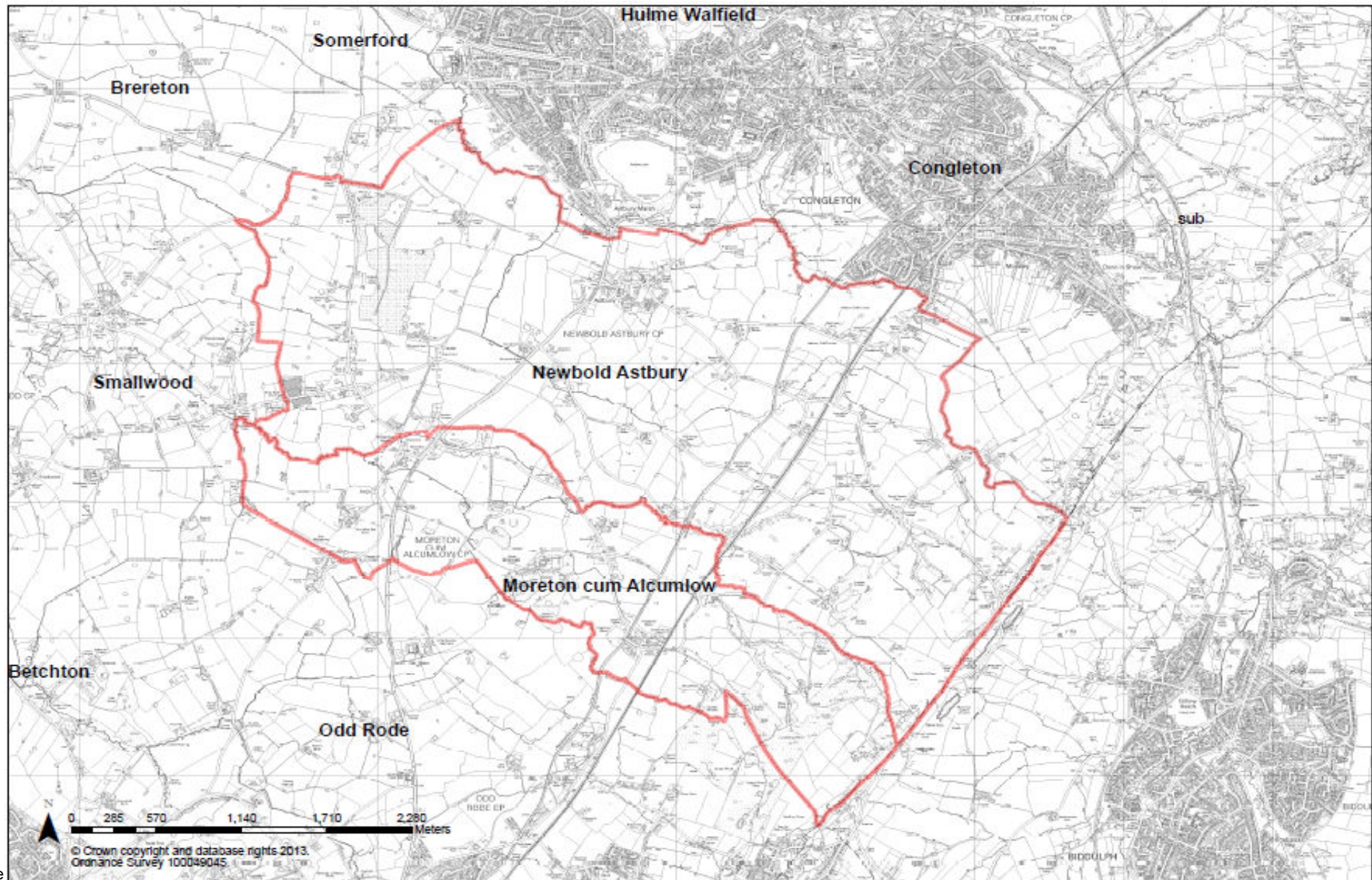
Appendix 2: Results of Consultation

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	The collective community of Alcumlow, Astbury, Moreton & Newbold 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 Alcumlow, Astbury, Moreton & Newbold, 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>I strongly support this application by Astbury-cum-Moreton PC to designate a Neighbourhood Area as the first step in creating a Neighbourhood Plan. This action will enable Astbury-cum-Moreton to create a plan that is sensitive to the aspirations and needs of the local community, whilst still being in general conformance with strategic requirements of Cheshire East's emerging Local Plan.</p> <p>In doing so, Astbury-cum-Moreton will relieve Cheshire East of some of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Astbury-cum-Moreton, imposed by the Localism Act, will be offset by government grants.</p> <p>I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Astbury-cum-Moreton PC.</p>
Support	I support Astbury and Moreton Neighbourhood Area Application. Neighbourhood Planning is a key part of Localism and it is great to see parishes in Cheshire East setting out to produce Neighbourhood Plans for their area.
Comment	<p>United Utilities: We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups to aid sustainable development and growth. Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no specific comments to make on the Neighbourhood Area Application submitted by the Newbold Astbury Parish Council, but wish to be included in further consultations and where necessary, the development of the Newbold Astbury and Moreton cum Alcumlow Parish Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders</p>

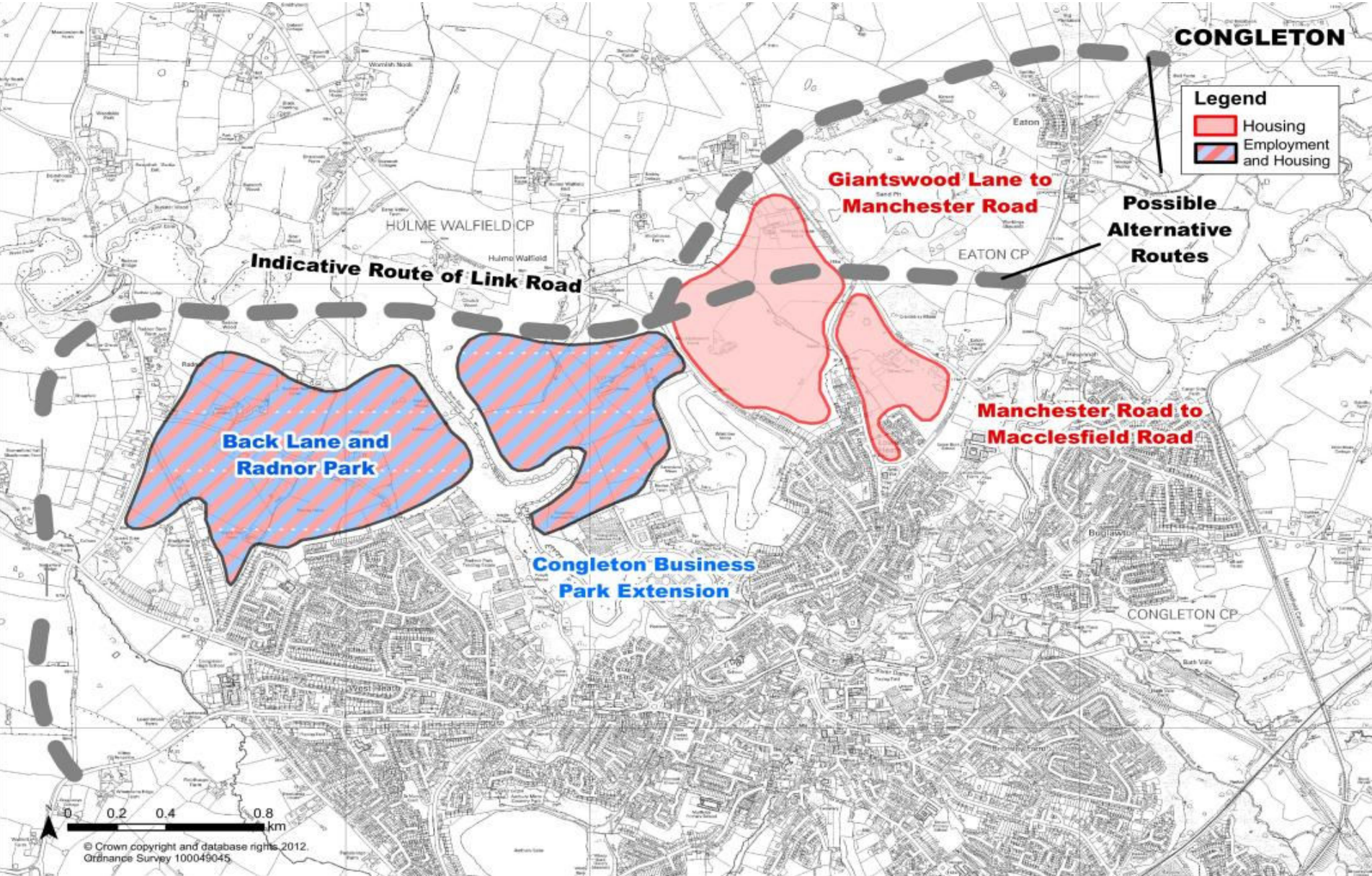
Appendix 3: Neighbourhood Area proposed by Astbury and Moreton Parishes (Parish boundaries)



Appendix 4: Recommended Boundary of Astbury and Moreton Neighbourhood Area.



Appendix 5: Indicative route of proposed Congleton Link Road



Appendix 6: Correspondence from Astbury and Moreton Neighbourhood Plan Group (dated 27/09/2013)

Dear Tom

I refer to your e-mail of the 17th September which was discussed at last week's NP Group meeting. Comments as follows:-

- 1. Whilst appreciating CEC's wish to keep options open for a possible link road/A534 junction - the area proposed by CEC for deletion from the NP area requested is far in excess of the land area that would actually be required for a roundabout or similar highway junction.*
- 2. The AMNP group acknowledge that the link road is a strategic element of the developing Local Plan and see no reason why the junction cannot be worked into the emerging NP and Local LDF - indeed the link road junction when its geometry and position are known is likely to significantly influence NP proposals for land use in its immediate vicinity.*
- 3. Deletion of the section of N, as proposed by Cheshire East, would effectively abandon residents in the excluded area - all of whom have rightfully an expectation as Ratepayers and Electors to benefit from the Parish initiative.*
- 4. The NP Group would draw your attention to the NPPF section 184 which urges LPA's to "set out clearly" their strategic policies and co-operate with NP Groups in achieving co-ordination of Local and NP Policies. The simple removal of a significant area of the Parish from the NP as proposed by CEC would appear to be a defensive position to keep currently indeterminate options open rather than a positive approach to liaison and mutual benefit.*

For the above reasons the NP Group are reluctant to agree omission of part of the proposed designated area and feel that a more constructive approach should be forthcoming from CEC.

It would be appreciated if you could refer the content of this e-mail to the next Planning Meeting but in the meantime if you need to discuss in advance of the meeting please do not hesitate to contact me.

Thank you for your assistance.

Yours sincerely

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