

Strategic Planning Board

Agenda

Date:	Wednesday, 2nd April, 2014
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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 Meeting held on 5 March 2014 (Pages 1 - 18)

To approve the minutes as a correct record.

4. Public Speaking

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

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

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

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

5. **12/3948C-Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access, Land Bounded by Old Mill Road & M6 Northbound Slip Road, Sandbach for David Brislen, W and S (Sandbach) Ltd (Pages 19 - 56)**

To consider the above application.

6. **14/0043C-Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road, Northbound Slip Road, Junction 17 of the M6, And Old Mill Road, Sandbach for W and S Sandbach Ltd (Pages 57 - 66)**

To consider the above application.

7. **13/3449C-Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure, Glebe Farm, Booth Lane, Middlewich, Cheshire for Bovale Limited (Pages 67 - 100)**

To consider the above application.

8. **WITHDRAWN BY THE OFFICER-13/4219C-Outline Planning for the Development of Land to the West of Padgbury Lane, Congleton, for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure, Land West of Padgbury Lane, Padgbury Lane, Congleton for Louise Williams and Kathleen Ford (Pages 101 - 144)**

To consider the above application.

9. **WITHDRAWN BY THE OFFICER-13/4216C-Outline Planning for the Development of land to the West of Padgbury Lane, Congleton, for up to 180 dwellings, community facilities and associated infrastructure, Land West of Padgbury Lane, Padgbury Lane, Congleton for Northern Property Investment Company Ltd (Pages 145 - 190)**

To consider the above application.

10. **13/2746C-Erection of up to 180 dwellings, public open space, green infrastructure and associated works, Land between Black Firs Lane, Chelford Road & Holmes Chapel Road, Somerford, Congleton, Cheshire for Paul Campbell, Richborough Estates Partnership LLP** (Pages 191 - 234)

To consider the above application.

11. **13/3688N-Outline application for development of up to 170 no. dwellings and associated infrastructure and open space provision, Land to north of Moorfields, Willaston for Richborough Estates** (Pages 235 - 264)

To consider the above application.

12. **13/4121C-Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C), Former Twyford Bathrooms Ltd, Lawton Road, Alsager, Stoke-On-Trent, Cheshire for Sainsbury's Supermarkets Ltd & Lagan (Alsager)** (Pages 265 - 294)

To consider the above application.

13. **13/4725N-Reserved matters application pursuant to outline planning permission 11/1643N for the construction of 215 dwellings, associated on site highways infrastructure, car parking and pedestrian/cycle routes, formal and informal open space provision and associated works, Land at Coppenhall East, Stoneley Road, Crewe for Taylor Wimpey UK Ltd** (Pages 295 - 308)

To consider the above application.

14. **13/5290W-Periodic review of mineral permission 5/97/1502P under the Environment Act 1995, Land at Lee Hills, Croker Lane, Sutton for R Rathbone** (Pages 309 - 334)

To consider the above application.

15. **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 UK Ltd and Others** (Pages 335 - 412)

To consider the above application.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 5th March, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew (Substitute), Rhoda Bailey (Substitute), D Brown,
P Edwards, H Gaddum (Substitute), J Hammond, J Jackson, P Mason,
B Murphy, L Smetham (Substitute), C G Thorley and J Wray

OFFICERS IN ATTENDANCE

Mr J Baggaley (Nature Conservation Officer), Mr I Dale (Heritage and Design
Manager), Ms S Dillon (Planning Lawyer), Mr A Fisher (Head of Strategic &
Economic Planning), Mr B Haywood (Principal Planning Officer), Mr N Jones
(Principal Development Officer), Mr D Malcolm (Interim Planning and Place
Shaping Manager), Mr P Mason (Senior Enforcement Officer), Mr T Poupard
(Senior Planning Officer) and Mr N Turpin (Principal Planning Officer)

171 **APOLOGIES FOR ABSENCE**

Apologies for absence were from Councillors Mrs Rachel Bailey, P
Hoyland, G Walton and S Wilkinson.

172 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application, Councillor H
Davenport declared that he was a Member of the Cheshire East Council
Environment and Prosperity Scrutiny Committee that some 2/3 years ago
originally looked at and considered the Tatton Park initial Bewilderwood
proposals. However he stated that he had not pre determined the
application and had come to the meeting with an open mind to consider it
afresh.

It was also noted that all Members of the Board were Cheshire East
Councillors and that as Cheshire East Council was a landowner the
Council had an interest in the application by virtue of the fact that the
Authority and Tatton Park would receive future financial contributions from
the scheme should the application be approved.

In the interest of openness in respect of the same application, Councillor J
Hammond declared that he was a member of the RSPB, the Cheshire
Wildlife Trust and the National Trust who had been consultees on the

application, however her had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor Miss C Andrew declared that she was a member of the National Trust who had been a consultee on the application, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillors Mrs H Gaddum and P Mason declared that they had both been Cabinet Members when the proposals had been considered in principle, however they had not pre determined the application and had come to the meeting with an open mind.

In the interest of openness in respect of the same application, Councillor Mrs Rhoda Bailey declared that she was a member of the National Trust and CPRE who had been consultees on the application, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor Mrs L Smetham declared that she was a member of the RSPB, the National Trust who had been consultees on the application as well as being a member of the Royal Horticultural Society, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor D Hough declared that he was a member of the National Trust and RSPB who had been a consultee on the application, however he had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor D Brown declared that he was a member of the Cabinet which had considered the proposals in principle. In addition he was also a member of the National Trust who had been a consultee on the application, however he had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor C Thorley declared that he was a member of the National Trust who had been a consultee on the application, however he had not made any comments in relation to the application.

173 **MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held 5 February 2014 be approved as a correct record and signed by the Chairman.

174 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

175 **12/1166M-USE OF LAND FOR OUTDOOR ADVENTURE
ATTRACTION, INCLUDING CAR PARK AND ASSOCIATED
INFRASTRUCTURE, TATTON PARK, KNUTSFORD DRIVE,
KNUTSFORD FOR BURE VALLEY ADVENTURES LIMITED**

Consideration was given to the above application.

(Councillor J Macrae, the Ward Councillor, Councillor L Gilbert, a visiting Councillor, Councillor Mrs O Hunter, the neighbouring Ward Councillor, Town Councillor Michael Houghton, representing Knutsford Town Council, Steve Torkington representing Save Tatton Action Group, Mr Reeves, an objector, Susan Appleton, a supporter, Phillippa Meachin, a supporter and Tom Blofeld, 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 written and oral update to Board the application be approved subject to:-

(1) An Agreement under s111 Local Government Act 1972 and s1 Localism Act 2011 securing (by way of a further Agreement under s106 Town & Country Planning Agreement 1990):-

(a) £800,000 comprising £160,000 to be paid upon the Development first being brought into use and £160,000 on the anniversary of that date for the following four years, to be spent by the Council on works identified in the Conservation Action Plan at Appendix 1 of "The Bewilderwood Scheme – Public Benefits vs Harm" statement submitted with the planning application. The programme of works may be amended from time to time with the consent of the Interim Planning & Place Shaping Manager but shall always accord with the latest Quinquennial Review of the Heritage Asset and shall not be spent within the Bewilderwood site.

(b) A Performance Bond on terms approved by the Council and given by a reputable financial institution approved by the Council, which guarantees performance of site restoration works required by condition, upon the Development ceasing to operate.

(c) Further sums which will vary according to the income generated by the scheme and which shall be calculated according to the methodology used to produce the 5 – 20 Year Potential Financial Profile at Appendix 2 of "The Bewilderwood Scheme – Public Benefits vs Harm" statement submitted with the planning application. Agreeing the detail of the methodology is delegated to the Interim Planning & Place Shaping Manager and the Chief Operating Officer, who will take into account the

Applicants` full business plan for the Development and may discount sums already secured for the benefit of the Heritage Asset by other means such as lease or licence of the site. Such further sums are to be spent by the Council on works identified in a Conservation Management Plan for the Heritage Asset based on the draft Conservation Management Plan at Appendix 3 of “The Bewilderwood Scheme – Public Benefits vs Harm” statement submitted with the planning application. The programme of works may be amended from time to time with the consent of the Interim Planning & Place Shaping Manager but shall always accord with the latest Quinquennial Review of the Heritage Asset and shall not be spent within the Bewilderwood site.

And subject to the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy & Flood Risk Assessment by Bidwells dated Feb 2012 and the following mitigation measures detailed within the FRA:
 - Impermeable areas are to discharge surface water run-off to soakaways and/or swales as outlined in section 4.
 - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven together with the provision of a flood warning and evacuation plan as in section 5.5.
 - Flood resilience measures detailed in sections 5.3, 5.4 & 5.8 are shown to be implemented in the proposed development.
4. Before construction works start on the bridge crossings over Birkin Brook a detailed mitigation plan should be submitted for approval. The number of proposed crossing points over Birkin Brook does not quite conform with Water Framework Directive objectives for the waterbody and as such there needs to be clear mitigation works to directly enhance Birkin Brook to ensure it meets its ecological targets.
5. Before any construction works commence on site, a control or eradication plan to prevent the spread of Himalayan balsam and Japanese knotweed should be submitted for approval. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to recklessly spread these highly invasive species which can dominate riverbanks, reducing the ecological value of them.
6. Any in-channel works should be carried out between July and December to avoid disturbance to fish spawning and migration. Birkin Brook is known to have good numbers of brown trout, chub and dace which are all protected under the Salmon and Freshwater Fisheries Act 1975
7. The proposed recommendations and mitigation measures set out in the application documents are implemented, including a Wildlife Protection Plan for Construction (ES appendix 8.17 refers) and ecological mitigation and enhancement works within the red line application area and also in the wider area forming Tatton Park (ES appendix 8.18 refers).

8. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
9. Opening hours Feb – October 9.30 – 18.30 or dusk (whichever is sooner).
10. A wildlife construction management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas, shall be submitted to and approved by the Local Planning Authority prior to commencement of any part of the development. The management plan shall be implemented as approved.
11. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance shall be carried out in accordance with the approved schedule.
12. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.
13. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
14. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for tree protection/retention shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

15. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification shall be submitted to and approved in writing by the Local Planning Authority. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 Recommendations for Tree Works.
16. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
 - a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
 - b) Implementation, supervision and monitoring of the approved Tree Work Specification
 - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
 - d) Timing and phasing of Arboricultural works in relation to the approved development.
17. The plans and particulars submitted in accordance with condition 16 above shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree.
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
 - d) details of any proposed alterations in existing ground levels, and the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site, or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.

e) details of the specification and proposed fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

18. Restoration of the site once the development ceases to operate
19. 4. No excavation material to be taken off site
20. Removal of all imported stone and surfaces and car park planting within 3 months of the attraction ceasing to operate
21. Implementation of Great Crested Newt mitigation strategy unless amended by subsequent Natural England license.
22. Detailed specification of fencing designed to restrict visitor access outside the recognised activity areas.
23. Undertake and submit an updated badger survey/method statement immediately prior to commencement of works.
24. Submission of habitat management plan for the identified onsite and offsite woodlands to specifically include detailed proposals for the enhancement of breeding bird habitats including dead wood provision. Management to be for the operational life of the development.
25. Method statement for installation of service trenches.
26. Safeguarding of breeding birds
27. Submission of details of bird nest box provision (reflecting what the RSPB asked for).
28. Pond restoration method statement.
29. Submission of detailed proposals for the provision of bat boxes.
30. Detailed proposals for the restoration of c.9ha of parkland habitat.
31. Management plan for the restored area of parkland for the duration of the operational life of the development.
32. Detailed proposals for the establishment of eastern boundary hedgerow.
33. Detailed method statement for translocation and re-establishment of any woodland ground flora to be adversely affected by the proposed development.
34. Submission of Construction Wildlife Management Plan
35. Traffic Management Plan to be submitted to the LPA prior to occupation
36. All service trench work should be implemented in accordance with NJUG 10

(2) The approval notice shall not be issued until the application has been referred to the Secretary of State in accordance with the TCP (Consultation)(England) Direction 2009 and either (i) the Secretary of State has notified the LPA that he does not intend to call in the application for determination by him or (ii) 21 days have expired since the Secretary of State received the application and he has not called it in for determination.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim 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 Board's decision.

(The meeting adjourned for lunch at 1.25pm until 2.10pm).

176 **13/4458M-PARTIAL REMOVAL OF THE RUNWAY, REGRADING WORKS, FOOTPATH AND CYCLE LINKS, THE NATURALISATION OF THE CULVERTED WATERCOURSE THROUGH THE SITE AND RESTORATION AND LANDSCAPING WORKS, WOODFORD AIRFIELD, ADLINGTON/POYNTON FOR HARROW ESTATES PLC AND OTHERS**

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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A22GR - Protection from noise during construction (hours of construction)
4. A17MC - Decontamination of land
5. A02TR - Tree protection
6. A05LS - Landscaping - implementation
7. A15MC - Archaeological watching brief
8. Unidentified Contamination
9. Detailed scheme of footpath facilities together with a programme of implementation
10. Submission of 10 year habitat management plan
11. Detailing planting specification for proposed woodland copses and new hedgerows
12. Submission of Construction Management Plan

177 **13/5290W-PERIODIC REVIEW OF MINERAL PERMISSION 5/97/1502P UNDER THE ENVIRONMENT ACT 1995, LAND AT LEE HILLS, CROKER LANE, SUTTON FOR R RATHBONE**

This item was withdrawn by Officers from the agenda prior to the meeting.

178 **13/5297C-RESERVED MATTERS APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 194 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE WITH DETAILS**

SUBMITTED FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, LAND OFF WARMINGHAM LANE, MIDDLEWICH, CHESHIRE FOR STEPHEN MILLER, MORRIS HOMES LIMITED

Consideration was given to the above application.

RESOLVED

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

1. Approved Plans
2. Obscure glazing to the side elevations of plots 1, 18, 19, 32, 33, 103, 115, 147 and 157 and removal of PD Rights for all new windows to the side elevations
3. Removal of PD Rights for extensions to plots 47, 147-157
4. Materials to submitted and approved in writing by the LPA
5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.
6. Landscaping details to be submitted to the LPA for approval in writing
7. Boundary treatment as shown on the approved plan
8. Submission of a landscaping scheme
9. Implementation of the approved landscape scheme
10. Submission and implementation of a habitat management plan
11. Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area,
12. A programme of work to retained trees.
13. Details of service routes would also be appropriate.
14. Refuse storage facilities to be approved
15. Raft Foundations
16. Drainage

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim 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 Board's decision.

179 **13/2935M-OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS, FOR THE ERECTION OF A HIGH QUALITY RESIDENTIAL DEVELOPMENT (USE CLASS C3) WITH ASSOCIATED WOODLAND BUFFER, ECOLOGICAL MITIGATION AND ENHANCEMENTS, AND OPEN SPACES, LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE,**

KNUTSFORD, CHESHIRE FOR MR HENRY BROOKS, THE TATTON ESTATE

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor, Councillor J Macrae, the Neighbouring Ward Councillor, Brian Chaplin, representing South Knutsford Residents Group and Mr Suckley, 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 oral update to Board the application be approved subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- 30% Affordable Housing = 65% social or affordable rent, and 35% intermediate tenure (to be pepper -potted throughout the site)
- A contribution of £390 466 is required towards primary education.
- A contribution of £386 073 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill.
- A commuted sum would be required for Recreation / Outdoor Sport of £ 170 000 (which includes discount for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements, additions and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- Public Open Space of a size and location to be approved by the Council. A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme.

And subject to the following conditions:-

1. A06OP - Commencement of development

2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Details of lighting to be approved
16. Piling - contractor to be members of the Considerate Construction Scheme
17. Hours of construction/noise generative works
18. Dust mitigation
19. Contaminated land
20. Submission of a drainage scheme including details in respect of surface water run-off
21. Scheme to dispose of foul and surface water
22. Flood risk
23. Flood risk - to prevent overland flow
24. Flooding re finished floor levels
25. Replacment of pond habitat prior to any development
26. Provision and management of an 8 metre wide buffer zone alongside the watercourses and Local Wildlife Site
27. Arboricultural Implication Study required
28. Contamination - remediation
29. Contaminants - protection of watercourse
30. Implementation of public open space areas.
31. Verification report re contaminants
32. Times of Piling

33. Landscape scheme to require assessment of potential to attract bird species that are a risk to aircraft safety
34. No lighting to be installed until full details submitted in consultation with Manchester Airport
35. Reserved Matters to include Site Construction Environmental Plan
36. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report
37. Acoustic fence
38. Scheme of noise mitigation to ensure that noise from the industrial estate meets required criteria for outdoor amenity areas
39. Travel Plan
40. Electric car charge points
41. Programme of archaeological work
42. Any future reserved matters application to be supported by an updated badger survey including mitigation and compensation measures
43. Safeguarding breeding birds
44. Reserved matters application to be supported by a revised ecological mitigation method statement. This revised statement to take account of any changes to the site layout or footprint but to be in accordance with the mitigation and compensation proposed
45. Reserved matters application to be supported by a Construction Environment Management Plan
46. Retention of trees with identified bat roost potential
47. Replacement hedgerow incorporated into landscape scheme
48. Trees T3, T4, T1 and T2 to be retained for bats
49. Roundabout to be constructed prior to occupation of the dwellings

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim 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 Board's decision.

(The meeting adjourned for a short break. Prior to consideration of the following item, Councillors Miss C Andrew and P Edwards left the meeting and did not return).

Consideration was given to the above application.

(Parish Councillor Geoff Seddon, representing Audlem Parish Council, Frances Mary Christie, representing Audlem Parish Plan Planning Group, Frances Mary Christie, representing Audlem Medical Practice 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, 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. The proposal would 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 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.

In the event of an Appeal Against this refusal a Section 106 Agreement should be entered into to secure the following:-

- £12,000 for speed limit changes
- £261,483 for secondary education
- £95,833 for medical provision
- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children's play space to include a skatepark
- Private residents management company to maintain all on-site open space, including footpaths
- Provision of off-site footpath link
- 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.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Interim Planning & Place Shaping Manager, in consultation with the Chairman of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

181 **AUDLEM ROAD, AUDLEM**

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report the Board withdraw the fourth, fifth, sixth and seventh reasons for refusal in respect of trees, design, amenity and medical infrastructure and the Interim Planning and Place Shaping Manager be instructed not to contest the issues at the forthcoming public inquiry and that the Interim Planning and Place Shaping Manager be instructed to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms as set out below:-

- £12,000 for speed limit changes
- £261,483 for secondary education
- £95,833 for medical provision

- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children's play space to include a skatepark
- Private residents management company to maintain all on-site open space, including footpaths
- Provision of off-site footpath link
- 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.

182 **13/2874N-OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 880 UNITS), RETIREMENT/CARE VILLAGE (USE CLASS C1, C2, C3), LOCAL CENTRE (USE CLASSES A1-A5; D1-D2; B1), COMMUNITY BUILDING, PRIMARY SCHOOL, PUBLIC OPEN SPACE, ALLOTMENTS, STRUCTURAL LANDSCAPING, ACCESS ARRANGEMENTS AND DEMOLITION OF EXISTING STRUCTURES, LAND BOUNDED BY GRETTY LANE, ROPE LANE, CREWE ROAD, AND A500, GRETTY, CREWE FOR HIMOR GROUP LIMITED**

Consideration was given to the above application.

(The Interim Planning & Place Shaping Manager read out statements on behalf of Councillor D Brickhill and B Silvester).

RESOLVED

That the Appeal be contested on the following grounds:-

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. Consequently, there are no material

circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would 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 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 is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape, 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 Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.

4. 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.

5. The proposed development would not represent economically and socially sustainable development as there is no identified local need for the care provision. There is already an over-supply of such care provision in the locality which exceeds the needs for the current and future generations. The development would therefore be considered contrary to NPPF paras 7, 17 and 50.

6. The applicant has failed to demonstrate a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

7. The Transport Assessment submitted with the application underestimates the likely traffic impact of the development, which in the opinion of the Local Planning Authority would have a severe residual impact on the local road network, contrary to paragraph 32 of the National Planning Policy Framework.

8. Due to its scale the proposed development would impact on a wide area and is considered to be so substantial, and significant, that granting permission could prejudice the emerging Local Plan by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the Plan. It is also located in an Area of Search for proposed Green Belt in the emerging Local Plan and would predetermining decisions in respect of that policy. It is therefore contrary to advice contained within the National Planning Policy Framework and The Planning System: General Principles.

If the Secretary of State was minded to allow the Appeal then it was agreed that a Section 106 Agreement should be entered into securing the following:-

- Provision of minimum of 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.
- Open space to include a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland.
- Private residents management company to maintain all on-site open space, including footpaths
- 30% of the total dwellings to be affordable housing.
- The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
- An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
- The affordable housing scheme to identify the location, type and tenure of the properties.
- The affordable housing to be pepper-potted (in clusters is acceptable)
- The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
- A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
- Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.
- A fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school (Amount to be £1,713.714.00).

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Interim Planning and Place Shaping Manager, in consultation with the Chairman of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 10.30 am and concluded at 5.00 pm

Councillor H Davenport (Chairman)

Application No: 12/3948C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access.

Applicant: David Brislen, W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

Date report prepared: 24 March 2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Planning Policy And Housing Land Supply
- Employment land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Town centre impact
- Impact on nature conservation interests
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises approximately 12.5 hectares of open farmland, which is bound to the east by the M6 motorway, to the south by the Sandbach wildlife corridor and to the north east by Old Mill Road (A534). The site is located substantially within the Settlement Zone for Sandbach, and is shown on the Congleton Borough Local Plan proposals map as an employment commitment. However, previous permissions for employment uses have now expired, and policy E2 of the Congleton Borough Local Plan, which relates to committed employment sites, is not a saved policy. Consequently, most of the site is currently an unallocated site within the Settlement Zone. The remainder at the most northerly point of the site adjacent to J17 lies within Open Countryside.

DETAILS OF PROPOSAL

This application seeks outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access.

The application initially sought approval for access and scale, however, these matters have now been withdrawn from the proposal, therefore outline planning permission is sought with all matters reserved.

RELEVANT HISTORY

There have been a number of applications over the years relating to the commercial use of the site. The most recent is:

05/0263/FUL - Variation of condition 2 on permission reference 33295/1 for B1 Business Park and Hotel to extend the period for submission of reserved matters until 3rd November 2008 – Approved 26.04.2005

This has now expired.

POLICIES

Congleton Borough Local Plan First Review 2005

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

Other Material Considerations

National Planning Policy Framework (The Framework)
Sandbach Business Park Development Brief (1989)
Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
5 Year Housing Supply Position Statement
Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
EG5 Promoting a town centre first approach to retail and commerce
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to drainage of foul and surface water

Sustrans – If approved would like to see a safe crossing of Old Mill Road for pedestrian and cycle routes, and at the new roundabout junction of M6; cycle parking for staff on employment site; restrict speeds to 20mph in residential area; residential properties should include storage for buggies / bikes; travel planning with targets and monitoring.

Natural England – No objections

United Utilities – No objection subject to the site being drained on a separate system

Highways Agency – No objections

Public Rights of Way – No objection subject to the public footpath (Sandbach No.11) being accommodated at the reserved matters stage and provision for pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site.

Environmental Health – No objections subject to conditions

Housing Strategy & Needs Manager – Comments awaited

Strategic Highways Manager – No objections subject to financial contributions towards improvements to the local highway infrastructure to mitigate for the impact of the development

Archaeology – No objections subject to condition

Greenspaces – No objection subject to provision of open space in accordance with policy requirements

Education - Local primary and secondary schools are forecast to be oversubscribed. In light of this S106 contributions to extend local schools are sought.

Cllr Corcoran (local ward member) has provided the following comments –

- The prospects for this business park are looking more hopeful than for a decade. Single developer controlling the site.
- The government has agreed to pay for J17 improvements.
- Developers will not put forward plans for a business park when they have the prospect of being allowed to build houses.
- There are now 0.51 jobs for every worker in Sandbach.
- The J17 site should be for laboratories and offices.
- If more people live, work and shop locally then this has benefits for community spirit as well as for the environment.
- More employment sites are needed in Sandbach
- We should not abandon the long term future of Sandbach so that developers can make a short term profit.
- In the public consultation in 2012 the site was approved as a business park site by 161 to 41, which shows the strength of feeling in favour of a site to provide employment.
- In the public consultation in 2013 the plans for houses on Sandbach Heath were overwhelmingly rejected and the plans for a business park were supported.
- There was also strong support for protecting and enhancing the wildlife corridor.

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council - Whilst Members welcome development of this site, in particular the industrial and commercial use, in accordance with Sandbach Town Council's response to the Development Strategy Consultation, it is felt that a maximum of 200 houses would better suit the topography of Site 1 (Ba and Bb) over the whole period of the local plan. However, no more than 50 houses should be built without a *significant* improvement in infrastructure.

OTHER REPRESENTATIONS

There have been three rounds of public consultation for this application following the receipt of additional information.

Approximately 140 letters of representation have been received throughout the consultation periods objecting to the proposal on the following grounds:

- Site should only be used only for employment in line with majority of responses to development strategy
- Additional housing would take jobs away from local people by promoting inward migration
- Impact on highway safety
- Impact upon overstretched public services
- Encroachment onto wildlife corridor
- Not a sustainable development contrary to policy GC10 of the local plan and the NPPF
- Reliant on car use
- Loss of agricultural land
- Impact upon local highway network
- Other brown field sites available (e.g. Saxon Cross Motel)
- Impact upon local character
- Wrong greenfield rate used in FRA
- No pedestrian access to town centre and local facilities
- Junction 17 needs to be improved prior to any development of this site
- Increased pollution
- Impact upon public right of way
- Loss of Green Belt
- Land is unlikely to be suitable for any built development in the long term because of brine subsidence
- Impact on local house prices
- Impact on local businesses (e.g. convenience stores)
- Existing empty office space in Sandbach
- No need for pubs, hotels and cafes
- If approved a minimum code level 4 housing should be built

- Spoil gateway to Sandbach
- The SBI must be protected at all costs, especially from the possibility of contamination, including creep.
- A534 is a significant barrier for pedestrians
- Housing on this site has already been rejected on two occasions, namely the "Strategy for Jobs and Sustainable Communities" and the "Sandbach Town Local Strategy".
- Site not allocated for housing in Congleton Local Plan
- Application attempts to pre determine the Local Plan
- Commercial side appears to be a mini service area
- Lack of social housing
- Ideally positioned to attract investment in a business park
- Traffic noise for future residents
- Transport Assessment does not comply with national guidance
- Employment land review and Employment land assessment identify a significant demand for employment land in Sandbach and a shortfall in supply.
- Little weight should be afforded to emerging local plan
- No bus services along Old Mill Road
- More sustainable sites on the edge of Sandbach town centre.
- Application suggests that vehicle trip rates will be reduced through sustainable transport measures, however no information is provided (timescales / agreements with bus operators etc)
- Suggestion that 10% of residents in the proposed housing will work in the employment development is not justified
- Overall reductions in trip rates are not justified
- Existing capacity problems at local junctions are not identified
- Housing dilutes employment land prospects
- 5,300 additional jobs need to be generated in the town to provide jobs for the town's residents of working age
- Draft Core Strategy suggests 240 houses on the entire Sandbach Heath site. An outline planning application for 50 houses has already been approved off Hawthorne Drive. Therefore this application is for housing in excess of the Core Strategy allocation for the site.
- Loss of trees and hedgerows
- Brings more costs than benefits

- Discrepancies in the trip generation section of the TA
- Distribution of development traffic is not made clear in the TA, leading to potential under assessment at junctions
- Given that 60% of trips to / from the site will come from the motorway, reductions are unlikely as other more sustainable transport is not a realistic alternative
- Validity of the model used to test the impact of the development is questioned
- Queue lengths will increase at Old Mill Road / The Hill junction
- No impediments to the development of the site for solely employment generating uses
- Land ownership is no more an issue for a wholly employment development than a mixed use development
- No revenue from commercial / employment uses is identified in the viability report
- An industrial logistics development would return a positive land value at a level similar to that identified in the viability report, and would be viable
- Improvements to J17 will be undertaken by the Highways Agency and is not a constraint
- Contrary to policy E2 of Local Plan and paragraph 20 of the NPPF
- Transport Chapter of the Environmental Statement does not sufficiently address the traffic situation of the site
- Accessibility by non-car modes are very limited
- TA does not consider road safety and accident records
- Information in TA relating to bus services is incorrect
- Insufficient ecological surveys have been submitted with the application
- Loss of habitat in wildlife corridor contrary to policy NR4 and NPPF
- Flood risk and associated impact on wildlife and existing properties
- The developer does not need houses to make a profit - residual land value for the business section plus house is LESS than the land value for a business park
- Protection and enhancement of wildlife corridor needs more detail
- Route of existing right of way through the site is unclear
- On and off site safe cycle provision needs to be incorporated
- No sequential assessment has been undertaken
- Impact upon town centre is not properly considered

In additions 3 letters of support / general observations raise the following points:

- Ideal location for business park
- Understand how viability could be compromised if residential element was not included
- Cyclists and pedestrian crossings required at desire lines across Old Mill Road to Congleton Road
- Covered cycle parking required at the car sharer's car park opposite the Texaco petrol station
- Investigate if Betchton footpath 6 could be used to gain rear access for cyclists to the Service Station on the M6. This would be a good location for lift sharing and could be reached within 10 minutes from Sandbach by bicycle.
- Extending the speed limit on Congleton Road up to its junction with Old ill Road (A534)

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application:

Tree constraints information; air quality assessment; design & access statement; noise assessment; public open space statement; planning statement; flood risk assessment; transport assessment; travel plan; viability report; sequential and impact assessment statement; retail impact assessment; affordable housing statement; site waste management statement; preliminary site investigation report; extended phase 1 habitat report; and an environmental statement.

Viability Report

The applicants have submitted a viability report that has been independently assessed for the Council. This has been submitted on the basis of the scheme providing 247 dwellings with 20% affordable housing provision and other s106 contributions totalling £595,144.

OFFICER APPRAISAL

Principle of Development

The site lies substantially within the settlement boundary of Sandbach, and was previously allocated as an employment commitment under policy E2 of the Local Plan. As noted above, previous permissions for employment uses have now expired, and policy E2 is not a saved policy. Consequently, the site is currently an unallocated site within the Settlement Zone, and therefore there is no objection in principle to the development.

In terms of the very small proportion of the site within the open countryside, the proposed development would not fall within any of the categories of exception to local plan policy PS8 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 any policy concerns.

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”.

It should also be noted that the Sandbach Business Park Development Brief exists for this site. However, given the age of the document (1989), and the fact that the employment commitment and related policy were not saved in the Congleton Local Plan First Review, it is considered that the weight to be afforded to the SPG would be limited. That being said it does remain Council policy and is therefore a material consideration.

In terms of the emerging local plan the application site forms part of strategic site CS24, which extends from the M6 down to the existing residential development along Heath Road / Hawthorne Drive. The emerging policy seeks to deliver a mixed used development site with the main emphasis on providing an employment site, and with a small level of residential development which will help to enable improvements to access and infrastructure of the site. The site is greenfield and is currently in agricultural use with a watercourse bisecting the site north to south.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of up to 20 hectares of employment land to the north of the site;
2. The delivery of up to 200 new homes to the south of the site;
3. The provision of appropriate retail for local needs;
4. The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;
5. The incorporation of Green Infrastructure, including:
 - i. The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;
 - ii. The protection and enhancement of the wildlife corridor and Local Wildlife sites; and
 - iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.
- b. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.
- c. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- d. Provision for improved access off Old Mill Road and a new bridge across the Brook.
- e. Contributions to education and health infrastructure
- f. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- g. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- h. A desk based archaeological assessment will be required for this site.

i. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

It is evident that the site has a long history of employment proposals and allocations, and this is reflected in existing policy in the form of the SPG for Sandbach Business Park (1989), and in the emerging local plan strategy (Feb 2014). The application is to the north of the site where the strategy seeks to provide 20 hectares of employment land. The north and south of the site are separated by the Sandbach Wildlife Corridor.

The application has been submitted to include up to 250 dwellings as it is stated that this is necessary to provide the required funding for infrastructure works to serve the employment site.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has

recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS24 is one of the Strategic Sites included within the latest housing supply figures. 200 dwellings are expected over years 1-5.

It should be noted that site CS24 covers an area of approximately 50 hectares. A 1.5 hectare site to the south of CS24 has outline planning permission for 50 dwellings (12/4874C – land off Hawthorne Drive), and there is a further full planning application for 146 dwellings on a 6.2 hectare site adjacent to this currently being considered (13/5242C) by the Council.

The application site is approximately 13 hectares, with 5 hectares of the current proposal devoted to employment / commercial land and the remaining 8 in residential use, providing up to 250 dwellings. The residential proposal would therefore exceed the allocation for site CS24. Such an amount of housing is therefore not required for the 5 year housing land supply plus buffer.

VIABILITY

As noted above, the applicants have submitted a viability report which seeks to justify the amount of residential development required to bring forward the commercial / employment uses.

Paragraph 173 of the Framework states 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. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The majority of the abnormal costs facing the developer of this site are the provision of the roundabout at J17. This together with the road widening to accommodate the right turn lane required for the residential access add up to over £1.7m. The proposed roundabout is an enhanced version of Highways Agency “pinch point” funded scheme, which will also provide the required access to the development site. The various costs and sales values set out within the development appraisal are accepted, and the provision of 20% affordable housing on a 50:50 tenure split and s106 contributions totalling £595,144 are considered to be reasonable and justified in the submitted viability report.

The impact of this upon the social, environmental and economic roles of sustainable development are considered below.

EMPLOYMENT / COMMERCIAL USES

The application site has been allocated for commercial development for many years, but despite previous planning permissions for employment uses, development has never been brought forward on the site. Whilst nothing has been provided within the application submission to explain why the site has not been developed, it is understood that the reasons relate to multiple land ownerships and viability. Both of these issues are addressed within the current application.

Policy PS4 of the Local Plan identifies that there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies within the Local Plan. Policy E3 states that proposals for employment development on land not allocated for such purposes within the settlement zone line identified within PS4 will be permitted provided that the proposal is appropriate to the local character in terms of use, intensity, scale and appearance. Policy SP4 states that any development within the Settlement zone lines on land, which is not otherwise allocated for a particular use, must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

Within the Employment Land Review published in 2012 carried out by Arup and Colliers International it is concluded that up to 2030, Cheshire East could have a potential shortfall of employment land of between 5.40ha and 51.33ha. Sandbach is identified as having a limited office market and a surprising shortage of available industrial property. The Capricorn site in particular is identified as a potential employment site for an office location, high quality Business Park, Incubator or SME cluster site. The study however suggests that the site may need to be of a mixed use (50% non-employment use) in order to make the proposed employment use economically viable due to the cost of infrastructure and access costs. Within this report Sandbach is also identified as a strategic location adjacent to the M6 and West Coast Mainline therefore making the town an important logistic location.

The 5ha of employment / commercial land included in this application will make some contribution to the 20ha of employment land allocated on this Strategic Site in the emerging local plan.

Paragraph 24 of the Framework requires local authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and not in accordance with an up to date local plan. The local plan dates from 2005 and cannot be considered to be up to date.

The applicant has submitted a sequential statement, which reports on considerations arising from the pub, hotel and café uses. Office uses, which are a town centre use, are not referred to. Notwithstanding this, there are no known sites that would provide *“a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet”* (para 5.7 of Practice Guidance on need, impact and the sequential approach), having regard to the strategic location of this employment site immediately adjacent to J17, and its offer to end users. The site has also been identified as a strategic site within the emerging local plan for the proposed range of uses.

The proposal for employment use of predominantly B1/B2 uses on this site is considered to accord with the aspirations of the emerging Local Plan Strategy.

However, paragraph 26 of the Framework sets out that developments for town centre uses (such as offices) outside of town centres over 2,500sqm, a town centre impact assessment should be submitted to ensure the proposal will not harm the viability and vitality of Sandbach Town Centre.

The employment and commercial components of the application clearly exceed the threshold of 2,500sqm. Therefore the impact upon any planned investment in a centre or centres in the catchment area, and the impact upon town centre vitality and viability must be considered.

There is no known existing, committed or planned public or private investment in town centres that the proposal could have a significant impact upon.

Paragraph 6.9 of the Practice Guidance on need, impact and the sequential approach states that *a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel. Similarly, a town centre office development will serve a different function and market compared to a business*

park. Given its location, the commercial uses including the hotel will effectively serve as a motorway service station, and the scale of the employment proposals that will adopt the form of a business park will cater for a different market to established town centre uses, and as such will not be competing with them. The proposal is therefore not considered to have a significant adverse impact upon the vitality and viability of town centres.

The extent of the site that lies in the open countryside is very limited, and it is considered that the potential to provide a much needed employment site in this location is considered to outweigh the normal policy presumption against development in the countryside in this case.

AFFORDABLE HOUSING

The site is located in Sandbach which is a settlement in Cheshire East with a population exceeding 3,000.

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The SHMA 2010 identified a requirement for 375 affordable homes in Sandbach between 2009/10 – 2013/14, made up of a requirement for 21 x 1 bed, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons dwellings each year.

In addition to the information from the SHMA 2010 there are currently 576 active applicants on the waiting list with Cheshire Homechoice (which is the system for allocating social & affordable rented accommodation across Cheshire East) who have selected Sandbach as their first choice, showing further demand for affordable housing. These applicants have stated that they require 192 x 1 beds, 226 x 2 beds, 100 x 3 beds, 14 x 4 beds, 44 applicants didn't state how many bedrooms they required.

Since 2009/10 there has been delivery of 32 affordable homes in Sandbach and there is anticipated delivery of 34 affordable dwellings at the Canal Fields and Fodens Factory sites this year, which is less than 1 year's requirement for affordable housing in Sandbach as identified by the Strategic Housing Market Assessment 2010.

In addition to this there are up to 326 affordable dwellings anticipated to come forward on future sites, however it seems unlikely that these will be delivered in the current 5 year period of the Strategic Housing Market Assessment 2010 (251 of the dwellings are secured as part of outline applications which do not have reserved matters approval yet).

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure. The Interim Planning Statement: Affordable

Housing also requires that affordable housing is pepper-potted, 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), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

As a result of the viability assessment, 20% affordable housing on a 50:50 tenure split can be provided as part of the proposal. This level of affordable housing provision is justified and can be accepted in this case.

ACCESSIBILITY

The location of the site and presence and nature of Old Mill Road limits the accessibility of the site beyond the use of the private car. This road creates something of a barrier to occupants of the site when considering movements to and from the site in non car modes of transport. There are no dedicated cycle routes along Old Mill Road or Congleton Road, and the nearest bus service is on Congleton Road. Therefore, any non-car borne to or from the site travel will require the crossing of Old Mill Road, on which cars travel at the national speed limit.

Policies GR9 and GR10 of the local plan, and policy CO1 of the emerging local plan, seek to ensure that developments are accessible by a range of transport options. This is consistent with paragraphs 34 and 35 of the Framework, which require plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Indeed one of the core planning principles of this document is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Any development of this site should therefore include provision for the safe crossing of this road. The detail to be developed through the reserved matters application should assess and incorporate pedestrian and cyclist movements both within, and to and from the site, in particular connectivity between the town centre and the site. The existing public footpath No. 11 offers a trajectory that could be enhanced in specification and legal status to provide a mainly off-road and pleasant route for non-motorised traffic. A key element in this concept would be a crossing facility on the A534. The developer should be required to provide this in order to accommodate the anticipated demand for this connection that would arise as a result of the proposed development.

Furthermore, appropriate destination signage should be provided both on and off site for pedestrians and cyclists, and the travel planning provided for residents and employees should include information on walking and cycling route options.

The legal status of the proposed pedestrian/cycle routes within the site would need agreement with the Council, with the maintenance of such routes being included within the arrangements for greenspace management.

The provision of walking and cycling infrastructure should be completed prior to the occupation of employment or residential sites in order that travel habits can be developed as

the new sites are occupied. Consideration of this would need to be afforded across the proposed phasing of the development.

EXISTING PUBLIC RIGHTS OF WAY

The proposed development is to affect Public Footpath Sandbach No.11, part of which is located within the site. Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval. The Rights of Way Unit are satisfied with this approach.

HIGHWAY SAFETY & TRAFFIC GENERATION

As noted above, access has now been reserved for subsequent approval, therefore the access proposals submitted are only indicative.

The Strategic Highways Manager has commented on the application noting that there two points of access proposed to the site, the employment zone will served via a new enlarged roundabout close to junction 17 M6, this roundabout access is the subject of a separate planning application.

The residential element of the application is served from a priority junction arrangement with a right turn lane off Old Mill Lane. There is a considerable separation distance between the residential access and the roundabout at J17.

Development Traffic Impact

The likely traffic impact of the development has been assessed using the Vissim model that was developed to support the Highways Agency (HA) Pinch Point scheme at J17 M6. The assessment year was agreed at 2020 and the assessments were undertaken in the traditional peak hours of 08.00-09.00 and 17.00-18.00.

The applicant has submitted a set of total trips generation figures to test the traffic impact of the development on the network; these figures are based upon a target peak hour person trip generation.

There is no justification that the site location and transport links can justify the substantial reduction in trips that has been undertaken in the figures and these traffic generation figures are not accepted. It is considered that the traffic generations from the site are likely to be more consistent with the Trics outputs being some 160 two way residential trips and 250 two-way commercial trips.

Distribution

The trip routing to and from the site is indicated in the Table below:

Direction to/from	%Total Residential Trips
M6 (North)	45%
M6 (South)	16%

Congleton Road (East)	18%
Congleton Road (North)	0%
Old Mill Road (West)	21%

The Vissim model coverage included the following junctions:

- i) M6 J17 HA PPS
- i) Site Access/ Old Mill Road
- ii) Old Mill Road/ The Hill signals
- iii) A534/ A533 Wheelock Roundabout

To assess the implications of the development a number of scenarios were run using the Vissim model for the A534 corridor:

- i) Base + Committed Development + Pinch Point Scheme (Do Minimum)
- i) Base + Committed Development + PPS + Capricorn + Revised Rbt Design (Do Something)

Model Delay Results

It is clear that the model results indicate that the provision of a much larger roundabout at Junction 17 will improve journey times along the A534 Old Mill Road corridor to and from the motorway and even though the commercial development and residential have been added to the traffic flows. The Vissim model does not provide capacity assessment outputs but the impact of the scheme can be assessed by comparing journey times along the corridor and also the predicted queue lengths. A comparison of the travel times indicates that the inclusion of the larger roundabout does improve travel reliability over the “Do Minimum” scenario. The development will increase delays on the M6 southbound off-slip, however this is a matter for the HA to consider in their comments on the application. Apart from the slip road impact, the journey times on the other routes are much improved with the new roundabout in place despite the inclusion of a further new arm and the Capricorn development included.

With regard to the impact on the local road network, CEC has undertaken considerable capacity assessment work on the junctions at Old Mill Road/ The Hill junction and at the A534/A533 Wheelock roundabout using stand alone Linsig and Arcady programs. The results of this extensive work indicate that these junctions have substantial congestion problems not only confined to the peak hours but also have excessive queues forming currently without committed development traffic being included. To deal with the congestion problems at these junctions and also to allow the planned Local Plan developments to come forward, an infrastructure improvement scheme has been designed.

Clearly, not all development traffic from the Capricorn Site will access the M6 motorway and substantial amount of trips (21%) would travel west through the above junctions and will have an impact on the operation of the local junctions and add to the congestion levels currently being experienced.

Sustainable Transport

The accessibility of the site for non-motorised modes of transport is poor. The site is isolated and whilst there are footway connections to the existing footway network, there are no crossing points on the A534. In addition, there are no cycle facilities along Old Mill Road or facilities at the new roundabout access. The access to public transport is similarly very poor, although there are services that run along the A534 and Congleton Road although these are very infrequent services. Even if a journey from the site by public transport was to be made, there are no pedestrian links to the services.

Highways Conclusions

There are two distinct uses proposed in this application with both having a separate access to serve the each one. The commercial development is situated close to the M6 motorway and would be served by a new enlarged roundabout with a separate arm into the scheme. The residential application for 250 units has a priority junction access onto Old Mill Road some 250m away from the proposed new roundabout. There is no internal vehicular link shown on the indicative plans between the commercial and residential schemes.

With regard to the new roundabout, this design does provide road network benefits in regards to overall travel times on the A534 Old Mill Road corridor and would be an improvement over the smaller HA pinch point scheme despite having the Capricorn development included. Therefore, the development impact at J17 M6 has been acceptably mitigated.

The impact of the development has been undertaken using target trip generation figures which are not accepted given the issues on the sustainability of the site and it is likely that an underestimation of 13% has been made on the total development traffic in the peak hours. This reduction in trip generation would not affect the consideration of the new roundabout as it more than accommodates the 13% additional flow that would be expected from the site. However, there is an impact on the other junctions in the locality of the site, namely Old Mill Rd/The Hill and at the Wheelock roundabout, as these junctions are already very congested the impact of the development at these junctions has not been mitigated by any proposed measures.

As there are identified improvements required to these sections of the local road network, contributions towards these works have already been secured from other developments that also have an impact. As this site is one of the locations that has a direct impact on these junctions a contribution based upon the size of development should be provided. The level of contribution has been based on a CIL compliant sharing of funding of the total works and this equates to a contribution of £469,000 from this development.

These highways contributions are not included within the viability report and therefore cannot be provided by the developer as part of this application.

As indicated earlier, the sustainability of the site is poor, measures to improve the accessibility of the site are needed. In an attempt to overcome the accessibility problems associated with the application site, the following improvement measures are recommended by the Strategic Highways Manager:

- A new toucan crossing on the A534 near to the residential junction access.
- An upgrade of the footway to footway/cycleway on the north side of Old Mill Rd from the site access to Congleton Road.

- New footway/cycleway to south side of Old Mill Road (outside of site)
- Provision of a new footway/cycleway from the residential site access to the junction with the High Street on the north side of Old Mill Rd. Ownership issues will prevent the footway to Swettenham Close and Alderley Close being upgraded.
- The provision of a pedestrian refuge to aid crossing near to the junction with Congleton Road.

The Strategic Highways Manager has advised that if these measures can be provided then no contributions towards infrastructure improvements at The Hill/Old Mill Rd and Wheelock Roundabout would be requested. This is having regard to the benefits to the road network arising from the larger roundabout at J17.

The costs of a new footway / cycleway from the site to High Street are still more than the development can afford. The applicants note that there is a considerable network of footpaths to the north of Old Mill Road, and as such the major movement between the application site and Sandbach town centre will be via Congleton Road. The walking distance via Congleton Road to the town centre is 1.7km and the distance via the suggested new footway/cycleway would be 1.5km.

It is accepted that there are existing footpaths to the town centre, and the proposed roundabout will result in significant highways benefits. However, there is no dedicated safe cycle route from the site to the town centre. The viability report allocates a sum of money for s106 contributions, but there remains some debate over the extent of required education contributions. In the event that the education contributions are accepted at a lower figure than accounted for in the viability report, then either the provision of, or contributions towards, cycle routes may be provided. This will be reported in an update.

AIR QUALITY

The applicant has submitted an Air Quality Impact Assessment with the application. The proposed scale of the development is considered to be significant in that it is likely to change traffic patterns and traffic flows in the area. In particular, the development lies within 300m of the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO₂). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses BREEZE Roads CAL3QHCR to model NO₂ impacts from the predicted additional road traffic and changes to traffic flows associated with this proposal and other permitted developments. The report considers the impact of the M6, Old Mill Road and from the two proposed access roads on the phase 1 development and the impact of the proposed phase 1 development on existing receptors in the area.

The model predicts that both the proposed residential and mixed use areas of phase 1 will be below the air quality objectives. Regarding existing receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Four of these receptors are within the AQMA. Environmental Health advises that any increase of concentrations in an AQMA is considered significant as it is directly converse to their Local Air Quality Management objectives.

If the report had taken sensitivity analysis into consideration whereby the predicted decline in vehicle emissions has not occurred as recent evidence has shown, impacts of the development could be significantly worse than that which has been reported. In addition, taking into account the uncertainties with modelling generally, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, Environmental Health advise that there should be funding provided to the Council to enable it to implement elements of the Air Quality Action Plan in relation to Sandbach.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern developments.

Whilst raising no specific objections, Environmental Health recommend conditions relating to travel plans and electric car charging points and a financial contribution of £10,000 towards implementing the Air Quality Action Plan in Sandbach in order to mitigate for the air quality impact of the development, and to comply with policy GR7 of the local plan.

NOISE IMPACT

The applicant has submitted a noise assessment with the application which has indicated that mitigation measures are required for certain aspects of the residential and commercial aspects of the development. The report details the reduction that will be provided by standard and secondary glazed windows.

Further information will be required to ensure the noise impacts of the proposal are acceptable. This would include a detailed layout; the orientation of the internal layout of residential properties; the glazing to be applied to the individual properties most affected; the layout attenuation which will be provided by the layout of the site and more specific details of the ventilation systems to be provided to the proposed properties. The detailed layout of the site will also help to ensure that any mitigation requirements for gardens are also met.

The residential properties must achieve the good internal standard of BS8233:1999 and also <55dB in residential gardens in accordance with the WHO Guidelines.

Residential and Commercial Noise Mitigation

The report does not include details relating to whether noise mitigation measures are required to be implemented between the residential and commercial/industrial units. A scheme of mitigation is therefore required to be submitted and approved by the LPA prior to the commencement of the development.

Subject to this additional detail being provided at the reserved matters stage and appropriate mitigation the noise impact of the proposal is considered to be acceptable in accordance with policy GR7 of the Local Plan.

CONTAMINATED LAND

There is a petrol station currently adjacent to the site, therefore there is the potential for contamination of the site and the wider environment to have occurred. Additionally, the application is for new residential and commercial properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted an Environmental Statement and a contaminated land report for the site. The relevant chapter of the Environmental Statement does not appear to take the contaminated land report into account as the results of this work have not been included within the risk assessment (it is assumed that the applicant has reliance on this report).

The Environmental Statement for the site recommends a site investigation be undertaken for the site. However, a site investigation has been undertaken and is presented within the contaminated land report also submitted with the application; an updated site investigation should be undertaken for the site. Within this updated investigation, sufficient depth would need to be achieved near to the petrol station to enable a thorough investigation of any migration from this potential source of contamination.

The Contaminated Land team has no objection to the above application subject to a condition requiring an updated Phase II investigation to be carried out and submitted.

LANDSCAPE & TREES

Landscape

As part of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 2nd Edition, 2002.

As part of the assessment the baseline landscape is referred to, the assessment identifies the National Character Area in which the application site is located, as well as the local landscape type, in this case Lower Farms and Woods but it is noted that the site is not visible over an extensive area of this character type. The landscape officer broadly agrees with the assessment in terms of the significance of effects. The LVIA notes that the site lies on the boundary of the urban area of Sandbach and a major transport corridor which therefore form part of the site context. The landscape sensitivity of the site to the proposed development is therefore identified as medium to low. The extent of change as a result of the proposed development is identified as medium due to the permanent loss of agricultural land and some internal hedgerows, but not high due to the limited visibility of the site; the retention of existing features typical of this landscape type, such as the topography, boundary hedgerow, hedgerow trees and safeguarding of tree belts to the periphery of the site and the scale of the proposed development. Therefore, the overall landscape impact is assessed as moderate due to the medium to low sensitivity combined with the medium magnitude of change.

Landscape concerns relate to the density of the development and the proposed mitigation measures that this allows. The proposed Masterplan indicates that the existing wooded spurs and Offley Wood to the south would be retained; however there is little scope for any additional planting within the application site and mitigation appears to be minimal, with hedgerow trees being maintained where possible and the hedgerow to the west of the site to be retained and reinforced. Old Mill lane A543 is one of the main routes into Sandbach and the proposals offer little in terms of enhancement.

This is an outline application and the Masterplan is therefore indicative, but it is considered that a development such as this offers opportunities to create a high quality and robust new landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. The Framework highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping; this is not something that has been achieved in this instance. However, given that landscaping is reserved for subsequent approval, this will have to be considered carefully at the reserved matters stage.

Trees

Arboricultural information has been provided in stages throughout the course of the application. The submission now includes a BS 5837:2012 Tree Survey and Arboricultural report / consideration of buffer zones. The stated purpose of the latter document is to provide further information on trees that were surveyed as groups and woodlands during the initial survey in 2011; specifically, to provide accurate root protection areas (RPAs) for woodland boundary trees. The report includes a layout plan for the residential element of the site - plan ST11631-025

As an outline application with all matters reserved, the full implications of the development will only be realised at reserved matters stage, with detailed analysis of tree constraints and issues such as ground modelling. Nevertheless, it is important for the LPA to be satisfied that the site has the capacity to accommodate the scale of development proposed.

Whilst tree cover to the north of the site is limited, the submission does not illustrate how tree constraints impact on the indicative layout for the employment area. The indicative layout would provide limited opportunities for meaningful boundary screen planting to the prominent north and east boundaries of this part of the site.

In respect of the residential layout, at face value it appears that a development could be accommodated whilst generally respecting root protection areas for existing trees. Nevertheless to the south of the site in particular, some plots are shown in positions where it appears they could be dominated and overshadowed by adjacent TPO trees. Such a situation would provide poor private amenity and would be likely to result in threat to the long term retention of the trees. At the reserved matters stage it will be necessary to improve this relationship and it would be desirable to secure an undeveloped buffer to the woodland, outside of residential plots. This could impact on the capacity of the site to accommodate the

number of dwellings proposed. It is also noted that the density of the residential development to the north is high with a layout which would provide limited opportunities for meaningful tree planting.

The arboricultural report places emphasis on the importance of the existing woodland and wildlife corridor, and it is agreed that it would benefit from active management. However, the reports go no further in this regard, and do not explain how or even if this will be achieved.

The Forestry Officer has reservations that the site can accommodate the scale of development proposed without compromising existing trees and meeting good design principles. However, should the application be approved then the reserved matters will need to be supported by a comprehensive tree survey, Arboricultural Impact assessment, Arboricultural Method Statement, tree protection measures and full details of proposed levels. In addition it should provide a robust mechanism to secure the long term retention and management of retained trees and woodland, together with a new strategic landscape structure with significant additional tree planting and ongoing management provision.

Hedgerows

A Hedgerow Regulations 1997 Assessment has not been undertaken as the hedgerows are species poor as confirmed by the Phase 1 Habitat Survey undertaken as part of the EIA, whilst the cultural heritage chapter of the EIA identifies the impact on the historical value of the hedgerows within development as being only moderate.

ECOLOGY

The nature conservation officer has commented on the application and provides the following comments:

Arclid Brook Local Wildlife Site and Sandbach Wildlife Corridor

The proposed development is located immediately adjacent to the Arclid Brook local wildlife site and the Sandbach wildlife corridor.

The proposed development will not result in the direct loss of habitat within either the wildlife corridor or the local wildlife site. However the proposed development has the potential to have an adverse impact upon these two designated sites in a number of well evidenced ways:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.
- Disturbance associated increased public access.
- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning of trees due to issues of shading.

The submitted Environmental Statement initially prescribed a 2m buffer from the edge of the woodland habitats. The submitted indicative layout plan also shows residential gardens

backing onto the woodland and also access roads in close proximity to the woodlands forming the wildlife corridor and local wildlife site. The proposed development as indicated by the submitted illustrative master plan therefore had the potential to have an adverse impact upon both the wildlife corridor and the SBI in the ways described above.

The nature conservation officer advised that an undeveloped buffer zone of 15m, consisting of semi natural habitats/informal open space would be more likely to address the potential adverse impact of the development upon the Wildlife Corridor and Local Wildlife Site. Additionally, it was recommended that the layout should avoid residential properties backing onto the wildlife corridor. The creation of an “appropriate undeveloped buffer zone” is stated in the emerging plan as one of the site specific principles for development.

Considerable discussions have taken place with the applicants regarding the suggested buffer zones, and a revised indicative plan has been submitted. As part of these discussions the nature conservation officer identified a recommended buffer zone on a plan.

In respect of the various ‘buffers’ proposed adjacent to the Sandbach Wildlife Corridor the revised indicative plan is an improvement over the original layout. However, the indicative layout does still show a number of residential properties backing immediately onto the woodland which forms wildlife corridor. In accordance with nature conservation officer’s initial consultation response, he advises that this arrangement is likely to have an adverse impact upon the wildlife corridor.

In order to ensure appropriate ecological buffer zones are incorporated into the detailed design of this development, the nature conservation recommends that if outline consent is granted, a condition should be attached to ensure that appropriate buffer zones are incorporated in accordance with his written specification.

Buffer zone specification

Section A (southern most section of corridor)

In this section the development would be adjacent to the core area of the wildlife corridor. A 15m buffer should be provided along this section to safeguard the wildlife corridor and reduce issues associated with trees shading the proposed dwellings. The buffer should be measured from the point where the land levels off at the top of the slope. The buffer should be of informal open space and include an element of woodland edge planting. A footpath within the buffer would be acceptable. Any properties adjacent to the buffer should face rather than back onto it.

Sections B and D (projecting fingers of corridor)

In these two woodland spur sections an undeveloped buffer should be provided which is in accordance with the root protection area and crown spreads of the woodland trees or a minimum 5m depending which is the greater. No properties should be located adjacent to this undeveloped buffer, but an access road, footpath, open space or similar located outside and adjacent to the buffer would be acceptable. If the buffer is located adjacent to an access road or footpath it would be acceptable for the buffer to consist of a lightly managed grass verge.

Section C (central section)

In this section the development would be adjacent to the core area of the wildlife corridor. This is the narrowest section of the wildlife corridor. A 20m deep area of woodland planting should be provided in this section to ensure adequate protection for the woodland core woodland to provide screening for the development.

Section E (eastern section of corridor)

This section of the Wildlife Corridor is designated as a Local Wildlife Site (formally known in Cheshire as Sites of Biological Importance) and forms an integral part of the wildlife corridor. The buffer here should consist of either:

- 1) Where trees are present a 5m buffer measured from the root protection area (or canopy) of the trees on the woodland edge or
- 2) Where no trees are present a minimum 5m buffer should be provided measured from the application site boundary.

The buffer should be of semi-natural grassland habitats to compliment the adjacent Local Wildlife Site.

General Specification

There should be no change to the existing levels within any of the buffer areas. It is also suggested that a footpath link be proved along the southern boundary of the development to run between the wildlife corridor and the harder elements of the proposed development.

The buffer zone indicated above may have implications on the total numbers of dwellings that can be achieved on the site, therefore the condition will need to be worded to provide maximum protection to the wildlife corridor, whilst providing some flexibility where site circumstances allow it.

Otter and water vole

No evidence of these species was recorded and as such are unlikely to be affected by the proposed development.

Great Crested Newts

No evidence of this species was recorded during the submitted survey and as such are unlikely to be present or affected by the proposed development.

Breeding Birds

A number of Biodiversity Action Plan priority species have been recorded on site. These species are a material consideration for planning. The site, which includes the adjacent wildlife corridor and local wildlife site is considered to be of value in the local context for breeding birds. The submitted Environmental Statement identifies the adverse impact of the proposals on breeding birds as being moderate due to increased disturbance of the adjacent woodland and displacement of declining farmland and woodland birds.

It is considered that the increased undeveloped buffer as described above would assist in mitigating the adverse impacts of the proposals on breeding birds, however there is still likely to be a residual impact on breeding birds associated with the proposed development.

Bats

A high level of bat activity was recorded on site. This is mainly associated with the edge of the woodlands located in the southern half of the site. Whilst woodland habitats will be retained, the close proximity of the proposed development may have an adverse impact upon bat foraging activity if artificial lighting is required. The potential impact of the proposed development upon foraging and commuting bats associated with the wildlife corridor would be reduced through the increased size of the undeveloped buffer as described above. The impact could also be mitigated further through the careful design of the lighting scheme for the development. The submission of a lighting scheme could be made the subject of a condition if consent were granted.

Badgers

Significant evidence of badger activity was recorded during the submitted survey. The activity is mostly within the retained woodlands to the south of the site. Three setts have been identified, however these were found to be disused when the latest surveys were completed. Therefore, whilst the proposed development will result in the loss of some available badger foraging habitat this is not likely to have a substantial adverse impact upon the local badger population.

LAYOUT & DESIGN

With all matters reserved for subsequent approval except for strategic means of access, only an illustrative layout has been submitted. This illustrative layout has been amended during the course of the application to allow for changes to the proposed site access. The illustrative layout shows the provision of 247 dwellings.

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Consequently, the following matters will need to be considered as part of any reserved matters application.

Employment / mixed use

The edge along the slip road frontage is very hard, a more “balanced” edge is needed with landscape softening the impact of buildings. The quality of the buildings on this frontage will be important to the scheme and the environmental character of the area. It is the scheme’s shop window but also of Sandbach and Cheshire East from the vantage point of the motorway. Strong focal buildings are needed on the corners.

Housing

The Old Mill Road frontage needs landscape reinforcement to retain the essence of its green character beyond the site entrance, a softened profile to housing but where landscape is still a dominant characteristic. Similarly the gateway into the site needs to be appropriately scaled and landscaped to help waymark the scheme but also set a positive gateway context. The relationship to existing tree groupings needs to be positive, responding to both design and ecological considerations. In this regard it is questioned whether 250 units can be achieved and deliver a character of housing appropriate to the site and its wider context.

A lower density of housing would better suit the site’s position and character and provide greater opportunity to retain landscaping as the dominant characteristic. The options would therefore be to reassess the mix of housing, providing smaller units to provide more space

across the site, or reduce the number of houses. Both of these options would inevitably impact upon the viability of the development. In addition, the housing mix outlined in the viability information identifies the open market housing to be all 3, 4 or 5 bed properties, and the affordable units to be all 2 bed properties. Such an approach cannot be considered to provide tenures blind affordable units, nor are the units shown to be pepper potted across the site on the indicative layout.

Integration between uses

Since the inclusion of the access for the business park from the J17 roundabout it seems that in accommodating this it has resulted in a very disconnected development with the housing turning its back on the employment area and no apparent pedestrian or vehicular connectivity between the two. There should be direct and attractive connections between uses, and this is not evident on the indicative layout.

Integration between application site and remainder of the strategic site

It is also unfortunate that the wider masterplan provided in the Design & Access Statement clearly illustrates how poorly connected the first phase of the Capricorn site will be from the remainder of the site. It will sit as an enclave, set apart from the rest of the site. The existing landscaping has to be a strong feature within the scheme but there is a strong indication in this masterplan that the sites will largely be divorced from one another. The reserved matters need to ensure that connections to the wider site are anticipated, given that the emerging local plan sees this as a single site, albeit with a strong landscape infrastructure.

Integration with the wider town and town centre

There are no real proposals to link both the residential and mixed use elements to the wider area and the town centre. Separating the vehicular access from the originally proposed nodal point at Congleton Road presents an opportunity to significantly enhance pedestrian and cyclist facilities and present a more positive gateway into the town. A high quality gateway space could also be designed into the scheme, particularly for the benefit of pedestrians.

Gateway/landmark character

Whilst it is inevitable that development will have an urbanising effect and the nature of the present gateway will change, there is a danger that a very hard urban character will be established, particularly given the junction improvements to J17 and the access proposals for the site on Old Mill Road. This could drastically impact upon impressions of Sandbach as an historic market town.

Therefore, considerable attention will need to be paid to the likely impressions arising from this development, allied to its strategic importance as a gateway into Sandbach; but also more widely, for visitors heading to Crewe, to the east toward Congleton and Macclesfield and so for Cheshire East more generally. This site is a real opportunity to showcase the future aspirations of Cheshire East as a place: open for business but a place where high quality and sustainable design are essential. Many thousands of people will pass this site every day, and many will be entering the Borough at this point. What impression will the development have upon them? The reserved matters will need to ensure that the site will not feature ordinary and uninspiring design, particularly when coupled with the dominance of vehicles imposed by the road infrastructure.

AMENITY

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

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

The commercial aspects of the development can similarly be determined at the reserved matters stage to ensure amenity is safeguarded accordingly.

FLOODING

The Environment Agency has no objection in principle to the proposed development but do advise that the discharge of surface water from the proposed development should mimic that which discharges from the existing site. As recommended in the Flood Risk Assessment (FRA) contained within Chapter 15 of the Environmental Statement infiltration tests should be undertaken to confirm the feasibility of such an approach for the disposal of surface water and rates.

In the event that disposal of surface water via infiltration is not shown to be appropriate, and in accordance with Building Regulations Approved Document H, discharge to watercourse should be considered. If a single rate of discharge is proposed, this is to be the mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site.

For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The FRA suggests a series of below ground tanks for the attenuation of surface water from the residential element of the development. However, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. We would therefore recommend that consideration be given to the provision of SuDS features (either above or below ground) at the detailed design stage.

No flood risk objections are therefore raised subject to conditions relating to surface water runoff and the management of risk of flooding from overland flow of surface water.

OPEN SPACE

Paragraph 73 of the Framework places an emphasis on the need to provide high quality open spaces and opportunities for sport and recreation as they can make an important contribution to the health and well-being of communities.

Policy GR22 of the Local Plan and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The Cheshire East Open Space Assessment (March 2012) identifies that there are no allotments within the Sandbach area and a very limited provision of children's play provision.

The emerging local plan states that a multi use games area and an equipped children's play space should be provided on this Strategic Site.

The Parks Management Officer (Streetscape) has commented on the application and calculated the open space requirements for the site in accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS Provision for New Residential Development" 2008. This has identified a deficit of Amenity Greenspace provision and Children and Young Persons provision.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they are considered beneficial for the ecology, diversity, aesthetics and openness of the site.

Amenity Greenspace (AGS)

Having regard to the amount of accessible AGS within 800m of the site and the existing number of houses that use it, 250 new dwellings will generate a need for 6,000 sqm new AGS within the site. In the absence of a housing schedule the amount of Public Open Space that would be expected in respect of the new population is based on 2.4 persons per dwelling.

Amenity greenspace is shown on the indicative layout in three areas. One at either end of the existing public footpath adjacent to the boundary with Old Mill Lane, and a third to the south of the employment area adjacent to the wildlife corridor.

As this is an outline application and the layout is indicative, no specific details are available of size of areas or landscaping therefore figures are not able to be calculated at this stage and will be offered at the reserved matters application.

This development borders Sandbach Wildlife/Green corridor which includes the river Wheelock with densely planted woodland and shrubberies, and it is most welcomed that the developer has recognised the importance of this area as a local amenity.

The proposed green Infrastructure will include the retention of existing green corridors and new additional planting throughout the development. All these areas, including any additional buffer planting, should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. For liabilities and maintenance implications Streetscape would look to a residents' management company or other competent body.

Although the green corridor does not fall under the definition of 'amenity greenspace' it could potentially mitigate some of AGS through negotiation. However some formal green/kick-about areas with natural surveillance are also required in accordance with policy. Indeed, improving access to the green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor are identified as specific principles for the development of the Strategic Site.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision by over 2 play facilities, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons provision.

Consequently there is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one larger on site facility would be preferred. This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing. This would typically occupy an area of approximately 1000sqm. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

Due to the complex management required for play facilities, Streetscape considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

Open space conclusions

The policy compliant requirement for amenity greenspace is 6000 sqm, and a further area of approximately 1000sqm to provide a NEAP facility. However, the indicative layout suggests approximately 4000sqm in total can be provided on site together with limited public access to the wildlife corridor. Any alternative layout is unlikely to provide additional open space whilst maintaining viability, given that there are competing requirements of additional landscaping, tree protection, protection of the wildlife corridor. Therefore having regard to the viability situation and the ability to provide access to the wildlife corridor to compensate for the identified shortfall of formal open space the provision of 4000sqm is acceptable in this case. A single area of 2000sqm should be provided to accommodate a kick-about area plus a 1000sqm area to provide the NEAP facility.

The applicants have also confirmed that they will provide a management company to maintain the areas of open space, which will avoid further requirements for s106 contributions.

EDUCATION

250 dwellings are expected to generate 45 primary aged children and 33 secondary aged children.

Primary

The local primary schools are forecast to have 18 surplus places available by 2018, which Education are willing to allocate to this development. Contributions are being sought from other developments in the town on a per pupil basis. Therefore a contribution of £292,850 will be required to accommodate the additional 27 pupils of this age to be generated by the development.

Secondary

The consultation response from Education notes that the local secondary schools are forecast to be cumulatively oversubscribed (excluding 6th forms) and contributions towards secondary provision are now being sought from developers on a per pupil basis. Therefore a contribution of £539,309 will be required to accommodate the pupils of this age to be generated.

The applicants do not believe that full contributions for secondary education are necessary given the very high levels of 'out of catchment' children at the two local secondary schools and there is other surplus available at other nearby schools. They maintain that CEC school places statistics indicate that the net effect of the proposed development would simply be to limit the numbers of out of catchment pupils able to attend Sandbach High School & Sandbach School and, given the overall forecast surplus of secondary places at other relevant schools in the Congleton Area, would not require any increase in capacity at any relevant secondary school.

The Schools Admission Code (Feb 2012, attached) allows parents a degree of preference regarding the schools they apply to, however this does not mean that their child is guaranteed a place at any school. Over-subscription criteria ensure that priority is given to certain pupils.

In the normal school admissions round children from the proposed development would take precedence over other children from outside the catchment area when applying for a place. Given the surplus of secondary school places at other local secondary schools forecast until at least 2019 the only net impact of this development would mean that fewer children from these areas would gain places at Sandbach High School & Sandbach School without these 2 schools requiring any increase to their existing capacity.

They refer to an appeal decision where the Inspector and the Secretary of State agreed with the appellant that out-of-catchment children were not grounds to request planning obligations so that a secondary school could expand. The school was forecast to be full but had 40% of children from outside of their catchment, and nearby schools were not forecast to be full.

With regard to Sandbach, in October 2012 Sandbach High School and Sixth Form College only had 67.12% of their pupils from within their catchment and Sandbach High School only had 54.31% from within their catchment. Furthermore, the Congleton Area Schools Forecasts from October 2012 shows that there will be 619 surplus places at 7 schools in 2019. 547 of which are at Middlewich, Alsager, Congleton High and Holmes Chapel in 2019. These 4 schools all have catchment areas which are adjacent to Sandbach High School & Sandbach School.

As a result the necessity for full contributions for secondary education are questioned given the very high levels of 'out of catchment' children at the two secondary schools and the other surplus available at other nearby Congleton Area schools. The applicants consider that their offer of 20% of the previously requested total contribution of £539,309, which is £107,861 is both fair and reasonable as it is possible that some of the children requiring a place at these 2

schools may have to apply mid-year and some year groups in the schools are already very full.

A response is awaited from Education and will be reported in an update.

ARCHAEOLOGY

The application is supported by an archaeological and cultural heritage study which is contained in Chapter 11 of the Environmental Statement. The report notes that there are currently no designated or undesignated Heritage Assets within the application site but there are a number of potential areas of interest, which merit further investigation and recording. These include the arm of an enclosure adjacent to Old Mill Road, a number of features that may be associated with a kiln (probably a post-medieval brick kiln), an area of ridge and furrow, and the boundary separating the two northern fields which appears on the Tithe map and will be destroyed by the development.

These features will require a programme of archaeological mitigation, which should consist of targeted trial trenching followed by further investigation if anything of significance is found. The mitigation should be accompanied by a programme of supervised metal detecting and a report on the work will need to be produced. The mitigation may be secured by condition.

AGRICULTURAL LAND

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The proposal does involve the loss of some grade 2 agricultural land, which is some of the best and most versatile, as well as some grade 4 (poor quality).

However, Inspectors have previously considered the need for housing land supply outweighs the loss of agricultural land. It is also considered that the potential economic benefits, including job creation, of the proposal also outweigh the loss of agricultural land in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include the following heads of terms:

- Primary and Secondary Education contributions (to be confirmed).
- Contribution of £10,000 (air quality mitigation) towards implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- 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 20% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Clawback mechanism (in the event additional monies become available)

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, provision of public open space and associated management and air quality mitigation are 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 and secondary schools within the catchment area which have at best only limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within mainly within the Settlement Zone of Sandbach, with a small proportion located within the Open Countryside. The site has long been associated with, and allocated for, employment uses, however previous permissions have expired and relevant local plan policies have not been saved.

The site is intended to serve as major employment site for Sandbach being identified in the emerging local plan for the provision of up to 20ha of employment land. It is accepted that in order to bring the employment uses forward an amount of residential development is required to fund the necessary road and infrastructure for the employment site. Due to the extent of these works identified by the applicant a viability assessment has been submitted.

It has to be acknowledged that the viability of the development does compromise the sustainability of the development. However, the employment opportunities that are created and the associated highways improvements arising from the proposed roundabout do weigh heavily in favour of the proposal. These matters are considered to outweigh concerns raised above to the extent that they can be considered at this outline application stage relating to the reduced provision of affordable housing and open space, accessibility, density, landscaping

and nature conservation. A recommendation of approval is therefore made subject to the Heads of Terms above and the conditions listed below.

Application for Outline Planning

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

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. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation details to be submitted with reserved matters
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources
16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system
21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement

- 27. Details of phasing of whole development and associated roundabout to be submitted
- 28. Provision of pedestrian crossing to Old Mill Road
- 29. Provision of footway/cycleway to south side of Old Mill Road
- 30. Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway
- 31. Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction
- 32. Details of public access to wildlife corridor to be submitted



Application No: 14/0043C

Location: NORTHBOUND SLIP ROAD, JUNCTION 17 OF THE M6, AND OLD MILL ROAD, SANDBACH, CW11 4SP

Proposal: Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road

Applicant: W and S Sandbach Ltd

Expiry Date: 20-Mar-2014

Date report prepared: 21 March 2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Highway Safety and Traffic Generation.
- Impact on nature conservation interests
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Amenity

REASON FOR REPORT

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

The application is also closely linked to application 12/3948C, which appears elsewhere on the agenda.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the existing road junction where the northbound slip roads at J17 of the M6 meet Old Mill Road, and a small section of the adjacent farmland. The site is located within Open Countryside as identified in the Congleton Borough Local Plan First Review 2005.

DETAILS OF PROPOSAL

This application seeks full planning permission to create a new roundabout to improve the northbound slip road and create an access into the adjacent development site.

RELEVANT HISTORY

None

POLICIES

Congleton Borough Local Plan First Review 2005

PS8 (Open countryside)
GR1 (New Development)
GR2 (Design)
GR3 (Residential Development)
GR4 (Landscaping)
GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR11 (Development involving new roads and other transportation projects)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
NR1 (Trees and Woodland)
NR3 (Habitats)
NR5 (Creation of habitats)

Other Material Considerations

National Planning Policy Framework (The Framework)
Sandbach Business Park Development Brief (1989)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC3 Health and Well-being
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

CONSULTATIONS (External to Planning)

Highways Agency – No objections subject to conditions requiring full design and construction details to be submitted

United Utilities – No objections

Environment Agency – No objections subject to conditions relating to surface water run off and managing the risk of flooding

Sustrans – If approved would like to see a safe crossing of Old Mill Road for pedestrian and cycle routes, and at the new roundabout junction of M6

Jodrell Bank – No comments to make

Public Rights of Way – It appears unlikely that the proposal would affect the public right of way

Environmental Health – No objections subject to conditions

Strategic Highways Manager – No objections

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council – No objection

OTHER REPRESENTATIONS

24 letters of representation have been received objecting to the proposal on the following grounds:

- The impact of the development proposal on traffic cannot be accepted as not severe
- data from the traffic survey is unrepresentative of current traffic demand local to junction 17, being significantly lower than equivalent surveys supporting other local developments.
- It is unclear whether the design of the roundabout at the M6 J17 northbound slips has taken due account of sightlines required for those seeking to exit the M6.
- Appalling design from highway engineering point of view
- Roundabout will not handle level of traffic
- Access to employment site should come off separate roundabout to west of petrol station
- Proposal will make junction even more dangerous
- Application does nothing to improve safety for south bound slip road
- Congestion along Old Mill Road understated
- Only benefit of this is access to a development site
- A bicycle is 14 times more likely to be hit at a roundabout than a car is. The proposed northbound 'slip road' additionally allows for high speed and adds to this danger.
- Signalised crossings for pedestrians and cyclists are required
- Covered cycle parking at the small car sharers' car park opposite the Texaco petrol station to encourage cycling to this destination.
- Landscaping required
- Many motorists are using the junction at the chimney house hotel (Congleton rd/church lane) to do a U TURN literally in the middle of the road. For 1 minute at 08.35 I saw 5 cars doing this.
- If government money is being used for the junction then the layout must help drivers on their journey not a building company make the access easier for a building project
- Why is application not made by Highways Agency or Cheshire East
- Destroys rural approach to Sandbach
- Impact upon existing field access to northern side of Old Mill Road

In addition, 1 letter of support has been received.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application: air quality assessment; noise assessment; flood risk assessment; and a transport assessment.

OFFICER APPRAISAL

Design / character

The site is designated within the Open Countryside as identified in the Congleton Borough Local Plan First Review 2005. Policy PS8 of the local plan identifies that facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its character are acceptable.

The proposals involve engineering operations to create a roundabout, and as such will preserve the openness of the countryside. The proposal will replace the existing crossroads at this junction and whilst the proposals will widen the overall footprint of the roadway, the overall visual impact is not considered to be significantly adverse having regard to the existing conditions. Landscaping will help to mitigate some of the engineering impact of the road improvements. It is considered that the development should set the concept for a tree lined entrance and spine through the Capricorn site and landscape enhancement on the embankment of the slip road and therefore a landscape condition should be attached securing this and other landscape design proposals. Subject to this condition, the application is therefore considered to comply with policies PS8, GR1 and GR2 of the local plan.

Trees

There are existing trees and lengths of hedge on the site of the proposed development. The submission is not supported by any arboricultural or hedgerow information and it is not clear from the submission what extent of tree and hedge loss would be involved. However, the trees are not formally protected on this site and the trees concerned do not appear to be of significant merit, although they are readily visible from Old Mill Road. Replacement planting could be secured by condition.

The need for the proposal in terms of the highways benefits it will bring is also considered to outweigh any tree and hedgerow losses.

Ecology

The nature conservation officer has commented on the application and does not anticipate any significant ecological impacts. However, as noted above there will be the loss of some hedgerows. Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. It is therefore recommended that appropriate native hedgerow planting should be carried out to compensate for that lost. A condition to safeguard breeding birds is also recommended.

Highways

The Strategic Highways Manager has provided the following comments on the proposal:

The proposed roundabout is a larger scheme on the western side of the M6 that encompasses the Highway Agency pinch point improvement scheme at J17 M6. The roundabout will have a dedicated left turn lane to the northbound M6 and provide two lanes for eastbound traffic. A new access arm into the proposed Business Park is provided on the south of the roundabout. The traffic signals proposed at the southbound slips is unaffected by the roundabout works.

To assess the implications of adding a further development arm into the roundabout, a number of scenarios were run using the recent traffic model for the A534 corridor:

- i) Base + Committed Development + Pinch Point Scheme (PPS) (Do Minimum)
- i) Base + Committed Development + PPS + Capricorn + Revised Rbt Design (Do Something)

The Vissim model can be used to assess the impact of the scheme by comparing journey times along the corridor and also the predicted queue lengths. A comparison of the travel times indicate that the inclusion of the larger roundabout does improve travel reliability over the original pinch point scheme (which in itself is an improvement over the existing situation). However, there is a negative affect of the new roundabout, this relates to some increased delay on the right turn on the M6 southbound off slip (but still much better than the existing situation). This is a matter for the HA to consider in their comments. The predicted queue lengths are relatively comparable in both the 'Do Minimum' and 'Do Something' scenarios. Therefore, overall there are definite benefits in providing a much larger roundabout instead of the smaller scheme in the HA pinch point scheme, this is despite the inclusion of a further new arm at the junction and the Capricorn development.

A stage 1 road safety audit has been undertaken on the submitted design, which did not raise any fundamental safety concerns

There is a footpath provided on the southern side of Old Mill Road, this route would allow crossing of the M6 bridge for pedestrians on the southern side. It has not been possible to include signalised cycle/footway crossings due the detrimental effect they would have on the operation of the roundabout and also the nearby signal junction. The Strategic Highways Manager therefore raises no highway objections to the application.

The Highways Agency also raise no objections to the proposal subject to a condition requiring the submission of full design and construction details to be submitted and agreed with them.

With regard to the comments received in representation regarding the impact upon existing field access to northern side of Old Mill Road, it is understood that the applicants have an option agreement with the landowner for the acquisition of the land in question. The applicants have confirmed that they are working together with the landowner towards providing a satisfactory solution to the issue of land access.

Flood Risk

The Flood Risk Assessment (FRA) submitted in support of the planning application is that prepared for the proposed mixed use development to the south (planning reference 12/3948C), which the access will serve.

The submitted FRA does not specifically encompass the road improvements proposed as part of the application; however, the flood risk issues remain the same.

In order to ensure that surface water drainage is appropriately addressed, the Environment Agency recommend conditions relating to surface water run off and managing the risk of flooding.

Air Quality

Junction 17 of the M6, Sandbach is designated as an Air Quality Management Area (AQMA) as concentrations of nitrogen dioxide (NO₂) exceed European, health based limit values. The study area of the submitted Air Quality Impact Assessment encompasses the AQMA.

Dust emissions which would be expected during construction are proposed to be mitigated by a number of measures such as water suppression and cleaning. These measures would be contained within an Environmental Management Plan (EMP).

During the operational phase of the M6 northbound improvements in conjunction with planning application 12/3948C, the report confirms that there is likely to be increased exposure to airborne pollution at all receptors modelled.

Four of these receptors are within the AQMA. Environmental Health advises that that any increase of concentrations in an AQMA is considered significant as it is directly converse to their local air quality management objectives. Mitigation has therefore been recommended as part of planning application 12/3948C to help safeguard residential amenity, public health and manage the cumulative impacts of development in the area.

It is noted that there is a separate scheme proposed by the Highways Agency, undertaking further improvements to J17. The HA have demonstrated that their scheme will prove beneficial to the AQMA.

On balance, Environmental Health raises no objection to this application subject to the mitigation proposed in the linked application 12/3948C being implemented.

CONCLUSIONS

The proposed roundabout will operationally provide an improved junction at J17 of the M6 and Old Mill Road, and will also serve the adjacent development site. No significant adverse impacts are identified. Accordingly a recommendation of approval is made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. Design and construction details to be submitted
6. Scheme to limit the surface water runoff to be submitted
7. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
8. Environmental Management Plan to be submitted
9. Breeding birds survey to be submitted

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/3449C

Location: GLEBE FARM, BOOTH LANE, MIDDLEWICH, CHESHIRE, CW10 0RP

Proposal: Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure.

Applicant: Bovale Limited

Expiry Date: 15-Nov-2013

SUMMARY RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it a large scale major application.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 15.3 ha and is located to the south of Middlewich. The site is within open countryside. To the north is residential development fronting Kingswood Crescent, Shilton Close, Northwood Avenue and Inglewood Avenue. To the north is

agricultural land. A former sports ground is included within the site. To the east of the site is Booth Lane with the Trent and Mersey Canal beyond, to the west of the site is Warmingham Lane.

The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. The site also includes a number of ponds.

2. DETAILS OF PROPOSAL

This is an outline planning application for up to 450 dwellings with an average density of 35 dwellings per hectare. Access is to be determined at this stage, with all other matters reserved. However it should be noted that the internal layout does not form part of the application to be determined at this stage.

There would be two access points to serve the site; one via Warmingham Lane and the second access via Booth Lane.

The indicative plan shows that the site would include the provision of a linear area of public open space and a Neighbourhood Equipped Area for Play (NEAP).

The development would consist of a mix of house types with the maximum height being three stories in height and mainly ranging from 2-4 bedroom units.

The indicative plan shows that the development will include a small retail unit.

3. RELEVANT HISTORY

EIA Screening – EIA not required

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing
RC2 – Protected Area of Open Space Recreational Facility

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
Middlewich Town Strategy
Cheshire East Development Strategy
Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles

IN1 Infrastructure
IN2 Developer contributions
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments
CS 20 Glebe Farm, Middlewich

5. CONSULTATIONS (External to Planning)

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Percolation test should be undertaken in the first instance to confirm whether infiltration would be a suitable method for the disposal of surface water. If surface water is to be disposed of via a watercourse, and a single rate of discharge is proposed, this is to be the calculated site specific mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site (as opposed to the generic 5 litres/sec/ha stated within the Flood Risk Assessment prepared by Stuart and Harris Ltd). For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. The following conditions are suggested:

- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow
- The provision of a buffer to the water course
- Contaminated land

Cheshire Brine Subsidence Compensation Board: The site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. A condition is suggested to be added to the outline consent.

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

- This site must be drained on a total separate system, with only foul drainage connected into the foul sewer. Surface water must discharge to the nearby watercourse.
- For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Strategic Highways Manager: This development will generate sufficient traffic and cause impact on the existing highway network which will congest local junctions beyond normal capacity.

It is the developer's responsibility to mitigate against this traffic impact under the National Planning Policy Framework and the provided Transport Assessment clearly shows that to develop the whole site will need the Middlewich Eastern Bypass (MEB) to be provided in order to mitigate against development impact at the future year assessment.

This is accepted by the Strategic Highways Manager as a course of action both for mitigation of traffic impact from this site and funding provision for the Middlewich Eastern By-pass.

The Strategic Highways Manager recognises that the contributions for the footway/cycleways which are proposed for the canal towpath areas will fall under the jurisdiction of the Canals and Rivers Trust and that this should be considered by the Local Planning Authority in liaison with C.A.R.T.

To this end the Strategic Highways Manager recommends that a number of conditions and informatives be attached to any permission

Environmental Health: Conditions suggested in relation to hours of operation, submission of noise mitigation measures for the future occupiers of the proposed dwellings, odour and noise control, bin storage, external lighting, dust control and contaminated land.

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

Therefore, there is a need to provide new green spaces within the boundary of the new site. The amount of Public Open Space (POS) that would be expected in respect of the new population would equate to 13,530sqm, this is in accordance with Interim Policy Note on Public Open Space.

The application is providing 23,700sqm, an over provision of 10,170sqm however this is made up of a variety of open space typologies and it is not clear if the water bodies and play facilities are included in the calculated area.

Landscape mitigation and enhancement is proposed throughout the development and to existing features and boundaries. This includes an area of wetland habitat running north to south through the western area of the site. This is appreciated thus promoting bio-diversity and is due to regulatory requirements to comply with SuDS however it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas.

Therefore it is suggest that consideration is made for this area of POS to be transferred to a suitably competent resident's management company along with any wetland areas.

The development encompasses an area of land covered under the former Congleton Borough Council's policy RC2 protected areas of POS. The land is not owned by CEC and was a former private football pitch for RHM employees. This has not been in use for some years (exact length not known) and is overgrown. This site is mentioned as a 'closed' site in the Open Space Assessment 2012. A current study is being undertaken to produce a CEC Playing Pitch Strategy currently being written using Sport England's latest guidelines although this will not be available until 2014.

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

The plan indicates the inclusion of a possible two play facilities, one located at the northwest of the site (NEAP) and the other marked as a pocket park which is more central to the development.

Ideally, the pocket park should contain at least 5 items of equipment, some of which should be DDA inclusive and targeted at 8 years and under age range. The NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages. This should include at least 8 items/activities incorporating DDA inclusive equipment.

Due to the complex management required for play facilities, Streetscape considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

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

Maintenance: £ 403,871.00 (25 years per play area)

Alternatively, should the preferred option be offsite contributions towards Sycamore Drive in place of the smaller LEAP facility, the following contributions are required;

Enhanced Provision: £123,894.00
Maintenance: £ 403,871.00 (25 years)

Natural England: In terms of the SSSI – no objection and conditions are suggested to mitigate the impact. Great Crested Newts – no objection. Bats – recommend addition information is provided before the application is determined.

Health and Safety Executive: The HSE does not advice on safety grounds against the granting of planning permission in this case.

Education: A development of 450 dwellings would generate 81 primary and 59 secondary aged pupils.

Primary - Current forecasts indicate a surplus of 121 places by 2018. However applications (11/4002C, 11/4545C, 12/0883C and 13/0100C) have been approved and from which we anticipate 68 primary aged pupils plus the registered application 12/2584C from which we anticipate a further 27 primary aged pupils. Equating to 95 additional pupils in total. On this basis a primary contribution will be required. $121 - 95 = 26$ forecast surplus places taking into account the above applications. 81 primary aged pupils expected from development – 26 surplus places = 55. On this basis a contribution of £596,545 will be required.

Secondary - Current forecasts indicate a surplus of 42 secondary aged places by 2019, however the same applications as with primary affect the secondary school and soak up the surplus. On this basis a contribution for every secondary aged pupil will be required. £964,219.

Canal and Rivers Trust: The Canal & River Trust is aware that the site has been put forward as a potential additional site allocation for mixed use development in the emerging Local Plan. However, as far as the Canal and Rivers Trust is aware, no Sustainability Appraisal has yet been carried out that may inform whether or not this site is likely to meet the sustainable development requirements of the National Planning Policy Framework. The Trust has commented as follows in respect of the Additional Sites consultation (May 2013) and would re-iterate these comments in respect of the current planning application:

“The impact of the development on the Trent & Mersey Canal and its users must be fully considered at an early stage, and measures put forward to mitigate any detrimental impacts. The presence of the canal towpath should be taken into account in any sustainability appraisal of the site, as this could potentially provide a sustainable, off-road route for walking and cycling to and from Middlewich town centre. However, this would require developer contributions towards appropriate improvements to the towpath surface, and careful consideration should also be given to providing safe, accessible routes to and from the towpath including the means of crossing the A533 Booth Lane.”

The Trust is disappointed to note that the applicant has not addressed the requirements of the emerging policies (Objective 4, CO1 – Sustainable Travel and Transport and SE5 – Green Infrastructure) in the supporting documents and would request that further information is provided in respect of this. In particular, clarification should be provided of how the contribution towards the completion of the Middlewich Eastern Bypass would contribute towards the accessibility of the proposed development by sustainable modes of transport, and how this contribution meets the statutory requirement for planning obligations to be “necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development” (CIL Regulations 2010).

In the absence of such justification, the Trust maintains that a contribution towards improving the surface of the canal towpath in the vicinity of the site is fully justified when considered against the tests listed above.

On the basis of the current proposal as set out in the draft S106 Heads of Terms the Trust would therefore have no option but to **object to planning permission being granted** due to the adverse impact on the canal infrastructure caused by the increased use of the towpath as a result of the proposed development.

Cheshire East PROW: The proposed development will need to provide sustainable travel options for residents, including access for pedestrians and cyclists within the site and to adjoining Booth Lane, Warmingham Lane and the green corridor to the north.

The towpath of the canal would act as a key off-road route for travel to and from the town centre and also for leisure purposes, and access to this facility from the site, and a crossing facility on Booth Lane should be required and developed in liaison with the Canal and River Trust. Contributions towards the improvement of the surface of the towpath to accommodate the increased usage anticipated as a result of the proposed development would be likely to be required by the Trust. The improvement of the surface of the towpath has been identified as a local aspiration through consultation for the Council's Rights of Way Improvement Plan (ref. T73) and as key infrastructure project within the development of the Local Plan. The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the development site would need the agreement of the Council.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, through on site signage and travel planning advice.

Sport England: Since the original objection was submitted to this application, Sport England have been working with the applicant, the Council and the Cheshire FA to find a solution. It has been agreed to provide improvements at the Sutton Lane playing field site in order to mitigate the loss of the playing field at Booth Lane. Although Sutton Lane is an existing playing field the current poor condition of the site prevents a substantial part of the playing field from being used for pitch sports. The following works will allow the playing field to be used to its optimum and provide the opportunity to more than double usage;

- A feasibility study has been submitted by an approved Agronomist that provides 5 options to improve the site. Two of the options require site remodelling and drainage works and three require site renovation and drainage works. The agronomist strongly advises a drainage survey be carried out prior to selecting the final option; and
- Fencing all or part of the site to ensure the physical security of the pitches for matchplay whilst allowing continued local community use. A scheme to secure this has yet to be finalised.

Based on the verbal agreement and email correspondence to date Sport England is satisfied a scheme above can be implemented that meets paragraph 74 of the NPPF and Sport England's Policy. Sport England withdraw the objection subject to:

1. An appropriate level of developer contribution for the works set out above and secured via a S106 Agreement. The developer contribution should be sufficient to ensure the works in the final option can be carried out to the appropriate standard as set out in the Agronomist Feasibility Report
2. The drainage survey recommended by the Agronomist is carried out prior to commencement of the development to identify which of the 5 improvement options will be most effective
3. The Council enters into Memorandum of Understanding with Sport England (Heads of Terms should be agreed prior to planning approval being granted) to ensure that the developer contribution is used for the specified works and provided within an agreed timescale

Sustrans: If this land use is supported by the local community and approved by the council's planning committee, Sustrans comments are as follows:

- The layout of the estate should include linkages for pedestrians and cyclists away from motor traffic to the Shropshire Union canal towpath and to Booth Lane, the adjacent residential area to the north, and to Warmingham Lane.
- Sustrans would like to see a development of this scale make a contribution toward improving the pedestrian/cycle network locally, such as traffic management measures, crossings, resurfacing the canal towpath adjacent to the site.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- Sustrans would like to see travel planning set up for the site with targets and monitoring.

Archaeology: Condition suggested.

6. VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: Middlewich Town Council has considered the above application and the Town Council recommends approval of the outline application subject to highways approval and contribution towards supporting infrastructure and community facilities. The Town Council strongly supports and welcomes the section 106 agreement contribution towards the Eastern Bypass (Link Road). The Town Council supports pedestrian and cycle access onto Warmingham Lane but not vehicular access. The Town Council would like further detail regarding the impact assessment on existing services such as doctors and schools and requests additional supporting information regarding the proposed retail units. This application fits broadly with the vision and aspirations set out in the recent Town Strategy document, so that while there are details to be discussed and agreed, the principle of the development at Glebe Farm and its potential to create opportunities for regeneration and a boost to the local economy.

Moston Parish Council: No comment to make

7. OTHER REPRESENTATIONS

Letters of objection have been received from 13 local households and a petition signed by 22 residents raising the following points:

Principal of development

- The site is outside the settlement boundary
- Large developments have already been approved on Warmingham Lane
- The development does not meet the needs of local people
- Brownfield sites should be developed first
- The Town Strategy ranked the site 6 out of 7 sites
- The development is too large
- The local plan should carry full weight
- The development is contrary to the NPPF
- Approving this development would advocate open-season
- The housing market in Middlewich is saturated
- The properties which back onto the site should be gifted land to extend their gardens
- Loss of Green Belt

- Loss of Greenfield land
- Lack of employment in Middlewich
- There is no need for more housing in Middlewich
- The proposal is contrary to the Congleton Local Plan

Highways

- The access point is inadequate onto Warmingham Lane
- Increased traffic
- Increased traffic congestion
- Rat-run through the site
- There needs to be the completion of the bypass
- Impact upon the adjoining residents from the access point onto Warmingham Lane
- The Warmingham Lane access is not necessary
- Inadequate access onto Warmingham Lane
- The access onto Warmingham Lane would not comply with Manual for Streets
- Concern that the bypass will never be built
- Alternative point for a second access off Sycamore Drive
- Pedestrian safety
- High level of accidents on Booth Lane
- Warmingham Lane is not suitable for additional traffic

Green Issues

- Loss of habitat
- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Loss of trees
- The trees on the site should be protected
- Impact upon trees
- Loss of high grade agricultural land
- The developer has made little effort to retain the natural features on this site
- Adverse landscape impact
- The marsh area on the site supports a wealth of wildlife
- Rare birds are found within the marsh on the site

Infrastructure

- Lack of infrastructure in Middlewich
- Increased pressure on local schools
- Increased flooding
- Middlewich requires a train station
- Middlewich requires a new health centre
- Doctors and dentists are full
- Electrical infrastructure crosses through the site
- A new school is required
- There is little in terms of leisure facilities
- Drainage issues

Amenity Issues

- Insufficient screening to the residential properties which back onto the site

- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise
- Increased pollution
- Impact upon privacy
- Overlooking
- Loss of a view
- Loss of outlook for surrounding properties

Other issues

- Impact upon the Brine Pipeline
- Retail units should be located within the town centre. The retail unit will affect town centre viability.
- The site has flooding problems
- Loss of property value
- Middlewich Town Centre is in decline
- Security risk for the properties which back onto the site

An objection has been received from Action Moston raising the following:

- Action Moston states that the majority of this development is not in Middlewich but is in the Parish of Moston. The 450 houses are proposed on a solely greenfield site with major ecological/wetland/subsidence issues. This involves the loss of agricultural land in and on the edges of Moston. Previously, residential development has not been acceptable in Moston. It is likely that traffic generated from this site would not only exit toward the A533 but also exit onto Warmingham Lane directly opposite the Site 4 Middlewich (Warmingham Lane). The number of vehicle movements generated by both these developments will further increase the unsuitable impact and hazards on country lanes in Warmingham and Moston and is at odds with the rural ethic. There is no provision for the school places that would be demanded by a development of this size particularly in conjunction with the proposed 350 houses on Warmingham Lane (of which 194 are already permitted). Extensions to overall school capacities must be considered before permission is granted with contributions expected from developers.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by BBLB Architects)
- Planning Statement (Produced by Harris Lamb)
- Transport Assessment (Produced by David Tucker Associates)
- Travel Plan (Produced by David Tucker Associates)
- Landscape and Visual Impact Assessment (Produced by Pleydell Smithyman)
- Ecological (Produced by FPCR)
- Hedgerow Survey (Produced by Pleydell Smithyman)
- Tree Survey Produced by (Pleydell Smithyman)
- Breeding Bird Survey (Produced by FPCR)
- Viability Development Appraisal (Produced by Graham Hale & Complany)
- Flood Risk Assessment (Produced by Stewart & Harris)
- Ground Conditions Desk Top Study (Produced by Stewart & Harris)
- Archaeology Assessment (Produced by L-P Archaeology)
- Air Quality Assessment (Produced by Air Quality Consultants)

- S106 Heads of Terms
- Statement of Community Involvement (Produced by Harris Lamb)
- Agricultural Land Assessment (Produced by David Hughes Consultancy)
- Mining Report (Produced by the Coal Authority)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The site lies substantially outside the settlement boundary of Middlewich, and is identified as open countryside within the Congleton Borough Local Plan First Review. The proposed development would not fall within any of the categories of exception to local plan policy PS8 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 concerns.

In terms of the emerging local plan the application site forms part of strategic site CS20, which is a large L-shaped parcel of land which would be located to the south of Middlewich and extend between Booth Lane in the east and Warmingham Lane in the west. The emerging policy seeks to deliver a residential development of 450 new dwellings and the provision of pedestrian and cycle connections which enhance Green Infrastructure. The site is greenfield and is currently in agricultural use with a number of ponds and a wetland area to the centre of the site.

Specifically the Submission Version of the Local Plan identifies the following development over the Local Plan Strategy period:

‘The development at Glebe Farm over the Local Plan Strategy period will be achieved through:

- *The delivery of 450 new homes; and*
- *Provision of pedestrian and cycle connections which enhance Green Infrastructure.*

Site Specific Principles of Development

- *Financial contributions to the delivery of a Middlewich Eastern Bypass.*
- *Relevant contributions towards highways and transport, education, health, open space and community facilities.*
- *The achievement of high quality urban and architectural design and the delivery of a high quality public realm.*
- *The provision of a network of open spaces for nature conservation and recreation which reinforce connections to adjacent green infrastructure.*
- *Contributions to education and health infrastructure.*

- *The site will deliver excellent connections to existing residential areas and facilities within Middlewich.*
- *A pre-determination desk based archaeological assessment will be required for the site.*
- *The Local Plan Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- *The development proposals adjoining the Trent and Mersey Canal Conservation Area and associated listed buildings must reflect the location and be of a high standard'*

It is evident that the proposed development would be consistent with the Local Plan Strategy.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31

December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS20 is one of the Strategic Sites included within the latest housing supply figures. 155 dwellings are expected over years 1-5.

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) – 134m
- Children's Play Space (500m) – 134m

- Outdoor Sports Facility (500m) – 202m
- Convenience Store (500m) – This would be provided on site
- Supermarket (1000m) – 998m
- Public House (1000m) – 998m
- Bus Stop (500m) – 294m

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:

- Post office (1000m) – 1066m
- Cash Machine (1000m) – 1127m

Significant failure to meet minimum standard:

- Post Box (500m) – 1066m
- Pharmacy (1000m) – 2504m
- Primary School (1000m) – 1813m
- Secondary School (1000m) – 2460m
- Medical Centre (1000m) - 2347m
- Leisure Facilities (leisure centre or library) (1000m) – 2384m
- Community Centre/Meeting Place (1000m) – 2365m
- Child Care Facility (nursery or crèche) (1000m) - 1508m
- Railway Station (2000m where geographically possible) – 3823m
- Public Right of Way (500m) – 963m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Middlewich, 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.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development to the north and the approved developments on Warmingham Lane from the application site. However, all of the services and amenities listed are accommodated within Middlewich (apart from a train station) 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 has no landscape designations. The Congleton Borough Local Plan identifies the application site as lying outside the settlement boundary and Policy P8 Open Countryside applies. This policy indicates that *'Development in the open countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements'*.

The application site is on the southern edge of Middlewich and covers an area of 15.3 hectares and is located to the west of the A533 Booth Lane, there is an existing strip of development along much of the Booth Lane boundary; Warmingham Lane is located a distance to the west and the

area directly to the north forms the southern edge of the residential part of Middlewich, apart from a wetland glade that dissects the area along a north to south alignment. The application site and area to the south and further to the west is open countryside and rural in character.

The assessment indicates that the existing wetland corridor to the north will be retained across the application site, in addition there is an existing easement associated with existing salt works running along an east to west alignment.

As part of the application a Landscape and Visual Impact Assessment has been submitted. The assessment follows the guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge. The assessment also refers to the Cheshire Landscape Character Assessment, although it identifies this as being at the local, rather than county level. The Cheshire Landscape Character Assessment 2009 identifies the application as being located within Type 7 East Lowland Plain, specifically ELP5 Wimboldsley Character Area; the application area exhibits many of the characteristics of this landscape type.

The assessment also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this as Middlewich Open Plain, an area that is generally flat and of medium scale with irregular fields, with clipped hedgerows and some post and wire infill fencing. The assessment also identifies the industrial and railway infrastructure in the character area and does indicate that this is a poor quality landscape.

The landscape impact assessment indicates that the overall landscape quality is low and that the sensitivity to change is medium, the assessment also indicates that the magnitude of change would be low and that the overall impact will be a slight adverse impact. The Councils Landscape Architect broadly agrees with the landscape impact assessment.

The visual assessment is based on the five zones, and indicates that the visual impact would be moderate to substantial adverse in Zone A along the northern boundary; substantial to significant adverse in Zone B along the north western boundary; negligible adverse for Zone C, located along the eastern boundary; slight adverse for Zone D along the northern part of the western boundary and nil to slight adverse for Zone E along the south of the site. The Councils Landscape architect would agree with the visual assessment.

The proposed mitigation indicates that a linear park is proposed through the application site, this appears to correspond to the existing easement in place that is associated with the salt works. It is not clear from the application how restrictive this easement may be in terms of what may actually take place along this route. The assessment also indicates that it is intended to retain the existing pond located within the application site. Apart from that there is only a vague indication that existing vegetation will be retained *‘Aspects of existing mature trees and established vegetation, hedgerows/structure will be retained within the overall site Masterplan’*.

There is potential to achieve some degree of mitigation in the perimeter landscape area, but any positive effects would depend largely on the provision of landscape improvements and enhancement generally but specifically along the existing boundaries and especially in the areas identified in the assessment as Zone A and Zone B, along the northern boundary.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013.

The SHMA Update 2013 shows that for the sub-area of Middlewich there is a need for 65 new affordable homes per year between 2013/14 and 2017/18, made up of a need for 26 x 1 beds, 22 x 2 beds, 8 x 3 beds, 4 x 1 bed older persons accommodation and 4 x 2+ bed older persons units.

There are currently 206 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Middlewich as their first choice, these applicants require 58 x 1 beds, 99 x 2 beds, 60 x 3 beds and 3 x 4 beds (6 applicants haven't specified how many bedrooms they need).

Therefore as there is affordable housing need in Middlewich there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 135 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (88 units) and 35% intermediate tenure (47 units), the affordable housing should be provided on site.

In this case the applicant is offering 10% affordable housing due to issues over viability and the £5,000,000 contribution to the Middlewich Eastern Bypass/replacement sports pitches. The applicants viability report refers to 10% affordable rent although the applicants Heads of Terms refer to 10% intermediate tenure. Clarification on this matter will be updated accordingly. The reduced level of affordable housing and other contributions will be discussed in the viability section below.

Highways Implications

The submitted Transport Assessment assesses the traffic generation numbers and from this it considers the traffic impact on the existing highway network.

The TA acknowledges the Authorities ambition to provide the Middlewich Eastern By-pass and to this end has considered both the likely traffic distribution in a '*with by-pass*' scenario and a

'without by-pass' scenario and provides network flow diagrams for both. The latter was used as a sensitivity test.

The scope for assessment of traffic impact within the TA was agreed originally with Officers from the Strategic Highways Development Management team and includes for agreed committed development sites.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database and these figures form the basis of the junction assessments provided within the TA.

The content of the TA looks at the access strategy for the site and the sustainable connectivity with regard to: walking, cycling, bus and train.

Access

The proposal is to access the site from Booth Lane via a new signal junction and the provision of a secondary priority controlled T-junction with traffic calming entry feature from Warmingham Lane.

This would effectively split the traffic generation from the site giving options for traffic distribution.

Journey to work data from the 2001 census has been used to determine traffic distribution from the site and this shows that 81% of traffic can be expected to use the main access onto the A533 Booth Lane and 19% would use the secondary access onto Warmingham Lane. The Strategic Highways Manager considers this to be reasonable.

It is recommended in the TA that the speed limit on Booth Lane is reduced to 40mph which is appropriate. However, it requires a Traffic Regulation Order and a contribution will be required to fund 'traffic management' rather than provide it.

Independent Road Safety Audits have been provided for each access proposal and the only recommendation made is that the traffic signals are designed to incorporate speed assessment facilities at the access onto Booth Lane.

Travel Planning

With such an emphasis being placed on the improvement of accessibility to this site and the promotion of modes of travel other than the private car the developer has provided a Travel Plan which identifies local facilities and sustainable travel opportunities and incorporates targets and monitoring proposals.

The Strategic Highways Manager considers this broad approach to the Travel Plan as a framework and will require a more detailed submission by condition.

Middlewich Eastern Bypass (MEB)

The Transport Assessment recognises that if MEB comes forward that strategic traffic flows will change on the existing highway infrastructure and also recognises the current need for considerable improvement to the local highway infrastructure.

As a result the developer is prepared to also offer flexible financial contributions which are targeted at local highway infrastructure improvements identified and costed by the Strategic Highways Manager.

These costed local improvement schemes are aimed at improving sustainable transport options and local links together with significant improvement at the Leadsmithy St/A54 signal junction in Middlewich and are intended to mitigate against development impact in accordance with the NPPF and the GTA (DfT), whilst appropriately promoting the use of alternate transport modes other than the private car.

The TA recognises that there are some deficiencies in sustainable links to facilities in Middlewich and offers an accurate assessment of them. It identifies areas of improvement which are required through policy and guidelines and for which there are costed schemes for improvement.

There are clear congestion issues in the centre of Middlewich around the A533/A54 signal junction at Leadsmithy Street/St Michael's Way and monies from this development should be available to fund measures which come forward and would mitigate the traffic impact of this development proposal.

Previous analysis for Middlewich concerning Middlewich Eastern By-pass has shown that there is likely to be a 50 – 75% reduction in traffic using the: Leadsmithy Street/Kinderton Street/Leadsmithy Street right/left turn when MEB is opened and clearly this would create capacity at the Leadsmithy St/Kinderton St signal junction.

The Glebe Farm TA has considered future year traffic flows (2018) at this junction without the MEB and with 50% and 75% transfer if MEB is developed. This analysis does show improvements in capacity at the junction with the transferred flow percentages in the future year however it is only the 75% transfer which gives capacity at all peak times whilst 50% reassignment does still show some congestion at Leadsmithy Street though it remains on a par with the 2013 (existing) scenario. This would still be considered to mitigate the development impact.

This analysis clearly demonstrates that in accordance with the requirements of the GTA (DfT), the completion of the Middlewich Eastern By-pass would mitigate the traffic generation from this development at full build out.

The following local measures have been identified on the local infrastructure with regard to the promotion of sustainable modal choice for travel, public transport improvements and public realm improvements:

- Bus Service/Facility Improvements - £154,000.
- Town Bridge – Signal Junction Improvements - £1,503,166.
- Cycle Lanes -Towpath: Middlewich to Glebe Farm - £1,926,099.
- Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm - £115,594.
- Cycle Lanes -Towpath: Glebe Farm to Elworth - £1,366,240.

- The total value of these improvements is: £5,065,099.

This development proposal is required to effectively mitigate against its traffic impact on the strategic highway network.

As the delivery of MEB does not have a completion date at this time it is important to identify alternate mitigation measures which will serve to help mitigate impact should MEB not be delivered. The measures are listed above and would ensure the delivery of improvements to sustainable modal choice for the development.

In total the contribution from the Glebe Farm development towards these measures would be £5,000,000 and this will be conditioned by the Strategic Highways Manager as an up-front contribution prior to development build out.

This contribution will provide the following:

- Completion of funding for Middlewich Eastern By-pass allowing Cheshire East Council to pursue its completion.
- The opportunity to provide the extensive local infrastructure highway improvements if Middlewich Eastern By-pass is not completed.

The Strategic Highways Manager has produced detailed estimates for these improvements and negotiated sums of money against them which will be subject to security under a Section 106 agreement attached to any permission which may be granted for this development proposal. The contributory sum/sums will be held for a minimum of ten years from the date of deposit.

The build out of this development as a whole will rely on the completion of the Middlewich Eastern Bypass or the delivery of the alternative complimentary measures detailed within this report.

Traffic generation has been calculated against the proposed total number of dwellings and is therefore robust.

Therefore the developer is offering a funding contribution to Middlewich Eastern by-pass which will enable the total funding package for MEB to be brought together and this would lead to the completion of the by-pass.

This would effectively mitigate against development impact and can be regarded as CIL compliant. The required contribution for Middlewich Eastern By-pass is £5,000,000 (five million).

As can be seen from the alternate identified schemes above, the comparison in total values is similar and the developer has offered that if the proposed development reached a build out level of 200 units that some or all of the contribution offered could be used alternatively to provide those measures to the local highway infrastructure should the MEB not come forward for construction. The Strategic Highways Manager considers this to be a reasonable proposal however it must be recognised that in the interim period there would be some traffic generation from this development which would cause some added congestion on the local highway infrastructure until such time as the MEB was open or the alternate local measures were provided.

Amenity

In terms of the surrounding residential properties, these are mainly to the north of the site. Although the application is in outline form, there is no reason to consider that the required separation distances could be achieved at the Reserved Matters Stage.

The proposed development would have a density of 35 dwellings per hectare which is consistent with the surrounding area and would not be out of character in this area.

To the north-west of the site, concern has been raised that the access point onto Warmingham Lane would cause loss of privacy, noise and disturbance to the adjoining residential properties which front Warmingham Lane and Inglewood Avenue. As the application is in outline form there are no details of the proposed boundary treatment but it is considered that appropriate boundary treatment/landscaping could be secured to help mitigate against loss of privacy and noise and disturbance.

The applicant has submitted a noise assessment report with the application. The report shows that noise on the site can be mitigated to an acceptable standard as detailed in BS8233. As the final layout of the site has yet not been confirmed; a detailed scheme of glazing, ventilation mitigation measures and acoustic screening fences, should therefore be prepared and submitted at the Reserved Matters application stage.

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

The Environmental Health Officer has requested a condition in relation to noise mitigation measures for the future occupiers of the proposed dwellings, odour and noise control, external lighting, dust control and contaminated land.

Trees and Hedgerows

Trees

The trees within the site are currently not afforded protection by a Tree Preservation Order. The submitted tree report identifies some 49 individual trees and 13 Groups of trees comprising principally of individual hedgerow Oak and occasional Ash. Species composition of Groups comprise of Oak and/or Ash occasionally with Hawthorn, Field Maple, Crab Apple and Willow.

The assessment identifies 24 individual (A) High category trees and three (A) category groups; 14 individual (B or B/C) moderate category trees and one (B) category group. Some trees have been classed as C/B; B/C or A/B and therefore it is unclear as to which category these trees or groups should be. Four trees and two groups have been assessed as unsuitable for retention due to their decline or are dead and are proposed to be removed. Six individual (four Oak trees T7, T27, T31, T33, a Cypress T46 and an Apple, T49) and six groups (G3, G4, G8, G10, G11 and G13) are proposed to be removed due to their low quality (C) category status and have been assessed as having limited landscape and amenity value.

Although the assessment indicates that outline proposals have been designed to incorporate most of the individual trees and groups within the application area, two Category A Oak trees, T1 (which is located outside the site edged red) and T12 are proposed to be removed (T1 is presumed for removal for visibility splay requirements and T12 for internal access arrangements. Three Category B trees (2 Oak and an Ash) will require removal to accommodate the proposed access of Warmingham Lane and internal access arrangements. At least part of five low quality or moderate to low quality groups (depending on whether they are assessed as C or C/B) are also proposed to be removed for development.

In principle there should be no major arboricultural reasons why the site cannot be developed subject to a suitable layout and design in accordance with BS5837:2012. The layout ought to be able to be reconfigured to allow the retention of those A and B category trees identified for removal to accommodate access arrangements or highway requirements relaxed in respect of mandatory visibility splays and unadoptable highway construction.

Hedgerows

Further information has been submitted in relation to this issue and this is currently with the Council Tree Officer for consideration. An update will be provided in relation to this issue.

Design

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

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

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

In this case the density of the site is appropriate and is consistent with that of the surrounding area.

It is not considered that the development would have a detrimental impact upon the setting of the nearby canal Conservation Area.

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. According to the indicative plan the open space would be located to the centre of the site. A NEAP and LEAP could be well overlooked by residential properties.

Ecology

SSSI

The application site is approximately 630 metres from the Sandbach Flashes SSSI. In this case Natural England has advised that there is not likely to be an adverse effect on the SSSI as a result of the proposed development subject to the imposition of conditions relating to bird disturbance. The impact upon the SSSI is therefore considered to be acceptable.

Bats

Five trees have been identified on site as having moderate potential to support roosting bats. Four of these trees are located on the site boundary and the fifth is located in an area of open space. Therefore based upon the submitted indicative plan it appears feasible that these trees could be retained as part of the development.

Additional bat activity surveys have been undertaken. The site supports foraging habitat for a number of bat species and the level of bat activity is broadly what would be expected for a site of this nature in a rural location. It is suspected that there may be a roost present in the nearby existing housing. The Council's Ecologist advises that the proposed development is likely to lead to some loss of bat foraging habitat however, this could be mitigated for by means of a good quality landscaping scheme for the open space and boundaries of the site. A condition would also be required requiring the lighting scheme for the site to be agreed with the LPA as part of any reserved matter application.

Great Crested Newts

Due to access restrictions not all ponds within 250m of the proposed development have been surveyed for Great Crested Newts. However, as surveys of all ponds where access was available have been negative for this species the Council's Ecologist advises that it is unlikely that this species is present on site or will be affected by the proposed development. No further action in respect of Great Crested Newts is required.

Reptiles

The submitted ecological assessment states that the application site is for the most part unsuitable for reptiles. In the Council's Ecologist's opinion the pond 3 area and associated wetlands could be utilised by grass snake on at least a transient basis. However, as this habitat is retained as part of the development any potential impacts on this species would be at least partly mitigated.

Grassland Habitats

An additional botanical survey of the grassland habitats has now been undertaken and submitted to the Council following concerns raised by the Council's Ecologist. As agreed with the applicant's consultant the survey was undertaken in October which is outside the optimal survey season for surveys of this type and it is likely that the accuracy of the survey has been constrained by the season.

Based on the results of the submitted survey the grassland habitats on site would not meet the site selection criteria for designation as Local Wildlife sites. However, three fields (fields 3,6 and the retained area of marshy grassland) have the potential to be of sufficient value to be designated if a survey was undertaken at the appropriate time of year.

The Councils Ecologist advises that the grassland habitats on site must be considered to have at least some nature conservation value in the local context. However a full assessment of the value of the grassland habitats could only be made following a further botanical survey at the optimal time of the year.

If planning consent is granted the Councils Ecologist advises that the loss of grassland habitats on site must be off-set by means of a commuted sum which could be utilised to fund off-site habitat creation.

It would be informative for the applicant to undertake a detailed assessment of the residual impacts of the proposed development however in the absence of such an assessment the Councils Ecologist proposes the following method of calculating a commuted sum to off-set the potential loss of biodiversity associated with the proposed development. The level of contribution sought in this instance is higher than some other schemes due to the potential high value of some of the grassland habitats lost to the proposed development. The calculation is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'. The loss of habitat (Semi improved grassland) associated with the proposed development amounts to roughly 12.93ha. The cost of the creation UK BAP grassland is £11,293.00 per ha. Therefore the cost of creation of and on-going management of Lowland Grassland habitats is: $12.93\text{ha} \times £11,293.00$ (cost per ha) = £146,018.49 (Source UK BAP habitat creation/restoration costing + admin costs).

In this case the developer is not willing to make this contribution and the loss of habitat will need to be considered as part of the planning balance.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. A number of hedgerows around the site have been identified as having nature conservation value. This submitted indicative layout plan suggests that it is feasible to retain a number of hedgerows around the site, however there are also likely to be some losses as a result of the development of this site. If outline planning consent is granted a suitable condition is required to ensure adequate replacement hedgerow planting is incorporated into any future landscaping for the site.

Other Protected Species

An updated survey has been undertaken for other protected species. There are unlikely to be significantly affected by the proposed development.

Ponds

Ponds are a Biodiversity Action plan priority habitat and hence a material consideration. A number of ponds are present on site. Two of these ponds (ponds 1 and 5) are to be likely to be lost as a result of the proposed development. It seems likely that ponds 2 and 3 would be retained as part of the proposed development. Two other ponds (ponds 4, 6) that could potentially be retained do not appear on the indicative layout plan. If the Reserved Matters application results in the loss of any ponds replacements should be secured.

Breeding Birds

The application site has been assessed as being of local importance for breeding birds. The potential impacts of the development upon breeding birds should be minimised through the retention of the marshy grassland and hedgerow habitats on site and the incorporation of features suitable for breeding birds into the scheme design. However the development is likely to result in a residual impact upon birds.

Public Open Space

The indicative layout shows that an area of POS would be provided centrally within the site. The Open Space Officer has stated that if the development is approved there would be a deficiency in the quantity of provision and the requirement for the site is 13,530sq.m. The area shown on the indicative plan is 23,700sqm this is an over-provision of 10,170sqm (despite the inclusion of a wetland area). Therefore the amount of open space to be provided is acceptable.

In terms of children's play space, the Public Open Space Officer has requested the provision of a NEAP and LEAP. This would be provided centrally and secured as part of a S106 Agreement.

The open space and LEAP on site would be managed by a management company and this would be secured as part of a S106 Agreement.

Loss of Recreational Open Space

The application site includes a former sports ground which is protected by Policy RC2 (Protected Area of Open Space/Recreational Facility) which would be lost as part of this development.

In relation to this issue there have been negotiations between the Sport England, the Council, the applicant and the Cheshire FA and it has been agreed that the most appropriate solution would be a scheme of improvements to the existing playing pitches at Sutton Lane which are in a poor state of repair.

In response to this the applicant commissioned an Agronomists Report to assess the cost and feasibility of these improvement works. This report identified 5 improvement options but required a further survey of the drainage at Sutton Lane to identify which of the options would be most appropriate.

In relation to this issue the drainage contractor has stated that a crew will be on site on the morning of 19th March 2014 and that the report should be produced by the 21st March. However, this is very much weather dependant and further inclement weather could cause another delay to the CCTV survey. A further delay would mean that the drainage survey report would unlikely be ready for the planning meeting on the 2nd April 2014.

In this case there has been further consideration of the options and it has been determined that only options 3 and 4 are viable to improve the pitches at Sutton Lane with the options 1, 2 and 5 being discounted. Options 3 & 4 would provide pitches that conform with the criteria set out in the Sport England Design Guidance Notes. The only reason for the CCTV drainage survey is to distinguish between the two options, and the financial implications of this are shown below;

- Option 3 - Surface renovation and the installation of primary and secondary drainage into a limited area of the sports field. The estimated value for these works is £136k + £24k for a 12 month maintenance programme (excluding professional fees and VAT).
- Option 4 - Surface renovation and the installation of a secondary drainage system into a limited area of the sports field. The estimated value for these works is £82k + £24k for a 12 month maintenance programme (excluding professional fees and VAT).

Both options would require an additional contribution to provide fencing at Sutton Lane and this has been costed at £60,000.

The Council will enter into a Memorandum of Understanding with Sport England as requested by Sport England.

A further update will be required in relation to the final costings.

Education

In terms of primary school education, the proposed development would generate 81 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £596,545. In this case the applicant is unable to make this contribution due to viability issues and the required contribution for the Middlewich Bypass.

In terms of secondary school education, the proposed development would generate 42 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £964,219. In this case the applicant is unable to make this contribution due to viability issues and the required contribution for the Middlewich Bypass.

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 exceeds 1 hectare, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that there is no risk from river/coastal flooding, the flooding maps and from historical flooding. However there is a high to very high risk of groundwater flooding, a low risk from surface water flooding and a risk from blockages along the water ditches on site and infrastructure failure.

The submitted FRA identifies Sustainable Urban Drainage Systems (SUDS) can be used on this site to manage storm water and run-off both to the application site and to surrounding properties.

The submitted FRA states that:

- Infiltration tests will be carried out as part of the full site investigation. If infiltration results prove successful then soakaways will be used.
- Rainwater harvesting is recommended.
- Swales are likely to be used to redirect, store and infiltrate surface water. Swales can be directed towards the existing ditches on the site.

- The use of permeable paving for parking bays will be used to store and slow down the rate of discharge.
- Modular tanks with a high void ratio can be used to create a below ground storage structure.
- There are existing ponds on site which can provide both storm water attenuation and treatment. There are existing ponds within the site and they may need to be increased in size to cater for an increased hardstanding area.
- Water butts are recommended to harvest rainwater for garden use.

The FRA then goes on to state that the surface water run-off from the site will drain to the existing surface water ditch at the maximum Greenfield surface water run-off rate.

In terms of foul water drainage a pumping station will be required and a separate foul water drainage system will be provided within the site. The foul water drainage will connect to the existing foul water manhole in Booth Lane.

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

Proposed Convenience Store

The application includes the provision of a small retail unit which would have a maximum floorspace of 375sqm. This would serve residents on the application site and at the southern part of Middlewich. Given the size of this unit there would be minimal impact upon the viability and vitality of Middlewich Town Centre. The proposal would not require an impact assessment as it is below the threshold of 2,500sq.m contained within the NPPF.

Impact upon the Hazardous Installation

A brine pipeline runs across the application site and concern has been raised about the impact upon this pipeline. In this case the Health and Safety Executive have been consulted and raised no objection in relation to this hazardous installation or other hazardous installations in the area. The impact is therefore considered to be acceptable and further details will be provided at the reserved matters stage.

Archaeology

The Council's Archaeologist has considered the application and supporting report and considers that the issue of archaeology could be resolved through the use of a planning condition.

Agricultural Land Quality

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.

An Agricultural Land Survey has been produced and this indicates that the application site is Grade 3b and Grade 4. As a result the loss of this land does not raise any issues.

Impact upon the adjacent canal

The Conservation Area runs along the line of the adjacent canal located to the opposite side of Booth Lane. Given the intervening road it is considered that it would be possible to negotiate an acceptable design solution that would not harm the setting of the Conservation Area.

The options for improvements to the canal towpath are mentioned within the highways section and would be provided if the MEB does not come forward. This is also referred to within the objection from the Canals and Rivers Trust who are seeking contributions to upgrade the canal towpaths. Further consideration is given to this issue within the viability section below.

Viability

As part of this application there have been a number of requests for contributions from the relevant consultees and these are summarised as follows:

- Highway mitigation MEB - £5,000,000 or other highway/sustainability measures £5,065,099.
- Playing pitch improvements at Sutton Lane - either option 3 (£220,000) or option 4 (£166,000)
- 30% affordable housing (split 65% as rented or 35% as intermediate tenure)
- Primary school education contribution of £596,545
- Secondary school contribution of £964,219
- Habitat mitigation contribution £146,018
- Maintenance of the NEAP and LEAP on site if maintained by the Council £403,871 per play area OR off-site works in place of the LEAP at Sycamore Drive enhanced provision and maintenance would total £527,765.

In this case the developer has offered a £5 million contribution which will be split between the Middlewich Eastern Bypass or other highway/sustainability measures and replacement playing pitches and 10% affordable housing.

The NEAP and LEAP would be provided on site and managed by a private management company so there would be no requirement for the maintenance contributions or the off-site works at Sycamore Drive

As a result of the above it was necessary to obtain external advice from a viability consultant to ensure that the level of affordable housing and other contributions could not be provided in support of this application.

The figures contained within the viability report are confidential and will not be repeated within this report but the Councils viability consultant has assessed the figures and concludes that;

'We have reviewed the value, cost and timing assumptions and conclude that the proposed scheme, providing £5,000,000 in Highways Contributions and 10% of units as affordable rent, is the maximum the scheme could viably provide'

In this case it is deemed necessary to provide the Sutton Lane playing pitch contribution to address the objection from Sport England. Whilst the highways mitigation (either in the form of the contribution to MEB or the other highways/sustainability measures) is required to mitigate the highways impact of this development without this there would be an objection from the Strategic Highways Manager and it has been agreed that the Sutton lane contribution will be deducted from the £5,000,000.

Although it is unfortunate that the full level of affordable housing is not provided it is considered that the level of 10% must be provided on site to support a mixed and balanced community.

Unfortunately and as a result of the above it is not possible to secure the requested contributions to primary and secondary school education or in terms of habitat mitigation.

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 the loss of playing pitches which are protected by Policy RC2 of the Local Plan. As a result of the Sport England objection it is necessary to secure mitigation off-site to make the development acceptable in planning terms and this figure is directly related to the development and fair and reasonable.

The development would also result in increased vehicular movements to the site and the surrounding road network within Middlewich suffers from serious congestion problems. Due to the increased vehicular movements it is considered that a contribution will be required to mitigate this impact and without this the development would be unacceptable. The contribution is considered to be directly related to the development and fair and reasonable. The preference is for the contribution to go towards the Middlewich Bypass but an alternative scheme of mitigation has been identified (it is considered that the strategic importance of completing the bypass would outweigh the harm to the Canal Infrastructure if the bypass sum is secured).

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

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

10. CONCLUSIONS

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. In this case the development is consistent with Policy CS20 of the Cheshire East Local Plan Strategy Submission Version and is one of the Strategic Sites

included within the latest housing supply figures where 155 dwellings are expected over years 1-5. As a result it is considered that the principle of development is acceptable in this case.

It is considered that the development is acceptable in terms of affordable housing provision. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

The issue of highway safety and traffic generation is considered to be acceptable and the development would not have a severe impact subject to the required contribution.

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.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact upon protected species. In this case there would be a loss of habitat and the requested contribution cannot be secured. This issue is considered to be outweighed by the economic and social benefits of approving housing in this location.

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

Policy requirements in respect of public open space provision can be met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect.

Contributions to primary and secondary schools cannot be secured for viability reasons. This issue is considered to be outweighed by the economic and social benefits of approving housing in this location.

The loss of the playing pitch on site would be mitigated against by the suggested contributions to improve the playing pitches at Sutton Lane.

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.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A contribution towards playing pitch improvements at Sutton Lane. The final sum to be confirmed and is either option 3 (£220,000) or option 4 (£166,000). The sum is to be submitted prior to the commencement of development.**
- 2. A contribution towards Middlewich Eastern Bypass of £4,780,000 if option 3 is used above or £4,834,000 if option 4 is used. If the MEB is not delivered the sum will be spent on the following highway/sustainability measures: Bus Service/Facility Improvements; Town Bridge – Signal Junction Improvements; Cycle Lanes -Towpath: Middlewich to Glebe Farm; Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm; and Cycle Lanes**

-Towpath: Glebe Farm to Elworth. The sum is to be submitted prior to the commencement of development.

3. No more than 200 dwellings are to be constructed prior to the completion of the MEB or the other highway/sustainability measures

4. A scheme for the provision of 10% affordable housing all to be affordable rent. The scheme shall include:

- The numbers, type and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

5. Provision of Public Open Space, a NEAP and LEAP to be maintained by a private management company

And the following conditions

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 7. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 8. Details of external lighting to be submitted and approved**
- 9. Dust control measures to be submitted and approved**
- 10. Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority.**
- 11. A scheme for the acoustic enclosure of any fans, compressors or other equipment for the proposed retail store**
- 12. A detailed scheme of glazing, ventilation mitigation measures and acoustic screening fences, should therefore be prepared and submitted at the Reserved Matters application stage**
- 13. Travel Plan provision**
- 14. Electric vehicle Infrastructure**
- 15. The submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence.**
- 16. A scheme to limit the surface water run-off from the site**
- 17. A scheme to manage the risk of flooding from overland flow**
- 18. The provision of a buffer to the water course**
- 19. Provision of bird and bat boxes**

- 20. Works should commence outside the bird breeding season
- 21. Access point to Booth Lane to be provided in accordance with the approved details prior to first occupation
- 22. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
- 23. Reserved matters application to include details of existing and proposed levels
- 24. Tree protection
- 25. Tree retention
- 26. Arboricultural Method Statement to be submitted at the Reserved Matters stage
- 27. If the Reserved Matters application results in the loss of any ponds replacements should be provided.

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 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.

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/4219C

Location: Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR

Proposal: Outline Planning for the Development of Land to the West of Padgbury Lane, Congleton, for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure.

Applicant: Louise Williams and Kathleen Ford

Expiry Date: 25-Jan-2014

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

Principle of the Development
Housing Land Supply
Location of the Site
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Agricultural Land
Education
Flood Risk and Drainage
Health

REASON FOR 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. DESCRIPTION OF SITE AND CONTEXT

The site comprises 5.45ha of gently undulating grassland in agricultural use.

The eastern boundary of the site extends to Padgbury lane and the rear boundary of existing dwellings which front on to Padgbury lane.

The southern/eastern boundary of the site comprises the Heath Farm Public house, a grade II listed building associated out buildings and four dwellings, one of which is the grade II listed. To the rear of the southern boundary lies the hedgerow and tree belt which forms the boundary with the application site 13/4216C.

Loach Brook forms the rear, south western boundary of the site, beyond which lies further agricultural fields. A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm.

A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

1. DETAILS OF PROPOSAL

This is an outline application with all matters reserved except for access for up to 120 dwellings and a healthcare facility indicated close to the Padgbury Lane frontage (Class D1 comprising 2 consulting rooms and a pharmacy within 180 sq metre) with a LEAP and open space . An Illustrative Parameters Plan, Padgbury Lane North has been submitted in support of the application showing two new accesses onto Padgbury Lane a Play Area set within Public Open Space, habitat areas and pedestrian and cycle links

The density is indicated at 33 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms . 30% affordable housing provision is proposed. The scheme as described allows for a mix of 2 and 2.5 storey properties (with a maximum ridge height of 10m).

2. RELEVANT HISTORY

There is no planning history.

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
H13	Affordable Housing and Low-cost Housing
RC1	Recreation and Community Facilities – General
RC4	Countryside Recreational Facilities

National Policy

National Planning Policy Framework

Other Material Policy Considerations

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

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

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

Cheshire Fire & Rescue: No objections subject to recommendations relating fire safety.

Archaeology: No objection subject to condition

Strategic Highways Manager: Objection on the basis that insufficient information has been provided with regard to the impact of the proposal of the local road network and insufficient consideration within the updated Transport Assessment information has been provided with regard potential highways mitigation which would have potential to overcome the concerns of the Strategic Highways Manager.

Public Open Space (Amenity Greenspace) and Children's Play Space: No objection subject to the provision of on site amenity greenspace of 2880m² and a LEAP (minimum 5 pieces of equipment – comprising a minimum of 4,000m²) – all of which to be maintained by private management company in future

Ecology: No objection subject to conditions and mitigation for the loss of grassland habitat.

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

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details
- Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

United Utilities advise that the provision of a mains water supply could be expensive.

Our 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.

Cheshire Wildlife Trust – Make the following comments

The areas of notable grassland listed as TN6, TN7 and TN8, TN10 (in the fpcr report March 2014) were assessed by CWT against the criteria for Local Wildlife Sites in order to ascertain their value. A summary appears below:

- TN6 has 5 indicator species for BAP priority grassland (all listed as neutral indicators) and a further 6 semi-improved indicators.
- TN 7 and TN8 (combined) have 5 indicator species for BAP priority grassland (3 neutral indicators) and a further 6 from the list of semi-improved indicators.
- TN10 has 9 BAP priority grassland indicators (6 from the list of neutral, however one is confined to the peripheries) and a further 6 semi-improved indicators.

All the above areas exceed (by a significant margin) the minimum thresholds set out in the LWS criteria for neutral grassland (H7) and therefore all areas (TN 6, 7, 8 and 10) are deemed to be BAP priority habitat (Lowland meadows). Furthermore as the DAFOR assessments were undertaken in November (which is outside the recommended survey period for grasslands - June/July/August) their value is likely to have been underestimated.

CWT estimates that the proposed loss of Priority BAP habitat is at least 1.55 ha. This may be an underestimate as the retained BAP grassland areas are to be used for other purposes in addition to the grassland mitigation referred to in the report. These purposes include a Local Area of Play, a footpath/cycleway and a habitat pond. Moreover as the development site abuts the grassland mitigation area (with no buffer area incorporated into the design) we consider that there is likely to be a significant detrimental impact on this habitat and the species it supports (including reptiles and amphibians) even if the grassland is managed.

The proposed newly created grassland areas will total 0.11 ha which we consider is insufficient to mitigate for the loss of 1.55ha of BAP priority habitat. We consider that the fact that the grassland is presently unmanaged immaterial to this evaluation which has been calculated on its current value. For the reasons stated above we do not believe the proposed grassland management will secure the remaining BAP habitat in the long term.

The loss of approximately 1.55 ha of UK Priority habitat without adequate mitigation and the significant loss of habitat on one of the last remaining sites in Cheshire for the slow worm (UK BAP species) indicates that this proposed development is unsustainable from an environmental perspective. This is contrary to the NPPF and the guidance set out in the NERC act 2006 (Biodiversity duty). If the council is minded to grant permission then the loss of the BAP habitat should be recorded for LDF monitoring purposes.

Jodrell Bank : No objection subject to the incorporation of features for the purposes of electro-magnetic shielding

Natural England: No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species the Planning Authority should refer to Standing Advise

Environment Agency: The Environment Agency has no objection in principle to the proposed development however make the following comments-

Flood Risk

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site. This has been calculated as 2.13 litres/sec/ha within the *Flood Risk and Runoff Assessment; Land off Padgbury Lane (South), Congleton* prepared by Opus International Consultants (UK) Ltd (dated September 2013, ref: JD-D1113-R01), which is considered acceptable in principle. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

The following planning conditions are required -

Condition 1

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600 mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change (as detailed in Table 5.11 of the *Hydrology Report* prepared by Opus International Consultants (UK) Ltd, dated July 2013, ref: J-D1112-H), has been submitted to and approved in writing by the local planning authority.

Condition 2

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no built development or alteration of ground levels within the 1% AEP flood outline, has been submitted to and approved in writing by the local planning authority.

Condition 3

The development hereby permitted 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 Environment Agency advises that during times of severe rainfall overland flow of surface water could cause a flooding problem. 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.

Condition 4

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Ecology

The Environment Agency advises that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least an 8 metre wide buffer zone around the watercourse.

Condition 5

No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with 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. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Contaminated Land

The Environmental Impact Assessment (Dated Sept 2013) and its further Addendum have not considered land contamination.

The Land is bordered by a surface water course and is located above a Secondary A Aquifer and Secondary B Aquifer. We consider these to be controlled waters.

As such we consider that planning permission could only be granted to the proposed development as submitted if the following planning conditions are attached-

Condition 6

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 7

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

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures, travel plan, dust control and

contaminated land. In terms of air quality conditions suggested in terms of electric car charging points and travel planning.

Strategic Housing Manager : No objection subject to the provision of 30% affordable housing with a full mix of units, not just 2 and 3 bed units

Public Rights of Way: The proposal has the potential to affect Public Footpath Congleton No. 18, as recorded on the Definitive Map of Public Rights of Way held at this office .If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route).

Education: The development of 120 dwellings will generate :- 22 primary & 16 secondary school places The Education Department is forecasting that the primary schools will be oversubscribed. Therefore 22 primary school places will require £112,475 contribution. Pupil numbers fluctuate and figures may look different following the next school census.

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Objection on grounds of loss of open countryside and contrary to Local Plan housing policy.

Newbold Astbury Parish Council: Wish to make the following comments –

1. In the section on Transport Analysis (section 10 - specifically part 4.6.2 item (iv) and at other points in both application reports) the Newcastle Road onto which the south end of Padgbury Lane connects is described as the A50. This designation is incorrect as the road is the A34 and recorded statistics for the A50 are irrelevant to the case in question.

2. Traffic Flow Analysis for the Padgbury Lane/A34 south junction takes no account of the subsequent significant effect on increased traffic flows other than in the immediate vicinity of the junction.

Specifically no assessment is made on the impact of traffic flows to the Leek and Biddulph and the Mossley/Hightown areas of Congleton.

The principal road serving these areas is Peel Lane located in Conservation No.20 (Astbury Village Conservation Area) which is located only 600metres from the Padgbury Lane/A34 junction.

The Conservation Area is subject to specific published policies to diminish and restrict traffic flows on the grounds of Heritage Preservation as in the attached published objectives of the Conservation Policy, Section (iv).

3. As a statutory Conservation Area Astbury Village is a National Heritage Asset and the traffic assessments of the applications are further flawed in that no reference or discussion is included

as to the effect of the development on this Heritage Asset as already stated 600metres distant and which would be in direct conflict with the objectives of NPPF Section 12.

4. The Archaeological/Heritage Assessments for both sites makes no mention or takes no account of the adjacent statutory Conservation Area and high status Listed Buildings therein (Grade 1 and Grade 2).

In the opinion of the Parish Council the presence of the nearby Conservation Area and the impact of the development in terms of traffic movement should have been taken into account in the analysis.

5. The proposed development on both sites are outside the settlement zone line indicated on the Congleton Borough Local Plan and the development would result in the loss of an important green space "buffer" between the existing urban areas and designated open countryside.

This would be particularly harmful to the rural aspect of the adjoining countryside when viewed from the Bridleway and footpaths on the higher ground to the west and contrary to the NPPF Policy of avoiding unnecessary harm to the setting of the open countryside.

6. OTHER REPRESENTATIONS

Circa 294 Letters of objection have been received raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- There is a lack of employment in the area
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Loss of countryside
- Adverse impact on landscape character and appearance
- There are numerous properties for sale in area
- Priority should be given to brownfield sites
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- Cumulative impact
- Adverse impact on the PROW that crosses the site

Highways

- Road infrastructure is already congested, morning rush can take 40 mins to get to Congleton

- Padgbury Lane is a rat run
- Increased traffic congestion
- Impact upon highway safety
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Buses get stuck in the congestion already proposal will worsen

Green Issues

- Loss of green land
- Southern part of the site abuts the green belt
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees
- Loss of agricultural land (grade 2 and 3a)
- Impact upon Great Crested Newts, badgers bats
- Loss of Hedgerows/ trees as an ecological issue
- Access will require removal of trees to Padbury Lane which are part of the defining character of the street
- Flooding into Loachbrook together with the cumulative impact of Loachbrook Farm development and subsequent adverse impact upon River Dane SSSI which Loachbrook links into

Infrastructure

- Increased pressure on local schools
 - Padgbury Lane is a safe walking to school zone, but only has pavement to one side.
- Road safety for school children from site needing to cross busy road
- The local schools are full to capacity
 - Doctors and dentists are full
 - The recreational spaces are at capacity
 - The sewage system is overstretched
 - There is little in terms of leisure facilities
 - Adverse impact upon local drainage infrastructure

Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Adverse impact upon the village of Astbury by virtue of proximity . Preservation of distance is important to the regional economy
- Impact upon archaeology – finds on site suggest that it

A letter of objection has been received from Fiona Bruce MP raising the following points:

- o Site is outside settlement zone line and contrary to existing and emerging local plans.
- o Congleton has insufficient employment to cater for the new properties
- o Padgbury Lane is a rat run And suffers from heavy congestion
- o Insufficient infrastructure in the area

An objection has been received from West Heath Action Group which raises many of the same issues as outlined above and considers the proposal to be premature, and economically, environmentally and socially unsustainable.

Councillor Thwaite, as an adjoining Ward Member supports the West Heath Action Group and objects on the grounds -

a. The emerging Local Plan is not going to designate this site for housing development. It is going to support the Neighbourhood Plan adopted by the Congleton Town Council whereby housing development will go predominately to the north and west of the town, alongside the proposed "Link Road".

b. There are enough houses in that plan to meet the forecasted requirement for new houses in Congleton for the life of the next Local Plan. With the houses will be new primary schools, health facilities retail developments, and employment. VERY SUSTAINABLE

c) The whole future of Congleton Town as a sustainable town, depends on the proposed "Link "Road. This road will open up access to existing and new employment areas and so provide jobs to replace some of the countless jobs lost in the last decade. The current access to the major employment site at Back Lane is totally unacceptable for the factories and the residents, but the new road will provide a new access and allow the employment site to be extended. Current dissatisfied existing employers will stay and new ones will come in. We will move a stage closer to people in Congleton being able to live, work and play in the town without commuting. Schools leavers should not have to commute to Stoke, Crewe, Warrington or Macclesfield.

d) The "Link" road will be funded by government, Cheshire East Council and infrastructure levies on the houses to be built near to it. If houses are built in Padgbury Lane then fewer houses will be built by the "Link" road and less infrastructure money will come in. It could lead to the road not being built. That would leave Congleton town to be an unplanned urban sprawl of a dormitory town with few jobs and massive out commuting

The full content of the objections are available to view on the Councils Website.

7. APPLICANT'S SUPPORTING INFORMATION

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment inc updated information
- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal - including updated information
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- including updated information
- Agricultural land Assessment
- Archaeological Assessment
- Acoustic Report
- Socio-Economic Report
- S106 Heads of Terms
- Utilities report

These reports can be viewed on the application file.

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.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the submission version of the Local Plan Strategy state that, inter alia, 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 to outweigh the policy concerns.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within

the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Submission version of the emerging Local Plan strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Submission Version of the Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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 at that time.

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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Sustainability

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

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- post box – site entrance on Padgbury Lane
- amenity open space (on site)
- public park / village green (1320m) - Quinta Park
- public open space - on site
- public house (adjoining site)
- primary school (480m) (Quinta School Ullswater Road, CW12 4LX
- child care facility (480m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1150m), Martin McColl West Heath Shopping Centre
- bus stop (Hail and Ride Padgbury Lane)
- a local shop selling food or fresh groceries (360m), Londis Texaco Filling Station

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- post office (1150m), Martin McColl West Heath Shopping Centre
- leisure facilities (3300m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- Pharmacy (1150m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY.

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

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 Congleton, 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 in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally sustainable site.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

This is consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high

quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a greenfield site and therefore not the first priority for development.

The site is within walking distance along level terrain, subject to the provision of additional footways, or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities.

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.

Economic Role

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

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.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 120 new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision. Whilst it is indicated that 180 m sq doctors surgery (sufficient for 2 surgery rooms) NHS England would be unlikely to accept this provision since it does not tally with their commission model, so any such D1 facility that would be delivered would be likely to be for private medical purposes.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, 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.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need locally, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and some social benefit in terms of the revenue required to fund primary education ,however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside.

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year

made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to this the number of applicants on Cheshire Homechoice have been considered. There are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises 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.*

Therefore 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 36 affordable dwellings on this site, with 23 provided as social or affordable rent and 13 provided as intermediate tenure.

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%.

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) 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 therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved I would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing Manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage.

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

Highways Implications

This application (for up to 120 dwellings with access off Padgbury Lane) has been submitted by the same applicant for a sister application 13/4216C (for up to 180 units and associated development elsewhere on this agenda) and are on adjoining parcels of land.

Each application has its own Transport Assessment (TA) and both TAs refer to the three points of access which will be used to serve the sites which demonstrates that they are intended to be considered as one development. The applications are outline so internal layout is not definitively indicated.

The Strategic Highways Manager is of the views that the two sites should not be considered separately for traffic generation and impact purposes as junction capacity modelling is not a linear calculation and the Strategic Highways Manager finds that both sites should be assessed cumulatively.

Therefore, an updated Transport Assessment was required to be provided by the applicant that deals with the total of 300 residential units, not each site individually. (180 units on this site and 120 on the adjoining site).

The structure of each submitted TA is the same and therefore the critique below is set against the 120 dwelling (North) site but is equally applicable to this application.

Transport Assessment Scope (as originally submitted).

It is noted that no scoping discussions with Cheshire East Council (CEC) have been undertaken in relation to this application. The Transport Consultant (Savill Bird and Axom) has independently elected to consider only the following junctions:

- Sandbach Road/Sandy Lane
- Padgbury Lane/Sandbach Road/Box Lane signal junction
- Sandbach Road/Holmes Chapel Road/Newcastle Road/West Road – (Waggon and Horses jtn).
- Padbury Lane/Newcastle Road
- Proposed Site Access

The traffic distribution exercise indicates that 35.9% of development traffic will travel to/from Box Lane to the north of the site. While the distribution of trips beyond this location is not clear, as a minimum the Box Lane/Holmes Chapel Road/Melton Drive four-arm priority junction will need to be subject to capacity assessment.

The traffic distribution exercise also indicates a total of 49.8% of development traffic passing through the Sandbach Road/Holmes Chapel Road/Newcastle Road/West Road roundabout ("Waggon and Horses Roundabout") during the peak hour. Based on the high proportion of development traffic estimated to use this junction, it is considered that further junctions to the

east should be subject to assessment. These additional junctions should be included in the scope which needs to be agreed for the new Transport Assessment.

The Strategic Highways Manager notes that the traffic model which CEC have developed already demonstrates significant stress at the Waggon and Horses junction.

Specifically, it is considered likely that the majority of traffic generated by the development using the Waggon and Horses Roundabout would be travelling to/from West Road and therefore passing through the West Road/Clayton Bypass/West Street/Obelisk Way/Davenport Street roundabout ("West Street Roundabout").

Furthermore, the majority of that traffic is also likely to travel to/from the A34 Clayton By-pass roundabout.

Therefore, these two additional junctions should be subject to capacity assessment.

There are significant known capacity issues at each of these junctions, which both interact with the Waggon and Horses Roundabout during peak times. The absence of a capacity assessment for these junctions is a significant omission from the Transport Assessment and should be addressed, with mitigation measures proposed where necessary.

The S.H.M. advises that given the significant congestion on this corridor of the A34 there is a costed list of improvements which need to be considered by any development which needs to mitigate its impact on this sensitive area of the strategic highway network. The submitted TA's for these applications make no realistic offers in this regard and this is seen as a shortfall in the assessment of the traffic impact from this combined site.

It is also noted that this application for 120 dwellings has been received alongside an application for 180 dwellings on the adjacent site, with the Transport Statement having been produced by the same transport consultant. Indeed the traffic figures show "Accesses 1, 2 and 3", indicating that the two sites are being considered as part of a single overall development. It is considered that a single assessment covering both application sites would be the appropriate approach, so that the highway impact of both sites can be evaluated properly.

Traffic Distribution

The traffic distribution figure (Figure 5.1) suggests that 35.9% of development traffic will travel to/from Box Lane and dissipate on the local network without entering the Waggon and Horses Roundabout. It is not clear from the Census data analysis how this figure was arrived at and where this traffic travels to beyond Box Lane.

Further information should be provided by expanding the network shown to establish whether any additional junctions should be assessed. As noted above, it is considered that the Box Land/Holmes Chapel Road/Melton Drive junction should in any case be subject to assessment.

Modelling Results

A review of the full modelling results in Appendices J to O has been undertaken of the results for both the 120 dwelling site (north site) and 180 dwelling site (south site).

As noted previously, a single assessment is required of the traffic generated by both sites combined to assess the overall impact of the total 300 dwellings.

Notwithstanding this, some comments have been made in relation to the models which have been produced for the roundabout and signalised junction.

Waggon and Horses Roundabout

There is no evidence presented that the model has been validated. Queue length surveys should be undertaken to establish that the base model accurately represents on-street operation. Therefore, there can only be limited confidence in the outputs of the future year assessments. It is felt that this is necessary due to the cumulative impact from this combined site.

The modelling outputs presented in Appendix M of both TAs show that 0.85 has been set as the “RFC Threshold”, meaning that any output over this threshold should be considered to indicate that a junction is at its practical capacity.

This is consistent with standard practice, and in respect of capacity it is agreed that 0.85 RFC is the threshold by which the junction’s performance should be judged.

The base model results within the TAs suggest a PM RFC of 0.85 in the 2013 base year (without development). This is considered to under-represent existing network conditions and based on CEC’s traffic model information and site observations, it is clear that this roundabout currently operates in excess of a 0.85 RFC during both peak hours, with significant queuing observed on all arms.

Similarly, the 2013 base (without development) outputs suggest a maximum queue length of 5 PCUs in the AM peak hour, and 6 PCUs in the PM peak.

This is significantly below the maximum queue lengths known and observed on the network by CEC. It is required that queue length surveys must be undertaken to confirm actual queue lengths and thereby validate the base models.

Notwithstanding the above, the 2013 “with development” scenarios suggest that the traffic from either site would be significant enough to take the RFC above 0.85, and therefore to an unacceptable level.

The 2013 “with development” scenario is a hypothetical scenario where the development traffic is simply added to the observed 2013 traffic, without any account of committed traffic or background traffic growth. Therefore, this scenario demonstrates that the development traffic alone is enough to cause unacceptable impacts at the junction, and any capacity concerns should not be attributed solely to the effect of background traffic growth and committed development traffic.

If both sites were considered together within the submitted Transport Assessment, as requested, the modelled impacts at this junction are likely to be greater. The separate results of each modelling exercise for the two sites cannot be simply added together to determine this, and therefore the sites should not be considered independently.

This is because capacity calculations are not a linear function, and as a junction approaches capacity, each additional PCU added has a greater impact on the RFC output. Therefore, again, an assessment of both sites must be undertaken.

While further modelling is needed, it is considered that the initial modelling results presented in the TA indicate a need for mitigation works at this junction. This would be the case if the two sites were considered independently, or together. Details of a potential junction improvement scheme should therefore be presented.

As mentioned previously the Authority has a list of improvement schemes for the A34 corridor and this list should be considered when mitigation for these developments is discussed.

Padgbury Lane/Sandbach Road Signalised Junction

Queue length surveys should be undertaken to determine whether the queues generated by LinSig in the 2013 base model are accurate, and whether the model is therefore valid.

A maximum Degree of Saturation (DoS) of 90% would normally be considered to be acceptable. The modelling results suggest that the either development would result in a DoS approaching 90% during the AM peak hour in 2018 (87% and 86.3%).

A simple calculation by adding the increase in DoS of both sites suggests that the combined impact would be over 90%; however, this should be modelled to establish an actual figure.

If the validated models were to suggest a DoS over 90% after development of both sites, mitigation measures would be required at this junction. Details of a potential junction improvement scheme should therefore be presented.

Personal Injury Accident Review

The PIA data in Appendix E shows one serious and one minor accident in the vicinity of the proposed site accesses on Padgbury Lane. Safe passage across Padgbury Lane will need to be considered and provided for as part of the development. Guidance upon Transport Assessments requires developments to promote and provide accessibility and multi-modal choice however this does not appear to have been adequately addressed in the presented TAs.

In addition, there have been four accidents within the junction of Padgbury Lane/Newcastle Road, and a further two on the Padgbury Lane approach to the junction. The accident record at this junction would therefore strengthen the case for signalisation of this location, which should also be informed by the results of the LinSig modelling noted above.

Site Access

A site access drawing has been presented which provides a 7.3m carriageway width and 2m footways on both sides of the carriageway. This is considered to be over designed and should be reviewed. Swept path analysis should be provided to show vehicles entering and exiting the site from Padgbury Lane without overrunning the opposite lane on the main arm (Padgbury Lane).

The site access drawing should include details as to how the internal cycle links mentioned in Paragraph 3.3.5 of the submitted Transport Assessment will be incorporated into the site access, and how cycle connectivity to any new cycle lanes on Padgbury Lane will be provided. It does not.

A visibility splay of 2.4m x 43m has been shown on the site access drawings, which is appropriate for speeds of up to 30mph, based on Manual for Streets guidance. It is unclear how this impacts upon mature trees within the street cape (as mentioned in the tree assessment below).

A speed survey should be provided adjacent to each of the proposed site accesses to demonstrate that 85th percentile wet weather speeds are 48kmph (30mph) or less. If the speed survey indicates higher speeds, then the appropriate visibility splay will need to be demonstrated.

Accessibility.

Walking

It is accepted by the Strategic Highways Manager that the site is located in a sustainable location in respect of walking trips.

Existing footways on Padgbury Lane extend only on the northern side of the carriageway. There would need to be pedestrian provision on the southern side of Padgbury Lane beyond the site access point, with a southern footway and a safe crossing point to the existing northern footways to be provided.

An indicative layout for a new footway and crossing point should be provided alongside a solution for this shortfall in pedestrian facilities immediately local to the site. It is considered, however, that a planning condition could be imposed to require the provision of the footway to address this concern. However, this has potential at the site entrance to impact upon trees, which has not been assessed as part of the arboricultural information.

Cycling

While the present application is outline only, information should be provided to demonstrate how internal networks will connect to the external cycle network.

New cycleways have been agreed as part of the development at Loachbrook Farm to the north of the site. These are to be located on Holmes Chapel Road and on Sandbach Road. The Transport Assessment should demonstrate how cycle facilities will be required on Padgbury Lane to connect the site to this new infrastructure. A revised document has been provided.

Public Transport

Guidance on Transport Assessments (Dept of Transport document) utilised by the Strategic Highways Manager regards 400m as being a reasonable walking distance within an urban area such as Congleton. However, the Local Bus Network plan presented in the application documentation is potentially misleading because it presents distances to bus stops "as the crow

flies", rather than as actual walking distances from a representative point within the site. This is not acceptable and improvements would be required for the improvement of bus services.

Nonetheless, the plan demonstrates that no bus stops are located within a 400m walk of the site, and that only "hail and ride" points are available. Table 4.1 also demonstrates that local services are currently in frequent, with no more than one peak-time service available. The 400m figure differs from the 500m utilised as part of the Sustainability Checklist criteria utilised as part of the planning sustainability assessment

Accordingly, there should be consideration of how public transport accessibility at the site can be improved as part of the development, both in respect of waiting infrastructure and in respect of services. No such information has been put forward. Revised information has been submitted

Travel Plan

It is noted that a Framework Travel Plan (TP) has been submitted as part of the application. The possible measures within the Travel Plan appear to be appropriate for the nature of the development and the level of detail is appropriate given it is the first stage of the Travel Planning process.

As the Transport Consultant has set out in the submitted Framework TP, a survey of travel patterns should be undertaken upon first occupation of the site. A Travel Plan Coordinator should be appointed, and a series of targets for travel behavioural change should be established. A Full Travel Plan should then be produced containing details of the survey results, targets and the Travel Plan Coordinator, plus a range of appropriate measures selected to achieve the targets set. This will need to be produced and agreed with CEC highways prior to first occupation of the site.

As also set out in the Framework TP, any Full TP will need to be monitored for a five year period following the first occupation of the site. The Highways department normally require £5000 for this at £1000 per year to finance staff time. The monitoring of the Travel Plan and implementation of appropriate measures will be secured by s.106 agreement.

The Authority has specific traffic modelling for the A34 corridor in Congleton, which evidences congestion and queuing concerns at local strategic junctions. This congestion and queuing is not recognised within the ES or in the TAs for the two sites.

In addition, the traffic modelling in the TAs is not substantiated by queue length surveys at junctions where it is claimed that there will be minimal queuing and where evidence held by the S.H.M. shows clearly that the predictions in the TAs do not represent on-site conditions.

In response to the ES detail the S.H.M. provides the following commentary:

Transport and Access is considered within Chapter 13 of the Environmental Statement (ES). This includes percentage impact assessments of the two sites combined, for the purpose of determining the scope of the EIA study. This is because the IEMA uses a 30% increase in flows (10% in "specifically sensitive areas") as a coarse guide for considering the Environmental Impact of developments.

Based on the analysis of these flows, the ES concludes that traffic increases are below the threshold set in IEMA guidelines. This is not surprising given the scale of the sites, with transport typically having an EIA relevance at larger developments or at major transport infrastructure schemes.

Unfortunately and in respect of actual highway network operation and Transport Assessments, percentage impact is not considered a relevant determinant. This is because junction capacity and operation is not a linear function, and as a junction approaches capacity each additional vehicle has an increasing impact on operation.

For this reason, it is important to ensure that all existing and likely forecast traffic is included in any junction capacity assessments undertaken - meaning that the cumulative impact of the two sites together must be considered. This seems to be the intention given the reference to the three points of access in the TA's and the references within the ES yet the modelling provided in the TA's does not reflect this.

Indeed, cumulative impact is an established principle within EIAs which is why local committed developments have been considered within the junction modelling.

Therefore due to the two sites being adjacent and being submitted at the same time by the same consultants, it is considered appropriate that the combined traffic impact from both sites must be analysed. This has been done for the ES, and should be done for the Transport Assessment, although the separate applicants may submit a separate document for each site (each of which should include the traffic from both sites).

The ES states at 13.21 that the models have, "where appropriate", been validated against existing site conditions for the baseline scenario; however, this is contradicted in the TA's where no such evidence has been presented. The applicant's transport consultant will need to present queue length surveys alongside the modelling results to validate the provided modelling and prove that the base models are representative of existing operation. Therefore, there is no clear evidence that the base year models represent existing junction operation, and that any future year models represent the likely future operation.

This situation is brought further into doubt due to the fact that the Authority has specific evidence that local strategic junction operation is significantly more congested than the scenario claimed in the TA's provided. The applicant's transport consultant will need to present queue length surveys alongside the modelling results to validate the provided modelling and prove that the base models are representative of existing operation.

In addition the Strategic Highways Manager does not accept the assertion in 13.73 of the ES that the assessments should be considered "worst case" simply because no reduction in traffic generation has been made for the impact of travel plan measures.

The TRICS sample used in the TAs is likely to include sites where Travel Plans are in place, and indeed some of the sites in the sample may have a higher level of accessibility than the application site/s. Therefore it is not reasonable to assume that the TRICS sample represents an over-estimation of the site's actual trip rates unless specific evidence is submitted to support this.

Revised Transport Assessment

To address the criticisms by the Strategic Highways Manager, the Transport Assessment has been updated. The Padgbury Lane development traffic has been added to the base network to assess the impact of the additional demand at the junctions. The model outputs show that queue lengths increase dramatically at some movements throughout the network. The impact of the additional traffic on the local highway network is therefore considered to be severe.

A package of schemes has been developed by the Council, and for which some contributions have been previously secured from other developments. These contributions have been shown to be compliant with Community Infrastructure Levy regulations.

A Do-Something VISSIM model which includes these improvements has demonstrated that the proposed improvements would mitigate the cumulative impacts of the Padgbury Lane development satisfactorily.

In conclusion, it is considered by the Strategic Highways manager that there is sufficient evidence to justify the securing a financial contribution from the developers of the Padgbury Lane sites towards the A34 scheme to mitigate their highway impact.

Highways Conclusion

It is considered by the Strategic Highways Manager that it may well be possible to agree a mitigation package via a S106 Agreement with the applicant which would successfully mitigate the highway impacts however this position is not agreed at time of the writing of this report.

As a result, and mindful that a solution may be able to be negotiated, the Strategic Highways Manager, at the time of writing this report, maintains his position of concern regarding traffic impact from this development, cumulatively and recommends refusal of this application on grounds of lack of information and unmitigated traffic impact from the development proposal.

Landscape Impact

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment and concurs with the views of the applicant with regard to the sensitivity of views in the landscape of this site.

The proposed development site is in agricultural use as is currently mown grassland. Housing development would obviously change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

There would be some views of the proposed housing development from Padgbury Lane, the adjacent residential properties and the A534 Sandbach Road. Views from public footpath (Congleton FP 18) which crosses the site would obviously change significantly but the Parameters Plan indicates that that this path would be retained within a green corridor. The most sensitive receptors would be the users of the Dane Valley Way long distance footpath and bridleway which runs parallel to Loach Brook approximately 400 metres to the west. The residential developments on the edge of Congleton are already visible from this path and although the proposed development would bring the urban edge closer, it would not

significantly impair the views experienced from this route. Trees along the banks of the brook and other intervening hedges and trees would partially screen or filter views of the development. The parameters plan includes additional tree planting along the brook which would increase screening in the longer term.

The parameters plan indicates that the existing trees, pond and boundary hedges would be retained and enhanced/reinforced. The route of FP 18 would be retained within a green corridor which would include an area of POS (with childrens play) adjacent to Padgbury Lane where the mature offsite beech and pine trees would provide an attractive setting.

An open space area including tree planting, wetland habitats, ponds/ SUDS and a footpath/cycleway would be formed along the edge of Loach Brook. The width of this open space area should not be restricted to the immediate (currently fenced off) valley area. The optimum width of the area and the location of the proposed footpath/cycleway could be resolved as part of a reserved matters application. The proposed cycleway should connect to the southern development area and to Padgbury lane to improve connectivity.

If the application is approved a number of conditions including a landscape management plan via a s106 agreement in order to secure appropriate on-going management and public access in perpetuity which could be attached to protect/enhance the landscape on this site.

Amenity

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land. These conditions should be attached to any planning permission.

Air Quality

As originally submitted the Environmental Health Officer (EHO) recommended refusal on grounds of insufficient information. A revised Air Quality Impact Assessment was then submitted as part of an updated Environmental Statement to address the air quality concerns raised.

The EHO considers that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO₂) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development, 13/4216C and the committed Loachbrook Farm development.

The report predicts that there will be negligible increases in PM₁₀ concentrations at all receptors modelled.

With regards to NO₂, the report concludes that there will be negligible increases in concentrations at receptors outside of the A34 West Road AQMA. Receptors within the AQMA are predicted to experience a minor adverse increase.

It is this department's opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives.

In addition, taking into account the uncertainties with modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission).

As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties. On this basis, in the light of the revised information the Environmental Health Officer requests conditions for travel planning and electric vehicle charging being provided for each dwelling which is considered to address the initial concerns about the implications of this proposal, cumulatively, upon local Air Quality.

Trees and Hedgerows

Policy NR1 of the Congleton Local Plan states that proposals for development which affect a site containing existing trees or woodlands must include sufficient information to enable assessment of the potential impact on such trees. Proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Any permission given will include conditions for their protection during development where appropriate by requiring submission and implementation of detailed method statements for construction and arboricultural works.

Tree Preservation Order

The Congleton Borough Council (Congleton – Padgbury Lane) Tree Preservation Order 1976 protects individual, groups and areas of trees located offsite around the Heath Farm Public House to the south east corner of the application site.

Public Rights of Way

A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm. A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

Supporting Arboricultural Information

The application is supported by an Arboricultural Assessment submitted by FPCR Environment and Design Ltd September 2013, (referred to as Padgbury Lane North, Congleton). The Assessment includes an Impact Assessment, Tree Survey Plan (5299-A-02), and Tree Retention Plan (5299-A-03). The assessment broadly complies with current British Standard Guidance BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*; the primary document which guides the process of determining planning applications and the impact upon trees.

Eleven individual trees, eleven groups and two hedgerows have been identified by the assessment. Four individual trees and four groups have been identified as High (A) category trees, of which one group (G1 of the survey) located offsite within Heath Farm Public House is protected by the TPO. Five individual trees and six groups have been identified as Moderate (B) category trees and are not TPO'd. The remaining trees have been categorised as Low (C) category.

The majority of high and moderate category trees are shown for retention outside the residential development envelope identified on the Parameters Plan (Dwg 5299 – L-101 E) either within public open space, proposed LEAP or propose areas of landscaping.

Para 3.4 of the Assessment refers to a High (A) category Oak located within the centre of the site and shown for retention within the proposed residential area as shown on the Parameters Plan. The tree is not protected by the existing TPO, but is a significant visual amenity feature when viewed from the PROW. Its successful retention within the residential envelope will require addressing to avoid potential conflict with Root Protection Areas (RPAs) and the relationship/ social proximity of residential properties and subsequent future pressure for removal in accordance with the approach set out in BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*.

Para 4.4 of the Assessment identifies the proposed access to the site off Padgbury Lane and will require the potential loss of four unprotected early mature individual trees (An B category Ash, A category Oak and 2 Sycamore, one a B and one a C category tree). The option of retaining the Oak within the car park of the proposed Medical Facility as suggested is unlikely to be a realistic proposition, given the site constraints.

From an arboricultural perspective the loss of these four trees would only present a slightly adverse impact upon visual amenity in the immediate area. Their wider contribution is not considered to be significant and could be adequately compensated by replacement planting. In this regard therefore I have no principle objections to the position of the access as indicated.

Para 4.5 refers to the provision of open space and the retention of existing trees within. It is noted that the group of visually prominent protected mature Pine located offsite within the Public House and outstanding group of Beech located offsite within Brooklands House are retained adjacent to the proposed LEAP and will not therefore be subject to development pressures. As previously stated, the retention of existing trees both within the residential envelope and public open space provision must be subject to the design requirements of BS5837:2012. In this regard I can see no reason why this cannot be achieved subject to be a suitable layout being agreed in accordance with that standard.

Should the outline application be approved, an Arboricultural Implication Assessment and Tree Protection Plan will be required as part of any future reserved matters submission once a definitive site layout is known.

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.”

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural. The character of the housing to the East of Padgbury Lane should not be seen as a precedent in either layout or built character terms. It is of its time, before urban design became formally recognised as a positive influence on housing and place design and has to be acknowledged as not being a positive townscape legacy for the town, effectively creating a very abruptly urban and uncharacterful edge alongside Padgbury Lane.

There are also established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to Padgbury Lane and the fringe landscape along the west of the site, that in proximity to the listed building and dividing the two sites. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for ‘up to 120’ units at an average net density of 33 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are 2.5 storeys (up to a max of 10m high) In this case there are no testing layout submitted in support of this application. Whilst the application discusses a reduction in density on the western fringe of the development, based on the maximum numbers proposed, this could result in ‘cramming’ within the sites themselves, if an overly optimistic approach has been taken with regard to numbers.

The indicative layout could therefore lead to an overly dense layout, pressure to accommodate inappropriate types of housing on these fringe rural sites and street environments where it is difficult to accommodate car parking without it becoming an overly dominant component of the street scene.

In the absence of testing layouts, it is not considered that sufficient information has been submitted supporting the maximum numbers identified, as the information presently stands. It is however accepted that as the description is for up to 120 dwellings, a significant reduction in the numbers of units could be negotiated as part of reserved matters.

Other design issues -

- **Character** - In character terms there is an opportunity to further diversify character within the development, compared to what has been indicated in the application. In effect there are 3 discreet housing zones within the 2 applications: 2 within this site and a further zone within the adjoining site. Within these character could be further interpreted, building on the qualities of each area but within an overarching framework.

- **Street design and movement** – This is a simple hierarchy with a main street and then lanes feeding off that. This is a little too simplistic and that in reality a third street type will also be necessary. Shared surfaces are also discussed and this is positive, as are the use of varying street widths, frequency of street connections, buildings narrowing streets, pinch points etc. to create slower vehicle movements. There is no street connection between the 2 sites, especially as this was the approach early in the design process that was consulted upon with the community. It is assumed that this is as a consequence of highway liaison. If vehicular connection is not achievable then strong pedestrian movement needs to be secured.

- **Height of buildings** – The parameters include buildings up to 2.5 storey (10m) but that these carefully considered and that they will be used occasionally for place making purposes. It is important that the surrounding development does not compete for dominance with the adjacent listed building and that 2.5 storey is used infrequently. There is a danger that if this is not controlled, any permitted scheme could be out of context with its countryside edge location and the prevailing scale within the area;

Consequently the Urban Designer advises that a design coding condition should be attached requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted.

Setting of the listed buildings

As discussed above, the setting of the listed buildings is an important consideration. Their origins are as an isolated, relatively substantial, country property that was either a farm or a home for someone of reasonable means situated some distance away from the town. The proposed development has the potential to adversely impact upon the asset's setting, notwithstanding that land to the rear of the listed buildings has been developed upon in more recent times.

A Heritage Assessment of the proposals implications for the adjacent listed buildings has not been provided. It is recognised that modest areas of green space are provided to the north and south of the listed building, accommodating the existing trees, this may not sufficiently mitigate the impact of the proposed development upon the building's more immediate setting, particularly as national guidance advises local authorities not to consider setting too narrowly.

Overall, subject to design coding to inform any reserved matters, it is considered that an acceptable design/layout that could comply with Policies GR 1,2 and 3 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF could be negotiated at the reserved matters stage but this would require an overall framework to be agreed via design coding to inform any reserved matters application.

Ecology

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

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

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

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

Bats

Bats have been recorded as being active on this site. The level of bat activity is as would be expected for a site of this size and nature. I advise that the proposed development is unlikely to have a significant impact upon foraging or commuting bats. It also appears that all trees identified as having significant potential to support roosting bats would be retained under the submitted illustrative layout.

Great Crested Newts

A small population of great crested newts has been recorded within a pond on land adjacent to this proposed development. In the absence of the mitigation the proposed development would pose the risk of killing or injuring any animals present on site during the construction phase and

also result in the loss of a significant area of terrestrial habitat which for the most part is of relatively low value for amphibians. Higher quality amphibian habitat is shown as retained on the illustrative layout.

The applicant has submitted a great crested newt mitigation strategy to address the potential impacts of the proposed development. The ecologist is of the view that if planning consent is granted the submitted great crested newt mitigation strategy would be acceptable to mitigate/compensate for the adverse impacts of the development upon this species and is likely to maintain the favourable conservation status of the local great crested newt population

Grassland Habitats

The majority of this site is occupied by arable fields of limited nature conservation value. The grassland habitats located adjacent to the brook are however of significant ecological value. These habitats are retained for the most on the illustrative master plan. However, ponds, a footpath/cycle and some trees/buffer planting are proposed in this area. The addition of these features would put pressure on the retained grassland habitats and I advise that this part of the site would need to be treated sensitively at the detailed design stage to ensure the ecological value of these habitats would be retained.

If outline planning permission is granted a condition should be attached requiring the submission of a management plan for the enhancement of the retained areas of grassland habitats.

Reptiles

Slow worm, a protected species and local Biodiversity Action Plan priority species has been recorded on land immediately adjacent to the south of this application site. I advise that it is likely that this species also occurs on the site subject to this application. The majority of habitat suitable for this species will be retained as part of the proposed development and an acceptable mitigation strategy has been submitted in support of the application. The successful implementation of the mitigation strategy would however be dependent upon the careful design of the retained area of habitat/open space at the detailed design stage.

Common Toad

Common Toad a UK BAP priority species was recorded on this site. I advise that the mitigation strategy submitted in respect of great crested newts would also be adequate to mitigate the potential impacts of the proposed development upon this species.

Badgers

A number of badger setts have been recorded within the red line boundary of this application. The location of the setts means that it is feasible for the setts to be retained within the open space areas associated with the development. The submitted badger survey report recommends the timing of works in the vicinity of the setts to reduce the risk of disturbance and the marking off of exclusion fencing around the setts during the construction phase. The incorporation of fruit trees into the landscaping scheme for the site is also proposed to provide an additional seasonal food source for badgers.

The submitted badger mitigation is acceptable to mitigate/compensate for the adverse impacts of the proposed development upon this species.

Breeding Birds

The application site is likely to support a number of breeding bird species, possible including two more widespread Biodiversity Action Plan priority species which are a material consideration for planning. Potential impacts on the two priority species recorded would be at least partially mitigated for through the implementation of a robust habitat creation scheme for the site. If planning consent is granted I recommend that conditions be attached to safeguard breeding birds and to update the protected species information and mitigation strategy to take into account detailed design changes.

Hedgerows

Hedgerows are a Biodiversity Action Plan Priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that some of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows from the interior of the site. I advise that any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Public Open Space and Childrens Play Space

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The Public Open space indicatively provided in the Masterplan is not quantified. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required based on the 120 units would be 2880m². It is noted that the proposed children's play area in the form of a LEAP is sited in 0.4Ha (4,000m²) which would need to be a formally maintained to qualify as Amenity Greenspace.

The area with Public open space is located on a low point of the site, in an area which retains an existing pond for attenuation purposes.

The Council's policy is not to accept transfer of areas of POS that have water bodies located in, around or running through them. Therefore it is recommended these areas of POS be transferred to a management company.

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

Accordingly, there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The submission includes an equipped children's play area in the form of a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in

the safety of the site. As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy 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 a higher quality”.

A survey has been provided to by the applicant which indicates that 4.5 ha of the site is Grade 2 (82%) and the remainder is Grade 4 . Clearly, the site comprises best and most versatile agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Flood Risk and Drainage

The Councils Flood Risk Manager has advised that as a Lead Local Flood Authority would recognise that this development site has significant implications for an important statutory Main River (Loach Brook) situated in immediate proximity to the site.

From a flood risk management perspective, the Flood Risk manager concurs with the advice of the Environment Agency (EA) outlined in their response references SO/2013 /112804/02-L01 dated 18th March 2014 and SO/2013/112804/01-L01 dated 24th October 2013 respectively.

In addition, the Flood Risk Manager is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed. In view of the significant flood attenuation measures identified in the Opus International Consultants (UK) Ltd report (Reference JD-D1112-R01 dated September 2013) the authority would require details of how the large volumes of water (4,215m³) can effectively be managed on the site and in ground conditions with potential for elevated ground water levels, clearly demonstrating no adverse impacts off site. It is recommended that detailed site investigation be carried out to identify the extent of any local ground water/water table fluctuations which may have significant implications for the design of onsite storage systems.

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

Health related Development

A 180 sq m medical facility is indicated as providing 2 doctors consulting rooms and pharmacy. The views of NHS England will be reported via an Update report. However, this is put forward in the submission in case NHS require the provision. In general terms, however, the NHS is seeking to achieve multi purpose medical larger medical practises and a 2 room surgery is unlikely to be required by the local medical practices in the Town.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

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

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 PS 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. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application can not be considered in isolation from the sister application. No mitigation has been put forward by the applicant and on this basis the proposal is considered to have a severe traffic impact.

In terms of Ecology it is considered that the development would not have a significant impact upon protected species and the mitigation put forward is adequate.

The proposed development would provide open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local primary schools and those education contributions will be needed to increase capacity to cater for the demand from the site.

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land, and severe highway impact. As a result the proposal is considered to be unsustainable and contrary to Policies PS8, GC1, GC2, GR9, GR10, GR18 and GR19 of the local plan, Policy PG5, SE3, SE5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would 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 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 inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

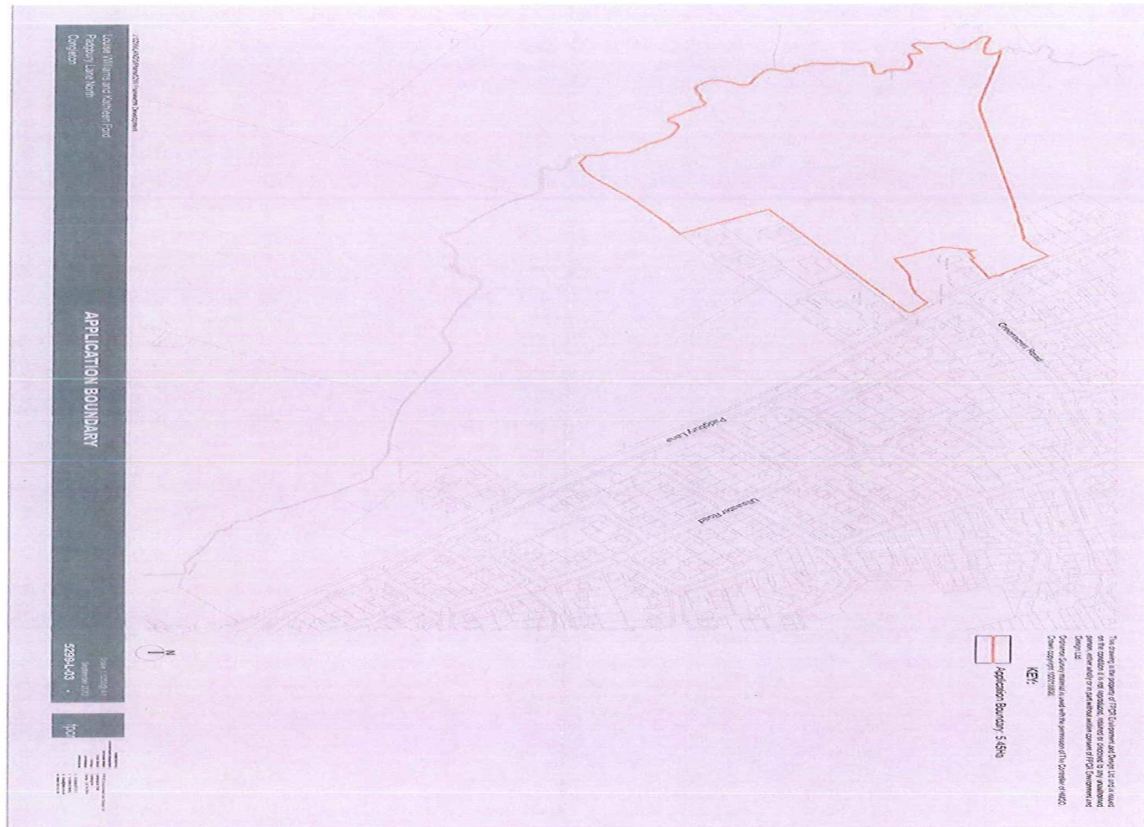
3. In the opinion of the Local Planning Authority, the additional traffic generated would have a severe and unacceptable impact in terms of the local highway network. The development is therefore contrary to Policies Policy GR9, GR10, GR18 and GR19 of the Congleton Borough Local Plan First Review 2005, and IN1 of the emerging Cheshire East Local Plan Strategy - Submission Version

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 Southern Planning Committee, 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 Southern Planning Committee, 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 to secure:-

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to 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.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) 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.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £112,475 towards primary education. This contribution will be required to be paid on occupation of the site

- **Provision of minimum of 2880m² sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment within a minimum area of 4,000m²**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**



Application No: 13/4216C

Location: Land West of Padgbury Lane, Padgbury Lane, Congleton, CW12 4LR

Proposal: Outline Planning for the Development of land to the West of Padgbury Lane, Congleton, for up to 180 dwellings, community facilities and associated infrastructure.

Applicant: Northern Property Investment Company Ltd

Expiry Date: 25-Jan-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Principle of the Development
Housing Land Supply
Location of the Site
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Public Open Space
Agricultural Land
Education
Flood Risk and Drainage
Health

REASON FOR 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. DESCRIPTION OF SITE AND CONTEXT

This site is located to the south west side of Padgbury Lane which links the A34 and the A534 approx 1 mile to the south west of Congleton town centre. The site is roughly triangular in shape. The site is bordered to the north east by Padgbury Lane which has a modern housing estate on the other side.

A Texaco petrol filling station and a separate dwelling on Padgbury Lane abuts the southern end of the site, which has a overgrown, unkempt, weedy appearance. The south west boundary of the site abuts Loach brook which ultimately feeds into the River Dane down stream.

The north west boundary is marked by a mature hedgerow with the Heath Farm public house/wacky warehouse and small number of dwellings to the rear of the public house.

The land is generally level with a gentle fall towards Loach Brook. A row of mature trees / mature hedgerow fronts the Padgbury Lane frontage, some of which are covered by Tree Preservation Order and the mature hedgerow is regarded as being a historic hedgerow.

1. DETAILS OF PROPOSAL

This is an outline application with all matters reserved except access for up to 180 dwellings. An Illustrative Parameters Plan, Padgbury Lane South has been submitted in support of the application showing two new accesses onto Padgbury Lane, a play area set within Public Open Space, pedestrian and cycle links. A balancing pond is located to the north east of the site within the proposed public open space.

The Planning Statement submitted with the application states that the majority of trees and hedgerows are shown for retention, with 19 individual trees and two small lengths of hedgerow to be removed to facilitate development.

The density is indicated at 33 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed.

2. RELEVANT HISTORY

There have been numerous historic planning applications for residential development of this site since the 1960's, 3 of which were dismissed on appeal.

Since the Local Government Re-organisation in 1974 there have been over 20 applications submitted for residential development on either all or parts of this site. All these applications' were submitted between 1974 and 1987 and were refused.

On 29 June 1987 the last appeal for the residential development of the site was dismissed.

There is no further planning history.

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

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
Cheshire East SHLAA
Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

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

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details
- Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

United Utilities advise that the provision of a mains water supply could be expensive. 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.

Strategic Highways Manager: Objection on the basis that insufficient information has been provided with regard to the impact of the proposal of the local road network and insufficient consideration within the updated Transport Assessment information has been provided with regard potential highways mitigation.

Natural England: No objection . The proposal is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species the Planning Authority should refer to Standing Advise

Environment Agency: The Environment Agency has no objection in principle to the proposed development however make the following comments-

Flood Risk

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual runoff (Q_{bar}) from the existing undeveloped greenfield site. This has been calculated as 2.13 litres/sec/ha within the *Flood Risk and Runoff Assessment; Land off Padgbury Lane (South), Congleton* prepared by Opus International Consultants (UK) Ltd (dated September 2013, ref: JD-D1113-R01), which is considered acceptable in principle. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage

Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

The following planning conditions are required -

Condition 1

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600 mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change (as detailed in Table 5.11 of the *Hydrology Report* prepared by Opus International Consultants (UK) Ltd, dated July 2013, ref: J-D1112-H), has been submitted to and approved in writing by the local planning authority.

Condition 2

The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no built development or alteration of ground levels within the 1% AEP flood outline, has been submitted to and approved in writing by the local planning authority.

Condition 3

The development hereby permitted 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 Environment Agency advises that during times of severe rainfall overland flow of surface water could cause a flooding problem. 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.

Condition 4

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Ecology

The Environment Agency advises that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least an 8 metre wide buffer zone around the watercourse.

Condition 5

No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with 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. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)

- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Contaminated Land

The Environmental Impact Assessment (Dated Sept 2013) and its further Addendum have not considered land contamination.

The Land is bordered by a surface water course and is located above a Secondary A Aquifer and Secondary B Aquifer. We consider these to be controlled waters.

As such we consider that planning permission could only be granted to the proposed development as submitted if the following planning conditions are attached-

Condition 6

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 7

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

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures (to protect future residents from noise from the public house), travel plan, dust control and contaminated land (phase II report). In terms of air quality conditions are requested in terms of electric car charging points and travel planning.

Public Open Space (amenity greenspace childrens playspace) : No objection subject to the provision of on site amenity greenspace and a NEAP (minimum 8 pieces of equipment). The area recommended with a NEAP is 1000m² so this would be an additional requirement on top of the 3260m² – all of which to be maintained by private management company in future

Public Rights of Way (Countryside Improvement Team) : The application documents refer to variously 'Proposed Footpath/Cycleway' and 'Proposed Footpath' along the western boundary of the development site. For this to be of value to residents, connections to it would be required from the estate roads and, at its northern and southern extents, it would need to connect with an onward route which, as shown in the outline plans, is not evident.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

Education: The development of 180 dwellings will generate :- 32 primary & 23 secondary places. There is sufficient capacity in secondary schools. The Education Department is forecasting that the primary schools will be oversubscribed. Therefore the following contributions will be required:

Contribution 32 Primary spaces = **£165,405**

The Education Officer advises that pupil numbers fluctuate and figures may differ following the next school census.

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Objection on grounds of loss of open countryside and contrary to Local Plan housing policy.

Newbold Astbury Parish Council: Wish to make the following comments –

1. In the section on Transport Analysis (section 10 - specifically part 4.6.2 item (iv) and at other points in both application reports) the Newcastle Road onto which the south end of Padgbury Lane connects is described as the A50. This designation is incorrect as the road is the A34 and recorded statistics for the A50 are irrelevant to the case in question.

2. Traffic Flow Analysis for the Padgbury Lane/A34 south junction takes no account of the subsequent significant effect on increased traffic flows other than in the immediate vicinity of the junction.

Specifically no assessment is made on the impact of traffic flows to the Leek and Biddulph and the Mossley/Hightown areas of Congleton.

The principal road serving these areas is Peel Lane located in Conservation No.20 (Astbury Village Conservation Area) which is located only 600metres from the Padgbury Lane/A34 junction. The Conservation Area is subject to specific published policies to diminish and restrict traffic flows on the grounds of Heritage Preservation as in the attached published objectives of the Conservation Policy, Section (iv).

3. As a statutory Conservation Area Astbury Village is a National Heritage Asset and the traffic assessments of the applications are further flawed in that no reference or discussion is included as to the effect of the development on this Heritage Asset as already stated 600metres distant and which would be in direct conflict with the objectives of NPPF Section 12.

4. The Archaeological/Heritage Assessments for both sites makes no mention or takes no account of the adjacent statutory Conservation Area and high status Listed Buildings therein (Grade 1 and Grade 2). In the opinion of the Parish Council the presence of the nearby Conservation Area and the impact of the development in terms of traffic movement should have been taken into account in the analysis.

5. The proposed development on both sites are outside the settlement zone line indicated on the Congleton Borough Local Plan and the development would result in the loss of an important green space "buffer" between the existing urban areas and designated open countryside.

This would be particularly harmful to the rural aspect of the adjoining countryside when viewed from the Bridleway and footpaths on the higher ground to the west and contrary to the NPPF Policy of avoiding unnecessary harm to the setting of the open countryside.

6. OTHER REPRESENTATIONS

Circa 270 Letters of objection have been received raising the following points:

Principal of development

- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda

- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- There is a lack of employment in the area
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Loss of countryside
- Adverse impact on landscape character and appearance
- There are numerous properties for sale in area
- Priority should be given to brownfield sites
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- Cumulative impact

Highways

- Road infrastructure is already congested, morning rush can take 40 mins to get to Congleton
- Padgbury Lane is a rat run
- Increased traffic congestion
- Impact upon highway safety
- Previous applications have been refused on highway grounds
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Buses get stuck in the congestion already proposal will worsen

Green Issues

- Loss of green land
- Southern part of the site abuts the green belt
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees
- Loss of agricultural land (grade 2 and 3a)
- Impact upon Great Crested Newts, badgers bats
- Loss of Hedgerows/ trees as an ecological issue
- Access will require removal of trees to Padbury Lane which are part of the defining character of the street
- Flooding into Loachbrook together with the cumulative impact of Loachbrook Farm development and subsequent adverse impact upon River Dane SSSI which Loachbrook links into

Infrastructure

- Increased pressure on local schools
- Padgbury Lane is a safe walking to school zone, but only has pavement to one side. Road safety for school children from site needing to cross busy road
- The local schools are full
- Doctors are full
- The recreational spaces are at capacity
- The sewage system is overstretched
- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Adverse impact upon the village of Astbury by virtue of proximity . Preservation of distance is important to the regional economy
- Impact upon archaeology – finds on site suggest that site should be left

A letter of objection has been received from Fiona Bruce MP raising the following points:

- Site is outside settlement zone line and contrary to existing and emerging local plans.
- Congleton has insufficient employment to cater for the new properties
- Padgbury Lane is a rat run And suffers from heavy congestion
- Insufficient infrastructure in the area

An objection has been received from West Heath Action Group which raises many of the same issues as outlined above and considers the proposal to be premature, and economically, environmentally and socially unsustainable.

The full content of the objections are available to view on the Councils Website.

7. APPLICANT'S SUPPORTING INFORMATION

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment including updated information
- Planning Statement

- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal - including updated information
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- including updated information
- Agricultural land Assessment
- Archaeological Assessment
- Acoustic Report
- Socio-Economic Report
- Utilities Report
- S106 Heads of Terms

These reports can be viewed on the application file.

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, open countryside, 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.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, 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 to outweigh the policy concerns.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included

in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Submission version of the emerging Local Plan strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Submission Version of the Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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 at that time.

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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Landscape Impact

The application site occupies an area of approximately 1.5 hectares and is located on the western edge of Congleton within land defined in successive ‘Local Plans’ including Submission Version of the Core Strategy as being Open Countryside.

The application site is currently rough grassland, bounded to the south by the wider agricultural landscape to the north of which lies PROW Congleton FP18 and Newbold Astbury FP10.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and ‘Landscape Character Assessment. Guidance for England and Scotland’ (LCA) published by the Countryside Agency and Scottish National Heritage 2002.

The baseline conditions are based on Natural England's Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The Council's Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment and concurs with the views of the applicant with regard to the sensitivity of views in the landscape of this site.

The proposed development site has been unmanaged for some years and is currently overgrown with long grass and regenerating trees and scrub. There are some mature trees along banks of the brook and mature hedgerows and trees on the northern and eastern boundaries. Housing development on this site would obviously change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

There would be some views of the proposed housing development from Padgbury Lane and nearby residential properties. The most sensitive receptors would be the users of the Dane Valley Way long distance footpath and bridleway which runs to the south of the site and then parallel to Loach Brook approximately 400 metres to the west. However, the residential developments on the edge of Congleton are already visible from this footpath and although the proposed development would bring the urban edge closer, it would not significantly diminish the views experienced from this route. Trees along the banks of the brook and other intervening hedges and trees would partially screen or filter views of the development. The parameters plan includes additional tree planting along the brook which would increase screening in the longer term.

As the landscaping of the site is a reserved matter, full details would have to be provided as part of a future proposal. If the outline application is approved a number of conditions including a landscape management plan via a s106 agreement in order to secure appropriate on-going management and public access in perpetuity could be attached to protect/enhance the landscape on this site.

Sustainability

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

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- post box – site entrance on Padgbury Lane
- amenity open space (on site)
- public park / village green (1320m) - Quinta Park
- public open space - on site
- public house (adjoining site)
- primary school (480m) (Quinta School Ullswater Road, CW12 4LX

- child care facility (480m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX)
- bank / cash point (1150m), Martin McColl West Heath Shopping Centre
- bus stop (Hail and Ride Padgbury Lane)
- a local shop selling food or fresh groceries (360m), Londis Texaco Filling Station

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- post office (1150m), Martin McColl West Heath Shopping Centre
- leisure facilities (3300m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- Pharmacy (1150m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY).

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

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 Congleton, 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 in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally sustainable site.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

This is consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS.*

Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement’.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *‘it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds’*

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a greenfield site and therefore not the first priority for development.

The site is within walking distance along level terrain, subject to the provision of additional footways, or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities.

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.

Economic Role

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal

will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

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.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 180 new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, 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.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and some social benefit in terms of the limited medical provision, however, these do not outweigh the harm to the local environment by virtue of the loss of the open countryside

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to this the number of applicants on Cheshire Homechoice have been considered. There are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven’t specified how many bedrooms they

require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size. It also advises 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.*

Therefore 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 54 affordable dwellings on this site, with 35 provided as social or affordable rent and 19 provided as intermediate tenure (based on a maximum of 180 units with a pro rata reduction should overall density be reduced).

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%.

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency’s Design and Quality Standards (2007) 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 therefore ‘pepper-potted’ and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved I would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage rather than merely the provision of 2 and 3 bedroomed units.

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

Highways Implications

This application (for up to 180 dwellings) has been submitted by the same applicant for a sister application for 120 units and a small health related development (13/4219C elsewhere on this agenda) and on adjoining parcels of land.

Each application has its own Transport Assessment (TA) and both TAs refer to the three points of access which will be used to serve the sites which demonstrates that they are intended to be considered as one development. The applications are outline so internal layout is not definitively indicated.

The structure of each submitted TA is the same and therefore the critique below is set against the 120 dwelling (North) site but is equally applicable to this application to both TA's.

The two sites should not be considered separately for traffic generation and impact as junction capacity modelling is not a linear calculation and the Strategic Highways Manager finds that both sites should be assessed cumulatively. A revised Transport Assessment was provided by the applicant that deals with the total of 300 residential units, not each site individually. (180 units on this site and 120 on the adjoining site).

Transport Assessment Critique.

Assessment Scope

No scoping discussions have been undertaken in relation to this application. The Transport Consultant (Savill Bird and Axon) had independently elected to consider only the following junctions:

- Sandbach Road/Sandy Lane
- Padbury Lane/Sandbach Road/Box Lane signal junction
- Sandbach Road/Holmes Chapel Road/Newcastle Road/West Road – (Waggon and Horses jtn).
- Padbury Lane/Newcastle Road
- Proposed Site Access

The traffic distribution exercise indicates that 35.9% of development traffic will travel to/from Box Lane to the north of the site. While the distribution of trips beyond this location is not clear, as a minimum the Box Lane/Holmes Chapel Road/Melton Drive four-arm priority junction will need to be subject to capacity assessment.

The traffic distribution exercise also indicates a total of 49.8% of development traffic passing through the Sandbach Road/Holmes Chapel Road/Newcastle Road/West Road roundabout ("Waggon and Horses Roundabout") during the peak hour. Based on the high proportion of development traffic estimated to use this junction, it is considered that further junctions to the east should be subject to assessment. These additional junctions should be included in the scope which needs to be agreed for the new Transport Assessment.

The Strategic Highways Manager notes that the traffic model which CEC have developed already demonstrates significant stress at the Waggon and Horses junction.

Specifically, it is considered likely that the majority of traffic generated by the development using the Waggon and Horses Roundabout would be travelling to/from West Road and therefore passing through the West Road/Clayton Bypass/West Street/Obelisk Way/Davenport Street roundabout ("West Street Roundabout").

Furthermore, the majority of that traffic is also likely to travel to/from the A34 Clayton By-pass roundabout.

There are significant known capacity issues at each of these junctions, which both interact with the Waggon and Horses Roundabout during peak times. The absence of a capacity assessment for these junctions is a significant omission from the Transport Assessment and should be addressed, with mitigation measures proposed where necessary.

The S.H.M. advises that given the significant congestion on this corridor of the A34 there is a costed list of improvements which need to be considered by any development which needs to mitigate its impact on this sensitive area of the strategic highway network. The submitted TA's for these applications make no realistic offers in this regard and this is seen as a shortfall in the assessment of the traffic impact from this combined site.

It is also noted that this application for 120 dwellings has been received alongside an application for 180 dwellings on the adjacent site, with the Transport Statement having been produced by the same transport consultant. Indeed the traffic figures show "Accesses 1, 2 and 3", indicating that the two sites are being considered as part of a single overall development. It is considered that a single assessment covering both application sites would be the appropriate approach, so that the highway impact of both sites can be evaluated properly.

Traffic Distribution

The traffic distribution figure (Figure 5.1) suggests that 35.9% of development traffic will travel to/from Box Lane and dissipate on the local network without entering the Waggon and Horses Roundabout. It is not clear from the Census data analysis how this figure was arrived at and where this traffic travels to beyond Box Lane.

Further information should be provided by expanding the network shown to establish whether any additional junctions should be assessed.

Modelling Results

A review of the full modelling results in Appendices J to O has been undertaken of the results for both the 120 dwelling site (north site) and 180 dwelling site (south site).

As noted previously, a single assessment is required of the traffic generated by both sites combined to assess the overall impact of the total 300 dwellings.

Waggon and Horses Roundabout

There is no evidence presented that the model has been validated. Queue length surveys should be undertaken to establish that the base model accurately represents on-street

operation. Therefore, there can only be limited confidence in the outputs of the future year assessments. It is felt that this is necessary due to the cumulative impact from this combined site.

The modelling outputs presented in Appendix M of both TAs show that 0.85 has been set as the “RFC Threshold”, meaning that any output over this threshold should be considered to indicate that a junction is at its practical capacity.

This is consistent with standard practice, and in respect of capacity it is agreed that 0.85 RFC is the threshold by which the junction’s performance should be judged.

The base model results within the TAs suggest a PM RFC of 0.85 in the 2013 base year (without development). This is considered to under-represent existing network conditions and based on CEC’s traffic model information and site observations, it is clear that this roundabout currently operates in excess of a 0.85 RFC during both peak hours, with significant queuing observed on all arms.

Similarly, the 2013 base (without development) outputs suggest a maximum queue length of 5 PCUs in the AM peak hour, and 6 PCUs in the PM peak.

This is significantly below the maximum queue lengths known and observed on the network by CEC. It is required that queue length surveys must be undertaken to confirm actual queue lengths and thereby validate the base models.

Notwithstanding the above, the 2013 “with development” scenarios suggest that the traffic from either site would be significant enough to take the RFC above 0.85, and therefore to an unacceptable level.

The 2013 “with development” scenario is a hypothetical scenario where the development traffic is simply added to the observed 2013 traffic, without any account of committed traffic or background traffic growth. Therefore, this scenario demonstrates that the development traffic alone is enough to cause unacceptable impacts at the junction, and any capacity concerns should not be attributed solely to the effect of background traffic growth and committed development traffic.

If both sites were considered together within the submitted Transport Assessment, as requested, the modelled impacts at this junction are likely to be greater. The separate results of each modelling exercise for the two sites cannot be simply added together to determine this, and therefore the sites should not be considered independently.

This is because capacity calculations are not a linear function, and as a junction approaches capacity, each additional PCU added has a greater impact on the RFC output. Therefore, again, an assessment of both sites must be undertaken.

While further modelling is needed, it is considered that the initial modelling results presented in the TA indicate a need for mitigation works at this junction. This would be the case if the two sites were considered independently, or together. Details of a potential junction improvement scheme should therefore be presented.

As mentioned previously the Authority has a list of improvement schemes for the A34 corridor and this list should be considered when mitigation for these developments is discussed.

Padgbury Lane/Sandbach Road Signalised Junction

Queue length surveys should be undertaken to determine whether the queues generated by LinSig in the 2013 base model are accurate, and whether the model is therefore valid.

A maximum Degree of Saturation (DoS) of 90% would normally be considered to be acceptable. The modelling results suggest that the either development would result in a DoS approaching 90% during the AM peak hour in 2018 (87% and 86.3%).

A simple calculation by adding the increase in DoS of both sites suggests that the combined impact would be over 90%; however, this should be modelled to establish an actual figure.

If the validated models were to suggest a DoS over 90% after development of both sites, mitigation measures would be required at this junction. Details of a potential junction improvement scheme should therefore be presented.

Personal Injury Accident Review

The PIA data in Appendix E shows one serious and one minor accident in the vicinity of the proposed site accesses on Padgbury Lane. Safe passage across Padgbury Lane will need to be considered and provided for as part of the development. The GTA requires developments to promote and provide accessibility and multi-modal choice however this does not appear to have been adequately addressed in the presented TAs.

In addition, there have been four accidents within the junction of Padgbury Lane/Newcastle Road, and a further two on the Padgbury Lane approach to the junction. The accident record at this junction would therefore strengthen the case for signalisation of this location, which should also be informed by the results of the LinSig modelling noted above.

Site Access

A site access drawing has been presented which provides a 7.3m carriageway width and 2m footways on both sides of the carriageway. This is considered to be over designed and should be reviewed. Swept path analysis should be provided to show vehicles entering and exiting the site from Padgbury Lane without overrunning the opposite lane on the main arm (Padgbury Lane).

The site access drawing should include details as to how the internal cycle links mentioned in Paragraph 3.3.5 of the submitted Transport Assessment will be incorporated into the site access, and how cycle connectivity to any new cycle lanes on Padgbury Lane will be provided.

A visibility splay of 2.4m x 43m has been shown on the site access drawings, which is appropriate for speeds of up to 30mph, based on Manual for Streets guidance.

A speed survey should be provided adjacent to each of the proposed site accesses to demonstrate that 85th percentile wet weather speeds are 48kmph (30mph) or less. If the

speed survey indicates higher speeds, then the appropriate visibility splay will need to be demonstrated.

Accessibility

Walking

It is accepted by the Strategic Highways Manager that the site is located in a sustainable location in respect of walking trips.

Existing footways on Padgbury Lane extend only on the northern side of the carriageway. There would need to be pedestrian provision on the southern side of Padgbury Lane beyond the site access point, with a southern footway and a safe crossing point to the existing northern footways to be provided.

An indicative layout for a new footway and crossing point should be provided alongside a solution for this shortfall in pedestrian facilities immediately local to the site.

It is considered, however, that a condition could be imposed to require the provision of the footway.

Cycling

While the application is outline only, information should be provided to demonstrate how internal networks will connect to the external cycle network.

New cycleways have been agreed as part of the development at Loachbrook Farm to the north of the site. These are to be located on Holmes Chapel Road and on Sandbach Road. The Transport Assessment should demonstrate how cycle facilities will be required on Padgbury Lane to connect the site to this new infrastructure.

Public Transport

Guidance on Transport Assessments (Dept of Transport document) utilised by the Strategic Highways Manager regards 400m as being a reasonable walking distance within an urban area such as Congleton. However, the Local Bus Network plan presented in the application documentation is potentially misleading because it presents distances to bus stops “as the crow flies”, rather than as actual walking distances from a representative point within the site. This is not acceptable and improvements would be required for the improvement of bus services.

Nonetheless, the plan demonstrates that no bus stops are located within a 400m walk of the site, and that only “hail and ride” points are available. Table 4.1 also demonstrates that local services are currently infrequent, with no more than one peak-time service available. The 400m figure differs from the 500m utilised as part of the Sustainability Checklist criteria utilised as part of the planning sustainability assessment

Accordingly, there should be consideration of how public transport accessibility at the site can be improved as part of the development, both in respect of waiting infrastructure and in

respect of services. No such information has been put forward. Revised information has been submitted

Travel Plan

It is noted that a Framework Travel Plan has been submitted as part of the application. The possible measures within the Travel Plan appear to be appropriate for the nature of the development and the level of detail is appropriate given it is the first stage of the Travel Planning process.

As set out in the Framework TP, a survey of travel patterns should be undertaken upon first occupation of the site. A Travel Plan Coordinator should be appointed, and a series of targets for travel behavioural change should be established. A Full Travel Plan should then be produced containing details of the survey results, targets and the Travel Plan Coordinator, plus a range of appropriate measures selected to achieve the targets set. This will need to be produced and agreed with CEC highways prior to first occupation of the site.

As also set out in the Framework TP, any Full TP will need to be monitored for a five year period following the first occupation of the site. The Highways department normally require £5K for this at £1k per year to finance staff time. The monitoring of the Travel Plan and implementation of appropriate measures will be secured by s.106 agreement.

Considering the above critique of the highways impacts of this proposal, the developer's agent has referred to the Environmental Statement (ES) which it is claimed considers cumulative impact from the two developments.

The agent originally suggests that this evidence should be enough to mitigate the concerns of the Strategic Highways Manager with regard to the shortfall in detail within the TAs for the two sites, and their failure to consider the traffic generation from the two sites as a whole.

The Strategic Highways Manager disagrees with this view, given that the ES provides no new traffic modelling, and instead merely refers back to the two TAs for details of the modelling undertaken.

The Authority has specific traffic modelling for the A34 corridor in Congleton, which evidences congestion and queuing concerns at local strategic junctions. This congestion and queuing is not recognised within the ES or in the TAs for the two sites.

In addition, the traffic modelling in the TAs is not substantiated by queue length surveys at junctions where it is claimed that there will be minimal queuing and where evidence held by the S.H.M. shows clearly that the predictions in the TAs do not represent on-site conditions.

In response to the ES detail the S.H.M. provides the following commentary:

Transport and Access is considered within Chapter 13 of the ES. This includes percentage impact assessments of the two sites combined, for the purpose of determining the scope of the EIA study. This is because the IEMA uses a 30% increase in flows (10% in "specifically sensitive areas") as a coarse guide for considering the Environmental Impact of developments.

Based on the analysis of these flows, the ES concludes that traffic increases are below the threshold set in IEMA guidelines. This is not surprising given the scale of the sites, with transport typically having an EIA relevance at larger developments or at major transport infrastructure schemes.

For this reason, it is important to ensure that all existing and likely forecast traffic is included in any junction capacity assessments undertaken - meaning that the cumulative impact of the two sites together must be considered. This seems to be the intention given the reference to the three points of access in the TA's and the references within the ES yet the modelling provided in the TA's does not reflect this.

Indeed, cumulative impact is an established principle within EIAs which is why local committed developments have been considered within the junction modelling.

Therefore due to the two sites being adjacent and being submitted at the same time by the same consultants, it is considered appropriate that the combined traffic impact from both sites must be analysed. This has been done for the ES, and should be done for the Transport Assessment, although the separate applicants may submit a separate document for each site (each of which should include the traffic from both sites).

The ES states at 13.21 that the models have, "where appropriate", been validated against existing site conditions for the baseline scenario; however, this is contradicted in the TA's where no such evidence has been presented. The applicant's transport consultant will need to present queue length surveys alongside the modelling results to validate the provided modelling and prove that the base models are representative of existing operation. Therefore, there is no clear evidence that the base year models represent existing junction operation, and that any future year models represent the likely future operation.

This situation is brought further into doubt due to the fact that the Authority has specific evidence that local strategic junction operation is significantly more congested than the scenario claimed in the TA's provided. The applicant's transport consultant will need to present queue length surveys alongside the modelling results to validate the provided modelling and prove that the base models are representative of existing operation.

In addition the Strategic Highways Manager does not accept the assertion in 13.73 of the ES that the assessments should be considered "worst case" simply because no reduction in traffic generation has been made for the impact of travel plan measures.

The TRICS sample used in the TAs is likely to include sites where Travel Plans are in place, and indeed some of the sites in the sample may have a higher level of accessibility than the application site/s. Therefore it is not reasonable to assume that the TRICS sample represents an over-estimation of the site's actual trip rates unless specific evidence is submitted to support this.

Mitigation of Development Impact.

There is a requirement through National policy for proposed developments to appropriately mitigate the traffic impacts from their development.

The NPPF states that proposed developments should not be refused on highway grounds unless impact is 'severe'.

Without mitigation, the development proposal does have a severe impact on a number of junctions along the A34 corridor and this has been demonstrated through an approach agreed with the developer's highway consultant.

The results of the assessment do show that it is necessary for the developer to mitigate against their developments traffic impact on the junctions in question along the A34 corridor.

Highways Conclusion

It is considered by the Strategic Highways Manager that it may well be possible to agree a mitigation package via a S106 Agreement with the applicant which would successfully mitigate the highway impacts however this position is not agreed at time of the writing of this report.

As a result, and mindful that a solution may be able to be negotiated, the Strategic Highways Manager, at the time of writing this report, maintains his position of concern regarding traffic impact from this development, cumulatively and recommends refusal of this application on grounds of lack of information and unmitigated traffic impact from the development proposal.

Amenity

In terms of the surrounding residential properties, whilst there are a small number of dwelling adjoining the southern part of the site on Padgbury Lane. Between the nearby residential properties to the north, to the rear of the pub are a linear area of public open space, and a belt of trees. Due to these intervening features and the separation distances involved it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Congleton SPD for residential layouts. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land.

Air Quality

As originally submitted the Environmental Health Officer (Air Quality) recommended refusal on grounds of insufficient information. A revised Air Quality Impact Assessment was then submitted as part of an updated Environmental statement to address the air quality concerns raised.

The EHO considered the updated information and advises that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In

particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO₂) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development, 13/4216C and the committed Loachbrook Farm.

The report predicts that there will be negligible increases in PM₁₀ concentrations at all receptors modelled.

With regards to NO₂, the report concludes that there will be negligible increases in concentrations at receptors outside of the A34 West Road AQMA. Receptors within the AQMA are predicted to experience a minor adverse increase. Any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives.

In addition, taking into account the uncertainties with modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties.

The EHO (Air Quality) would recommend the conditions be attached to any permission for the scheme concerning travel planning, Electric Vehicle infrastructure and dust control

Ecology

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

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime

dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

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

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts

A small population of great crested newts was recorded at a pond on site. The ponds on site appear to be of relatively low quality in terms of their suitability for breeding great crested newts and so this may potentially be limiting the size of the population.

In the absence of the mitigation the proposed development would pose the risk of killing or injuring any animals present on site during the construction phase and also result in the loss of a significant area of terrestrial habitat likely to be utilised by this species.

The applicant has submitted a great crested newt mitigation strategy to address the potential impacts of the proposed development.

Since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The Council's ecologist advises that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain the favourable conservation status of great crested newts. A condition would be required to ensure that the proposed development is implemented in accordance with the submitted report.

Reptiles

A small population of Slow Worm a protected and Local Biodiversity Action plan priority species has been recorded onsite. The area of the site where the species was recorded will be retained as part of the development proposals. The proposed development in the absence of mitigation would however pose the risk of killing or injuring any animals present on site when works commenced and would also result in the loss of a significant area of suitable habitat.

To mitigate the impacts of the proposed development the applicant has submitted a method statement detailing the removal and exclusion of reptiles from the footprint of the proposed housing and also the retention of suitable habitat on the sites north-eastern boundary.

If planning consent is granted the submitted method statement is acceptable to limit the impacts of the proposed development upon slow worm. The successful implementation of the mitigation strategy would however be dependent upon the careful design of the retained area of habitat/open space between the proposed housing and the brook. This is particularly important considering that a footpath/cycleway, ponds and tree planting are proposed for this area.

Badgers

Three outlying badger setts have been recorded on site with additional setts including the main sett being located to the north of this application site. The proposed development would result in the loss of the three setts located on site and would also result in the loss of badger foraging habitat. To avoid any risk of badgers being killed or disturbed during the works the submitted badger report recommends the exclusion of badgers from the setts on site and the closure of the setts prior to the commencement of development. This would be done under the terms of a Natural England license and an acceptable outline method statement has been provided. If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation method statement.

Bats

Bats have been recorded as being active on this site. The level of bat activity is as would be expected for a site of this size and nature. The proposed development is unlikely to have a significant impact upon foraging or commuting bats. It also appears that all trees identified as having significant potential to support roosting bats would be retained under the submitted illustrative layout.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that some of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows from the interior of the site and to facilitate the site entrance. This potentially includes a partial loss of hedgerow 7 which has been assessed as being Important under the Hedgerow Regulations.

Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Grassland Habitats

Three areas of the site have been identified which would be likely to qualify as Local Wildlife Sites (LWS) due to them supporting grassland habitats which meet the relevant selection criteria and thresholds. These habitats are of sufficient quality to be considered UK Biodiversity Action plan priority habitat (lowland meadows) and Habitats of Principal Importance for the conservation of Biodiversity in England under section 41 of the Natural Environment and Rural Communities Act 2006. As such these habitats are a material consideration in the determination of this planning application.

The three areas identified on site are:

- Area A: The mosaic of grassland habitats adjacent to Loach Brook (Target note 10 on the submitted habitat plan)
- Area B: An area of grassland located within the main body of the grassland fields (target note 6 on the submitted habitat plan)
- Area C: The grazed grasslands to the south of the site (identified by target note 7 and target note 8 on the submitted habitat plan)

The grassland assessment report submitted by the applicant recognises the value of Areas A and B but fails to fully acknowledge the value of Area C due to the lack of consideration being given to the recorded presence of an additional grassland indicator species.

Based on the submitted indicative plan the proposed development would result in the loss of Area B loss of more than half of Area C and the loss of one third of Area A.

To compensate for these losses the applicant is proposing the following:
Area A

Enhance the retained two thirds of this grassland and the provision of an additional area of grassland habitat to the north totalling 0.11ha.

However, the retained area of habitat in this area is shown on the indicative layout plan as being utilised for the multi- purposes providing a footpath/cycleway, a pond, tree planting to provide screening for the development and also fulfilling an open space function. The additional area of grassland also includes a cycleway/footpath and a locally equipped area of play.

The Ecologist's advise is that considering the other demands that are being placed upon this area of grassland habitat creation it is unlikely that a suitable habitat management scheme could be successfully implemented that would deliver adequate ecological benefits to compensate for that habitat within the site that will be lost.

Area B

The applicant suggests that the enhancement of the retained area of grassland associated with the retained pond would be adequate compensation for the loss of this area of

habitat. This broader area of the site is however identified as an area of habitat to be managed for the benefit of great crested newts.

The submitted great crested newt mitigation strategy identifies this area as being utilised for the creation of tussock and species rich grassland, new native species tree and scrub and the creation of new waterbodies.

This means that only part of this area of the site could be utilised for the creation of species rich grassland. The proposals put forward for the habitat creation to compensate for the loss of grassland habitats includes the removal of 50% of the bramble on this part of the site.

Therefore at present it is being proposed to remove naturally occurring scrub to be assist with the establishment of grassland habitats and the planting of additional scrub to benefit great crested newts within the same parcel of habitat.

Under the current ecological mitigation proposals there is a tension between meeting the needs of great crested newts and what is required to compensate for the loss of important grassland habitats.

Area C

As this area is not acknowledged by the submitted report as being of suitable value to qualify as a Local Wildlife Site/UK BAP/section 41 habitats and no specific mitigation/compensation has been put forward by the applicant to address the loss of this area of habitat.

Effectiveness of proposed mitigation/compensation in respect of grassland habitats

The three areas of grassland habitat referred to are of sufficient quality to warrant retention as part of the development of the wider site. Considering the total area of valuable habitat lost, the other demands placed on the areas of grassland which are proposed for retention and ecological enhancement, the Councils ecologist advises that there is unlikely to be sufficient opportunities to implement suitable habitat creation enhancement to compensate for that lost.

The proposed development would therefore result in an adverse impact on grassland habitats which are identified as being a priority for nature conservation. This is a reason for refusal of this application.

Trees and Hedgerows

Policy NR1 of the Congleton Local Plan states that proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Any permission given will include conditions for their protection during development where appropriate by requiring submission and implementation of detailed method statements for construction and arboricultural works. Policy SE5 of the Local Plan Strategy Submission Version re-affirms this with the additional requirement that , in respect of trees, hedgerows and woodland, where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.

An Illustrative Parameters Plan has been submitted in support of the application showing two new accesses onto Padgbury Lane a Play Area, Public Open Space, pedestrian and cycle links. The Planning Statement submitted with the application states that the majority of trees and hedgerows

are shown for retention on the plan, with 19 individual trees and two small lengths of hedgerow to be removed to facilitate development.

Tree Preservation Order

The Congleton Borough Council (Congleton – Padgbury Lane) Tree Preservation Order 1976 protects individual groups and areas of trees around the Heath Farm Public House and along Padgbury Lane frontage. These are scheduled as individual specimens of Lime Oak, Sycamore, Elm and Beech and four groups comprising of Lime, Sycamore and Elm. The two Area designations located around the 'Fayre and Square' Public House comprise of Pine, Sycamore, Larch, Lime, False Acacia and Beech, present a significant focal point on Padgbury Lane. All mature Elm have since disappeared due to Dutch Elm Disease and remain only as young regeneration from cut stumps or root suckers.

A second TPO, the Congleton Borough Council (Padgbury Lane No.2) Tree Preservation Order affords protection to one individual Oak tree at the entrance to the petrol station.

Supporting Arboricultural Information

The application is supported by an Arboricultural Assessment submitted by FPCR Environment and Design Ltd Rev B dated 2nd October 2013, (referred to as Padgbury Lane South, Congleton). The Assessment includes an Impact Assessment, Tree Survey Plan (5299-A-05), and Tree Retention Plan (5299-A-06 Revision A).

The assessment broadly complies with current British Standard Guidance BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations; the primary document which guides the process of determining planning applications and the impact upon trees.

Thirty seven individual trees and twenty groups of trees have been identified by the assessment. Ten individual trees and one group have been identified as High (A) Category; 22 individual trees and 13 groups as Moderate (B) category and 5 individual trees and 2 groups as Low (C) category. Four groups have been identified as unsuitable for retention (U) category.

Of those trees surveyed sixteen individual trees and two groups are protected by the 1976 Order. Of those remaining trees not protected by the Order, the assessment identifies three High (A) category Oaks (T26; T32; T29); and a number of moderate (B) category individual and groups of trees located along the southern boundary of the site with Loach Brook and to the north west boundary section. An existing pond to the northern central boundary features a number of mature Oak and associated natural regeneration which presents a pleasing landscape feature. The pond and High/ Moderate category trees are proposed for retention within public open space/local play area.

Para 4.5 of the Arboricultural Assessment states that the proposed southern access road of Padgbury Lane is to be located between an unprotected mature Cherry (T1) and a protected High (A) category Lime (T2 – part of Group G1 of the TPO) and will extend into its Root Protection Area (RPA).

Insufficient information has been provided as to whether this tree and the Group of trees within G1 can be retained particularly as the changes in ground level and highway requirements for design

and construction of roads/pavements to adoptable standards would mean it would be unlikely that the Lime could be retained. The assessment also states that visual amenity will be maintained by the retention of the group of remaining six Lime trees to the north, however the Tree Officer considers that the assessment does not take into account minimum requirements for highway splays, or footpath standards at new road junctions.

It is therefore considered that insufficient information has been provided about impact upon these trees.

Para 4.6 of the submitted Arboricultural Assessment refers to the northern access off Padgbury Lane. The access will require the removal of a group of young Elm, some of which are infected with Dutch Elm Disease. A young multistemmed low category Sycamore (T15) will likely require removal due to its position within the visibility splay of the access. It is not considered that the removal of the Elm and Sycamore trees will present a significant impact on the amenity of the area and should be adequately compensated through additional planting within the site.

Para 4.24 refers to design principles and in particular the potential conflict with Root Protections Areas (RPAs) and the relationship/ social proximity of residential properties to retained trees and future pressure for removal. BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* sets a precautionary approach requiring that the default position requires all structures to be located outside trees to be retained. The Parameters Plan shows proposed Residential Areas where such tree constraints could be problematical, particularly in the southern section of the site where it narrows adjacent to the group of mature protected Lime. Also in respect of trees retained on the Padgbury Lane frontage and around the retained pond area to the north sufficient space will also need to be achieved from proposed development interfacing with public open space to the south adjacent to Loach Brook. In particular the layout design must allow for potential shading/dominance from existing and proposed trees along this southern boundary.

The position of the southernmost access into the site as this will likely require the loss of a protected Lime tree. The Tree officer is unconvinced that the visual amenity of the area will be retained by the retention of the remaining group as the information submitted in support of the application has not been given to likely impact of highway visibility splays and standard footpath requirements at this location.

Public Rights of Way

Congleton FP18 enters the site subject to 13/4219C application from Padgbury Lane between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm. A number of existing trees within this application site can be viewed as public amenity features from various vantage points along the public footpaths.

Urban 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.”

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural. The character of the housing to the East of Padgbury Lane should not be seen as a precedent in either layout or built character terms. It is of its time, before urban design became formally recognised as a positive influence on housing and place design and has to be acknowledged as not being a positive townscape legacy for the town, effectively creating a very 'blunt' and uncharacterful edge alongside Padgbury Lane.

There are also established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to Padgbury Lane and the fringe landscape along the west of the site, that in proximity to the listed building and dividing the two sites. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for 'up to 180' units at an average net density of 33 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are 2.5 storeys (up to a max of 10m high) In this case there are no testing layout submitted in support of this application and a sizeable area of the site which is indicated as being part of the residential layout is also indicated within the ecological appraisal as being mitigation grassland. This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality

Whilst the application discusses a reduction in density on the western fringe of the development, based on the maximum numbers proposed, this could result in 'cramming' within the sites themselves, if an overly optimistic approach has been taken with regard to numbers.

The indicative layout could therefore lead to an overly dense layout, pressure to accommodate inappropriate types of housing on these fringe rural sites and street environments where it is difficult to accommodate car parking without it becoming an overly dominant component of the street scene.

In the absence of testing layouts, and given the issues discussed above, it is not considered that sufficient information has been submitted supporting the maximum numbers identified, as the information presently stands. It is however accepted that as the description is for up to 180 dwellings, a significant reduction in the numbers of units could be negotiated.

Other design issues -

- **Character** - In character terms there is an opportunity to further diversify character within the development, compared to what has been indicated in the application. In effect there are 3 discreet housing zones within the 2 applications: 2 within this site and a further zone within the adjoining site. Within these character could be further interpreted, building on the qualities of each area but within an overarching framework.

- **Street design and movement** – This is a simple hierarchy with a main street and then lanes feeding off that. This is a little too simplistic and that in reality a third street type will also be necessary. Shared surfaces are also discussed and this is positive, as are the use of varying street widths, frequency of street connections, buildings narrowing streets, pinch points etc. to create slower vehicle movements. There is no street connection between the 2 sites, especially as this was the approach early in the design process that was consulted upon with the community. It is assumed that this is as a consequence of highway liaison. If vehicular connection is not achievable then strong pedestrian movement needs to be secured.
- **Height of buildings** – it is noted that the parameters include buildings up to 2.5 storey (10m) but that these carefully considered and that they will be used occasionally for place making purposes. It is important that the surrounding development does not compete for dominance with the adjacent listed building and that 2.5 storey is used infrequently. There is a danger that if this is not controlled, any permitted scheme could be out of context with its countryside edge location and the prevailing scale within the area;

Consequently the Urban Designer advises that a design coding condition should be attached to any outline permission requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted.

Setting of the listed buildings

As discussed above, the setting of the listed buildings is an important consideration. Their origins are as an isolated, relatively substantial, country property that was either a farm or a home for someone of reasonable means situated some distance away from the town. The proposed development has the potential to adversely impact upon the asset's setting, notwithstanding that land to the rear of the listed buildings has been developed upon in more recent times.

A Heritage Assessment of the proposals implications for the adjacent listed buildings has not been provided. It is recognised that modest areas of green space are provided to the north and south of the listed building, accommodating the existing trees, this may not sufficiently mitigate the impact of the proposed development upon the building's more immediate setting, particularly as national guidance advises local authorities not to consider setting too narrowly.

Overall, it is considered that an acceptable design/layout that would comply with Policies GR 1,2 and 3 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF could be negotiated at the reserved matters stage, although this may result in the significant reduction in the overall density so that significantly less than the 180 units as applied for would be permissible and this would require an overall framework to be agreed via design coding to inform any reserved matters application.

Public Open Space (Amenity Greenspace)

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required would be 4320m².

The proposed equipped children's play area is set in 0.4 Ha (4,000m²) which therefore has a shortfall of the requirement by 320m². This would need to be a formally maintained to qualify as Amenity Greenspace.

Page 49 of the D&A Statement states 'the following landscape features are proposed : An area with Public open space on a low point of the site, this area also represents an suitable location for an attenuation pond'.

Whilst this promotes biodiversity it has never been the Council's policy to take transfer of areas of POS that have water bodies located within, around or running through. Therefore it is recommended these areas of POS be transferred to a management company in perpetuity.

It is however considered that the shortfall of amenity greenspace could be addressed by the imposition of a planning condition.

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Information submitted in support of the application shows an equipped play area in the form of a LEAP. However given the size of the proposed development and the level of the deficiency in the area this should be upgraded to a NEAP with a minimum of 8 pieces of equipment, using play companies approved by the Council. Greenspaces would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company. However, subject to these conditions, that could form part of reserved matters no objection is raised to the provision of the public open space

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy 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 a higher quality”.

A survey has been provided to by the applicant which indicates that the majority of the land is Grade 2 (32%) and Grade 3a (42%) Agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Flood Risk and Drainage

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

The Councils Flood Risk Manager has also been consulted and is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed.

In view of the significant flood attenuation measures identified in the submitted FRA (Reference JD-D1112-R01 dated September 2013), the Flood Risk Manager would also require details of how the large volumes of water (4,215m³) can effectively be managed on the site and in ground conditions with potential for elevated ground water levels, clearly demonstrating no adverse impacts off site. It is recommended that detailed site investigation be carried out to identify the extent of any local ground water/water table fluctuations which may have significant implications for the design of onsite storage systems.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local road network which would require an engineered solution in the form of highways improvements. The financial contribution would be fairly and reasonably be related to the impact of this development.

The development would result in increased demand for primary and secondary school places in the area and there is very limited spare capacity within the primary sector. 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.

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

10. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy PS8 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. The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy remains up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information indicates that this is amongst the best and most versatile grades of land. In the absence of a need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

Insufficient information has been submitted in terms of any analysis of Important Hedgerows under the terms of the Hedgerow Regulations and a Heritage Assessment which considered the setting of the two grade II listed Padgbury House and separately listed coach house, now a public house.

In terms of Ecology it is considered that the development would have a significant impact upon ecology and the mitigation put forward is inadequate.

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application cannot be considered in isolation from the sister application. No mitigation has been put forward by the applicant and on this basis the proposal is considered to have a severe traffic impact.

The education department has confirmed that there is no capacity within local primary schools and the additional family dwellings will result in more children.

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

The Environment Agency and United Utilities have confirmed that the submitted FRA is acceptable, and that the proposal is not considered to have any adverse impacts in terms of 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, overall, the site performs relatively well in terms of locational sustainability and it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, loss of agricultural land, impact upon highway conditions and the inadequate ecological mitigation put forward. As a result the proposal is considered to be unsustainable and contrary to Policies PS8, GC1, NR3 and NR4 of the local plan, Policy PG5, SE3, SE5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1 The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would 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 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 inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3. The proposed development would have an unacceptable adverse impact upon habitats identified as UK Biodiversity Action Plan priority habitat and also listed on section 41 of the Natural Environment and Rural Communities Act 2006 as habitats of principal importance for the conservation of biodiversity. This impact is not outweighed by other matters of overriding interest namely any economic or social benefits in terms of housing land supply, including affordable housing. The development is therefore contrary to Policies GR1, NR3 and NR4 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 of the emerging Cheshire East local Plan. The proposal would not represent sustainable development as it would not conserve or enhance the natural environment and would be contrary to paragraph 109 of the NPPF.
- 4 Insufficient information has been submitted to demonstrate that the scheme would provide for the retention and protection of existing trees of amenity value and no assessment of historic hedgerows has been provided therefore the applicant has failed to demonstrate that the proposal complies with Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.
- 5 In the opinion of the Local Planning Authority, the additional traffic generated would have a severe and unacceptable impact in terms of the local highway network.. The development is therefore contrary to Policies Policy GR18 and GR19 of the Congleton Borough Local Plan First Review 2005, and IN1 of the emerging Cheshire East Local Plan Strategy - Submission Version

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 Southern Planning Committee, 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 Southern Planning Committee, 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 to secure:-

- Affordable housing:

- 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to 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.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) 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.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £ 165,405 towards primary education. This contribution will be required to be paid on occupation of the site
 - Provision of minimum of 4320 sqm and of shared recreational open space and children's play space to include a NEAP with 8 pieces of equipment
 - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 13/2746C

Location: Land between Black Firs Lane, Chelford Road & Holmes Chapel Road, Somerford, Congleton, Cheshire

Proposal: Erection of up to 180 dwellings, public open space, green infrastructure and associated works

Applicant: Paul Campbell, Richborough Estates Partnership LLP

Expiry Date: 16-Dec-2013

SUMMARY RECOMMENDATION

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

MAIN ISSUES

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

At the meeting of SPB on 5 February 2014 Members deferred the application to seek clarity on the position of the site in respect of the Local Plan and further information in respect of the relationship to the relief road. This additional information is incorporated within the updated Planning Policy section following the acceptance of the Submission Version of the Cheshire East Local Plan Strategy.

SITE DESCRIPTION

The application site comprises approx 10.42 hectares in a roughly triangular shape is located within an area of ribbon development along Chelford Road, Black Firs Lane and Holmes Chapel Road. Opposite the site along Chelford Road there are a mix of detached houses and bungalows. Black Firs Lane marks the western edge of the Congleton Settlement. Adjoining the south-west part of the site is former farmstead of Green Tree Farm and to its south Goodwin's Pool, which is used by Congleton Anglers Society for fishing. The frontages of the site have wide grass verges, with many trees of differing levels of maturity, quality and height. The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is best and most versatile agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees to the Street frontages.

Black Firs nature reserve (SBI) sits along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

2. DETAILS OF PROPOSAL

The application is an outline application accompanied by an Environmental Impact Assessment for up to 180 dwellings, public open space, green infrastructure and associated works. All matters are reserved except for the three vehicle access points to Chelford Road and Black Firs Lane.

An Indicative Masterplan and Parameters Plan have been submitted that indicate the storey height of the dwellings that will front towards Chelford Road and Black Firs Lane (maximum 2.5 storey), and the standoff distance of the frontage of these dwellings from their respective site boundaries (approximately 15 metres).

The proposal splits the site into 6 character areas with their own indicative proposals :

Black Firs Lane – buildings set back a min. of 15m max. 2.5 storey height

Chelford Rd - buildings set back a min. of 15m max. 2.5 storey height

Black Firs Wood

Black Firs Park - close to the nature reserve; native planting and water courses to allow for expansion of nature reserve; central area of separation between development zones

Black Firs green – enclosed by existing development on Black Firs Lanes – pocket park

Goodwins Green – extreme southern part of the site – narrow belt of screen planting to merge into the adjoining nature reserve and to provide screening for adjoining property

The internal road layout is not being sought at this stage although two accesses via Black Firs lane and one access into the site via Chelford Road are being sought at this stage. The indicative plan shows a layout of 155 units in 2 zones interspersed with open land/amenity space, ponds with a further area of green space at the junction of Black Firs Lane and Chelford Road.

3. RELEVANT PLANNING HISTORY

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

4. PLANNING POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

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

Submission VersionCore Strategy

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
SE13 – Flood Risk and Water Management
IN1 - Infrastructure
IN2 – Developer Contributions

Strategic Site SL6- Radnor Park/Back Lane

5. OBSERVATIONS OF CONSULTEES

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 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.

United Utilities: No objection subject to following conditions -

A public sewer crosses this site and we will not permit building over it. We 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.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse as stated in the submitted Flood Risk Assessment. No surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Environmental Health: No objection subject to conditions relating to construction hours, piling hours, dust mitigation, noise mitigation and a residential travel plan, scheme for car charging points.

Education: A development of 180 dwellings will generate 32 primary & 23 secondary school places. There is sufficient capacity within the secondary sector however, when combined with other developments in the vicinity there will be a deficiency in the primary sector should this development proceed.

For all developments, either proposed or approved in the locality, this is calculated as being $61 \times 11919 \times 0.91 = £661,623$. This application comprises 25 % of the overall impact of all housing proposals in the vicinity, a contribution of £165,405 is required towards primary education. However, if some of these other applications do not proceed then there would be a pro rata reduction in the mitigation required in this case

Cheshire Fire & Rescue: No objections subject to recommendations relating fire safety.

Archaeology: No objection subject to condition

Strategic Highways Manager: No objections subject to conditions and financial contributions towards nearby junction improvements.

Housing Strategy & Needs Manager: No objections subject to the provision of 30% affordable housing

Public Open Space (Amenity Greenspace) and Children's Play Space: The proposal will result in deficiency in provision locally. On site provision for both open space and play space to an adoptable standard will be required with associated commuted sum payments for future maintenance should this be adopted by the Council. The amount of open space indicated on the submitted plans is an over-provision

Ecology: No objection subject to conditions and mitigation for the loss of grassland habitat in the form of a financial contribution to the creation/enhancement of off site habitat

Natural England: No objections. This proposal is approximately 650 metres from River Dane Site of Special Scientific Interest (SSSI) and on basis of available information proposal will not affect Great Crested Newts.

Cheshire Wildlife Trust: We recommend that the Masterplan is amended to indicate a broad band of new woodland planting between the existing retained building and the southeast corner of the site, so that Black Firs Plantation is physically connected with existing woodland to the south of the site. We also recommend that a band of new woodland planting is provided along the short SW boundary of the site – again to create a strong physical link between two existing areas of woodland/green space outside the site boundary. New woodland planting in these locations would eventually form a linked woodland network across the site and would reduce the impact of the new proposals on existing houses adjacent to the site on its E and SW boundaries.

Additional recommendations include the a scheme for the retention and protection of important hedges (which are also important bat foraging routes), the provision of a bat-friendly external lighting scheme; and a scheme for the inclusion of 40 bat boxes/tiles and 10 bird boxes integral to the housing development. Recommendations are:

The use of native species of local provenance in woodland/ hedge/shrub/herbaceous planting throughout the site The creation of BAP quality grassland meadows in open areas of the site.

These and any other mitigation and/or biodiversity enhancement measures should be included in an Ecological Mitigation Plan, which should also provide for long-term management of the undeveloped parts of the site.

Jodrell Bank: No reply .

5. VIEWS OF THE PARISH / TOWN COUNCIL

Somerford Parish Council - Object on grounds of :

The proposal is contrary to policies PS6 and PS3 of the Congleton Borough Local Plan First Review, policy CS6 of the draft Cheshire East Local Plan Development Strategy and Supplementary Planning Document 7 'Rural Development'. Somerford is defined as a settlement in the open countryside, where only limited infill would be appropriate, within the settlement boundary. The proposal lies outside the settlement boundary and proposes a level of development which is excessive in size, comprising some 180 dwellings in a village of only 143 dwellings. Furthermore, the site provides an important green lung between the urban area of Congleton and the countryside setting of the settlement of Somerford. If developed, the proposal would result in the merging of these two areas and the identity of Somerford would be irretrievably lost, consumed by Congleton. This would set a dangerous precedent for other similar locations, the cumulative effect of development which would represent significant and detrimental levels of urban sprawl.

The proposal is unsustainable. This is a greenfield site. Once lost to residential development, this good quality and currently productive agricultural land (Grade 3A) will be lost forever as a resource. The parish of Somerford is located within the Rural Villages and Rural Areas in the emerging Cheshire East Local Plan and as such is an inappropriate location for major development. This is further demonstrated by the fact that the proposal fails to meet the NWDA Sustainability Toolkit criteria, which are mirrored in policy CS9 of the emerging Cheshire East Local Plan, on the majority of counts. The village contains very few local facilities or services of note, particularly within a reasonable distance of the site itself. As such it can hardly be considered a sustainable location for additional residential development.

The proposal, which is likely to generate significant travel needs, does not make provision for the development to be accessible by a choice of means of travel. Somerford is served by only limited bus services, which run at intervals that are not conducive for commuting any distance. As such it is an unsustainable location for the provision of additional significant residential development and is contrary to policy GR10 of the Congleton Borough Local Plan First Review and policy CO1 of the 'Shaping our Future – Policy Principles' document.

The proposal will exacerbate existing traffic congestion in Somerford and the local area or Congleton. The proposed development will more than double the number of houses in the settlement and this, in addition to other residential developments approved in the local area such as Loachbrook, will have an unacceptable impact on the scale of traffic, resulting in traffic problems reaching an unacceptable level. Specifically, we have concerns that the areas roads proposed as part of the development between Black Firs Road and Chelford Road will become a rat run. In our opinion the proposal will be contrary to policy GR18 of the Congleton Borough Local Plan First Review.

The developer relates the development of this site to the deliverability of the link road. However Somerford Parish Council has its doubts about the ability for the link road to be delivered in the foreseeable future or indeed for the need for such a road. At such an early stage of the preparation of the emerging Local Plan it seems inappropriate to consider the deliverability of this road or any development associated with it as a material consideration.

The area surrounding the site has been subject to ground water flooding as recently as the end of 2012/ beginning of 2013 and the Parish Council has concerns that developing this site will have further exacerbate this existing problem. The Parish Council is further concerned that the drainage solutions accompanying the planning application will have an adverse effect on Goodwins Pool, which relies on run-off from the 'triangle'.

The Black Firs Nature Reserve is currently a quiet haven for wildlife. The Parish Council has concerns that if this development is permitted, the additional level of human activity which will result on and around the site will have an adverse effect on both flora and fauna and the quality of this landscape, to the detriment of the quality of the site and the Nature Reserve, contrary to policies SE3 and SE4 of the 'Shaping our Future – Policy Principles' document.

The site is poorly located for delivering sustainable affordable housing. Its lack of regular bus services and distance to facilities and services means that residents on low incomes, the elderly or those with children, would struggle to access employment and necessary services.

Design of the development- the parish council recommended 'ribbon style' development in their feedback for the Cheshire East local plan consultation. This proposed style of development is totally out of character for the area. It goes against CE policy to develop brownfield sites first and has an unacceptable high density of houses. The proposed development will have a massive visual impact on the open countryside. Houses on the development will be overlooking each other and there will be increased noise and disturbance. There will be a loss of privacy and also loss of existing views from neighbouring properties.

Chelford Road and Black Firs Road residents currently enjoy the benefits of dark skies at night, with no street lighting. We have concerns that the development will introduce light pollution into the area immediately surrounding the site, contrary to policy SE12 of the 'Shaping our Future – Policy Principles' document

Congleton Town Council – Recommend refusal on grounds that:

Site is in Open Countryside and as such fails to satisfy any of the policies set out in PS9 of the Local Plan as a development of up to 180 dwellings cannot be described as infilling.

It may be argued that it satisfies PS9(V) of the Local Plan, but, in this area it fails as It is contrary to H14 of the Local Plan in that it is not a small scheme and does not consist entirely of housing that will be retained as low cost in perpetuity.

The proposed development would be contrary to H6 of the Local Plan in that it fails to meet any of the criteria laid down and as such we recommend refusal.

Additionally, in the emerging Cheshire East Local Plan, the triangle of land in question is not identified as a potential development option, whilst it is a nonspecific blob at the moment; the CEBC Local Plan appears to identify land to the north of this area for housing allocation. If the

application is viewed in the context of this Plan then the Town Council would be minded to recommend refusal.

6. OTHER REPRESENTATIONS

Local Residents Action Groups (Protect Congleton) and (Somerford Parish Residents Action Group) objection which includes a petition comprising 73 signatures on the following grounds -

- Site is outside settlement zone line and is of such a scale that it constitutes a new settlement when compared to the size of Somerford
- Loss of productive high quality agricultural land
- The area is designated as a settlement in the open countryside where only limited infilling is appropriate in the local plan. The site is outside of the infill boundary line entirely
- The proposal will impair the efficiency of the Jodrell Bank Telescope
- Development not any of those permitted under PS8
- The development will ruin the character of the surrounding area, detract from its environmental quality and be unsustainable
- Destruction of areas of woodland within the site
- The creation of ponds within the site would risk the safety of potential residents
- The development will neither protect or enhance the landscape character of the area
- The development will have a detrimental impact upon adjacent residential property, protected species Back Firs Nature reserve and Goodwins Pool
- Significant travel needs would be generated, owing to there being insufficient new employment for its residents in the area. Travel will undoubtedly be met by private car use owing to the site being poorly served by public transport and an impractical distance from facilities for most people to cycle
- Traffic generated, particularly the cumulative impact with Loachbrook farm will worsen existing traffic problems
- Site is prone to flooding, which will be worsened by the proposal. Its current clean run off water is the main source for Goodwins Pool, which would be contaminated by the development and could not survive without clean run off water
- The numbers of housing proposed in Somerford is more than in Congleton. Worse still Somerford is in the open countryside and should be the subject of limited development.
- Loachbrook decision has fully satisfied the affordable housing requirement for the whole of the Congleton Rural area. The proposed development is too far from local services and facilities for this class of occupancy. Further, it is part of a large development that is not appropriate to the locality
- Approval would result in the loss of the community facility afforded by the countryside to walkers, cyclists, horse riders and fishermen
- In the Settlement Hierarchy within the emerging Plan, Somerford is within the Rural Villages and rural Areas classification where no development would be permitted
- Permission should not be given under the 'presumption in favour of sustainable development;' owing to it being unsustainable
- Will result in the loss of best and most versatile agricultural land
- Site is outside that of the Preferred Strategic Sites currently defined in the emerging local plan.
- Given that some of the objectives of the Local Plan are for improved transport and highways options with a view to stimulating the local economy and job opportunities, then this application provides none of these things

Overall, there are over 160 Representations either from local residents, local groups or Professional Planning Agents representing local residents raising objection on grounds of -

Principle

Loss of green field

Loss of best and most versatile agricultural land

Will more than double the size of Somerford

Not in line with the interim policy on the release of housing land

The site is not as sustainable as the Application suggests

More than 5 years supply of housing exists

Not sustainable location

Build on the Brownfield land first

Affordable Housing - Somerford is in Congleton Rural SHLAA area and has a significantly smaller affordable housing requirement, this site is being used to cater for Congleton urban housing need

Contrary to Planning Policy in Local plan

Contrary to NPPF

Highways

Construction traffic will have to enter and exit from the town centre thereby creating more traffic problems for an extended period of time.

Additional Congestion

.The road network would not cope with the commensurate amount of traffic and there is no public transport network available. Local buses services have just been reduced in the West Heath area.

Infrastructure

Schools can not cope

Impact on health care provision

There is no employment in the Town and residents will work elsewhere

Increase in demand on drainage and sewage infrastructure in an area which has had problems

Increased surface water run off could lead to flooding

No infrastructure in Somerford to support large influx

Loss of Open Countryside

The land should be protected for future generations, once built upon it would be lost forever.

Valuable green area

Loss of trees and hedgerows

Loss of good agricultural land

Amenity

The development would have a negative impact on the quality of life of the existing populations

Overlooking from new houses to existing houses

Quality of life will be severely affected during construction

Impact of scheme on landscape character

Increase in the already excessive air pollution levels in the town, and in particular in the currently identified AQMA areas of West Road and Lower Heath as a result of proposal increase in dwellings

Ecology

The area is rich in ecology and protected species and other species such as frogs/toads/pheasants and partridges which are not protected but this area forms their habitat. There are bats, owls, badgers, polecats. Bats and nesting birds which are protected.

Great Crested Newts are known to be within the general area. They could well be living in these fields as well. The Council should investigate this possibility.

Water starvation to Goodwins Pool

Impact on adjoining Goodwins Pool by run off and Black Firs Wood SBI

The area has established protected trees and hedgerows. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.

Drainage and Flooding

Site has flooded in the past. How can the system cope with the additional demands to be placed upon it?

Impact on Goodwins Pool – used by Anglers for fishing and wildlife

Other matters

Application Information is misleading and does not take into account other permission in the area, eg Loachbrook Farm

7. APPLICANT'S SUPPORTING INFORMATION:

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment
- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- inc supplementary information
- Agricultural land Assessment
- Acoustic Report
- Socio-Economic Report
- S106 Heads of Terms

These reports can be viewed on the application file.

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

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 to outweigh the policy concerns.

Cheshire East Local Plan Strategy – Submission Version

The application site is identified as a preferred site for housing and commercial development (site SL 6: Back Lane/ Radnor Park) within the Cheshire East Local Plan Strategy – Submission Version. The strategy envisages:

1. Delivery of or a contribution towards the Congleton Link Road.
2. Delivery of 500 new homes at approx density of 30 units per hectare
3. Deliver of 10 hectares of employment land
4. The retention and enhancement of Back Lane Playing Fields which has village green status
5. The delivery of a leisure hub of up to 10 hectares adjacent to Back Lane Village Green. including new sports and leisure facilities
6. Provision of retail space to meet local needs
7. The provision of pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre
8. The provision of a new primary school
9. Contributions to new health infrastructure

Site Specific Principles of Development

- a) Contributions towards complimentary highway measures on the existing highway network
- b) The provision of a network of open spaces for nature conservation and recreation, inc the enhancement of the River Dane Corridor
- c) The timely provision of physical and social infrastructure to support development at this location.
- d) The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.

- e) The design, layout and style of individual plots should be guided by appropriate master planning and design codes influenced by existing locational assets of the area and the surrounding. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f) The delivery of appropriate public transport links to connect with employment, housing retail/leisure uses in the town.
- g) The promotion of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h) A pre-determination area based archaeological assessment will be required for this strategic location
- i) The strategic location will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)
- j) Future masterplanning to refer to local SBI
- k) Consideration of Policy SE14 (Jodrell Bank

The justification for the allocation for Congleton is provided at paragraph 15.225 – 15.232 of the emerging plan. It states:

'The focus for Congleton over the Core Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment... New housing is seen as important as part of a balanced and integrates portfolio of development to support the town centre, ensure balanced sustainable communities and deliver the Congleton Link Road.'

The Link Road will assist in meeting the objective of employment led growth as it will support:

- The economic, physical and social regeneration of the town
- The opening up of new development sites in particular improve access to Radnor Park Industrial Estate and Congleton Business Park;
- The reduction in existing town centre traffic and facilitate town centre regeneration
- The improvement of the strategic transport links across Borough
- The reduction in community severance along key town centre routes
- The reduction in traffic related pollutants within the town especially those declared Air Quality Management Areas...
- The layout and extent of the following strategic locations are dependent upon the preferred route of the link road. For the avoidance of doubt, the boundaries for the following strategic locations are indicative and will be defined in the Site Allocations and Development Policies document once the preferred route of the link road is confirmed.
- Back Lane and Radnor Park Strategic location
- Congleton Business Park Extension Strategic location
- Giantswood lane to Macclesfield Road Strategic location

Specific justification for SL6 is provided within paragraphs 15.236 – 15.240 which clarifies the link road will form the northern boundary of the site and that this application does form part of the Strategic Location

Deliverability

According to the emerging plan, indicative site delivery is 125 homes expected during the middle part of the plan period 2020-2025, and 375 homes expected during the end of the plan period 2025-2030.

At a meeting of the Strategic Planning Board on the 26th February; Members were asked to consider a report on the Cheshire East Local Plan Strategy – Submission Version and were given the opportunity to discuss the contents of the Local Plan Strategy and make recommendations for changes to be made at Full Council on the 28th February 2014. A motion was made during the Strategic Planning Board meeting to redraw the Strategic Location at Back Lane / Radnor Park and this motion was defeated.

The Strategic Planning Board made a number of recommendations that were considered alongside the Cheshire East Local Plan Strategy – Submission Version and associated documentation at a Council meeting on the 28th February 2014. The Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that the Local Plan Strategy be given weight as a material consideration for Development Management purposes with immediate effect.

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

The Cheshire East Local Plan Strategy Strategic Location SL6 sets out the indicative boundaries for the Strategic Location SL6 (see extract below)



Strategic Locations in the Local Plan Strategy are broadly defined areas of land with the capacity of delivering proposals of strategic importance, where definitive site boundaries and intended uses will be set in the Site Allocations and Development Policies document.

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030.

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

The preferred transport solution for Congleton is a Link Road to the north of the town connecting the A534 Sandbach Road to the A536 Macclesfield Road. A public consultation on the Link Road Options started in January 2014 with the preferred route expected to be announced in the Spring

of 2014. The route options will change the definition of the northern boundary for the Strategic Location SL6. The Public Consultation process has been completed and there is emerging a high level of support for the scheme. Contributions from associated developments do form part of the package of funding to enable delivery of the Link Road.

Housing Land Supply and the NPPF

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within

the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

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 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.

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

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

In this case the development meets the standards in the following areas:

- post box (230m) - Chelford Road
- amenity open space (100m) - Black Firs Plantation
- public park / village green (1320m) - Quinta Park
- public open space - on site

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- post office (1490m), Martin McColl West Heath Shopping Centre
- leisure facilities (3300m), Congleton Library
- a local shop selling food or fresh groceries (1490m), Aldi West Heath Shopping Centre
- bank / cash point (1490m), Martin McColl West Heath Shopping Centre
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m)
- bus stop (750m) 160 Homes Chapel Road
- Pharmacy (1490m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)
- child care facility (1600m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX)
- primary school (1220m), (Black Firs Primary School, Longdown Road)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY).

- public house (1490m), The Unicorn adjacent West Heath Shopping Centre
- Public Right of Way Congleton FP1 (600m)

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Clearly, this site is located on the western edge of Congleton and the same distances would apply to the existing residents in Somerford. The site is accessible to public transport. Holmes Chapel Road is a bus route for Service 42 (Congleton – Holmes Chapel – Middlewich – Leighton Hospital – Crewe). It has an hourly daytime Monday-Saturday service. Bus stops for this service in both directions are situated outside 160 Holmes Chapel Road to the immediately to the south of the site. Further to the east along Holmes Chapel Road (near Box Lane) there is a further bus stop where Service X38 can be accessed, running between Crewe and Biddulph and passing close to Congleton Railway Station.

West Heath Shopping Centre which has a range of services and facilities including two supermarkets (Co-Op and Aldi), a convenience store, post office, pharmacy, restaurants and hot food takeaways. Adjoining the shopping centre is the Unicorn public house.

To the north-east of the West Heath Shopping Centre there is the large employment area comprising of the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers.

Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery. As there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It should also be recognised that the site forms part of a proposed local plan allocation in the Pre-submission Core Strategy and has been assessed as being a preferred zone for development.

There are, however, three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high

quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site SL6 Back Lane/Radnor Park) within the Pre-submission Core Strategy Document.

The site is within walking distance along level terrain or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. The emerging strategy allocation SL6 also includes a significant amount of employment development at this 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.

This proposal will also provide commuted sum payments for off site habitat creation in lieu of the loss of species rich grassland in the site

Economic Role

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

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.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 180 new family homes, including a significant amount of affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location, and accessibility the development is relatively unsustainable. However, 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.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies PS8 of the Local Plan restrict new development within the Open Countryside, the site is a preferred option in the emerging Core Strategy and whilst the weight afforded to emerging policies is limited this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This site is located in the Somerford Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes).

In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation. For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation)

In addition to the information taken from the SHMA there are a number of applicants on Cheshire Homechoice, where 5 applicants on the housing register who require social or affordable rented housing have Somerford as their first choice, these applicants require 1 x 1 beds, 2 x 2 beds and 1 x 3 beds (applicant has not specified how many bedrooms they require).

There are currently 610 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 beds (48 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing states that if the relevant planning application is in outline only, then the Council will require that the s106 Agreement must stipulate an acceptable range for the number, type, tenure and size of all affordable housing units.

The Interim Planning Statement: Affordable Housing states it is normally expected that affordable units will be provide no later than sale or let of 50% of the open market dwellings, however in schemes that provide for phased delivery and a high degree of pepper-potting of affordable

homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

The applicant, whilst offering 30% affordable house as part of the 180 units proposed across the site, is at this point not offering a tenure split as per the requirements of the Interim Planning Statement: Affordable Housing which equates to provision of up to 330 affordable dwellings across the site. The tenure split offered at present is 25% rented affordable dwellings (13 units) and 75% intermediate tenure dwellings (41 units).

If it were accepted that 10% affordable provision was appropriate, as originally put forward by the Applicant as a justification for the highways payment, the total number of affordable rented units would be 17 units.

The Strategic Housing Manager has accepted this lesser provision in the circumstances of this application, but each application has to be treated on its own merits.

It is evident from the masterplan in the D&A statement that the proposal is for lower density housing to be provided to the outer of the site, with the density being approx 24 units per hectare. The development will be built in 2 phases. A proportion of affordable housing should be provided in each phase and the affordable housing should not be confined to the higher density areas of the proposal. This is in order to ensure that the affordable housing is distributed throughout the site to support the creation of a mixed and balanced community as per the requirements of the Interim Planning Statement: Affordable Housing. In addition to this it appears the majority of the higher density areas will be developed later in the programme therefore to confine affordable housing to these areas would mean that the affordable housing is not delivered periodically.

The s106 agreement will also need to secure 25% of the affordable housing to be bungalows, maisonettes or adaptable houses built to meet Lifetime Homes standards/older person's needs. This would help create balanced communities.

It is the preferred option of the Housing Strategy & Needs Manager that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

However, the variation of the tenure of the affordable units is very much an on balance assessment by the Housing Strategy Manger, who considers that in all other respects the SPD should be fully complied with, the details of which are as follows:

- a) 30% of the total dwellings on site to be provided as affordable housing,.
- b) The tenure split of the affordable dwellings to be 25% social/affordable rented and 75% intermediate tenure,
- c) The required affordable dwellings to be provided on site.
- d) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses.
- e) Submission of affordable housing schemes with each reserved matters application.
- f) The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- g) The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.

- h) Affordable dwellings are delivered periodically through the development with affordable housing provided on each phase of the development, ideally with 30% provided on each phase to ensure equal distribution of affordable dwellings across the site.
- i) Affordable dwellings pepper-potted within each phase of the development.
- j) All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.

HIGHWAY SAFETY & 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.

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

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

safe and suitable access to the site can be achieved for all people; and

improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

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

The applicant has submitted a Transport Assessment (TA) in support of the application. The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database and these figures form the basis of the junction assessments provided within the TA.

The content of the TA looks at the access strategy for the site and the sustainable connectivity with regard to: walking, cycling, bus and train.

There are proposals within the area that the development can link into improving accessibility in terms of walking and cycling with local improvements which will connect the site to local cycle routes and connect pedestrian facilities to the existing infrastructure and to local bus stops.

In addition, the Strategic Highways Manager has the following requirements in terms of improving local provision:

Bus service provision/frequency and bus facilities to the local area.

Improvements to the A34 corridor through Congleton as it is heavily congested along its length. Despite the relatively low traffic impact from the traffic generation associated with 180 units on this site, the Strategic Highways Manager must consider the cumulative effect of increasing traffic burden on this corridor.

In this regard contributions are required towards improvement schemes at the West Street/A34 roundabout and approaches, given the cumulative effect of increasing traffic burden on this corridor.

As a result the Strategic Highways Manager considers that mitigation is required in the form of a Section 106 agreement attached to any permission which may be granted for this development proposal. This is an enhanced provision to fund wider improvements to the road network within the north of Congleton.

Enhanced Contributions.

Sum of £145,000 towards Quality Bus Stop Infrastructure and improvements to service frequency and the provision of additional bus service and frequency to serve this development and the local area.

Sum of £755,000 to be used as a contribution to

- for the widening of the West Road/A34 roundabout western arm
- for design fees associated with the widening of the West Rd roundabout western arm.
- for the upgrade and necessary alterations to the existing signalised pedestrian crossing on the western arm approach to the West Rd roundabout.
- Contribution to the provision of a MOVA system upgrade at the signalised junction at Rood Hill/A34.
- Or other measures as agreed that will provide similar congestion relief benefits to the A34 corridor through Congleton

These sums are set against the current estimated improvement schemes for the A34 corridor in Congleton and as such it is considered that the requirements comply with CIL regulations given the cumulative impact from this development proposal, upon this link in the A34 corridor, which is already operating at capacity at various times of the working day.

This development is offering sustainable link improvements in the form of cycle and pedestrian facilities to link this site to existing infrastructure. This will assist in sustainable travel movements. This will be secured via a Section 278 agreement under the Highways Act 1980.

The traffic impact from this development, whilst reasonable will have a cumulative impact on the central link in the A34 corridor through Congleton which is already under significant stress and which operates at capacity at various times throughout the working day. To this end the Strategic Highways Manager has identified funding against estimated design schemes for the improvement of this corridor which can be reasonably required from this development. These

sums are considered to be compliant with the Community Infrastructure Levy and the emerging policy framework.

DESIGN AND SCALE

The supporting documentation submitted with the application does not provide any detailed information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The Councils Design Officer is generally supportive of much of the Design Parameters of this proposal, but raised concern that the density is overly optimistic.

The indicative Masterplan shows a layout of 155 units whereas the maximum number of units would be this maximum number would result in a density and character of development that would be different to that illustrated and would undermine the potential character and design quality of a future detailed scheme. It could also pressurise the landscape infrastructure and potentially the adjacent ecological asset to the east of the site.

In terms of the ecological considerations, the proposed development should ensure that it successfully reconciles ecological requirements with sound masterplanning and design to achieve a cohesive and mutually beneficial approach.

The Applicant, however, considers that this site can sensitively achieve 180 units of differing sizes which can sit with the existing residential environment. However, the Design Officer has concerns about this scale and it is recommended that the upper limit of housing numbers on this site be capped at 170.

Overall, it is considered that the conditions relating to design recommended as part of the reserved matters can adequately safeguard the design quality of this environment.

CONTAMINATED LAND

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

An intrusive investigation is completed before commencement of any development works to assess the actual contaminative status of the ground, groundwater and surface water courses at the site. It is also considered essential that the intrusive investigation should determine the geotechnical parameters of the underlying ground conditions as part of the future development of the site.

The intrusive investigation is likely to comprise a series of boreholes and trial pits and should include the installation of gas monitoring standpipes, particularly in the vicinity of backfilled ponds. Selected soil and leachate samples recovered during the intrusive investigation would be tested for a general suite of determinants. Further research is also recommended to determine any risks associated with ground dissolution stability issues associated with the brine extraction. It is considered that the sinking of deep boreholes may be required across the site area to determine the presence saliferous deposits or voids that may pose a threat to any future development.

Based on the findings of the report the risk associated with soil and groundwater contamination by virtue of the farm and woodland use on site to human health and controlled waters receptors is considered to be low.

The report has been examined by the Councils Environmental Health officers, who have accepted its conclusions and raised no objection subject to the imposition of conditions requiring a Phase II report to assess the actual/potential contamination risks at the site to be submitted. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement to be submitted. The remedial scheme in the approved Remediation Statement must then be carried out and a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted prior to the first use or occupation of any part of the development.

LOSS OF AGRICULTURAL LAND

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

- The agricultural land on the site comprises a mixture of mainly 3a land.
- Whilst the agricultural land on this site does comprise a proportion of grade 3a and is “best and most versatile” land as defined in the NPPF, the loss of such land on this site and the importance to be attached to it should be viewed within the context that the lack of the 5 year housing land supply is given weight in the planning balance by Inspectors.

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.

This is supported by a decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land and the recent decision at Loachbrook Farm, Congleton which comprised a similar development area (over 10 hectares) of Grade 2 and 3a land like the application site

At Loachbrook Farm, the Inspector considered that the 3500 additional houses to be provided in Congleton by 2030, as indicated in the emerging Core Strategy (as being the Councils preferred sites for future development) and categorised as being developable by the SHLAA involved a preponderance of the best quality agricultural land in the area. The Inspector concluded that the loss of the agricultural land carried neutral weight, given that other preferred sites would involve a similar loss of the best agricultural land around the Congleton area. This site is one of those preferred sites.

AIR QUALITY

Congleton has Air Quality Management Areas within the Town Centre which operate above tolerances for contaminants. The developer has submitted an Air Quality Impact Assessment and further addendum report as part of the Environmental Impact Assessment which concludes as follows:

An assessment has been undertaken of the potential for fugitive dust that may arise during the earthworks and construction phases of the project, and from track-out from the access points, to impact nearby sensitive receptors through both soiling and human health effects. The assessment takes into account the size of the development and the sensitivity of the surrounding area. Through the incorporation of standard dust mitigation measures during the construction works no unacceptable impacts on human health, amenity or ecological receptors have been identified.

The air quality assessment has also incorporated an assessment of the potential impacts from additional vehicle exhaust emissions associated with the development upon the locality and the AQMA's. The assessment is based on traffic data generated in support of the transport assessment.

The assessment assumes completion of the development by 2018 and takes into account existing committed development within the area. No unacceptable impacts on human health, amenity or ecological receptors have been identified through the additional traffic associated with the development.

Overall the effects are not predicted to be significant.

The Environmental Health officer has examined the reports and considers the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas within Congleton where levels of NO₂ exceed the objective at sensitive receptors.

There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development and the Loachbrook Farm proposals.

The report predicts that there will be negligible increases in NO₂ and PM₁₀ concentrations at all 70 receptors modelled. A number of these receptors are within the West Road AQMA, and as such, any increase in exposure is considered significant.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. As such, mitigation is outlined in the form of a Travel Plan to reduce the impact of traffic associated with this proposal is required relating to the submission of a scheme to minimise dust emissions during construction, car charging points for each dwelling. On this basis, the Environment Health Officer considers that this scheme will not have an adverse impact upon the air quality of the environment or the Congleton AQMA's.

DRAINAGE AND FLOODING

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

The site is in Flood Zone 1 as defined in Table 3 in the Technical Guidance to the NPPF. This is the lowest probability flood zone.

Surface water runoff from the site is currently managed through a series of land drains and a pond in the south western corner of the site. Ultimately surface water is discharged from the site into the angling pond and from there outfalls to the Loach Brook.

A conceptual drainage strategy is outlined that comprises SUDS attenuation measures provided within the proposed development site to restrict the discharge of surface water runoff to greenfield runoff rates for events up to the 1% annual probability (1 in 100 year) plus 30% as an allowance for climate change.

For events greater than the 1 in 100 year plus climate change storm, consideration will be given at the detailed design stage to plot levels and ground levels to ensure that surface water runoff is managed on site and directed away from properties.

The FRA confirms that the proposed development is an appropriate use for the site on the basis of flood risk. Furthermore, it is demonstrated that suitable flood risk mitigation measures and a surface water management strategy can be incorporated into the scheme to ensure that the proposed development does not result in an adverse impact on flood risk elsewhere.

The Environment Agency and United Utilities have accepted these findings and on that basis this proposal is not considered to be likely to result in any detrimental impact upon the site or its surroundings.

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 65sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. 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 GR1 of the Local Plan.

COUNTRYSIDE AND LANDSCAPE IMPACT

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green

Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

The application site is located on the western edge of Congleton and covers an area of 10.42 hectares in a roughly triangular area of land that is defined by Chelford Road to the west, Black Firs Lane to the east located and further to the south by Holmes Chapel Road (A54). The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees. There is a nature reserve along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

As part of the application a Landscape and Visual appraisal has been submitted, this refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, as well as the Cheshire Landscape Character Assessment 2009, which identifies the area as being in the Lower Farms and Woods character type 10, and more specifically the Brereton Heath Character Area (LFW2). The appraisal also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this as Cheshire Plain; the application site displays many of the characteristics of these character types.

The assessment refers to the saved policies of Congleton Borough, specifically the designation and boundary of the Area of Special County Value – Dane Valley, to the north of the application site. This landscape designation remains in place and has been retained as a landscape designation in Cheshire East, now renamed Local Landscape Designation – Dane Valley. This application site is not located within the boundary of this locally designated landscape.

The assessment identifies the baseline landscape and visual characteristics of the application site and identifies a number of viewpoints around the application site, these are generally representative and I would broadly agree with the visual summary and landscape and visual analysis; I would also broadly agree with the constraints and opportunities.

Clearly, by virtue of the loss of an open field, the proposal will result in the loss of intrinsic countryside character, however, this has to be seen against the existing urban back drop of most viewpoints into the site. The Design and Access Statement offers an Illustrative Masterplan as well as a Parameters Plan, and provided the open space areas shown on the Framework Plan are retained within the scheme, and appropriately landscaped, the impact could be mitigated. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

FORESTRY

There are currently two Tree Preservation Orders (TPO) that afford protection to trees immediately adjacent to the application site. There are currently no TPOs protecting any trees within the application site.

The Congleton Borough Council (Black Firs Lane, Congleton) TPO 1980 affords protection to a Woodland (scheduled as W1 of the Order) located to the north of 21 Black Firs Lane and described within the Order as deciduous woodland comprising of mainly Birch. An Area of trees described within the Order as several Sycamore, Birch and Rowan (A4 of the Order) is located offsite to the south between 144 Holmes Chapel Road and 1 Black Firs Lane is unaffected by the proposal.

A second TPO cited as the Congleton Borough Council (Holmes Chapel Road/Chelford Road, Somerford) TPO 1993 affords protection to a woodland (W1 of the Order) located offsite at the corner of Holmes Chapel Road and Chelford Road. Again, this woodland is unaffected by the proposal

The application is supported by a Tree Survey which incorporates a draft Tree Retention and Removal Plan (Midland Forestry Ref MF/6622) dated 1st November 2012 and states that trees were assessed in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (the Standard).

The Survey has identified and assessed 13 individual trees and twelve groups (para 4.2.1) and two hedgerows within the site. These have been categorised in accordance with Table 1 of the Standard into High (A) category; Moderate (B) category; Low (C) category and trees unsuitable for retention (U).

All High and Moderate category trees should be regarded as principle landscape assets and there should be a presumption for their retention unless there is an overriding justification for their removal; that there can be mitigation for avoidance of the harm or if this is unavoidable that such losses can be substantially mitigated.

The Survey states that 58% of the trees surveyed within the site fall within the High (A) or Moderate (B) category with two hedgerows falling within the Moderate (B) category. Two individual trees and two groups are categorised as low category and 3 groups of trees (TG5 Birch; TG8 Birch and TG12 offsite Birch) are shown as in poor condition and unsuitable for retention.

In addition, whilst not within the site edged red of the application, there are several trees which may be impacted by the proposed cycleway/footway along Blackfirs Lane (referred to in the Transport Statement). These include some prominent mature Sweet Chestnut trees which appear to be of significant age. These trees are not included in the submitted arboricultural survey or assessment.

On the basis that trees along the route are prominent to public view, it is recommended comprehensive arboricultural information is provided to include survey to BS 5837 of the trees along the route, arboricultural impact assessment and arboricultural method statement. No weight should be given to the route of the proposed cycleway/footway until these issues have been addressed. This could form part of the further information required at reserved matters stage.

Hedgerows

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the three new accesses on Black Firs Lane and Chelford Road. The Records Office confirm that the hedgerows are not of historic significance, whilst there would be a net loss of hedgerow, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Crewe Road frontage. On this basis Policy NR3 is complied with.

The site is approximately 10.4ha in size, triangular in shape, generally flat pasture land with some small field enclosures to the south of the site. A well maintained hedgerow forms the boundaries of Chelford Road and Black Firs Lane to the north of the site. The Hedgerows have been identified as Important under the Hedgerow Regulations 1997 in the supporting Hedgerow Assessment in that they fulfill criterion 5 of the Regulations; that they form an integral part of a field system pre-dating the Enclosure Acts. These hedgerows are proposed to be located within open space provision as defined on the illustrative masterplan and therefore unlikely to be significantly affected.

A number of scattered individual early mature and mature trees comprising of various Oak, Sycamore Norway Maple stand on the grass verge along both Chelford Road and Black Firs Lane, the most notable being an over mature Oak (T1) north of Green Tree Farm, three Hybrid Black Poplar (T4-T6) on the northern section of Black Firs Lane.

These trees are indicated for retention however the indicative layout shows proposed domestic gardens facing these trees. Adequate separation distances to these trees (taking into account their future size and growth potential) will be required at detailed application stage to address issues of adequate provision for private amenity space, shading, daylight and sunlight to gardens and habitable rooms

Two (B) moderate category mature Oak (T10 and T12) located within the central southern section of the site located on the outer edges of a copse of declining low category Birch group (TG8) are likely to be required to be removed in order to accommodate the layout as illustrated. The two Oak are not protected by the Tree Preservation Order. The report identifies that one tree (T10) has a large open cavity at the base, but only localised decay, the second has asymmetric form due to the presence of the adjacent tree group (TG8). It is anticipated that there is probably sufficient scope within the illustrated layout for both trees to be adequately mitigated by replacement planting within open space provision.

A protected Birch woodland (Black Firs Plantation) stands offsite adjacent to the central eastern boundary section of the site. It should be noted that the submitted Tree Survey does not make any particular reference to this woodland. Notwithstanding that the woodland lies outside the development site boundary, the British Standard (BS5837) states that any tree survey should include all trees, including those offsite which may have an impact upon the development (para 4.4.2). The survey does make reference to offsite trees within the rear gardens of Nos 15-21

Black Firs Lane and therefore I would also expect that all offsite edge trees along the western boundary of the woodland be surveyed as a minimum requirement.

Two mature (A) category mature Oak (T6 and T7), one standing on the verge to the back of the highway on Black Firs Lane; the second standing on the edge of the protected woodland (W1 of the Black Firs Lane TPO) are located close to the proposed access into the site. It is unclear from the submissions as to the extent of the impact of the proposed access on the root protection area (RPA) of two Oak trees and the impact of proposed visibility splays on woodland edge trees fronting Black Firs Lane. Trees adjacent to the Chelford Road may similarly be affected. Further detail is therefore requested in respect of these matters.

The illustrative layout shows a number of properties and their rear gardens facing east towards Black Firs plantation. Adequate distances to the offsite woodland will be required at detailed application stage to address issues of adequate provision for private amenity space, shading, daylight and sunlight to gardens and habitable rooms to ensure viability of the woodland.

Similar layout design issues are also apparent along the southern boundaries of the site in respect of offsite trees (Groups TG7 and TG12) located within adjacent properties. The layout as indicated on the submitted masterplan indicates 155 units – based on 10% affordable housing provision as originally submitted. A proposal for 180 units, the maximum applied for, with 30% affordable housing, will have potentially greater impact upon the trees. As the layout is a reserved matter, it is important to emphasise that there are potential overdevelopment issues associated with these impacts which would need to be carefully considered at reserved matters stage.

A copse of moderate Birch and Alder (TG10) located centrally within the site has been identified as a significant landscape feature and is shown to be retained within open space on the illustrative plan. The retention of this copse is to be welcomed.

Overall subject to conditions the Tree Officer considers that the Important trees both within the site and adjacent can be adequately safeguarded.

EDUCATION

The Council's Education Officer has examined the application and concluded that a development of 180 dwellings will generate 32 primary aged pupils and 23 secondary aged pupils.

The secondary schools have sufficient places to accommodate this development.

Although there is sufficient capacity for this development at primary level when combined with other future planned developments in the locality, as indicated within the emerging policy, there will be a deficiency which it is considered it would be appropriate to ask for a contribution.

This application comprises approximately 25% of the overall impact of all housing proposals in the vicinity, a contribution of £165,405 is required towards primary education. However, if some of these other applications do not proceed then there would be a pro rata reduction in the mitigation required in this case.

OPEN SPACE

The Greenspace Manager advises that there would be a deficiency in the quantity of provision of Amenity Green Space as a result of 180 units

The amount of Public Open Space (POS) that would be expected in respect of the new population would equate to 4,320sqm, this is in accordance with Interim Policy Note on Public Open Space.

The indicative proposals within the supporting documentation, puts forward some 21,400sqm, a significant over provision, however this is made up of a variety of open space typologies such as meadowland, woodland, village green and pocket parks including water bodies.

It should be noted that the area of water would not be classed as useable open space and should therefore be deducted from the total area of Amenity Greenspace that is being offered up on site and the play facilities should be an additional calculation.

The existing landscape such as woodland, hedgerows, boundaries and wetland appear to have been taken into account and where possible enhancements are proposed. Areas of wetland, ponds and swales appear throughout the site. This is appreciated, increasing bio-diversity and contributing to the ecology of the site plus due to regulatory requirements to comply with SUD's however it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore these areas of POS would have to be transferred to a suitably competent residents management company along with any surrounding woodland areas.

A pocket park and surrounding amenity greenspace is proposed to the north of the site, the indicative planting shown in this area should be reduced to allow informal kick about areas for small children to enjoy. The Council could maintain this area along with the equipped play facility and a commuted sum for maintenance for 25 years will be required. As this is an outline application, no details are available of size of area or landscaping therefore figures are not able to be calculated at this stage and will be offered at the full/reserved matters application.

A full landscaping plan should be submitted along with a proposed maintenance schedule at the full/reserved matters application. This could be controlled by condition.

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The plan indicates a pocket park to the north of the site. Although the location is not ideal as preference would be more centrally located, it is accepted that this is due to the constraints of the site.

The pocket park should be to a LEAP standard and contain at least 5 items of equipment, some of which should be DDA inclusive and targeted at 8 years and under age range. Three separate play companies should be approached for designs. The final layout and choice of play equipment would need to be agreed and the construction should be to BSEN standards.

Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of at least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

It is the Applicant preference for the ongoing maintenance of the provision to be dealt with by a resident's management company.

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 has commented as follows:

Protected/Priority Species

Designated sites

The submitted ecological assessment has failed to identify Black Firs Wood located adjacent to the proposed development as being designated as a Site of Biological Importance, although it is acknowledged that the site is a Cheshire Wildlife trust reserve. The submitted indicative layout shows open space proposed around the northern half of the woodland and a 10m buffer is provided to the south. This approach is acceptable to mitigate any potential adverse impacts on the SBI

Grasslands

The submitted phase one survey states that the grassland on site is heavily improved and is classified as poor semi-improved grassland, however the submitted report recorded Knapweed as being present which is a species indicative of higher quality grassland habitats.

The grassland habitats on site do not pose a significant constraint on development their loss would still result some loss of biodiversity value. The ecologist considers that this loss of biodiversity be off-set by means of a commuted sum which could be utilised to fund off-site habitat creation/enhancement.

The following method of calculating an appropriate commuted sum is considered appropriate. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 5ha.

Cost of land purchase for habitat creation - including admin, management planning and transactional costs (5 x £17,298 cost per ha) = £86490.00 (Source RICS rural land market survey H1 2010)

Cost of creation of Lowland Grassland 5ha x £4,946 (cost per ha) = £24730.00 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £111,220.00.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost is relatively species poor and so the impacts of this loss of obviously less, the

ecologist considered half of this figure would be appropriate mitigation which would result in a commuted sum of £55,610.00.

There are a number of suitable sites within an appropriate distance in ecological terms that are either in the ownership of the Council or the Wildlife Trust that have areas that would be appropriate for such mitigation, either in whole or in part. These are;

- Black Firs Wood Local Wildlife Site – Cheshire Wildlife Trust reserve - adjacent the application site.
- Dane in Shaw Pasture SSSI – Cheshire East land – western edge of Congleton Town – 4.4km.
- Bagmere SSSI – Cheshire Wildlife Trust – 3.2km to the west of the application site.
- Swettenham Meadows Local Wildlife Site – Cheshire Wildlife Trust reserve – 4.5km away
- Brereton Heath – Local Nature Reserve – Cheshire east ownership – 3.2km away.

The Applicant has confirmed that they are in agreement to this mitigation package.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. In addition hedgerows on the eastern and western boundaries of the site have been identified as being Important under the Hedgerow Regulations. I recommend that the existing hedgerows be retained and enhanced as part of any detailed landscaping scheme produced for the site.

The submitted indicative layout for the site suggests that it should be feasible to retain the majority of hedgerows on site, however it likely that sections may require removal to facilitate the 3 site entrances as applied for.

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Woodlands

The submitted indicative layout shows a loss of woodland to the south of the site. Most semi-natural woodland habitats now qualify for selection as Local Wildlife Site.

I therefore advise that the submitted illustrative layout must be amended to show the retention of this area of woodland.

Badgers

Evidence of badger foraging activity has been recorded on site however the proposed development will not have an adverse impact upon any identified badger sett. The provision of open space within the development will at least partially mitigate for the loss of badger foraging habitat and the incorporation of fruit trees into any detailed landscaping scheme for the site would provide an alternative seasonal food source.

The submitted ecological mitigation strategy recommends the provision of a 10m wildlife corridor down the eastern boundary of the site to allow badgers to continue to access foraging habitat to the south. I advise that the submitted mitigation is acceptable however advise that any future reserved matters application should be supported by an updated badger survey and mitigation strategy.

Bats

A number of bat species have been recorded on site. The proposed development will lead to the localised loss of bat foraging habitat on site. This impact can be partially mitigated for through the careful landscaping of the site and the development of a sensitive lighting scheme. A significant proportion of bat activity on site was associated with Black Firs Wood. The open space buffer zone around the wood described above would also assist greatly in mitigating the potential impacts of the development upon foraging bats.

Polecat

This UK BAP priority species has been recorded in Black Firs Wood. I advise that the proposed development is unlikely to have a significant adverse impact upon this species.

Ponds

The incorporation of a number of ponds into the site layout is supported as if designed carefully the proposed ponds could have significant nature conservation value.

In ecological terms the site has some broad nature conservation value in the very local context. The Council's Ecologist recommends that the potential residual adverse impacts associated with the scheme includes the loss of; hedgerows, semi-improved grassland can be off-set by means of a commuted sum secured by means of a section 106 agreement. The commuted sum could be used to deliver habitat creations within Black Firs Wood SBI which is located to the immediately adjacent to the of the proposed development site.

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 Congleton where there is very limited spare capacity. In order to increase capacity of the school(s) 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.

It is considered that a strategic transport contribution of £900,000 would adequately mitigate the impact of the development on the Strategic Highways network is justified.

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions and areas that are already congested and operating at capacity and the required mitigation is directly related to the development and is fair and reasonable. The contribution to quality bus service will be to cater for the additional residents in the area who will have an impact upon public transport

The ecological mitigation payment will compensate for the loss of habitat by enhancing off site ecological interest in the vicinity. The level is fairly and reasonably related to the development.

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

9. CONCLUSIONS

The site is within the Open Countryside where, under Policy PS8, there is a presumption against new residential development. However, the site is identified within the Submission Version of the Local Plan Strategy (SL6) and it is considered that this is a significant material consideration given the status and stage of the Plan.

Following conclusion of the on-going negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and enhanced contributions towards highway improvements linked to the northern relief road and additional bus provision to serve the site. The proposal will also mitigation for the impact upon future provision of primary school education and to compensate for the loss of grassland habitat via the off site enhancement.

It would also provide the policy compliant level of affordable housing provision (30%), although this has to be tempered against the fact that the tenure mix is not as indicated as being appropriate within the Affordable Housing SPD with a total of 75% intermediate provision as opposed to 35%, this differing tenure will ensure a enhanced payment for highways, specifically for the northern relief road.

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, ecology, adjoining areas of nature conservation interest, forestry, 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 these are distances already in existence for the existing residential community adjoining the site. The development will contribute to the economy and social strands of sustainability and the proposal overall is deemed to be sustainable.

Whilst the proposal will result in the loss of some of the best and most versatile agricultural land, 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.

With regard to ecology, including the impact on Black Firs Wood SBI adjacent, protected species and other habitats, the Councils Ecologist and Natural England are satisfied that any effects can be adequately mitigated.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the existing development plan on Countryside and affordable housing issues are outweighed by the benefits of the proposal in terms of the residential provision and the enhanced highways contributions. It is also in accordance with the Submission Version of the Local Plan Strategy.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **30% of the dwellings to be affordable.**
- **The tenure split of the affordable housing required is 25% social or affordable rent, 75% intermediate tenure.**
- **Affordable Homes should be pepper-potted (in clusters is acceptable) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses. The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.**
- **The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.**
- **Provision of a LEAP with 5 pieces of equipment specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.**
Management plan for all open space in perpetuity (including, inter alia, the LEAP, allotments if provided, woodland, general amenity openspace, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).
- **Commuted sum of £55, 610 to be used to deliver off-site habitat creation/enhancement as per the report**
Commuted sum of £165,405 in lieu of primary education
Commuted Sum of £145,000 towards Quality Bus Stop Infrastructure and improvements to service frequency and the provision of additional bus service and frequency to serve this development and the local area.

Commuted Sum of £755,000 -

- **for the widening of the West Road/A34 roundabout western arm**
 - **for design fees associated with the widening of the West Rd roundabout western arm.**
 - **for the upgrade and necessary alterations to the existing signalised pedestrian crossing on the western arm approach to the West Rd roundabout.**
- **Contribution to the provision of a MOVA system upgrade at the signalised junction at Rood Hill/A34.**

- Or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton

And the following conditions

1. **Standard Outline**
2. **Submission of reserved matters – all except access**
3. **Plans**
4. **Development to be in accordance with Parameters Plan (p49 Design and Access Statement)**
5. **Submission of design and construction plans for the internal road infrastructure of the development. The plans will inform the Section 38 agreement for formal adoption**
6. **Submission of design and construction plans for all off site highways works.**
7. **The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
8. **Reserved matters to include retention of area of woodland to south of site**
9. **Submission of construction details for access / roads**
10. **All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil**
11. **Submission of a Contaminated Land Phase II investigation.**
12. **Submission of Construction and Environmental Management Plan**
13. **Reserved Matters to include details of bin storage.**
14. **Reserved matters to include 10% renewable provision**
15. **Updated badger survey and revised ecological mitigation strategy to be submitted with reserved matters application.**
16. **Detailed design of ponds to be submitted with reserved matter application**
17. **Archaeological programme of works**
18. **Details of all street lighting**
19. **Car charging point for each residential unit**
20. **Each Phase of development to include travel plan**
21. **Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement**
22. **Submission / approval and implementation of boundary treatment**
23. **Submission / approval of landscaping**
24. **Implementation of landscaping**
25. **Important hedgerows and trees, including those outside red edge on Black Firs Lane, to be retained and to be incorporated within reserved matters layout**
26. **Submission of tree and hedgerow protection measures**
27. **Implementation of tree and hedgerow protection measure**
28. **Reserved Matters to include details of bin storage.**
29. **Breeding Bird Survey for works in nesting season**
30. **Provision of 40 bird/bat boxes throughout site**
31. **Submission / approval and implementation of Construction management plan**

32. Scheme to limit surface water runoff and overland flow
33. Provision and implementation of Travel Plan
34. Sewer easement as detailed in United Utilities response
35. Buffer zone of 20m between houses and play space
36. All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
37. Development to be in accordance with principles set out in Design and Access Statement
38. Submission of Statement Design principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings on key parts of the site
 - SUDS details to be submitted
 - provision of locally relevant boundaries in hedging and stone
39. Maximum no of units to be 170

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 Interim Planning and Place Shaping 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.

Application No: 13/3688N

Location: Land to north of Moorfields, Willaston

Proposal: Outline application for development of up to 170 no. dwellings and associated infrastructure and open space provision

Applicant: Richborough Estates

Expiry Date: 06-Dec-2013

SUMMARY RECOMMENDATION**Minded to Refuse****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 due to the size of the site and a departure from the Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 6.31 ha and is roughly rectangular in shape and is located to the northern side of Moorfields and to the east of Wistaston Road. The site is within

open countryside and Green Gap. To the south and west of the site is residential development (fronting Moorfields and Wistaston Road). To the north and east is agricultural land.

The site is flat and is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site with a large Oak tree at the centre at the site. The trees to the south-west corner of the site are protected by a Tree Preservation Order. To the north-east corner of the site is a pond.

2. DETAILS OF PROPOSAL

This is an outline planning application for the erection of up to 170 dwellings (26.9 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located between 47 and 51 Moorfields, a pedestrian access point would provide access onto Wistaston Road.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 1.09 hectares of public open space.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.

3. RELEVANT HISTORY

14/0365N - Development of up to 170 no dwellings with associated infrastructure and open space provision- RESUBMISSION – Application undetermined.

13/2717S - EIA Screening Opinion - Residential Development – EIA not required

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)

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

SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG3 – Green Belt

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

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 foul sewer. Surface water should discharge to the existing watercourse as stated in the submitted flood risk assessment.
- For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Environment Agency: No objection subject to the imposition of the following conditions:

- A scheme to limit surface water run-off

- A scheme to manage the risk of flooding from overland flow
- Contaminated land

Strategic Highways Manager: The Strategic Highways Manager raises no objection to the proposal, subject to the provision of the following;

- The developer will provide phased funding for the Authority's highway improvement schemes on the A51 corridor in the total sum of £170,000. This sum of monies will be secured via a Section 106 agreement and phased as the development builds out and will be provided in two equal tranches triggered by completion of the 50th and 100th dwelling. This should allow full contribution within a 5-year timescale which aligns with the Authority's ambition for improvement of the A51 corridor.
- As part of any detailed application, the applicant will provide a detailed and safety-audited scheme for the provision of traffic signals at the junction of Wistaston Road and Crewe Road, for approval by the highway authority. Prior to completion of the 100th dwelling, the approved scheme shall be implemented through an Agreement under S278 of the Highways Act.

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, bin storage, external lighting, contaminated land, electric vehicle infrastructure, dust mitigation and a travel plan. An informative is suggested in relation to contaminated land.

Cheshire Fire & Rescue: General comments relating to buildings regulations and water main installation.

Public Open Space: The proposed LEAP needs to be a LEAP for a development of this size. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic, for durability.

All equipment must have wetpour safer surfacing underneath it, to BS EN 1177, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high, hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate to the same specification as the railings also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Public Rights of Way: The Illustrative Masterplan indicates a proposed footpath link to Wistaston Road. This would be the main trajectory for cyclists accessing the site as well as pedestrians and should be designed to accommodate both categories of user. Any increase in traffic or resultant upgrade works at the Wistaston Road/Crewe Road junction and the Peacock Roundabout should accommodate the needs of pedestrians and cyclists.

The legal status, maintenance and specification of the proposed pedestrian and cyclist routes within the site would need the agreement of the Council as Highway Authority.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Archaeology: The generally low archaeological potential of the site is accepted and there is no objection to the development on archaeological grounds or any necessity for further pre-determination evaluation of the site. There are, however, a small number of locations within the development where the archaeological assessment has identified features which do merit further targeted mitigation. These consist of the site of a former barn in the north-west corner of the site which is depicted on the Tithe Map of 1840 and a County map of 1819. In addition, an extant field boundary in the southern part of the settlement is depicted on the early maps and incorporates a slight bank. This will be cut at several points by new route ways and a section should be recorded through the hedge, bank, and any associated ditch in order to obtain a record of its form. A condition is suggested.

Natural England: Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected landscapes - Having reviewed the application Natural England does not wish to comment on this development proposal.

Protected species - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect great crested newts and bats.

For advice on all other protected species refer to the Natural England standing advice.

Sustrans: If this land use is supported by the local community and the council's planning committee, Sustrans comments are as follows:

- The traffic flows from the estate will be significant on the adjacent roads of Moorfields and Wistaston Road. There could be delays for example to the 84 bus service on the latter due to higher levels of traffic trying to pass parked vehicles.
- For an estate of this scale Sustrans would like to see several pedestrian/cycle connections away from traffic to the adjacent local roads, particularly to Wistaston Road.
- The transport assessment (10.1.4) refers to signals being provided at the Crewe Road/Wistaston Road junction. Sustrans would support this as long as pedestrian measures are included and feeder lanes/advanced stop areas are provided for cyclists.
- The Transport report (10.1.3) refers to a contribution to changes at the Peacock junction. Any changes at this junction should incorporate safe crossing points for pedestrians/cyclists on both arms of the A51 on their 'desire' line, and not just leave them to cope with traffic on dual lane entries and exits.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Travel planning is mentioned in the transport statement (10.1.7). How will Cheshire East Council ensure this is carried out with a sense of purpose and is monitored against targets?

Education: Assuming that the development of 170 dwellings includes 14 x 1 bed dwellings then 156 will be considered as being family dwellings. Based on this there will be a requirement for a contribution of £303,696 towards primary school education.

There is sufficient capacity in the local secondary school to accommodate the anticipated number of pupils of this age. However the primary schools are forecast to be cumulatively oversubscribed.

On this basis a contribution of £303,696 would 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 the above planning 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. Policy CS 5 states *"New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available."* As Cheshire East Council has already identified alternative sites to meet the council's housing land supply requirements any exception to the policy does not apply. 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.
- The site fails to meet several of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to secondary schools, medical facilities and transport links. The nearest medical centre is in Shavington and is reached via a narrow country lane with no pavement and no public transport service. It is also already operating beyond capacity and existing patients have difficulty contacting the surgery to arrange appointments.
- The local primary school 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 applicant's reports show Shavington High School as the closest secondary school to the proposed development site and Brine Leas as an alternative. Neither of these schools fall within the secondary school catchment area. The nearest school within the catchment area is Malbank, which is 4.3km from the proposed development site.
- The drains and sewers in this area of Willaston do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. There have already been several developments in this area over recent years without any improvement to the infrastructure.
- There are already significant issues with traffic congestion in the area. Access to the site would have to be via Wistaston Road, which is a narrow road full of parked cars due to the lack of off road parking associated with rows of terraced housing. Agreement has already been reached with Cheshire East Council for a review of parking in Willaston and this proposed development of 170 houses would result in another 300 vehicles emerging on to the already very congested Wistaston Road. The increased traffic congestion is also likely to cause significant delays to the local bus service, with higher volumes of vehicles attempting to pass parked cars.
- The applicant's own report identifies that the site consists largely of Grade 2 agricultural land. This is not something which should given up lightly in times of concern over the sustainability of food supplies.

Rope Parish Council: Rope Parish Council strongly objects to this application because it lies within the Green Gap as defined in policy NE.4 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 has 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.

Wistaston Parish Council: Object to the application on the following grounds:

- The site is not included in Cheshire East Councils Local Plan for development.
- Strategic Open Green Gaps should be preserved this proposal is located in a Strategic Open Green Gap and on prime agricultural land.
- It does not offer anything towards existing community amenities and would have a severe impact on the already oversubscribed schools and medical services of the catchment areas.
- The development would create a significant increase in the volume of traffic at Crewe Road, Wistaston, in close proximity to existing junctions.
- The increased traffic density will have a detrimental impact on the narrow Moorfields Road and its junction with Wistaston Road, Willaston.

7. OTHER REPRESENTATIONS

Letters of objection have been received from approximately 302 local households raising the following points:

Principal of development

- The site is within the Green Gap
- At this point the Green Gap is at its narrowest
- The proposal is contrary to the Councils emerging plan
- Urban sprawl
- Approving the development would be undemocratic
- Cheshire East now has a 5 year housing land supply
- The site is not sustainable as some facilities are not within the required distances (secondary schools, medical centres, transport infrastructure)
- Loss of Grade 2 Agricultural Land
- Opportunistic development
- Willaston is already over populated
- Loss of separation between Willaston and Wistaston
- A previous application was refused off Cheerbrook Road due to the impact upon the Green Gap
- Brownfield sites should be developed first
- The proposed development is contrary to Policy NE.4
- There is no need for any additional housing
- The Green Gap is under siege
- Impact upon the well being of the local society
- Loss of village identity
- Willaston will become a suburb of Crewe or Nantwich
- The development is over dense

- Over development of the site
- There are plenty of properties for sale within the village
- There are plenty of brownfield sites available in Crewe
- Inaccuracies contained within the planning application
- Cheshire East now has sufficient housing sites

Highways

- Existing congestion at the railway crossing in the village
- Moorfields is too narrow
- Moorfields is in a poor state of repair
- The junction with Crewe/Nantwich Road is an accident blackspot
- Moorfields cannot cope with the extra traffic
- Highway safety
- Traffic congestion
- Existing on-street parking along Moorfields
- The junction at Moorfields and Wistaston Road is dangerous
- Limited play facilities for children in the village
- Pedestrian/Cyclist safety
- Unsafe access
- Buses and refuse vehicles struggle to move through the village
- Speeding is a problem in the village
- There is limited parking within the village
- Emergency vehicles have difficulty entering the village

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Loss of habitat
- Loss of Green Land
- Loss of habitat
- There is a Badger sett on site
- There are Great Crested Newts on the site

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- Water run-off and flooding
- Impact upon local secondary schools which are at capacity
- The site is not sustainably located and fails the sustainability checklist
- Increased pressure on GP services
- Impact upon Leighton Hospital
- Impact upon water pressure
- Any land level changes will impact upon residential amenity

Amenity Issues

- Proximity to surrounding residential properties
- Loss of privacy
- Visual impact

- Loss of light
- Loss of outlook
- Noise and disruption from construction of the dwellings
- Increased noise
- The proposed pedestrian link will cause privacy/security issues
- Light pollution
- Increased pollution

Other issues

- Impact upon property value
- The design of the dwellings is out of character
- There is a high level of local opposition to this development

A letter of objection has been received from Edward Timpson MP raising the following points:

- You will be aware that as an MP I have no influence or formal role within the planning system. However, where there is a clear, unambiguous and consistent local opinion then my role is to represent that view. It is abundantly clear from the meetings I have had with the Willaston Green Gap Action Group, from the residents I have spoken to and from the sheer volume of correspondence I have received that this development is not wanted.
- There are a number of very valid reasons why residents object to the application, but primarily because the development would be within the Green Gap and is contrary to the draft Local Plan and the Willaston Parish Council's Local development Plan. Furthermore, it is felt that the access is totally unsuitable and residents are, quite rightly, concerned that the local infrastructure will not support the increase in population. There are also genuine concerns about the loss of wildlife habitats.
- I would be grateful if you could ensure that my constituent's views and my wholehearted support of them are taken into account at any determination.

An objection has been received from Cllr Silvester to say that he fully supports the reasons of objection made by the Parish Council and the Green Gap Action Group. The letter also makes the following points:

- Cheshire East has let down local residents by not having a local plan in place
- The Willaston area is under siege from developers
- Impact upon the open countryside and Green Gap
- Increased traffic congestion
- Increased parking problems in the village
- Increased accidents
- Increased pollution
- The primary school is over subscribed
- Drainage problems in the village

An objection has been received from the Chair of Governors at Willaston Primary School raising the following points:

- We have a small village school which is now full bar 2 places - this has been little changed over the last 5 years and numbers are not expected to drop in the future.
- We have been informed that the number of extra children requiring school places as a result of this development would initially be approx 20 (sounds very low?).

- We do not have the facilities for this number of extra children, and will be forced to combine classes or increase class sizes above 30. This is not something the governing body wish to do as it will adversely affect the learning potential of all children within the school.
- We have a great school which is carefully managed to maintain the ethos and values of a small village school – extra development will destroy the identity of both the village and the school and must be avoided.

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:

- Air Quality Report (Produced by Smith Grant)
- Flood Risk Assessment (Produced by BWB)
- Design and Access Statement (Produced by MPSL)
- Planning Statement (Produced by Barton Willmore)
- Desk Study Report (Produced by ASL)
- Economic Impact Report (Produced by Regeneris)
- Transport Assessment (Produced by PTB Transport Planning)
- Travel Plan (Produced by PTB Transport Planning)
- Ecological Assessment (Produced by JW Ecological Ltd)
- Foul Water and Utilities Report (Produced by BWB)
- Tree Survey (Produced by Midland Forestry)
- Archaeology Assessment (Produced by Northamptonshire Archaeology)
- Ecological Method Statement (Produced by Just Ecology)
- Ecological Mitigation Strategy (Produced by Just Ecology)
- Hedgerow Assessment (Produced by Just Ecology)
- Statement of Community Involvement (Produced by Barton Willmore)
- Landscape and Visual Impact Assessment (Produced by Pegasus)
- Agricultural Land Assessment (Produced by Soil Environment Services Ltd)
- Affordable Housing Delivery Plan (Produced by Bridgehouse Property Consultants)

These documents are available to view on the application file.

9. 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 National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with

the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

Accordingly, 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

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; (in this case the Willaston/Rope gap)
- adversely affect the visual character of the landscape.

Exceptions to the policy will only be considered where it can be demonstrated that no suitable alternative location is available.

It could be considered that the Policy is a Housing Land Supply Policy and therefore out of date. This was the case for the Rope Lane, Shavington appeal (for 80 dwellings) when in allowing the appeal 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'

However, it has to be remembered that the policy is contained in the natural environment chapter, not a housing one and the reason for NE.4 is not heavily related. As such, in the October 2013 appeals (Alsager and Sandbach), the Inspector held that these policies were not housing related and therefore had weight.

Within the natural environment chapter, policies relating to the following issues are addressed, none of which are directly housing related.

- Green Belt
- Open Countryside
- Special County Value
- Green Gaps
- Nature Conservation and Habitats
- Internationally Important Nature Conservation Sites
- Locally Important for Nature Conservation Sites
- Protected Species
- Woodland Planting and Landscaping
- River and Canal Corridors
- Agricultural Land Quality
- Rural Diversification
- Agricultural Buildings
- Conversion of Agricultural Buildings
- Pollution Control
- Telecommunications Development
- Renewable Energy
- Flood Prevention
- Landfill Sites

This further backs up this point that Green Gap policy as with Countryside policy is still up to date and should be weighed in the planning balance.

In considering the Green Gap 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 no 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'

Whilst the green gap policy wraps around the southern edge of Crewe more than anything else it is intended to ensure that the towns of Crewe and Nantwich do not merge. These settlements have a very different character and history. Nantwich traces its origins to the Roman era and until the mid 19th century remained the pre-eminent urban centre in south Cheshire. In contrast Crewe grew rapidly from the 1840's following the completion of the Grand Junction Railway. To this day the towns retain their distinctive identity. This is a key objective of the existing development plan – and also the emerging Cheshire East Local Plan. This proposes an extension of the North Staffordshire Green Belt into the area between the two urban areas. The separation of Crewe & Nantwich is thus considered to be an important strategic objective – and one that is of enduring relevance. It is also pertinent that additional development can be accommodated in the Crewe & Nantwich area without impinging on the green gap as a whole – and certainly on the most sensitive areas within it.

The impact on the Green Gap is therefore a matter of judgement to be weighed in the balance taking account of the current housing supply position.

The impact upon the landscape is considered below, but this concludes that the landscape impact would not be significant. The second test for Green Gap is whether it would result in the physical gap between built up areas being eroded and whether it would result in a significant erosion that would be detrimental (in this instance) between Willaston and Rope. This particular part of the Gap is quite wide but there would be an erosion of the physical gap contrary to NE.4.

The scale of the development of up to 170 dwellings must also be material in this instance as the erosion of the Gap and the will consequence be significantly larger than some other sites that Members will be aware have been approved. This must also be weighed in the planning balance.

Policy NE.4 also states that exceptions should be considered where no suitable alternative location is available. Given the number of other housing applications that are currently with the Council (in the light of the Housing Supply position) it is considered that other alternatives are available that would avoid large areas of Green Gap being used.

The emerging Local Plan as indicated above carries only moderate weight at this time. However, given that the Council is seeking to maintain and enhance the principle of Green Gap through Green Belt reviews and assessment to prevent Crewe merging into Nantwich housing supply should be boosted where possible without undermining this objective.

Landscape

The application site is flat and roughly rectangular shaped area covering two fields, one large and one small, bound to the west to the rear gardens of dwellings along Wistaston Road and to the south by the rear gardens of gardens of properties along Moorfields along the western part of the southern boundary, and a thin strip of agricultural land outside the application site along the eastern part of the southern boundary. There are agricultural fields to the north and east of the application site, there are no public footpaths or publicly accessible open views towards the site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, the assessment indicates follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which is accurate and correctly identifies that the application site as being located within the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also in the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; the application area is very characteristic of this landscape type.

The assessment identifies baseline landscape and visual characteristics of the application site. The landscape impact assessment indicates that the sensitivity of this landscape character type is medium, and that it is considered to be of low sensitivity; it is considered that this has been underestimated and that in reality the landscape character of the site would be greater than a low sensitivity and may be of a medium sensitivity.

There are no landscape designations on the site, but there are intermittent views of the site from the area to the front of properties bordering the site, although there are longer views across the site from further east from the Public Footpath; nevertheless residential properties located along the western boundary –Wistaston Road and the southern boundary Moorfields do overlook the whole of the application site and the wider open countryside beyond the application site.

With reference to the sensitivity of private views, the assessment indicates that properties along part of Moorfields Road, parts of Wistaston Road and parts of Meadow View would be affected. The assessment then indicates that the planning system does not serve to protect private interests; however the Guidelines do indicate that private viewpoints can be included in an assessment and that they can be particularly susceptible to change.

In conclusion the significance of effect on the landscape character has been underestimated and that the effect on the local landscape character will also be greater than predicted, although not significantly so.

This is a locally valued landscape, although an undesignated landscape. In this case the assessment indicates that the proposed development would be visually well contained by the existing built form and associated boundary vegetation, in reality the proposals would extend the built form into what is currently an agricultural landscape. It is not considered that the landscape harm would be so significant as to warrant the refusal of this application.

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) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Child Care Facility (nursery or crèche) (1000m) - 480m
- Community Centre/Meeting Place (1000m) – 800m
- Public House (1000m) – 350m
- Bus Stop (500m) – 480m
- Primary School (1000m) – 850m

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:

- Outdoor Sports Facility (500m) – 700m
- Public Right of Way (500m) – 700m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 1400m
- Supermarket (1000m) – 3500m
- Secondary School (1000m) – 2570m
- Medical Centre (1000m) - 2570m
- Pharmacy (1000m) – 2570m

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 Wistaston Road and Moorfields 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.

Affordable Housing

This site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA on Cheshire Homechoice there are currently 44 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 16 x 1 beds, 14 x 2 bed, 9 x 3 beds and 3 x 4 beds (2 applicants have not specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises 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.*

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 51 affordable dwellings on this site, with up to 33 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.

The Affordable Housing Delivery Plan (AHDP) gives a breakdown of the sizes of affordable housing proposed. Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above and in the Council's IPS. Including the following: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards. (This is required for intermediate units as well as rented units, the AHDP confirms that only the rented units will be built to the required standard)
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

The proposed development is considered to be acceptable in terms of its affordable housing offer.

Highways Implications

Access

The development would have a vehicular and pedestrian access point onto Moorfields with a secondary pedestrian/cycle access being provided onto Wistaston Road.

The access onto Moorfields allows only one 2-metre wide footway alongside a 5.5m entry carriageway width. Normally a footway would be required on both sides of the access. However, given that the main pedestrian desire-line and movements will be on this one side, and a second pedestrian access is proposed onto Wistaston Road, it is considered that the access to the site is acceptable.

The proposed access would be provided at the point of the existing turning head on Moorfields. The traffic speeds along this road demonstrate that the required visibility splays at the site access are 2.4m x 33m in both directions which can be achieved.

Parking surveys were undertaken by the applicant along Moorfields in the AM peak hour on two days and the results indicate that there were a maximum of eight vehicles parked on the existing highway. It is not considered that parking on the highway would cause any significant issues.

In terms of the junction of Moorfields/Wistaston Road/Gladstone Street the submitted Transport Assessment demonstrates that the junction will operate within capacity with the addition of the proposed development traffic with no requirement to mitigate the junction.

Therefore the proposed access point is considered to be acceptable.

Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

The existing traffic flows are as follows:

Wistaston Road

AM peak northbound = 80 vehicles; southbound = 60 vehicles;
PM peak northbound = 55 vehicles; southbound = 151 vehicles.

Moorfields

AM peak westbound = 17 vehicles; eastbound = 11 vehicles;
PM peak westbound = 10 vehicles; eastbound = 20 vehicles.

The site is expected to generate the following movements:

Wistaston Road, north of Moorfields:

AM peak northbound (from site) = 32 vehicles; southbound (to site) = 11 vehicles;
PM peak northbound (from site) = 17 vehicles; southbound (to site) = 30 vehicles.

Wistaston Road, south of Moorfields:

AM peak northbound (to site) = 15 vehicles; southbound (from site) = 44 vehicles;
PM peak northbound (to site) = 41 vehicles; southbound (from site) = 24 vehicles.

These flows, whilst not in themselves high, will result in a proportional increase on Wistaston Road of something like a third.

Beyond the extents of Wistaston Road traffic splits to various destinations so the overall impact is reduced. About 16 movements in each peak will use the Peacock Roundabout and 45 trips the Cheerbrook Roundabout. Although these represent a small proportion of the total movements at these major junctions, they will nevertheless add to existing levels of congestion.

The submitted Transport Assessment has evaluated the junctions based on expected traffic levels in 2023 (i.e. in ten years time). The following junctions were tested and the impact is also given below:

- Wistaston Road/ Coppice Road – The junction will operate well within capacity with the addition of the proposed development.
- Wistaston Rd/ Moorfields Road - The junction will operate well within capacity with the addition of the proposed development.
- A534 Crewe Road/ Coppice Road – Minimal impact to the operation of this junction
- Wistaston Road/ Park Road - The junction will operate well within capacity with the addition of the proposed development.
- Wybunbury Road/ Eastern Road - The junction will operate well within capacity with the addition of the proposed development.
- Wybunbury Road/ Cheerbrook Road/ Green Lane - The junction will operate well within capacity with the addition of the proposed development.
- A534 Crewe Road/ Church Lane - Church Lane entry near practical capacity
- A534 Crewe Road/ Wistaston Road - capacity issues on Wistaston Road, particularly PM with increased queues

It should also be noted that the development will send more traffic over the level crossing on Wistaston Road. On the basis of existing queue lengths and expected traffic increase, queues and delays to traffic are not expected to increase significantly.

The developers recognise the impact of the development on the Wistaston Road/ Crewe Road junction and have offered to fund the provision of traffic signals at this location. This will remove the difficulties of traffic egressing Wistaston Road whilst maintaining sufficient capacity for the Crewe Road arms. Pedestrian crossing facilities would be included. As the need for the signals arises directly from the increase in Wistaston Road traffic arising from the development, this improvement would be most appropriately funded by the developer under S278 of the Highways Act. The requirement for such an Agreement would need to be attached to any detailed application should this outline application be approved.

The traffic from the site will disperse over various routes but a considerable proportion will use or cross the A51 via the Cheerbrook (A51/A500), Peacock (A51/A534) and Alvaston (A51/A530) roundabouts. These junctions experience congestion with the latter two already over capacity at

peak periods. Therefore whilst the impact may be small in terms of vehicle numbers it will be significant in terms of queues and delay.

CEC has improvement schemes for these junctions in the Infrastructure Plan, costed at £705,000 (Peacock) and £1,493,000 (Alvaston). The Strategic Highways Manager considers that a contribution to enhancements on the A51 corridor is justified by the traffic impact of the development and would be CIL-compliant. A S106 contribution of £170,000 is therefore sought. This has been agreed by the applicant.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site fronting Wistaston Road and Moorfields.

From the indicative plan 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. Further details would be obtained at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, bin storage, external lighting and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The air quality assessment submitted with the planning proposal indicates that there would be an adverse impact in the Nantwich Road Air Quality Management Area (AQMA) in Crewe and to a lesser extent the Hospital Street AQMA in Nantwich. Any increase in air pollutants in an AQMA is considered significant as it is in direct conflict to the objectives of preserving public health as part of the Local Air Quality Management duties.

In addition, the cumulative impact of a number of developments in the area (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions

One of the twelve core planning principles contained within the NPPF states that planning should:

'contribute to conserving and enhancing the natural environment and reducing pollution'

To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account and paragraph 124 states that:

'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan'

The air quality impacts from this development could be mitigated against through the implementation of a travel plan, suitable electric vehicle charging infrastructure and dust mitigation during the construction phase. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development on air quality grounds.

Trees and Hedgerows

Trees

A Tree Preservation Order; the Borough of Crewe and Nantwich - Land to the rear of 100-134 Wistaston Road, Willaston Tree Preservation Order 2007 protects a number of trees along the rear garden boundaries of Meadow Way and the southern boundary of the site to the rear of properties along Moorfields.

The submitted Tree Survey has identified 42 individual trees, 1 group and 13 hedgerows located across the site. All high (A) and moderate (B) category trees should be regarded as principle landscape asset which means there should be a presumption for their retention unless it can be demonstrated that there is an overriding justification for their removal and that any such losses can be adequately mitigated.

The survey has identified a total of 5 (A) category trees (4 Oak and 1 Ash) and 19 individual (B) category trees (comprising of Oak, Ash, Copper Beech, Larch, Hawthorn, Hazel and Cypress) and 1 group (B) category (Ash). Three trees have been identified as unsuitable for retention (U) category.

The illustrative site layout indicates that all A and B category trees (including those protected by the TPO) will be retained, although a number of Low (C) category trees will require removal to accommodate the internal access and layout arrangements. Most high and moderate category will be located within open space provision, with a small number within the rear garden boundaries of properties.

The retention of High (A) and Moderate (B) category trees is to be welcomed. However any future reserved matters application will need to be supported by an Arboricultural Implications Assessment (AIA). The assessment will need to evaluate the direct and indirect impact of the proposed design and layout on the retained trees.

Hedgerows

A Hedgerow Assessment (Just Ecology Ltd dated August 2013) has been submitted to inform the application and to assess whether hedgerows within the site are deemed to be important under the Hedgerow Regulations 1997 and what mitigation measures should be recommended. The survey identifies a total of 22 hedgerows of which 7 are outside the application site. Twelve hedgerows form boundaries to domestic properties and are therefore exempt from the Hedgerow Regulations. Three hedgerows, hedgerows 13 (northern site boundary), 15 (eastern site boundary) and 17 (southern boundary section) have been identified as forming an integral part of a field system pre-dating the Inclosure Acts and therefore qualify as 'Important' under criterion 5 of the Regulations. All three 'Important' hedgerows are proposed to be retained as shown on the proposed Illustrative Masterplan.

A section of hedgerow 17 will require removal to accommodate access into the site off Moorfields. It is recommended in the Assessment that the hedgerows be protected during the development process and enhanced by additional native planting to create a species rich hedgerow.

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 indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for 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.

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.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Protected Species

Bats

Bat activity surveys undertaken on the site have recorded foraging activity by a number of bat species. The Councils Ecologist advises that the site is not particularly important for foraging bats and the level of recorded activity is relatively low.

A number of trees have been recorded on site that have significant potential to support roosting bats. There is however no evidence at present to suggest that a bat roost occurs within the trees on site. Based on the amended indicative layout plan it appears to be feasible to retain all of the trees identified as having high bat roosting potential. The impact upon bats is therefore considered to be acceptable.

Great Crested Newts

A small population of Great Crested Newts has been identified at a pond some distance from the proposed development site. Due to the distance between the pond and the development site (approximately 160 metres) and the intervening housing it is not anticipated that the proposed development would have a significant impact upon this protected species.

Breeding birds

The application site has the potential to support a number of breeding bird species including House Sparrow and Bullfinch which are both BAP priority species and a material consideration. The Councils Ecologist advises that the retention of hedgerows and mature trees within the site layout and the proposed open space would at least partially mitigate the potential impacts of the development upon breeding birds. The submitted ecological mitigation also recommends the provision of a number of additional features for nesting birds these features would be secured by condition.

Other Protected Species

A sett is present on northern boundary of the application site and the site provides suitable foraging habitat for this species. The sett is currently used by rabbits, however the Councils Ecologist advises that it is likely that the sett could be reused by badgers in the future.

The submitted mitigation method statement proposes the retention of the sett within a 30m undeveloped 'buffer' and the provision of a 10m wildlife corridor along the northern and western boundaries of the site. The undeveloped buffer areas will be planted with fruit bearing trees to provide an alternative source of badger foraging habitat. The Councils Ecologist advises that these proposals are adequate to mitigate the potential impacts of the development upon badgers.

Habitats

Grasslands

The Councils Ecologist advises that the grassland habitats on site are of relatively low nature conservation value and do not present a significant planning constraint upon the development of the site. A number of plant species however have been recorded which are indicative of better quality grassland habitats. The development proposals would result in the loss of much of the grassland habitat and potentially result in an overall loss of biodiversity. Therefore the Councils Ecologist recommended that the applicant undertakes and submits 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 to 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. This approach obviously has implications for the determination of the planning application in light of the NPPF.

The results of the Defra metric assessment show that a biodiversity contribution of £25,000 would be acceptable to mitigate this development. This would be secured as part of a S106 Agreement and the sum would be utilised to secure habitat enhancement/creation within the Meres and Mosses Natural Improvement Area (NIA) to the south of Nantwich. Possible ways that the sum would be spent are for land purchase and enhancement of land near to Wybunbury Moss National Nature Reserve in partnership with natural England or management/restoration works of one of a number of Local Wildlife Sites located within the NIA in partnership with Cheshire Wildlife Trust and the NIA board.

Hedgerows

Hedgerows are a Biodiversity priority habitat and hence a material consideration. Additionally, the eastern boundary hedge and a hedgerow to the south of the site qualify as Important under the Hedgerow Regulations.

The direct loss of hedgerows to the proposed scheme would be relatively minor and the impact upon the hedgerows on site is considered to be acceptable.

Education

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £303,696. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, there are surplus spaces at the local secondary schools 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 more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that there is no or a low risk of flooding from all types of flooding apart from pluvial runoff and the potential effect of the development on the wider catchment and in both cases the risk is medium.

In order to mitigate the development the following is proposed:

- Runoff rates for the development will be limited to Greenfield runoff rates
- The site will use swales to provide the majority of the required attenuation storage and these will direct flows to drain towards the existing pond which will provide the rest of the attenuation storage
- Attenuation storage will be designed to accommodate a 1 in 100 year plus climate change event

The submitted utilities statement identifies that UU have confirmed that there is capacity in the local water supply network and the sewer network to serve this development.

The Environment Agency and 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.

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 5950sq.m and the indicative plan shows that the developer will provide 1.09 hectares (10,900sq.m) of amenity green space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 12 pieces of equipment as requested by the POS Officer.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by 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
- Other sustainability considerations suggest that the use of higher quality land is preferable

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 case a survey of the agricultural land quality has been undertaken and this identifies that 5.15 hectares of the land is grade 2, 1.13 hectares is grade 3a and 0.05 hectares is non-agricultural land

Although the development would result in the loss of 6.28 hectares of Grade 2 and Grade 3a land a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

Inspector as part of the Sandbach Road North appeal decision where the Inspector states that '*whilst the loss of some Best and Most Versatile (BMV) land is a disbenefit, in the context of this proposal the loss is of minor weight*'.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

Other issues

Concern has been raised about the potential impact upon health infrastructure and in response to this issue the applicant has responded by stating that the NHS doctors surrounding the site are all accepting new patients. The case officer has obtained information from the NHS choices website which confirms that the 8 practices within 2.5 miles of the site are all accepting new patients.

9. 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. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The conflict with the designated area of Green Gap is not acceptable, particularly given the scale of the development as detailed and it is considered that it would result in a significant erosion of the physical gap between built up areas of Crewe and Nantwich which is a key component of the emerging Local Plan.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation.

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.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is a requirement for a primary school contribution and this could be mitigated through the suggested contribution. There is no requirement for a secondary school contribution.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and 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. The development is therefore deemed to be locationally sustainable.

11. RECOMMENDATIONS

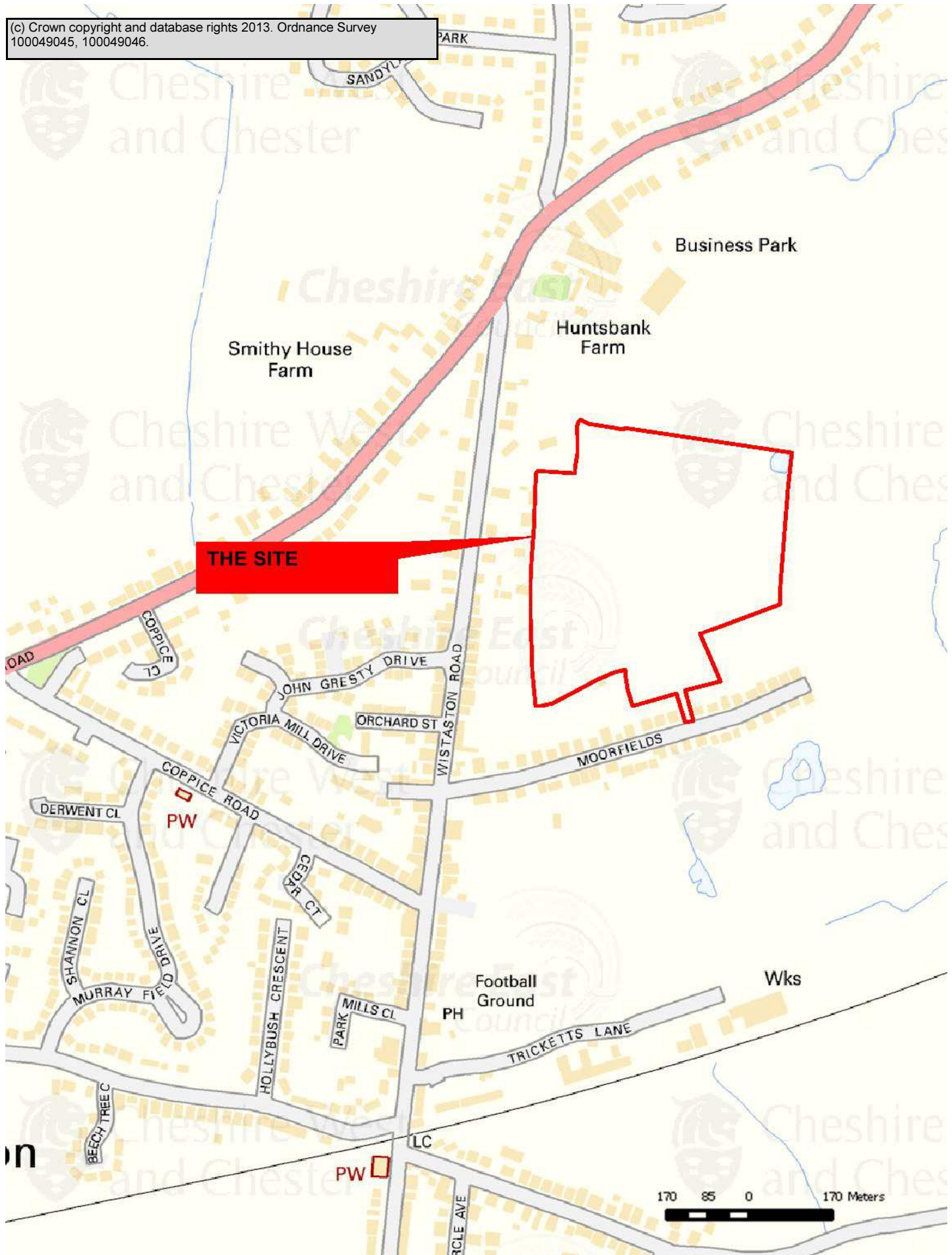
Minded to REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of best and most versatile agricultural land within the open countryside contrary to Policies NE.2, NE.12 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates 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, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the 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.

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 13/4121C

Location: Former Twyford Bathrooms Ltd, Lawton Road, Alsager, Stoke-On-Trent, Cheshire, ST7 2DF

Proposal: Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C)

Applicant: Sainsbury's Supermarkets Ltd & Lagan (Alsager)

Expiry Date: 31-Dec-2013

SUMMARY RECOMMENDATION

Approve subject to the completion of a S106 Agreement and the imposition of planning conditions

MAIN ISSUES

Impact of the development on:-

- **Principal of Development**
- **Sequential Test**
- **Impact Assessment**
- **Loss of Employment Land**
- **Landscape**
- **Highway Implications**
- **Amenity**
- **Trees and Hedgerows**
- **Design**
- **Ecology**
- **Flood Risk and Drainage**
- **Renewable Energy/Sustainability**

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 3.28 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the south of the site is the Crewe-Derby railway line. To the north there is tree cover which forms a TPO (Crewe Road/Linley Lane TPO 2007). The site is relatively flat and is well screened, the site includes part of a large factory and warehouse building which has a floor area of 64,095sq.m. An existing office building and a more modern warehouse building are located outside the red-edge for this planning application.

2. DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces.

The access to the store would be taken via the access road which would be provided as part of a new roundabout off Linley Lane.

3. RELEVANT HISTORY

12/0800C - Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works – Withdrawn 23rd May 2012

ENQ/0181/12 – EIA Screening Opinion for a proposed supermarket – EIA not required 15th March 2012

11/4390C - Application for Planning Permission for a Three Arm Roundabout and Access Road – Withdrawn 13th September 2012

11/4109C - Outline Planning Permission with some Matters Reserved for up to 335 Residential Units – Approved 21st November 2013

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

National Policy

National Planning Policy Framework

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
Community Infrastructure Levy (CIL) Regulations 2010
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review
Cheshire Retail Study Update (April 2011)
SPD 4 Sustainable Development
Alsager Town Centre Strategy SPD
National Planning Practice Guidance (NPPG)

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport
CO 4 – Travel Plans and Transport Assessments
EG 3 – Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle but would like to make the following comments;

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site, via the existing surface water drainage system. For discharges above this, attenuation will be required for up to the 1% annual exceedence probability event, to include allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate
- The following conditions are suggested;
 - A scheme to dispose of and limit the surface water run-off generated by the proposed development
 - A scheme to manage the risk of flooding from overland flow of surface water
 - Scheme to install the underground tanks associated with the petrol filling station
 - Disposal of surface water
 - The submission of a contaminated land assessment
 - A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation
 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

United Utilities: No objection subject to the following;

- The 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 soakaway and or watercourse and may require the consent of the Environment Agency.
- A 12" water main crosses the site at the area of the proposed roundabout on Linley Lane. As UU need access for operating and maintaining it, UU will not permit development in close proximity to the main.

Strategic Highways Manager: There is an access strategy for the extant permission and the retention of the existing Twyford's facility from Lawton Road, Alsager with a masterplan option to serve part of the residential development from a new roundabout access from the A5011 Linley Lane which is proposed to serve the Sainsbury's foodstore development.

The store would provide 302 car spaces including for disabled and parent/child and this meets the maximum provisional standards under CEC guidance.

The site would take service vehicle access from the proposed roundabout junction and this is segregated from the public car park areas. Access tracking for heavy commercial vehicles has been resolved.

The site would include for a petrol filling station and this also has an appropriate access strategy served via the access road to the main car park area.

The proposed development is supported by a Transport Assessment which has been the subject of much negotiation and to which the Strategic Highways Manager has now negotiated

a resolved position with regard to: traffic generation, traffic impact mitigation and improvement to local highway network areas.

The Strategic Highways Manager has concluded that the development has been appropriately assessed and provides suitable mitigation of traffic impact such that subject to appropriate: conditions, financial contributions and informatives there will be no sustainable highway objections.

The applicant will provide the following:

- Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
- Prior to first use all access roads and car parking will be constructed and formally marked out.
- Prior to first use the agreed junction improvement at the A5011/A50/B5077 cross-roads will be fully implemented. This will form part of the off-site highway works.
- Prior to first use the proposed roundabout access junction will be fully implemented. This will form part of the off-site highway works.
- Prior to first use the developer will fully implement the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads. This will form part of the off-site highway works.
- Prior to first use the new bus stops on the A5011 will be fully implemented the associated bus service improvements in operation. This will form part of the off-site highway works.
- Prior to first use the associated new bus service improvements will be in operation.
- Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.
- The developer will provide a capital sum of £5,000.00 for 5 years annual monitoring of the Travel Plan and will prepare an annual report on targets and achievements for each review. The monies will be secured via a Section 106 Agreement.
- The developer will provide a sum of £25,000 for the upgrade of two local bus stops to quality partnership standards. These monies will be secured via Section 106 Agreement.
- The developer will provide a sum of £198,000 for the provision of the agreed new bus service for the site. These monies will be secured via Section 106 Agreement.
- The developer will provide a sum of £30,000 for identified local traffic management issues. These monies will be secured via a Section 106 Agreement.

Environmental Health: Conditions suggested in relation to hours of construction, pile driving, environmental management plan, noise impact assessment, external lighting, secure car parking, electrical vehicle infrastructure, biomass boiler, dust control and contaminated land.

Natural England: The application does not fall within the scope of the consultations that Natural England would routinely comment on. For guidance on protected species refer to the Natural England standing advice. The development could impact upon a Local Nature Reserve and for advise the LPA should seek views from the CEC Ecologist. The application may provide opportunities for biodiversity enhancements such as bird nesting boxes and roosting bats.

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Public Rights of Way: The application proposes a pedestrian and cyclist access to the proposed store from the residential area to the north of the site. This access would form an important link to provide active travel and sustainable transport options for both staff and customers, and will require co-ordination across this and the adjacent development. The legal status and future maintenance of this route will require the agreement of the Council's Highways section.

The provision of 5 hoops for cycle parking under the canopy of the store is noted, should that number be deemed adequate for the anticipated usage. The allocation of suitable space for additional covered cycle parking may be prudent.

Sustrans: If this land use is permitted by the local community, and the council's planning committee, Sustrans comments are as follows:

- Sustrans are pleased to see the proposal for a footpath link across the car park from the store entrance to Linley Lane, and also the zebra crossings in the car park.
- Also, the proposal for a future pedestrian/cycle connection to the north side of the site is an important one; it should be designed to the highest standard and not be lost in any changes to ownership/land use on the north side.
- Can the development contribute to improving the adjacent path to the railway station?
- Sustrans are pleased to see reference to cycle parking for customers under the store canopy. The store should also provide cycle parking in a secure, under-cover position for those staff who wish to cycle to work.

Network Rail: The following conditions are suggested:

- The submission of a risk assessment and method statement
- Suitable Boundary treatment to the railway
- Surface water and foul drainage details to be agreed
- Full details of ground works, earthworks and excavations

Newcastle-under-Lyme Borough Council: No objection to the application

6. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: The Town Council has no objection

Church Lawton Parish Council: Church Lawton Parish Council has the following comments to make;

- The Parish Council's main concern is the adequate and safe access from the highway to the proposed site.
- The Parish Council has concerns about traffic issues in relation to the proposals, both in terms of the safety impact of increased traffic on the main road, particularly at times when the M6 is closed and that road is used by diverted traffic. Also because of a potential "rat run" for traffic which could be tempted (in order to avoid congestion) to divert from the main road through the roads of the proposed adjoining housing estate (no matter how such a route through the residential estate might be engineered to make it less attractive to through traffic).
- Linley Road is used not infrequently as an alternative route by drivers when there has been a closure or partial closure of the M6 Motorway in the locality. The Parish Council question whether or not adequate account has been taken of the pressures exerted by such additional

traffic flows. In particular, whilst roundabouts do generally maintain traffic flows during off peak times, at peak times they can cause significant tail backs. Also the Parish Council would ask whether proper consideration has been given to how the proposed roundabout would operate in conjunction with the traffic lights controlling the nearby B5077 (Crewe Road) and A5011 (Linley Lane) junction, particularly during peak times.

- There is also concern regarding the heavy goods vehicles which use this road and the number will presumably increase if a supermarket is built on this site.
- There is a rise from Lawton traffic lights which obviously reduces the speed of such vehicles until they reach the top, presently after this, they can pick up enough speed to take the next rise which occurs after the railway bridge. If they have to stop for the roundabout they will of course not be able to build up the speed for the next rise and therefore will slow down the traffic flow.
- The other disadvantage of the rise is that the roundabout will not be visible from the traffic lights until the rise is reached.
- The Parish Council therefore recommends that the only access for the proposed supermarket is via the existing Twyford's entrance/exit on Lawton Road.
- The other safety concern is the location of the proposed bus stops.
- The proposed site plan shows bus stops on both sides of the road on Linley Lane.
- Creating bus stops on this road would further impact the traffic flow as highlighted above.
- The Parish Council also feels it would be dangerous for pedestrians to attempt to cross such a busy road.
- Bearing these safety concerns in mind the Parish Council would recommend that any bus stops are situated on the Supermarket site to avoid congestion & to ensure public safety.
- The proposed site plan shows a bus turning area located to the rear of the site. The Parish Council strongly recommend that bus stops are located the within the turning area.
- It is felt this would also encourage customers to maximize the use of public transport and to facilitate their convenience.
- A final point is that the application does not state the opening hours of the petrol station. The Parish Council would like clarification of the opening hours. Consideration should be made that the proposed Supermarket will be situated in a residential area.
- The Parish Council hopes that all these matters will be thoroughly considered.
- Church Lawton Parish Council wish to register their concerns regarding the culvert which runs beneath the site of the above application as there has recently been flooding incidences of the carriageway beneath the railway bridge in Linley Lane, Church Lawton resulting from the level of the stream, classed as a small Ordinary Watercourse which is a tributary to Lawton Brook, running beneath the roadway, rising and surcharging through the road gullies.
- Investigations would indicate that the problem is in the area of the inlet to the culvert through which the watercourse runs for most of its length through the former Twyford's site, possibly a partial blockage of the debris screen as a result of heavy rain but this cannot be verified due to the overgrown vegetation covering the area.
- It is noted that the culvert is included in the Cheshire East Council, Strategic Flood Risk Assessment, Final Report, August 2013, page 48 – Twyford's Strategic site. This document recommends that a detailed site specific Flood Risk Assessment (FRA) should be carried out to assess the actual level of risk associated from the Ordinary Watercourse. A Site investigation should also be carried out to assess the condition of the culvert in order to inform this assessment and includes reference to opportunities to de-culvert the watercourse should be assessed as part of the site FRA.
- The Sainsbury's Planning Application includes a Site Specific Flood Risk Assessment produced by Hadfield Cawkwell Davidson dated 22 August 2013 which makes various

references to this culvert regarding the existing (Page 3, section 2.04) and future (Page 6, sections 9.07 & 9.08, Page 7, section 9.09) discharge of surface water into the culvert, also opening up a section inside the site boundary adjacent to Linley Lane (Page 4, section 5.03). Included as Appendix C is a Culvert Topographical Survey together with CCTV reports produced by Malcolm Hughes Land Surveyors in November 2011. It is noted on the Culvert Survey Plan number 13990/1 that the note 'Unable to gain safe access' has been made at the inlet channel location, no doubt due to the danger from the overgrown vegetation in the area and the risk of falling into the inlet channel. It can only be assumed that the brickwork inlet channel and debris screen were not inspected at this time but no mention of this appears to be included in the survey report.

- It is the Parish Council's view that any development should not have a detrimental effect on the operation of the culvert and there should be conditions applied to any decision for approval of the application that would ensure regular routine maintenance to prevent future flooding of Linley Lane.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 58 households/local businesses raising the following points;

Principal of Development

- The site should be retained for industrial use
- The proposal is contrary to the advice contained within the NPPF
- No need for a supermarket
- There is a Tesco Store within 2 minutes of the site
- The site is in a un-sustainable location

Retail Impact

- Detrimental impact upon Alsager Town Centre
- Alsager cannot support this proposal and the Co-op
- This development will create unfair competition to small stores
- Serious impact upon trade
- There would be a reduction in the number of people visiting the town centre
- Potential job losses in Alsager Town Centre
- Reduced footfall in Alsager Town Centre
- There will be no linked trips despite the claim of Sainsbury's
- The proposal will destroy the community feel of Alsager
- Impact upon local businesses
- The site would be more suitable for housing instead of Greenfield sites
- Businesses in the town centre will close
- Increased number of empty units in Alsager
- The Co-op has only recently extended
- Some units within the Co-op development remain vacant
- The proposed store includes a café and will encourage shoppers to visit the proposal rather than the town centre
- Other towns have suffered from supermarket development
- The proposal will not serve the community like local stores
- Jobs will be lost in Alsager Town centre
- There are many supermarkets within a 5 mile radius of the site

- The development will create a ghost town in Alsager
- There is a significant level of objection amongst local businesses
- The application site is too far from the centre of town
- Drop in footfall in Alsager Town Centre (other towns have seen a reduction in the region of 30%-60%)
- Great concern to independent traders
- The closure of town centre shops will affect the elderly population who shop in Alsager
- Impact upon the town centre Co-Op
- Alsager will become a ghost town
- Loss of businesses in the Town Centre
- Loss of jobs in the Town Centre
- The new store is not needed
- Increase in empty units in the Town Centre
- The Government is discouraging out of town retail development

Highways

- Increased traffic congestion
- Increased vehicular movements
- Highway safety
- The roundabout would be dangerous
- The store will be dependent on customers using the private motorcar
- The access is located in an accident black spot
- A footway/cycleway should be created to link the site to Alsager Train Station
- A footway/cycleway should be created over the railway to the Linley Estate

Drainage

- The existing highway suffers from flooding

Letters of support has been received from 160 households raising the following points;

Principal of Development

- Support the new store
- If people want to use the existing shops in Alsager they will still be able to do so
- Competition to existing shops
- Reduce the need to travel elsewhere
- The development will help the local economy
- There would be job creation
- Residents currently have to travel to other towns as far as Newcastle and Nantwich to do a weekly shop
- The new houses approved in Alsager require shopping facilities
- Increased linked trips to Alsager
- Increased employment
- A petrol station is needed in Alsager
- Inadequate retail offer in Alsager
- The new co-op is not adequate
- The proposal will reduce the carbon footprint of residents as they will not have to travel as far to shop
- The application site is a brownfield site
- The development will add value to/enhance Alsager

- The site is within walking distance for residents
- Good for the growing community
- The site is on a bus route
- The development should include a footbridge across the railway
- Traffic calming measures are required along Linley Lane to reduce the speed of vehicles
- S106 monies should be spent on improving the existing play areas

Retail Impact

- Promote healthy competition with the Co-op
- An alternative retail offer is required in Alsager
- The Sainsbury store would reduce trips to Crewe
- The store would not have an adverse impact upon Alsager Town Centre
- The new Co-op has not damaged the town centre
- The new housing proposed in the area will also benefit from the proposed development
- The proposal will enhance Alsager
- The proposal will attract people to Alsager from the surrounding areas of Kidsgrove, Rode Heath and Sandbach
- The residents of Alsager deserve greater choice
- Competition between stores will drive prices down
- Increased variety of goods will be available in the Sainsbury's store
- The Co-op has limited stock and expensive prices

A letter of representation has been received from Cllr Fletcher which states as follows:

I have received many requests from local people to support this application because at present they have to travel out of Alsager, many of them into Staffordshire, to have a reasonable choice of food shopping at affordable prices. I understand that Planning Guidance is against out of town shopping supermarkets that could effect local small businesses, however since most Alsager people already drive out of Alsager to do their main shopping and then go round the shops in Kidsgrove, Newcastle, Hanley etc. Will the proposed Sainsbury's Supermarket be detrimental to small businesses in Alsager or could it actually be helpful? I was one of the many Alsager Town Councillors who voted NO OBJECTION at the Town Council meeting in fact only two opposed this and one of them was on Coop's regional committee. Incidentally I should declare that I am a member of the COOP.

A letter of objection has been received from Alsager Chamber of Trade which concludes as follows;

- The Alsager Chamber of Trade wish to make it clear that they are not opposed to the development of the site for appropriate use and those that support the long term sustainability and well-being to the town and its inhabitants. The Alsager Chamber of Trade recognise the need for change and we are already working together with residents and businesses to consider appropriate and deliverable alternatives.
- The Alsager Chamber of Trade have already supported in principle the development of housing and would support a small convenience store (such as the Spar store located at the other end of the town) to meet the needs of residents in that housing development.
- The scale of the proposed development is disproportionate to the long term needs of not only Alsager but also other local communities. It is the Chamber of Trade's belief that such a development will undermine current and future initiatives to deliver the required balance of choice, competition and sustainability.

- On the basis of the evidence available and in representing the needs of the many over the few, the Chamber of Trade formally object to the application and urge the Cheshire East Council to refuse it on the planning reasons outlined above as well on the likely negative impact on the local communities affected by the new development.

A letter of objection has been received from Alsager Partnership which concludes as follows;

- The Partnership, as a Town Team Partner, actively supports and embraces the recommendations of the Mary Portas report commissioned by the DCLG. The Partnership are engaging in activities to regenerate the town centre, which includes the full involvement and support of Cheshire East Council and Alsager Town Council. The Partnership acknowledge that the town has a slightly lower - than average vacancy rate of 7% from our own AMT-i research. The Partnership would however assert that this due to reasons already stated, to the recent town centre Improvements and to the significant work and investment from the Partnership, volunteers, businesses and our local authorities over the last few years in public realm improvements, events, support for businesses and a community which support its town centre. The Partnership have proven success and ask for the opportunity to continue. In our view a site at Twyfords will affect this dramatically by drawing shoppers in cars, out of the town centre to a stand alone out of town location. The proposed development threatens to undermine all of the work done so far, and that which is planned; to harness the town's potential.

A letter of objection has been received from the Co-operative Group which makes the following conclusions;

- The position of the Co-op remains unchanged by the revised survey findings provided by Turley Associates and consequent additional commentary by Turley Associates (TA). Planning permission should still be refused in consideration of relevant LP policies and the NPPF.
- TA contest that the investment in the new store has been a failure as it has not stemmed 'outflow of expenditure'. The Co-ops evidence shows that the store has provided Alsager with a step change in provision which has resulted in the changes to the performance of the store reflective of the extended offer and improved environment.
- More customers are visiting the store and spending more per transaction which is a significant improvement for the town centre. To simply advocate at this early stage to undermine the future performance of the town centre store is afforded no planning policy support.
- The Co-op provide further evidence to discredit any assertions by TA that the proposed Sainsbury's store could lead to a significant inflow of expenditure to the town centre. The Co-op's case is substantiated case study evidence as well as research considering this very issue.
- The Co-ops consideration of trade diversion is also supplemented by additional evidence which compels CEC to consider that the outturn estimated by TA could be misjudged and that a far more extreme loss of trade and subsequent footfall from the town centre and the Coop store is a more robust eventuality.
- This is to be considered in full at the planning application stage and the applicant's judgements not merely accepted.
- CEC have no grounds upon which to amend their planning based judgement on the proposals. They have held a consistent position within the borough previously in respect of out of centre development and have been willing to defend through to public inquiry level.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Turley Associates)
- Design and Access Statement (Produced by Hadfield Cawkwell Davidson)
- Transport Assessment (Produced by Vectos Ltd)
- Ecological Impact Assessment (Produced by White Young Green)
- Retail Statement (Produced by Turley Associates)
- Revised Retail Statement (Produced by Turley Associates)
- Tree Survey (Produced by Cheshire Woodlands)
- Air Quality Impact Assessment (Produced by SLR)
- Flood Risk Assessment (Produced by Hadfield Cawkwell Davidson)
- Badger Survey & Building Survey in Respect of Roosting Bats (Produced by Landscape Science Consultancy Ltd)
- Updated Badger Survey (Produced by Landscape Science Consultancy Ltd)
- Ground Conditions Assessment (Produced by White Young Green)
- Drainage Statement (Produced by Hadfield Cawkwell Davidson)
- Noise and Vibration Assessment (Produced by White Young Green)
- Statement of Community Involvement (Produced by Local Dialogue)
- Renewable Energy & Energy Efficiency Assessment (Produced by Sustainable Design Solutions Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

In terms of retail development the proposal is located within an out-of-centre location being 800m from the defined town centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused.

The new National Planning Policy Guidance (NPPG) sets out how the tests within the NPPF are to be interpreted and implemented. The main points relevant to assessment of the application proposals are as follows:

- *When should the impact test be used; the NPPG states that as a guiding principle, impact should be assessed on a like-for-like basis as;*
 - *It may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly.*

- *Retail uses tend to compete with their most comparable competitive facilities.*
- *Assessing the impact of relevant application on town centre developments or investments in progress; key considerations include:*
 - *The policy status of the investment (i.e. whether it is outlined in the Development Plan);*
 - *The progress made towards securing the investment (for example if contracts are established); and*
 - *The extent to which an application is likely to undermine planned developments or investments based on the effects on current / forecast turnovers, operator demand and investor confidence.*

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- B) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- C) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

Policy EG5 (Promoting a Town Centre First Approach to Retail and Commerce) as contained within the Local Plan Strategy Submission Version states amongst other things that '*Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will only be considered where:*

- *There is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- *It is demonstrated that the tests outlined in the current Government guidance can be satisfied'*

The site is an existing employment site within the settlement zone line for Alsager. Policy E.10 does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses. It is considered that this policy is largely consistent with Policy EG3 (Existing and Allocated Employment Sites) as contained within the Local Plan Strategy Submission Version.

This advice is similar to that contained within the NPPF where it 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. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or

buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'

As part of this application it will be necessary to consider whether the application meets the requirements of Policy E.10

Sequential Test

The sequential test is a key element of both the NPPF and Policy S2 (Shopping and Commercial Development outside Town Centres). In support of this application a number of in-centre and edge of centre sites have been considered as sequentially preferable to the application site. The sites which have been considered within the catchment area are as follows;

- Existing vacancies within Alsager and Kidsgrove Town Centres
- Land to the northwest of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street and north of Market Street, Kidsgrove
- Land between Liverpool Road and the Railway, Kidsgrove
- Linley Trading Estate, Linley Road, Talke
- Other opportunities in Alsager

In terms of the existing vacant units at the time of the submission of the application, there were 5 vacant units with Alsager Town Centre and 5 vacant units within Kidsgrove Town Centre. All of these units are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore accepted that these existing units are not suitable alternative sites.

The sites on Heathcote Street, Kidsgrove have been ruled out due to their size and topography and that they would be unsuitable and unviable, whilst the Liverpool Road site is considered to be too small. Furthermore in a recent appeal for a food store at Linley Trading Estate, Talke the Inspector concluded that the Heathcote Street sites were not suitable for the type of development proposed.

The site with an approval at Linley Trading Estate is considered to be too small to accommodate the proposed Sainsburys Store. Furthermore the appeal decision for this store includes a condition to prevent it being occupied or operated by Tesco, Sainsburys, Asda or Morrisons.

The Council has obtained advice from a retail planning consultant who has considered the sequential test and he states that:

'I remain of the view that proposal is a poorly accessed out-of-centre location but there appear to be no sequentially superior in, edge or out-of-centre sites in Alsager or Kidsgrove. In the case of Kidsgrove the sequential sites were tested at the planning inquiry that approved the Linley Estate proposal in Talke and they were found to fail one or more of the three tests of the sequential assessment in relation to that smaller supermarket development'

And

'I now consider that the proposal satisfies the sequential assessment to site selection on the basis of information provided by the applicant, the Council and neighbouring authorities'

Given the conclusions made by the retail consultant it is considered that the sequential test has been met.

Impact Assessment

The impact assessment is a key consideration and is referred to within policy S2. Greater detail on how to apply the impact assessment is given within the newly published NPPF as can be seen in the principal of development section above.

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.

Impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

The relevant test of the NPPF specifically requires an assessment of the impact on an existing investment within a centre, whilst the recently published NPPG only refers to criteria for assessing wider town centre developments that are planned or in progress.

In this case Alsager has had a significant existing investment made by the Co-Op redevelopment of its existing foodstore together with the provision of some small additional units and enhancements to the public realm within the town centre.

The Councils retail consultant considers that the investment has improved the physical environment of Alsager Town Centre but has not in pure quantitative terms facilitated a *'significant step-change/improvement in the main food market share performance of the town centre as a whole'*.

The view of NJL (the consultants acting on behalf of the Co-Op) is that the significant investment made should be given time to mature for a period of 5 years. Whilst this corresponds with the NPPG (which states that mature trading patterns would usually be taken to be the second full calendar year post opening), the Councils own retail consultant advises that the critical balancing point is whether the store is likely to assume a more prominent main food shopping role to address the significant expenditure leakage from Alsager to the competing surrounding towns.

In relation to the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal the Councils own retail consultant concludes that:

'Whilst this increase in performance will ultimately depend on variables such as the range and quality of goods available as well as competitiveness on pricing, given that the Co-Op store has been open over 15 months and has not generated a significant increase in the town's overall market share performance to date, then it is our view that it may possibly not due to the existing preferences of local residents to undertake their main food shop elsewhere. Effectively therefore, the protection of the Co-Op investment has to (once again) be balanced against wider sustainability based issues relating to current main food shopping patterns and the need to adequately meet local residents shopping needs in full.

Ultimately, in simplistic terms, the investment has been made in Alsager town centre but has not, to date, achieved what it set out to do. There is no further planned investment with any formal development plan status'

The view of the Councils retail consultant are accepted in this case and it should also be noted that a large proportion of the letters of support received in relation to this application support the view that local residents do have existing preferences to shop elsewhere.

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

There has been significant debate about the likely catchment that the proposed store will serve. It is the Councils retail consultant view that the trade draw assumptions made by the applicant's agent Turley Associates (TA) are entirely appropriate having regard to the existing provision and local geography.

A store of the scale and quality proposed is likely to draw 95% of its trade within the primary catchment area which effectively covers Alsager, Talke, the western part of Kidsgrove, Rode Heath and Scholar Green.

In support of this application an updated household survey has been undertaken (post Co-Op). It is the Councils retail consultants view that there is a *'significant case for enhancement of the main food market share (via 'clawback')*' The Councils retail consultant advises that in light of the catchment being drawn tightly to the town it should be ordinarily retaining circa 75% - 80% of main food expenditure arising within it. The current level of 15% main food retention level within the Alsager catchment is extremely low and generates unsustainable shopping patterns with residents travelling to Kidsgrove and further afield to do their main food shop. The Councils retail consultant view is that;

'the existing offer within Alsager town centre, including Co-Op, is not meeting the needs of the significant majority of local residents in quantitative and qualitative terms'

Furthermore it should also be noted that Alsager is identified within the Submission Version of the Local Plan as a key service centre and a strategic growth location where a significant number of new homes (1,600) are to be located over the emerging plan period.

The Council's retail consultant then goes on to state that:

'it is clear that the long identified 'need' for appropriate convenience provision in Alsager is only going to increase over time. Reflecting the 'golden thread' of sustainable development which runs through NPPF, the draft plan makes significant references to sustainability and the requirement to manage patterns of growth. Significant weight therefore will need to be attached by the Council in its overall planning assessment to the desirability to maintain the vitality and viability of the town centre against resolving current unsustainable main food shopping patterns'

Whilst there is a clear clawback justification for a new foodstore in the town to address the current unsustainable main food shopping patterns the critical point for consideration is whether the trade draw from existing convenience provision with Alsager Town Centre would be 'significant adverse'.

Adopting a pro-rata approach to quantify trade draw, TA adjudge that 45% of the proposed store turnover (circa £10m) will be derived from the Alsager catchment and that 14.5% (£1.1m) of this proportion will be diverted from the Co-Op store. In relation to this issue the Councils retail consultant advises that:

'the trade diversion from the Co-Op store currently assumed by TA is low and does not reflect a realistic or 'plausible' scenario. If it was the case that the Co-Op store was only performing a minor main food shopping function then it would be accepted that the trade diversion impact of the proposed Sainsbury's store would indeed be limited.

However, in this instance, it is clear from the household survey results that the Co-Op, despite the quantitative and qualitative deficiencies which TA emphasise, still performs a main food shopping function for c. 15% of local residents in Alsager (albeit limited in the context of the existing leakage from the town).

Consequently, whilst TA place great emphasis on the 'like affects like' principle in justifying its trade diversion assumptions, given that the Co-Op is the nearest comparable competitive main food shopping destination in the Alsager catchment, it is our view that the proposed new out-of-centre Sainsbury's store will provide an attractive, alternative main food destination for local residents on the quantitative and qualitative grounds to which TA ultimately promote the store on (the Sainsbury's 'offer' in terms of full range of goods, customer facilities etc.). Whilst there will be some brand loyalty, there is a real prospect that the Co-Op store would become a secondary top-up shopping based destination at best.

On this basis, having regard to the nature of the Sainsbury's proposed offer, it is our view that a significant proportion of the existing c. 15% of local Alsager residents who currently undertake their main food shop at the in-centre Co-Op will divert to the new Sainsbury's store. It is our view that 25% (c. £2.2m) of the proposed Sainsbury's store main food turnover derived from the Alsager catchment (survey zone 1) being drawn the Co-Op store would be more realistic and plausible; this would constitute an additional c. £1.1m of trade being drawn from the Co-Op above the current TA impact assessment.

The resultant impact against existing (survey-based) turnover of the Co-Op would be in the order of c. 31.5% with the store achieving a (survey-based) turnover of c. £6.6m; this would be c. £2.7m below expected Co-Op company benchmark.

The trade diversion figure (c. 31.5%) from the Co-Op is therefore clearly significant in 'pure' quantitative based terms. However, the balanced judgement to be made is to whether this level of impact is significant adverse on the ongoing trading viability of the store in the first instance and thereafter the impact on the town centre as a whole (with the latter being the primary point of assessment in accordance with NPPF)'

In terms of the impact on Alsager town centre as a whole, the assessment needs to take account of the reduced footfall/loss of linked trips, increased vacancies and a more down market offer.

In relation to reduced footfall and loss of linked trips there is a difference of opinion between the agents acting on behalf of Co-Op and Sainsbury's. In this case the Councils own retail consultant acknowledges that there is a potential for both due to significant trade diversion but there is '*no robust evidence available*'. The Councils own consultant also acknowledges that the '*Co-Op store is likely to benefit the town centre in terms of linked trips given its location and also surface car park. However, there is a varied mix of service uses within the town centre and if it is the case that local residents are primarily visiting these facilities (e.g. bank, building society etc.) as part of their current main food shopping trip to Co-Op then it is possible that this activity will continue should shoppers divert to the out-of-centre Sainsbury's store*'.

Alsager Town Centre has been subject to several health check based assessments and the results show that vacancy levels are below the national benchmarks and that there is a variety of convenience, comparison and service based uses within the town centre. In relation to this issue the Councils own retail consultant concludes that:

'There is no robust evidence available that the current vitality and viability of the town centre is solely underpinned by its convenience shopping function or that any trade diversion to Sainsbury's would significantly increase vacancies or generate a more 'down market' offer. It is GVA's view that the impact on the town centre as a whole cannot be concluded to be significant adverse'

Retail Conclusion

In terms of the retail impact there are two main competing issues in this case. On the one hand there has been significant investment within the Town Centre Co-Op and on the evidence available the Councils retail consultant considers that in quantitative terms this will be bordering on 'significant adverse' which is contrary to Paragraph 27 of the NPPF, but there is a lack of evidence as to whether the overall direct and indirect impacts on the Co-Op and Alsager Town Centre will be significant adverse.

This 'significant adverse' impact needs to be balanced against the requirement for a new mainstream food store in the town to address the existing unsustainable main food shopping patterns (85% of main food shopping expenditure generated in Alsager is directed to destinations further afield in Crewe, Kidsgrove and North Staffordshire). A no-development scenario would mean that the existing unsustainable, predominantly car-borne main food shopping trips are maintained and potentially worsening over time and this has not been rectified by the recent Co-Op investment. In this case it should be noted that the Twyfords site is considered to be sustainable within the Local Plan Strategy Submission Version.

The NPPF requires that the retail needs are met in full and it is the Councils retail consultants' view that these needs are not being met. The NPPG requires that judgements on whether the likely adverse impacts are significant can only be reached in light of local circumstances.

In this case a very finely judgement has been made and it is considered that maintaining the local unsustainable shopping patterns would be contrary to the overarching 'golden thread' of the NPPF and meet the environmental and social role of sustainability, and this would outweigh the significant adverse quantitative impact upon the existing in-centre Co-Op the economic role.

Loss of Employment Land

The factory building was built in the 1950's and has since been occupied by Twyford's Bathrooms. The company has been downsizing their manufacturing operations since 2007 with the Alsager factory closing in 2011. The manufacturing facilities have been outsourced elsewhere and large parts of the site are currently vacant. It should be noted that an existing office building and B8 warehouse which are located outside the red edge application site are still in use and occupied by Twyford's Bathrooms.

The key points that the applicant is justifying the loss of employment land are as follows:

- The decline of manufacturing operations on this site is consistent with national and global trends
- An assessment of employee records shows that relatively few (only 7%) actually lived in Alsager. As a result the geographic spread means that the decline in operations on the site have not had a significant impact upon the local economy
- Due to its size and the bespoke nature of the building it would not be capable of accommodating another business unless substantially modified and subdivided which would require significant investment
- Cheshire East Employment Land Figures demonstrate that gross employment land take up rate for 2010/11 is 1.96ha and there is a gross supply of 296.69ha. This gives a supply of over 151 years
- The proposed development would reduce noise and disturbance that could be generated from the site
- The Sainsbury's Store would generate the short term creation of a large number of construction jobs and indirect jobs in the construction chain
- Around 200 permanent jobs would be created. This represents a substantial increase in the number previously supported on the wider Twyford's Bathrooms site
- Sainsbury's figures demonstrate that the extent to which employment is drawn from a small radius with 90% of employees living within 5 miles of their stores

On balance it is considered that the loss of part of this employment site is justified in this instance, based on the points raised by the applicant's agent and following the consideration of the advice contained within the NPPF at paragraph 22.

Landscape

The development, together with the new roundabout and associated highway alterations, would result in the removal of roadside vegetation for a length of some 150 metres, opening up views

to the supermarket and the wider site. The submission includes soft landscape proposals but limited information on hard landscape proposals/materials and no boundary treatment details.

The roadside vegetation in particular would have provided a degree of screening from the outset of development. Nonetheless, in the context of the development proposed, the detailed soft landscape proposals provided appear reasonable in so far as they extend.

The Design and Access Statement indicates that the supermarket service yard and car park will be recessed into the landform to reduce their visual prominence and will be screened by proposed new boundary planting, landform modifications and an acoustic barrier for the service area.

The proposals for the wider site recommended that the culverted stream through the site was opened up, in order to enhance the ecological value of the watercourse and provide a landscape feature. This is considered to be an acceptable approach subject to the imposition of a condition to secure details of the retaining walls.

In the event of approval further details will be required of boundary treatments, proposed retaining structures, street furniture and lighting. Implementation of the submitted landscape proposals should also be covered by condition.

Highways Implications

Proposed Access

The store would be accessed via a proposed three arm priority controlled roundabout which would be located onto Linley Lane. The proposed detailed design for the roundabout junction on the A5011 has been considered in detail and has been the subject to a Road Safety Audit assessment which has been shown the proposal to be acceptable. The roundabout design meets all requirements for: forward visibility and other design criteria and will be the subject of a Section 278 Agreement under the Highways Act 1980 as off-site highway works.

Transport Impact

In terms of the traffic impact, the submitted TA identifies the following junctions which are relevant to the proposed development:

- Twyford Bathrooms site access/Lawton Road/Crewe Road
- Crewe Road/Linley Lane
- Liverpool Road/Congleton Road
- Crewe Road/Lawton Road/Sandbach Road
- Crewe Road/Butterton Lane/Radway Green Road

The Transport Assessment predicts that the proposed store would generate 257 two-way vehicle trips during the weekday AM peak hour (08:00 – 09:00), 469 two-way trips during the PM peak hour (16:30 – 17:30) and 659 two-way trips during the Saturday peak hour (11:30 – 12:30). Due to the location of the site off the A5011 Linley Lane, the TA states that the trips *'would not be entirely new trips on the highway network, rather a proportion of the trips would already be present on the local highway network and their trip to the proposed Sainsbury's store*

would simply represent a deviation of an existing trip. This is particularly the case with trips generated by foodstores during network peak hours'.

The Transport Assessment identifies a necessary contribution to provide traffic management measures on the A5011 Linley Lane for traffic regulation orders related to speed management. This sum is agreed at £30,000 and will be secured via a Section 106 agreement.

There is also a proposed improvement to the traffic signal junction at the Crewe Road/Lawton Road/Sandbach Road (A5011/A50/B5077) cross-roads which has been the subject of some negotiation. This along with other traffic aspects of the development have been the subject of a further Technical Note which has satisfactorily addressed highway authority concerns regarding the local management of generated traffic and pedestrian accessibility. The Strategic Highways Manager has considered in detail the proposed operation of the traffic signal junction at the A5011/A50/B5077 junction in relation to the Sainsbury's development proposal and when taking account of likely distribution and assignment to the store, and all mitigation measures (traffic and sustainable transport), the proposed solution for the operation of this signal junction is considered acceptable.

Non-car accessibility

The site is shown to have options for accessibility in all four major areas: pedestrian, cycle, bus and train. It is also noted that the advice in the GTA requires developers to promote the use of sustainable transport options. In addition and in accordance with requirements the developer is to provide improvements and financial contributions to upgrade and improve local sustainable transport options.

The development will provide a pedestrian cycle link which will connect back to the A5011/A50/B5077 cross-roads along the A5011 frontage and promote the sustainable credentials of the proposed development. The signal junction upgrade will provide for pedestrian phases.

There are local improvements to bus stop facilities on the A5011 Linley Lane to serve the store with sustainable link options and which will be included within the S278 works. The new bus stops on Linley Lane will serve this development and also the extant permission for the residential development which will have a sustainable link through this site.

There will however be a need to equip additional local bus stops at homebound destinations on the local network with quality partnership improvements for which a developer contribution will be sought. These improvements will be applied to the next nearest bus stops which require this upgrade. The sum required to achieve this upgrade is £25,000 and is required by the Strategic Highways Manager. This provisional sum will be secured via the S106 agreement for the site.

In addition the developer will be providing a new bus service locally to serve the site and increase its sustainable credentials. To this end the developer has negotiated with the bus service provider: D&G and the Glen Bubb (CEC) and a contributory sum for the provision of this service has been agreed at a level of £198,000. This contribution will be secured by a S106 agreement.

Amenity

There are no residential properties in close proximity to the application site. Furthermore since the existing use of the site is B2 (General Industry), the proposed use would have less of an impact upon residential amenity.

Noise

The nearest residential properties are over 50 metres from the application site. The Environmental Health Officer considers that there is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from the proposed Sainsbury's store.

The Environmental Health Officer has requested that the applicant submits further information with regards to the following:

- Hours of deliveries to the store;
- Hours of operation of the biomass boiler;
- Deliveries of fuel to the biomass boiler;
- Details of fixed plant and equipment;

In this it is the view that the proposed development would generate less noise than the former industrial use of the site. The information requested by the Environmental Health Officer could be secured through the use of planning conditions.

Air Quality

The submitted air quality report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic flows. In addition, the report has considered the emissions associated with the operation of a biomass boiler which will provide energy for the proposed store.

There is concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure.

Installations of biomass boilers, whilst being carbon neutral, can potentially have a local negative impact on air quality in respect of emissions of particulate matter (PM₁₀), and to a lesser degree nitrogen dioxide (NO₂).

The submitted assessment uses Breeze Roads (an Air Quality Model) to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this proposal and other permitted developments. The impact of emissions from the biomass boiler have been assessed using the formulae detailed within LAQM.TG(09) (DEFRA Statutory Guidance).

In addition, the applicant has submitted information which enables the local authority to screen the potential impact of the boiler on local air quality, in particular on local increases to concentrations of Particulates (PM₁₀) and Nitrogen Dioxides (NO_x).

In order to ensure that the boiler is not likely to cause an unacceptable increase (at ground level where sensitive receptors may be exposed) it is essential that the chimney serving that boiler be of an adequate height to ensure adequate dispersion of pollutants.

The Air Quality Impact Assessment (AQIA) concludes that impacts of both PM₁₀ and NO₂ associated with the operation of a biomass boiler are unlikely to exceed the relevant air quality objectives and further detailed assessment is not required.

Using the information provided by the applicant, a screening assessment undertaken by this Environmental Health Department shows that the proposed stack height is adequate to disperse such pollutants.

Therefore it is recommended the following conditions be attached to any permission for the scheme in relation to the biomass boiler:

- The biomass boiler will be associated with a written schedule of maintenance which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. The maintenance schedule shall be submitted to the local authority prior to installation.
- The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 (Fuel specification best practice) or a similar recognised standard. (The statement shall be obtained from the fuel supplier).
- There shall be no changes to the fuel type, specification or operation of the biomass boiler unless agreed with the LPA (excluding temporary use of substitute fuel in emergencies for a maximum, of 21 days in any one calendar year). Such use shall be notified to the local authority Public Protection and Health department.
- The stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.

Other issues

The issues of external lighting, construction hours, piling, construction management plan, dust mitigation and contaminated land will be dealt with by planning conditions.

Trees and Hedgerows

The trees within the roadside belt are part of wider tree cover on the site and are subject subject to the Congleton Borough Council (Crewe Road/Linley Lane) TPO 2007. The roadside vegetation is likely to have been planted as screening for the factory site. As identified above, the development would require the removal of vegetation for a length of approximately 150 metres on the eastern boundary of the site. This will involve the loss of a number of trees within woodland W3 of the TPO. The individual specimens are not outstanding however, the belt of vegetation is an established feature of the Linley Lane roadside and the loss of protected trees is a material consideration in the determination of the application.

In this case, replacement planting could be accommodated within the new development. Moreover, the submitted landscape scheme provides for tree planting on the Linley Lane frontage. The character and amenity value of such planting would inevitably be quite different from that which exists at present, but is considered to be acceptable in this instance.

Design

The proposal is for a single storey (commercial scale) rectangular food store building located toward the western edge of the site, with a taller element located at the more prominent north-west corner of the building. A service wing encloses a service yard, which is to the rear of the site. The service access is proposed directly off the new access spine into the Twyfords site from Linley Lane. At the eastern boundary of the site, adjacent to the proposed new roundabout, it is proposed to site the petrol filling station and a drive through car wash.

The store is proposed to be orientated to the east, overlooking a substantial area of car parking but includes secondary frontages to the north and south facing elevations overlooking the car park and the access road. The car parking extends to the south of the site between the building and the boundary with the railway. In the south east corner, gas and electricity substations are being retained with access proposed from the car park.

Pedestrian routes are proposed into the site from Linley Lane and from the new access road to the north, creating a connection to the proposed housing site. This route would pass through a modest area of planned hard space set within the landscaped northern perimeter of the site.

The building is to be faced in timber, metal cladding, brickwork and glazing. In this case the final material finishes would be secured through the use of a planning condition and it is considered that the use of glazed ceramic bricks could be used to replace the timber cladding and to respect the previous use on this site and help to create a less generic appearance to the store.

The orientation and layout of the building has improved since the last application and now includes a taller corner element which would have a closer relationship to the access road and secondary frontages facing north and south. The service yard has been repositioned to the west (rear) of the unit with a reduced width onto the prominent access road. This is considered to be a substantial improvement on the last application.

The area of public realm created to the north of the building spanning the access into the site is positive and overcomes concerns that the public realm 'entrance mat' into the site was quite mean and a bit of an afterthought. The solution indicated in the landscape information provides the opportunity to create a much more link between the food store and the future housing site. However, this needs to be designed as a shared space scheme in order to accomplish this (which will need to be agreed with highways). The quality of the materials palette will also be essential to the success of this space in public realm terms.

The extent of landscaping around and the trees within the car park and on the road frontage of Linley Lane will help to create a softer setting for the store.

Ecology

Bats

No buildings or trees with any significant potential to support roosting bats were identified on site during the survey. The proposed development is therefore unlikely to affect roosting bats. There may be some loss of foraging habitat associated with the loss of vegetation on the

eastern boundary of the site. However, this is not likely to have significant impact on the species of bats known to be active on the site.

Birds

The proposed development will result in the loss of a narrow area of plantation woodland along the eastern boundary of the site. This will be partially compensated for by the proposed landscaping scheme developed for the site which includes an element of native species planting. Due to the loss of this vegetation, it will be necessary to attach a condition relating to the timing of works and breeding birds.

Other Protected Species

An updated survey has been provided in relation to other protected species and this identifies that an outlying sett of another protected species has been identified has been found as part of the surveys on this site. To mitigate the impacts of the development the submitted report recommends the closure of the sett under a Natural England license and the construction of an artificial sett in the woodland to the north of the application boundary. This approach is accepted by the Councils Ecologist and will be secured through the imposition of a planning condition.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment and Drainage Statement have been submitted in support of the application. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The FRA identifies that the site is unlikely to be subject to flooding from overland flows, fluvial flooding, groundwater, local failure of sewers and of local failure of on-site drainage /the culverted watercourse.

The proposal also includes the provision of SUDS techniques within the design of the site. This includes a rainwater harvesting system either an infiltration system (runoff is discharged into soakaways and infiltration blankets beneath the car park using a voided sub-base) or off-site discharge (attenuation storage with a hydro-brake control which would discharge into the watercourse. The Environment Agency has considered these proposals and have raised no objection to the proposed development subject to conditions.

The Environment Agency has raised no objection to this development subject to the imposition of a number of conditions.

The culvert which runs through the site would be partly opened up as part of this development and would provide biodiversity benefits.

Renewable Energy & Sustainability

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a wood pellet

Biomass Boiler this would be installed to provide heating and hot water. The Biomass Boiler has been calculated as providing an energy consumption saving of 35.9%.

The site is considered to be sustainably located within the Local Plan Strategy Submission which states that *'there is good access to the site by road from the town and the A50 and by public transport services along Crewe Road'*.

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.

In this case the following highways contributions will be required:

- £5,000 Travel Plan Monitoring
- £25,000 For the upgrade of two local bus stops to quality partnership standards
- £198,000 for the provision of the agreed new bus service for the site
- £30,000 for identified local traffic management issue

The contributions of £30,000 for traffic management issues is identified within the applicants own Transport Assessment and is necessary along Linley Lane, it is directly related to the development and fair and reasonable.

In order to improve the sustainability credentials of the site and to ensure that the site is accessible by public transport, it is necessary to secure the provision of a bus service to serve the site, the provision of new bus stops and a travel plan monitoring sum. These contributions are directly related to the development and fair and reasonable.

10. CONCLUSIONS

The site is located within the Alsager Settlement Boundary and relates to an out-of-centre supermarket. The application satisfies the sequential test.

In this case a very finely balanced judgement has been made. It is considered that maintaining the local unsustainable shopping patterns would be contrary to the overarching 'golden thread' of the NPPF. The development would meet the environmental and social role of sustainability, and this would outweigh the significant adverse quantitative impact upon the existing in-centre Co-Op the economic role.

The design and layout of the store has seen significant improvements since the last application and is now considered to be acceptable.

The information contained within the Transport Assessment is considered to be adequate and an acceptable highways solution has been negotiated as part of this development.

The application is considered to be acceptable in terms of its impact upon trees/hedgerows and protected species.

The application is considered to be acceptable in terms of flood risk and drainage.

The development would not have a detrimental impact upon residential amenity including air quality.

The application is considered to be acceptable in terms of the loss of employment land and the provision of renewable energy on this site.

11. RECOMMENDATIONS

APPROVE subject to completion of a Section 106 Legal Agreement to secure the following:-

- £5,000 Travel Plan Monitoring
- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- £198,000 for the provision of the agreed new bus service for the site sum to be paid prior to commencement of development
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

And the following conditions

1. Standard Time – 3 years
2. Approved Plans
3. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
4. The development hereby permitted 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.
5. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
6. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9. Contaminated Land

10. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

11. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil

12. Construction Management Plan

13. External Lighting Details

14. Hours of Deliveries to the Store and Biomass Boiler to be submitted and agreed

15. Hours of Operation of the Biomass Boiler

16. Details of Fixed Plant and Equipment

17. Scheme of security barriers for the proposed car park

18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.

19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.

20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA

21. The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.

22. Dust mitigation measures during construction

23. Prior submission and approval of materials

24. Prior to undertaking any 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.

25. Nesting Bird Mitigation Measures

26. Mitigation recommendation of the 2014 Badger report to be secured

27. Boundary Treatment Details including details of all retaining structures

28. Tree protection measures

29. Arboricultural Method Statement

30. Implementation of the submitted landscape proposals

31. Cycle Parking Details

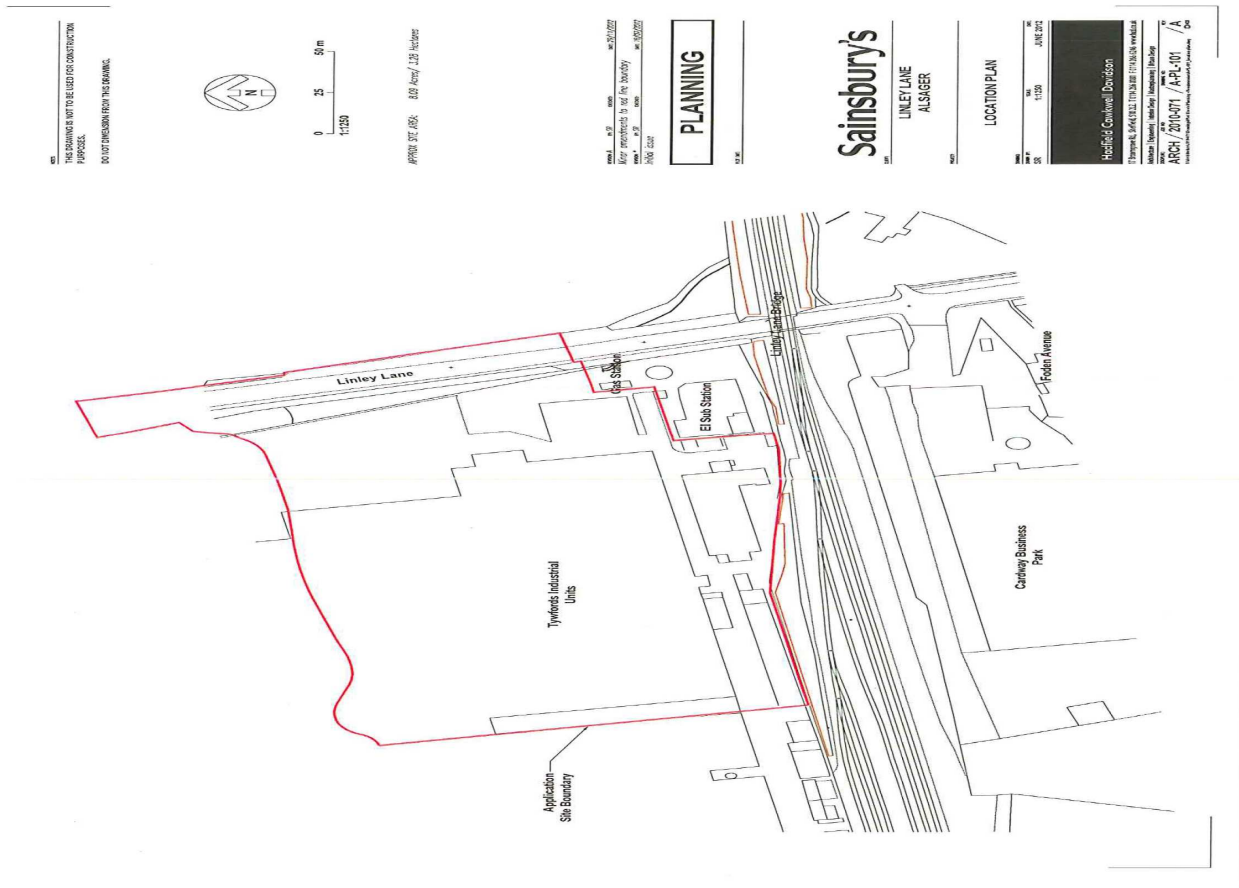
32. The net sales area shall be limited to 2,322sq.m

33. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.

34. Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
35. Prior to first use all access roads and car parking will be constructed and formally marked out.
36. Prior to first use the developer will fully construct the off-site highway works: proposed roundabout access junction, the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads, the new bus stops on the A5011 and the agreed junction improvement at the A5011/A50/B5077 cross-roads
37. Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.

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 Interim 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 Interim Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 13/4725N

Location: LAND AT COPPENHALL EAST, STONELEY ROAD, CREWE

Proposal: Reserved matters application pursuant to outline planning permission 11/1643N for the construction of 215 dwellings, associated on site highways infrastructure, car parking and pedestrian/cycle routes, formal and informal open space provision and associated works

Applicant: Taylor Wimpey UK Ltd

Expiry Date: 04-Feb-2014

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES**

Access
Noise Impact
Landscape
Drainage and flooding
Design
Amenity

REFERRAL

The outline application was referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan. This reserved matters application is thus referred as the outline was determined at Board.

1. SITE DESCRIPTION

The Phase 1 part of the site consists of approximately 8.95 ha. The overall site relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe. The site is generally flat and currently comprises predominantly undeveloped agricultural land. Field boundaries are marked by hedgerows and hedgerow trees. The Cross Keys public house, which is a locally listed building, is located on the south western corner of the site. A public right of way dissects the central part of the site.

The site is bounded to the north and west by the residential properties fronting Stoneley Road.

1. DETAILS OF PROPOSAL

Approval of reserved matters is sought for the first phase of the Coppenhall East development which is for 215 dwellings with access taken from Stoneley Road. The density is 37 dwellings per hectare.

There will be a mixture of dwelling types and sizes ranging from one to five-bedroom family homes 10 bungalows are proposed along the Stoneley Road boundary in accordance with Condition 32 of the outline permission. 33 units. (2 x 1 bed; 13 x 2 bed and 18 x 3 bed units) are proposed to be affordable dwellings, in accordance with schedule 5(1) of the Section 106 Agreement. This will assist in meeting the requirements of the outline planning permission and addressing the identified housing needs. The market units mix is: 23 x 2 bed; 90 x 3 bed; 64 x 4 bed and 5 x 5 bed roomed units.

The main access to the site as approved by the outline permission is shown coming through the former Cross Keys PH onto a new roundabout on Remer Street although this access will not be provided until the occupation of the 151st dwelling.

2. RELEVANT PLANNING HISTORY

11/1653N Outline planning for the Erection of 650 Dwellings, a Public House, a Local Shop and Associated Infrastructure and Open Space Provision Together with the Demolition of the Former Cross Keys Public House – granted subject to S106 Agreement 23 September 2013

3. PLANNING POLICIES

Local Plan Policy

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that,

Unless other material considerations indicate otherwise, decision-takers may give Weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE13 – Flood Risk and Water Management

Other Material Policy Considerations

None

4. OBSERVATIONS OF CONSULTEES

Brine Compensation Board: This site is just outside the Consultation Area. However, the natural dissolution risk from the presence of rocksalt below the site is still a potential stability issue which needs to be addressed by the applicant.

Environment Agency: We have no objection in principle to the proposed development but we would like to make the following comments (and suggested conditions).

Flood Risk

The submitted Drainage Report is a summary of the drainage for the proposed residential development. The Report explains that surface water is to discharge to an existing sewer at a maximum rate of 75 litres/second, (from the whole proposed development), which has been

agreed with the water company. This discharge rate is below the 'greenfield' runoff rate (Qbar) and is acceptable in principle.

The Report explains that attenuation is to be provided for up to the 1 in 100 years plus climate change event, in oversized pipes and in areas of public open space. This is acceptable in principle.

The Report does not include calculations for this phase therefore our position at the outline stage remains.

Condition

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Drainage Report explains that surface water is to discharge to mains sewer and the water company has confirmed a maximum discharge rate of 75 litres/second from the whole development. The Report also explains that attenuation will be provided for discharges above this rate up to the 1 in 100 years plus climate change event, in oversized pipes and in areas of public open space. This is acceptable in principle.

During times of severe rainfall overland flow of surface water could cause a flooding problem. 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.

As such we request that the following planning condition is also included on any decision approval.

Condition

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

United Utilities : No reply but as part of the outline application raised no objection subject to the following condition

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway or watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

This condition remains extant.

Environmental Health

- The hours of demolition / construction works taking place during the development (and associated deliveries to the site) shall be restricted to:

- Monday – Friday 08:00 to 18:00 hrs
- Saturday 09:00 to 14:00 hrs

- Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:
 - Monday – Friday 09:00 – 17:30 hrs
 - Saturday 09:00 – 13:00 hrs
 - Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:
- The method statement shall include the following details:
 - Details of the method of piling
 - Days / hours of work
 - Duration of the pile driving operations (expected starting date and completion date)
 - Prior notification to the occupiers of potentially affected properties
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Highways: No objections

5. VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council: Wishes to see further information to allay concerns in relation to highways provision, sustainable transport and general plans to mitigate the impact of the construction phase.

6. OTHER REPRESENTATIONS

Five representations of objection have been received from neighbouring occupiers on grounds of lack of need, loss of rural area, increased traffic and added congestion, the Victorian sewerage/ drainage systems can not cope as it will be worsened by more dwellings.

7. APPLICANT'S SUPPORTING INFORMATION:

To support this application the application includes the following documents;

- Planning Statement and Design Justification (Nathaniel Litchfield)
- Lighting Plan (Hattron Ltd)
- Statement of Landscape Design and Landscape Framework (TEP)
- Landscape Management and Maintenance Plan (TEP)
- Air Quality Assessment (SLR Consulting)
- Arboricultural Impact Assessment (TEP)
- Drainage Report (Betts Associates)
- Residential Travel Plan (Croft TS)
- Detailed Design and Layout for the Proposed Great Crested Newt Habitat Area (Avian)

- Statement to Discharge Highway Conditions (Croft TS)
- Construction Method Statement (Taylor Wimpey)

These documents are available to view on the application file.

8. OFFICER APPRAISAL

Principle

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

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

Highways

Site Access and Internal Arrangements

The site is accessed by a new junction from Stoneley Road and the improved Remer Street roundabout. This arrangement was approved at the outline planning permission stage.

The main access to the site is shown through the former Cross keys PH onto a new roundabout on Remer Street although this access will not be provided until the occupation of the 151st dwelling.

The main principal routes indicated on the layout plan does accord with the outline masterplan for the complete development although in design terms the roads do not promote low traffic speeds as would be expected in a residential development.

The amount of frontage parking on the west of the site has been reduced from the initial submission although there are still areas that have a number of car parking spaces side by side. Although these design issues are not ideal the Strategic Highways manager does not consider this warrants a refusal.

The amount of car parking provided for each of the dwelling types complies with CEC standards which is considered to be acceptable.

There is an internal construction compound within the site with parking facilities, a construction traffic routing plan has been submitted and all traffic is to use Groby Road and Stoneley Road. The routing of construction traffic on these roads would avoid predominately residential areas and also the traffic flows are generally low.

The first phase of the development, relating to access, on-site infrastructure, car parking and pedestrian/cycle routes is considered to be acceptable.

Drainage and Flooding

The Flood Mitigation Strategy submitted in support of this application essentially utilises the public open space within the heart of the development site which is to be utilised as a detention pond as

part of the 1:100 year Flood event mitigation. A part of the Strategy two pumps are proposed to the north of the POS/Childrens play space. The POS is the low point of the site and is designed as a sustainable Urban Drainage Solution.

Officers were initially concerned that the POS would be water logged for much of the winter and significant further dialogue has been undertaken between the Council's Flood Risk manager and the developer.

The Council's Flood Risk Manager, upon the receipt of further information has considered the details and subject to the various conditions required by United Utilities and the Environment Agency is satisfied that the drainage design would not have detrimental impact on flood risk to adjacent land or within the site. Drainage arrangements will be progressed in accordance with Environment Agency recommendations and United Utility requirements during detailed design.

United Utilities and the Environment Agency raised no objections subject to the imposition of appropriate planning conditions at outline stage which remain as part of the condition framework of this development. It is therefore concluded that subject to the suggested conditions the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Layout and Design

The application comprises details of scale, layout, appearance and landscaping of phase one of four. A 5 piece LEAP is located to the southern edge of the red edge adjoining an area of Public Open space, which is not included as part of this application, however, but will be utilised as part of the drainage solution for the development from the outset.

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

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

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 35 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey with occasional increases in height to define spaces and to create focal points. This would be limited to just one house type which would be 2.5 storeys in height and there would be just 4 of this type.

The layout plan includes centrally located open space which is well overlooked to all sides together with green buffer planting to the boundaries with the surrounding open countryside. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the Main Street, which is positive in terms of place making provided adequate space is provided. It is welcomed that existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details, brick corbelling details and chimneys. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Middlewich.

Amenity

The closest properties to the site are on Stoneley Road and bungalows are proposed to this boundary in compliance with the condition attached to the outline permission. It is generally regarded that minimum distances of 21m should be maintained between principal elevations and 13m between a principal elevation and a flank elevation in order to provide adequate standards of amenity for existing and proposed dwellings. This layout achieves that.

To turn to the standard of amenity within the site, the scheme achieves the recommended 21m between principal windows, and 13m between principal elevations in the majority of cases.

In terms of air quality, the Environmental Health Officer has requested conditions relating to a travel plan and electrical vehicle infrastructure. However these conditions are not considered to be reasonable and were not attached to the outline consent which considered the principal of development. On this basis, such conditions would now be unreasonable in planning terms.

The developer wishes to undertake construction and piling works at times that are earlier than those times which are suggested by the Environmental Health Officer, who recommends the following hours for noise generative activities (including demolition) to be undertaken

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

And the following hours for piling –

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

However, the developer wishes to work to the following hours –

“For the first three months from the date provided by the developer of the commencement of construction the hours of working will be Monday to Friday 07:00 to 18:00, Saturdays 08:00 to 13:00 and Sundays 10:00 to 14:00 hours with no working on Public Holidays or Bank Holidays.

After the first three months of construction, construction works shall take place Mondays to Fridays 07:00 to 18:00 hours, Saturdays 08:00 to 13:00 hours with no working on Sundays, Public Holidays or Bank Holidays.”

The Environmental Health Officer maintains the suggested hours as being appropriate within the residential context of this site. It is considered that the required hours suggested by the Applicant are excessive and are likely to result in an unacceptable impact upon the amenity of the existing residential community around the site, particularly the suggested Sunday working.

Subject to the construction works according with the hours required by the Environmental Health officer the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Landscape

Existing trees and hedges are retained where possible to provide a mature landscape structure. The proposals include a variety of formal and informal open spaces that are linked by existing and proposed footpath and cycleway routes to form a good Green Infrastructure network throughout the site. Whilst some hedgerow and tree removal is necessary to facilitate the development, compensatory planting with the use of native species is proposed.

The scheme retains the majority of the existing hedgerows in particular the high value hedgerows and trees which will be assimilated into the new development and form a mature landscaped setting.

The retained hedgerows will be located in public areas rather in private backs of houses. It will enhance and provide an aesthetically pleasing setting within public areas. In particular, the pedestrian only link which connects the central open space area with the western part of the development provides an important landscaped feature to the site. The retained hedgerows will also help to encapsulate and define edges to the open space amenity areas.

Public open space will form the heart of the development and is located centrally in a highly accessible location to both the residents of the new development and those in the vicinity. The proposed central green space will be retained. A strong green link will be created linking the existing community with the development, promoting integration reinforced by a clear attractive tree lined vista into the development encouraging people to use the central space, relocated shop and public house.

The landscape architect has considered the proposals and advises are well designed comprising of an attractive site entrance, a tree lined main access road, a village square and children's play area which is a focal point at the heart of the site. The central POS is linked by footpath to an area of formal highlight planting around a centrally located road junction which connects to a green footpath route along a retained, high quality hedgerow.

The existing public footpath route is upgraded to a cycleway and is largely set within a tree and hedge-lined corridor that will eventually link the ecological mitigation area to the central amenity open space to form a wildlife corridor. However, the pumping station which comprises two rectangular areas of hardstanding enclosed by weldmesh fencing and hedges located at the north western corner of the central POS creates a narrow pinch point between the play area and the formal feature planting area which will detract from the otherwise attractive, flowing design. It is however accepted that the pumping stations that have been designed and located at this point are a fundamental requirement for the drainage of the site and the adjoining Open Space, which is

being used as the Sustainable Urban Drainage solution for the site entire site (including the later phases).

Phasing of landscape works

The Landscape Strategy Report confirms that the landscape works will be implemented as follows:

Habitat area – prior to 1st occupation

Village Square and Play Area – completed prior to 50% occupation

Entrance Boulevard- completed prior to occupation of 151st dwelling and at the same time as the Cross Keys highway works are completed.

The hard landscaping has been amended to provide for shared surfacing to the main square elevation and at key focal points throughout the development.

Overall the landscape architect considers the landscape treatment to be acceptable.

Ecology

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

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

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

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts currently reside in a permanent waterbody to the north of the site. This pond is currently being used as a breeding pond and supports a small population of newts. The landscape scheme will safeguard an area of land to the north of the site to ensure retention of this pond and enable the construction of further 5 ponds to provide increased habitat opportunities.

An outline great crested newt mitigation strategy was previously submitted in support of the outline planning application of this site.

This application is supported by a detailed specification for the layout of the great crested newt mitigation area and an indicative timetable for implementation in accordance with condition 14 of the outline consent.

The detailed strategy submitted to discharge this condition includes the retention of the existing breeding pond and the provision of 5 new ponds. Acceptable designs for the proposed ponds have been provided.

The area of land within the habitat area has however been reduced to 1.3ha and the number of hibernacula reduced to 20. The habitat area will now however be linked to the future open space areas within future phases this which will provide secondary habitat for great crested newts. This has implications for future phases of the development as there would be a requirement to include an element of habitat creation in the open space areas linked to the mitigation area.

The proposed habitat area is of sufficient size to maintain the current great crested newt population.

Finally, the newt mitigation area must be safeguarded from public access from the adjacent public footpath. A thorny hedgerow is proposed for this purpose which will be augmented by a post and wire fence which will remain in place until the hedgerow is mature.

Grass snake

Since the determination of the outline application grass snakes have been recorded to the south of the red edge of this reserved matters application. The ecologist advises the proposed mitigation for great crested newts would for the most part also address the risk of grass snakes being killed or injured during the construction phase and the proposed enhanced terrestrial habitat would also at least partially compensate for the loss of habitat for reptiles. An acceptable reptile mitigation strategy has now been provided.

Submitted Management Plan

A period of 10 years management is being proposed which is considered to be acceptable.

CONCLUSIONS

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

and noise implications with the appropriate mitigation in the form of hours of work conditions as required by the Environmental Health Officer.

This reserved matters application is acceptable. The conditions attached to the outline permission are extant and are equally applicable to this application and are therefore not repeated.

The drainage conditions required by the Environment Agency are also contained on the outline permission which are read in conjunction with this decision, and accordingly do not need repeating.

RECOMMENDATION

Approve subject to the following conditions

1. Plans

Materials as per application with exception of Hanson 'Harvest Village Multi' – which is not approved

2. Further report to be submitted in line with Brine Compensation Board requirements, Implementation of recommendations

3. Landscaping Implementation

4. Ecological Mitigation to be as per submitted Great Crested and Reptile Mitigation Strategy and timetable

5. Hours of construction /piling in accordance with EHO requirements

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 Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



This page is intentionally left blank

Application No: 13/5290W

Location: LAND AT LEE HILLS, CROKER LANE, SUTTON

Proposal: Periodic review of mineral permission 5/97/1502P under the Environment Act 1995

Applicant: R RATHBONE

Expiry Date: 09-Mar-2014

REASON FOR REPORT

An application has been made under the Environment Act 1995 to seek a formal postponement of the periodic review of mineral permission at Croker and Lee Farm Quarry, Sutton, Macclesfield.

SITE HISTORY AND CONTEXT

Croker and Lee Farm Quarry is located in a remote, elevated position approximately four miles to the south east of Macclesfield. Vehicular access is taken from A523 via the unclassified Old Leek Road.

One property lies adjacent to the quarry access road although it lies approximately 200m from the current working areas of the quarry. Three further residential properties lie within 150m and 200m (approximate) of the quarry. The Gritstone Trail crosses the site on its eastern fringe.

The site lies immediately adjacent to Ratcliffe Wood, Gawsworth Common and Whitemoor Hill Grade B Site of Biological Importance (SBI). It also lies in an Area of Special County Value on the Macclesfield Local Plan Proposals Map along with being partly located in the Green Belt.

Planning permission for the quarrying of silica stone was granted in 1952 which permitted the extraction of an area of 26ha for silica stone until 22nd February 2042. This permission was then reviewed in accordance with the Environment Act 1995 and a new set of planning conditions were issued in July 1999.

Silica stone is mainly used in road making materials and demand for this mineral has dropped in recent years. As such, extraction at the site has continued on a sporadic basis as and when there has been a demand for aggregates. The material is extracted using tracked hydraulic excavator and dump truck. The requirements of the extant planning permission are that the site is worked in a phased manner with rolling restoration such that each phase is restored immediately after the cessation of stone extraction prior to the next phase being worked; with no more than 3 hectares of land being stripped of soil at any one time.

The extant permission approved the restoration of the site to agricultural land. The outer flanks of Lee Hills have now all been restored and Croker is continuing to be quarried as and when contracts for stone are won with some restoration anticipated in 2015. Despite this, large sections of the site remain unworked. The applicant has indicated that there are substantial mineral reserves remaining at the sites, somewhere in excess of 5 million tonnes. Current extraction rates are low averaging between 10,000 to 20,000 tonnes per annum.

The planning permission provides for working between 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours Saturday; and restricts heavy goods vehicle movements to 30 per day (15 in and 15 out). The conditions also provide controls over working practices, environmental impacts and site restoration.

BACKGROUND TO THE REVIEW OF MINERAL PERMISSIONS

The Environment Act 1995 (Section 96) placed a duty on all Mineral Planning Authorities (MPAs) to review and update planning permissions for mineral sites which were granted planning permission under the Town and Country Planning Acts between 1948 and 1983; and to then undertake a periodic review of the conditions thereafter. This process is known as the Review of Old Mineral Permissions (ROMP).

The purpose of the ROMP review is to allow MPAs to update older mineral planning permissions to bring them into line with modern standards of environmental protection and planning control, and to impose modern restoration and aftercare conditions. Under the legislation this process cannot remove the right to extract minerals as it is only the nature and scope of the planning conditions which is under review. When the review is completed a new planning permission is issued with updated conditions attached.

The Environment Act 1995 placed an automatic duty on MPAs to require a periodic review of the planning conditions of mineral sites every 15 years following the determination of the initial review. Failure of land/mineral owners to submit applications for the determination of new sets of conditions would trigger an automatic suspension order and could then lead to a prohibition Order being issued which would mean the relevant permission would cease to have effect.

The Environment Act 1995 also allowed land/mineral owners to apply to the MPA to postpone this review where the existing planning conditions were judged to be satisfactory so as to avoid an unnecessary review. Mineral Planning Guidance 14 (MPG14) made it clear that applications for a postponement of the review should not seek a small extension of time, but should be for 'a reasonable number of years – e.g. 10 to 15 years'. MPG14 also identified that if the MPA did not consider the existing conditions satisfactory the application must be refused. Where the conditions were considered acceptable the application must be granted but the MPA could specify a different date for the new review from that proposed by the applicant. Where the MPA has not given notice of their determination within 3 months of receipt of the request for a postponement, the application is deemed to be approved.

In considering the ROMP review process, it is important to note that the Environment Act has compensation implications to the Authority if the MPA imposes new conditions following a review of the mineral permission that prejudice to an unreasonable degree the economic viability of the operations or the asset value of the site. Economic viability refers to the ability

of the site to produce sufficient revenue to cover all operating costs. Such circumstances may arise if any of the following are restricted:

1. the size of the area of winning and working or depositing of mineral waste;
2. depth of working;
3. height of deposit of mineral waste;
4. rate of extraction or deposition of mineral waste;
5. expiry date of the planning permission(s);
6. total quantity of mineral to be extracted or amount of mineral waste which may be deposited.

Update to Legislation

The Growth and Infrastructure Act 2013 recently introduced further provisions in respect of the ROMP process. This new legislation removes the automatic duty placed on MPAs to undertake the periodic review every 15 years; and instead makes provision for a review to be undertaken at the discretion of the MPA, so MPAs are able to decide whether a review is required and when they take place. The legislation states that the review date may not be any earlier than 15 years from the date of the previous review.

The change in legislation means that MPAs may chose not to review the mineral permission at all, or may chose to review them less frequently than the 15 year review period stipulated under the Environment Ac 1995; equally MPAs may also chose to review the mineral permission 15 years after the original review as per the original legislation required.

In addition, DCLG released new National Planning Practice Guidance (NPPG) in March 2014 which is now a material consideration in planning decisions and replaces guidance contained in MPG14. In respect of the frequency of periodic reviews the NPPG states that MPAs should 'usually only seek a review of planning conditions where monitoring visits have identified an issue which is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address'. It also explains that in respect of applications for postponement, such requests 'should be on the grounds that the existing planning conditions are satisfactory, and, if accepted, mineral planning authorities are encouraged to postpone reviews for 10 to 15 years'.

It is important to note the distinction between the NPPF which contains planning policy and NPPG which provides guidance on how to implement the framework in practice.

Current status of this site

With respect to Croker Farm and Lee Hills Quarry, the initial review of the 1952 permission was undertaken in accordance with the Environment Act 1995 and a new schedule of revised conditions was issued on 12 July 1999 (ref: 5/97/1502P). Under the Environment Act the 15 year periodic review was required by 12th July 2014.

An application to postpone the review of the mineral permission has been submitted by the owner as they consider the existing conditions are both comprehensive and modern and will be adequate to maintain sufficient environmental standards in future years. They are therefore seeking to postpone the review for a 15 year period. The implication of this is that

the planning conditions imposed on consent 5/97/1502P would not be reviewed until 12th July 2029; a period of 30 years after they were originally imposed.

The relevant issue to consider is therefore whether the existing conditions are acceptable, whether there is a need to undertake a review, and whether the 15 year postponement period proposed is an appropriate period of time.

POLICIES

National Planning Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

Minerals Local Plan 1999 (MLP)

Policy 8 – Review
Policy 12 – Conditions
Policy 14 – ASCV
Policy 15 – Landscape
Policy 17 – Visual Amenity
Policy 19 – Archaeology
Policies 22 and 23 – Nature Conservation
Policy 24 – Built Heritage
Policy 25 – Water Resources
Policies 26 and 27 – Noise
Policy 28 – Dust
Policy 33 – Public Rights of Way
Policy 34 – Highways
Policy 37 – hours of operation
Policy 39 – Stability
Policy 41 – Restoration
Policy 42 – Aftercare

Macclesfield Borough Local Plan (MBLP)

Policy NE1 – ASCV
Policy NE11 – Nature conservation interests
Policy NE13 – SBI
Policy BE3 – Conservation areas
Policy BE24 – archaeology
Policy GC2 – Green Belt
Policy RT7 – Footpaths
Policy DC3 – Amenity
Policies DC13 and DC14 – Noise
Policies DC17, DC19 and DC20 – Water resources

Other Material Considerations

National Planning Practice Guidance March 2014

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

CONSULTATIONS (External to Planning)

Highways: All of the current conditions are required to be retained and no changes are considered necessary, the access is acceptable as is the 30 HGV movement limit per day to the site.

Environmental Health: The application has been assessed by Environmental Protection Officers: Public Protection & Health, Air Quality and Contaminated Land. There are no objections to be raised and it is agreed that the current conditions are adequate and relevant as to continue to control any environmental protection issues.

Landscape: The covering letter provided by the applicant lists all the conditions (60) and also includes a plan (Lee and Croker Farms Sutton). There is minimal information on this plan. The Landscape Officer identified a range of information that was required to be submitted to discharge the planning conditions and considered that without the information it was not apparent how the site could be restored to the final contours; and this is the information needed to assess whether restoration can be completed prior to or at the end of the permitted extraction period.

Nature Conservation: None of the extant planning conditions attached to the permission relate to ecological or protected species issues.

Due to the size and location of the consented mineral extraction site there is potential for a number of protected and priority species to occur on site and be adversely affected by the proposed development.

In order to enable the Council to fully assess the ecological impacts of this development the applicant should provide the following, prior to the determination of the application:

- Extended Phase 1 Habitat Survey - Carried out to evaluate all habitats within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey with incidental records of any other species encountered. Where any uncommon, BAP or protected species or habitats, including semi-improved grassland, are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Great Crested Newt survey/assessment of any ponds within 250m.
- An assessment of the potential impacts of the proposed development In accordance with the IEEM guidelines (2006)
- Mitigation/compensation proposals for any adverse impacts identified during the above assessment.

There are a number of conditions relating to restoration, which seem to be geared to restoration to agricultural usage. Conditions 5 f (iii) and 24 prohibit the importation of materials to raise levels so the final contours will be based on what material can be moved internally with the previous sub and top soil replaced.

The restoration of the quarry provides an opportunity to create Biodiversity Action Plan priority habitats, particularly unimproved grassland. This would require the re-instatement of the subsoil and possibly a minimal volume of top soil and then either the sowing of an appropriate seed mix or allowing the site to recolonise naturally. The quarry is located adjacent to the 'Ratcliffe Wood, Gawsorth Common and Whitemoor Hill Site of Biological Importance' consequently natural colonisation would be the favoured option from an ecological perspective.

There would be a need for some aftercare and long term management through an appropriate grazing regime to secure the long term viability of the resulting habitats.

Environment Agency: raise no objection but make the following comments. As presented, the extant conditions, plan and correspondence do not appear to clearly define the basal level and the extent of the proposed mineral extraction, or provide evidence that any hydrogeological Impact assessment has been carried out in respect of the proposed development and its likely impact on water resources.

In 1997, within three months of grant of permission, Condition 5F required the developer to define the final depth of extraction and assessment of the volumes of stone to be extracted and spoil volume to remain on site.

It is not known if this has been done, but this plan would be useful in part to simply screen the likely impact of this development.

The size of the site suggests that an Environmental Impact Assessment (EIA) would probably be required, and the nature of the development, which includes excavation to depth, in aquifers where local properties may have a dependency on private non-mains water supplies, suggests that the EIA should incorporate a Hydrogeological Impact Assessment (HIA) and a water management plan.

If passive or active derogation of water levels or flows in local strata are likely to be caused by this development, the water management plan should include a programme of water monitoring and perhaps agreed mitigation measures to be implemented in the event of unacceptable impact on neighbouring interests. No operational water management plan is presented with this consultation, although existing Conditions 5B, 5C and 5D did require the applicant to address some aspects of the management of water and drainage in 1997.

It is not clear where the development currently obtains its water supply from for dust suppression or other quarry related activities, or where and how effluent and drainage from the working quarry area(s) is managed and disposed of. We currently have no record of any permits or permit applications in respect of abstraction of water for use at the site, or in relation to any discharges of effluent. Local properties are likely to be dependent upon groundwater-fed supplies that might be affected by the proposed development.

This quarry is also a site for which we have no record of a mining and mineral waste permit application, although the lack of information in this consultation does not make it clear if such a permit is likely to be required. Recent aerial photographs (April 2011) appear to show a mineral processing activity taking place in association with this permitted mineral extraction, but on land to the north of, and outside the permitted quarrying activity boundary (SJ 9285, 6959). It is not clear if this activity is an integral part of this planning permission, or something separate.

For Information

A Hydrogeological Impact Assessment should clearly identify the geology, geometry and nature of the mineral deposit to be worked, and the groundwater levels associated with it and neighbouring strata and local water features.

The one drawing submitted with this consultation does not clearly define the proposed extent and basal level(s) of the intended excavation(s), or how these may relate to the geological structure or local water resources or their dependencies. If a modern water management plan, Hydrogeological Impact Assessment and a set of hydrogeological mitigation measures have not yet been established for this site, the review of conditions should be required to redress this failing as soon as possible, especially if there is an unconstrained depth of working that could impact upon local water dependencies.

Recent aerial photographs also appear to indicate that excavation may have taken place much closer to the site red-line boundary than allowed by condition 30, and the presence of standing water in lagoons in at least two places within the excavations suggests that the development has already encountered groundwater.

Further comments received 25th February 2014

In response to the views of the agent that the Environment Agency (EA) /Local Planning Authority has already historically been provided with the relevant information; they make the following comments:

If the applicant/agent feel we should already hold copies of Planning-related 'detailed reports' that qualify the hydrogeological impact of the proposed workings; and the current phasing and status of the workings etc, they should be made aware that we do not currently have copies of those reports; nor do we have a record of them, or having been asked to keep copies of them for long term future reference.

If these reports were supplied through the Town and Country Planning process, then perhaps as regulator Cheshire East can supply copies from their archive, or, if such reports were submitted in respect of Environment Agency permits for the site, then it would be helpful if the applicant would provide details of the relevant EA permits involved, so that we can interrogate the appropriate EA permit archives.

Otherwise, we would like the applicant to re-submit copies of these documents in support of the current application, along with updated monitoring data and phasing plans etc where appropriate.

Natural England: This application does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONB's, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land).

We understand from the applicant's letter that they are applying for a postponement of the periodic review of the conditions attached to the extant mineral permission 5/97/1502P dated 12 July 1999. We hold no detailed Agricultural Land Classification (ALC) survey information for this site. An alternative source of ALC information is the published 1:250,000 series Provisional ALC map. This shows your area of interest as lying within an area shown as Grade 4 and Grade 5 land.

However, this map is designed to give an indication of land quality at a strategic level. It does not show the breakdown of Grade 3 into Subgrades 3a and 3b, and it has a minimum map unit of 80ha. Consequently, it is not suitable for site specific assessments, for which a more detailed field survey may be needed.

The existing permission includes some 21 conditions that seek to ensure the eventual satisfactory restoration of the site and cover topics such as soil stripping and handling, methods of working, restoration and aftercare. In our view these conditions are satisfactory given the scope and detail of the matters they cover and meet the requirements for

restoration and aftercare of mineral sites as set out in the Technical Guidance to the National Planning Policy Framework (March 2012) and Annex M, MPG 142, with regard to reclamation conditions and schemes.

Canal and Rivers Trust: no comments

Sutton Parish Council: raises no objection

OFFICER APPRAISAL

The NPPG outlines a range of matters to consider in respect to the imposition of mineral planning conditions. This includes:

- type of mineral;
- nature and extent of existing working;
- the location of the site;
- the length of time that minerals extraction has taken place at the site;
- land quality and proposed after-use; and
- the availability of suitable restoration materials.

Policy 12 of MLP also identifies aspects of mineral development that should be controlled by planning condition. Whilst this is largely applicable to new applications for mineral planning permission rather than ROMP reviews, it nonetheless outlines key considerations which include:

- timescales of operations;
- noise, dust, illumination and vibration levels;
- house of working and maintenance;
- satisfactory access, road safety and vehicular management;
- pollution control measures;
- impact of built development;
- satisfactory disposal of quarry waste;
- phased operation and restoration commensurate with the rate of extraction;
- visual impacts;
- stability and support of surrounding land;
- protection of public rights of way;
- satisfactory reclamation of the land;
- good soil handling practice.

The conditions attached to the extant planning permission largely cover these considerations; albeit some in more depth than others. The conditions cover the broad approach of the NPPF (and the accompanying technical guidance document/NPPG), the MLP and the 'Good Practice Guide for Mineral Planning Conditions' produced by Planning Officers Society for Wales. They also provide some degree of control over the general quarry working and site restoration.

Whilst there is no statutory requirement to undertake consultation and publicise requests for postponement of the review date, the Authority has provided key consultees and

neighbouring properties with the opportunity to comment on proposed postponement of the periodic review. No representations have been received from local residents and there are no recent records of any complaints being received in connection with this quarry; indicating that the existing planning conditions are operating effectively to ensure no detrimental impact on residential amenity arises from the quarrying activities. In addition the statutory monitoring reports undertaken by the Monitoring and Enforcement Officer identify that the site has been operated in compliance with the planning conditions.

In such situations it is noted that the NPPG advises that a periodic ROMP review is not normally required. However the legislation still provides the MPA with the option of undertaking a review where the existing conditions are not considered satisfactory. It is also noted that the site has not been intensively worked for a long period of time, and the permission allows the site to be worked until 2042 at a much greater rate than is currently being experienced.

Planning legislation requires MPA to also have due regard to all the information about the likely effects of a development on the environment in the decision making process. The agent has provided the minimum information necessary to meet the statutory requirements for the ROMP postponement request; namely:

- a copy of the existing conditions;
- the reasons why the mineral operator considers the conditions to be satisfactory; and
- the date which they propose for the new review

Despite this, consultees remain concerned over the ability of the conditions to control the impacts of quarrying on the environment, in the absence of any up to date and comprehensive information on the current environmental conditions of the site and impacts of the development over the next 15 years. In particular these relate to the following matters.

Nature Conservation Impacts

The NPPF and MLP Policy 9 requires there to be an evaluation of the likely effects of any development on nature conservation assets; and where adverse effects are identified, provisions for appropriate mitigation to be secured.

The original planning permission for mineral extraction granted in 1951 (Ref: 5/5/842) contained no provisions for protecting nature conservation assets. Equally the extant consent does not include planning conditions to address the impacts of continued quarrying activities until 2042 on protected species and their habitats; nor does it provide any mechanism to secure mitigation where adverse effects may arise.

The quarry has significant mineral reserves remaining and large parts of the site remain unworked. The current planning conditions require that only those parcels of land which are about to be worked are stripped, with the remainder of land in future phases left undisturbed. Equally there are long periods of time where there is no activity on site due to the low demand for this mineral. In view of this, and given the location of the site in a rural landscape surrounded by open land and vegetation which could be of some ecological value, there is potential for a number of protected and priority species to be present on the site or to become re-established on site in periods of inactivity which could be adversely affected by the continued quarrying activities.

As such, in order to ensure that the full ecological impacts of the quarry activities have been appropriately assessed and mitigated, the Nature Conservation Officer considers that the following information is required:

- Desk based study including a search of biological records held by the Local Biological Record Centre;
- Extended Phase 1 Habitat Survey to evaluate all habitats within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species; and should these be found, specific surveys should be carried out;
- Great Crested Newt survey/assessment of any ponds within 250m;
- An assessment of the potential impacts of the proposed development in accordance with the IEEM guidelines (2006);
- Mitigation/compensation proposals for any adverse impacts identified during the above assessment.

Whilst the applicant has stated that environmental information was provided at the time of the original review to address the impacts of quarrying on nature conservation assets, this information is not available in the consideration of this application and as such the MPA is unable to ascertain if this issue has been properly considered. Furthermore, such environmental information would now be in excess of 15 years old and therefore would not present an acceptable baseline to assess the ecological value of the site and the implications of continued quarrying for a 15 year period on nature conservation assets.

In view of this, and in the absence of any conditions concerning nature conservation assets; it is considered that the planning conditions as currently drafted do not provide adequate protection for features of nature conservation interest on the site, nor do they provide for mitigation of any adverse effects arising from the quarrying through each phase of the development. This does not accord with the general approach of national planning policy and MLP.

Impact on water resources

The extant conditions require the submission of schemes detailing the methods of working; drainage arrangements for the site and final depth of extraction. The applicant has stated that this information has historically been provided to the Environment Agency although this was not supplied to the Authority to support the request for a postponement of the periodic review of the consent and is not available in the consideration of this submission.

The Environment Agency (EA) have raised concerns over the lack of information regarding the extent of the proposed mineral extraction including final proposed depths, volume of material to be extracted and spoil remaining on site. They identify evidence from aerial photographs of standing water in lagoons in at least two places within the excavations which suggests that the development has already encountered groundwater. Concern is also raised over the lack of evidence to demonstrate that a hydrogeological Impact Assessment has been undertaken; or that hydrogeological mitigation measures have been established, especially if there is an unconstrained depth of working that could impact upon local water dependencies. They also note the lack of clarity regarding operational water management on site and how

the effluent/drainage is disposed of. Whilst the applicant maintains that this information has historically been supplied to the EA, this is not available to inform the consideration of this submission, and the EA remain concerned that these issues have not been adequately addressed.

Equally, given the timescales when this information was supplied (provided to discharge planning conditions imposed 15 years ago) it is assumed that the age of this data would not fully reflect the current site and hydrological conditions given that mineral extraction has continued in the intervening period which would have modified the site's topography and associated hydrogeology. In view of the lack of environmental information on the current condition of the site and impacts of the quarrying in forthcoming years, it is not considered that the conditions on the extant consent are sufficient to ensure the quarrying activities over the next 15 years would not present unacceptable impact on ground and surface water quality, supply and flow and do not ensure that sufficient mitigation can be secured against any adverse impact generated in each phase of development as required by NPPF and MLP Policy 25.

Landscape impacts and restoration of the site

The conditions on the extant consent require the submission of a scheme outlining the method of working and final restoration contours, final depth of extraction, and phasing of restoration. This was necessary as insufficient detail was provided in the original ROMP submission in 1997 to ensure that the restoration of the site to agriculture could be achieved and that an appropriate landform would be created relative to the surrounding landscape given the resultant landform that would be created by quarrying activities on the site.

None of this information has been provided with this submission, nor is it available to inform the determination of this case, although the applicant states that this has historically been provided. The Landscape Officer considers that without such information, it is not apparent how the site could be restored to the final contours; and whether a satisfactory restoration scheme can be achieved at the end of the extraction period. Whilst it is noted that there are conditions in place to secure the submission of details of the final site restoration and how this would be achieved; it is not apparent from the information available that this issue has been fully addressed to demonstrate that the site can be restored to an acceptable level; and it is unclear whether additional conditions are required to address any gaps in provision of information, or matters yet to be resolved.

As such the MPA is unable to state with any degree of certainty based on the information available, whether the conditions will ensure a satisfactory restoration is achieved taking into account the availability of material and result landform created at the end of quarrying activities as required by NPPF and MLP Policy 41.

Other matters

The Environmental Impact Assessment Regulations 2011 require that planning authorities, before deciding whether to grant planning permission for new development which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects and takes this into account in the decision making process.

The 2011 EIA Regulations identifies those projects where an Environmental Impact Assessment (EIA) is mandatory (defined as 'Schedule 1 development'). This includes all quarries where the surface area of the site exceeds 25 hectares. In this case, the site covers an area of 32 hectares; and at the time of the original ROMP review, the active area for extraction was identified as 26 hectares. However, this is not a new application for planning permission but a review of the existing planning conditions.

When the initial ROMP review for this site was undertaken in 1999, the legislative guidance at the time considered that, because the reviews did not grant permission for mineral extraction but merely introduced up to date operating conditions, there was no need to apply the provisions of the EIA Directive because the consent which allows a quarry to operate is the mineral permission to which it is subject, the imposition of new operating conditions was not considered to be a 'development consent' within the meaning of the Directive. As such, despite falling within the definition of Schedule 1 of the EIA Regulations, the ROMP review was not screened for the need for an EIA and the provisions of the EIA Directive were not applied.

However, a High Court Judgement made shortly after this time determined that the imposition of new conditions by the mineral planning authority was a 'development consent' under the EIA Directive, and thus it was established that the need for an EIA also applied to the ROMP review process (and revised EIA Regulations were issued in 2000 as a result). The resultant guidance from DCLG (Environmental Impact Assessment and Reviews of Mineral Planning Permissions) makes it clear that new conditions may not be determined for the remaining permitted mineral development without the MPA having considered all the information about the likely effects of the development on the environment. It also identifies that in the case of periodic reviews, the need for an EIA should similarly be considered.

Due to the timescales of the original review of conditions on this site in relation to this change in legislation, the need for an EIA was not considered in the course of the original romp review. Should this application to postpone the periodic review be refused; the subsequent review of mineral conditions that would be undertaken would fall to be considered under the EIA Regulations.

CONCLUSION

The operation of a mineral site can significantly change its impact over its lifetime and standards of society can also change; as such it is important to consider whether there is a need to review the planning conditions to ensure modern standards are met. The change in legislation brought about by the Growth and Infrastructure Act 2013 removed the automatic requirement for the periodic review of mineral permissions; but nonetheless provides MPAs with the power to undertake such reviews where the existing conditions are not deemed to be satisfactory.

The mineral operator has applied to postpone the periodic review of the mineral permission for a further 15 year period as they consider the existing conditions to be acceptable to control the impacts of development. Whilst it is accepted that there have been no recorded complaints and the monitoring officers reports do not indicate any problems with current activities; it is also noted that the site has not been worked intensively for some time but

quarrying activities can be heavily intensified at any point in the future until 2042 when the permission expires should a change in economic circumstances arise.

Planning policy is clear that authorities should have due regard to all the information about the likely effects of a development on the environment in the decision making process. It is the applicant's view that sufficient information has historically been provided through the initial ROMP review and in discharging conditions on the consent thereafter. However this information is not available to the MPA at the current time, and such information is unlikely to present an acceptable basis upon which to establish current site conditions given that the data was prepared to support an application 15 years ago; and the site has continued quarrying in the intervening period which has altered the environmental conditions of the site during this time.

It is the view of the MPA that a postponement of the periodic review of mineral permissions should not be determined without the MPA having considered all the information about the likely effects of the development on the environment and take this into account in the decision making process. For the reasons outlined above it is considered that insufficient information is available to demonstrate that the conditions which were imposed 15 years ago remain acceptable. On this basis it is considered that the request for the postponement of the periodic review of conditions for a further 15 year period should be refused; and that the full review of conditions should be progressed.

Recommendation

That the Interim Planning & Place Shaping Manager be authorised to issue a letter of refusal for the postponement request detailed above and seek a full periodic review.

Annex A: Existing Planning Permission**SCHEDULE OF CONDITIONS**

FILE REF: 5/97/1502P

MACCLESFIELD, SUTTON, LAND AT CROKER FARM. THE SUBMISSION OF REVISED CONDITIONS FOR QUARRYING AS REQUIRED BY THE ENVIRONMENT ACT 1995.

SCHEDULE OF REVISED CONDITIONS SUBMITTED IN ACCORDANCE WITH THE 1995 ENVIRONMENT ACT

SCOPE OF PLANNING PERMISSION

- 1 This planning permission shall provide for the extraction of silica stone only from within the area edged red and identified as Area C on plan 1 which accompanies the application. No other material may be exported from the site.

DURATION OF THE PLANNING PERMISSION

- 2 The extraction of stone from this site shall cease by no later than 22 February 2042. Within a twelve month period following this date or within a twelve month period of the cessation of stone extraction or such other period as may be agreed in writing with the Mineral Planning Authority, whichever is the sooner the restoration and landscaping referred to below shall be completed.

APPROVED DOCUMENTS

3. The development hereby approved shall only be carried out in accordance with the following documents:-
 - A. Application Form dated 28 July 1997
 - B. Submitted Plans
 - i). Plan 1 Location Plan (Scale 1:10 000)
 - ii). Plan 2 Lee and Croker Farms Sutton, (Scale 1:2500) date 7.97 ✓
 - iii). Drawing 2888/1 Topographic Survey land at Croker Farm, Sutton
 - iv). Plan 3 Updating of mineral conditions - phasing. Scale 1:2500. Date Jan 1997.
 - C. Letter from the applicants to Cheshire County Council dated 21 January 1998 relating to phased working, soil handling, quarry waste, restoration., vegetation to be retained, noise annual report and hours of working. ✓
4. From the commencement of the development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved, in accordance with this permission, shall always be available at the site office for inspection during normal working hours.

5. Within three months of the date of this planning permission schemes making provision for the following matters shall be submitted for approval to the Mineral Planning Authority and agreement obtained in writing:
 - a) the number and location of noise monitoring points and the frequency at which monitoring will be carried out and submission of results;
 - b) details of the drainage of the site including the treatment of surface water, the point of discharge, the construction of the proposed settlement pond, its dimensions and those of the pipes connecting it to the discharge point;
 - c) details of proposed location and specification of wheel cleaning facilities;
 - d) details of the measures to be agreed to prevent nuisance from windblown dust, including that arising from traffic on internal site roads, stockpiles, plant etc.
 - e) soil handling
 - i) the existing extent of subsoil and topsoil on the site;
 - ii) the areas in which this material is to be used for restoration;
 - iii) the depths of topsoil and subsoil to be stripped from the site;
 - iv) the manner and location in which the soils will be stripped, stored and replaced;
 - v) the specification of the grass seed mix to be used on any temporary soil storage mounds;
 - vi) definition of stockpile areas, position and height.
 - f) method of working and final restoration contours
 - i) an assessment of the volume of stone to be extracted and spoil to remain on the site;
 - ii) the final depth of extraction;
 - iii) the final contours of the site taking into account i) and ii) above; no importation of waste materials and the need to provide 150mm of topsoil. The site shall subsequently be restored in accordance with the reassessed final contours.
 - g) phasing of soil stripping, extraction and restoration
 - i) the identification of phases of soil stripping, extraction and restoration so that the site is capable of being operated in a manner such that no more than 3 hectares of land is stripped of soils at any particular time and all other conditions referred to within this document would be complied with.

- ii) the proposed phasing should allow for the restoration of extraction phases immediately after the cessation of stone extraction within that phase.
 - h) the number and location of blast monitoring points and the frequency at which monitoring will be carried out and submission of results;
- Following receipt of the written approval of the Mineral Planning Authority the schemes shall be implemented throughout the period of mineral extraction and restoration.
6. Within twelve months of the date of this planning permission, a detailed aftercare scheme for the entire site shall be submitted to the Mineral Planning Authority and agreement obtained in writing. The scheme shall include subsequent maintenance and aftercare for five years following the restoration of the site or after planting has been carried out, the weeding of the planted area, repairing any damaged fencing and the replacement of any plants which die.

Following receipt of the written approval of the Mineral Planning Authority the scheme shall be implemented throughout the period of mineral extraction and restoration.

WORKING PERIOD

7. Operations authorised by this permission, including heavy goods vehicles entering and leaving the site, shall be restricted to the following period:
- 0730 to 1800 hours Monday to Friday
0730 to 1300 hours Saturdays
- Maintenance of plant and vehicles required in the operations of the site shall be restricted to the following periods:
- 0700 to 1900 hours Monday to Friday
0700 to 1800 hours Saturday
- No such operations shall take place outside these hours or on Sundays or Public Holidays, without the prior written approval of the Mineral Planning Authority.

VEHICLES ENTERING AND LEAVING THE SITE

8. Vehicular access to and from the site shall only be from Leek Old Road as shown on approved plan 2.
9. Measures shall be taken to ensure that no mud or material is deposited onto the public highway. If necessary, additional cleaning equipment of a type to be agreed with the Mineral Planning Authority shall be utilised, such equipment if required, shall be used and maintained to ensure all vehicles leaving the site do not deposit mud or other material on the public highway.

10. Any deposit of mud or other material on nearby highways resulting from the development hereby approved, shall be removed as necessary to the satisfaction of the Mineral Planning Authority.
11. All loads of vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner that no mineral may at any time be spilled onto the public highway.
12. Heavy goods vehicle numbers involved in the transport of minerals from the site shall not exceed 30 vehicle movements per day (15 in and 15 out) when averaged over a calendar week, unless otherwise agreed in writing in advance with the Mineral Planning Authority.
13. Records shall be kept by the operator identifying the number of HGV's both entering and leaving the site and submitted to the Mineral Planning Authority at three monthly intervals during all periods when the quarry is active.

PROTECTION OF PUBLIC FOOTPATHS

14. Public footpaths Sutton 34 and 36, shall remain unobstructed at all times. Any damage to the footpath caused by the development hereby approved shall be rectified to the satisfaction of the Mineral Planning Authority.

SOIL STRIPPING

15. The operator shall give at least 2 days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping from any part of the site.
16. All topsoil and subsoil shall be stripped from any areas to be excavated, or used for the stationing of plant, the storage of overburden and haul roads prior to being traversed by heavy machinery. All topsoil is to be stripped from any area to be used for overburden storage.
17. Quarry plant and vehicles shall not cross areas of unstripped topsoil or subsoil except for the purpose of soil stripping.
18. The stripping and movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage and in dry weather conditions.
19. Topsoil and subsoil shall be stored in separate mounds which do not overlap and in a location and to a form and height identified in scheme submitted and approved pursuant to condition 5e. There shall be no contamination of the two types of soil and they shall be separated by an approved medium to the satisfaction of the Mineral Planning Authority.
20. No topsoil or subsoil shall be removed from the site.
21. Within 3 months of the topsoil and subsoil mounds having been formed they shall be grass seeded and/or planted in accordance with a specification and a scheme agreed beforehand with the Mineral Planning Authority.

22. Throughout the operational life of the site all soil mounds shall be maintained and kept free of noxious weeds.

METHODS OF WORKING

23. No materials from sources outside the site shall be imported into the site for processing, storage or treatment.
24. No waste materials shall be imported onto the site.
25. Prior to any material being imported onto the site for the purposes of maintaining the access/internal roads the type and quantity of such material, together with necessary storage arrangements, shall be agreed in writing with the Mineral Planning Authority.
26. The base of all storage mounds shall be located a minimum distance of 4m away from the outermost spread of the crown of the adjoining trees to be retained.
27. Depth of extraction shall not exceed those identified in the scheme required and approved by condition 5f.
28. The site shall be worked progressively in phases as indicated in the scheme submitted and approved by condition 5g above. No development, except the stripping of topsoil and subsoil shall commence in the working phase until all extraction and restoration has been completed in accordance with condition 49 in the previous restoration phase.
29. The angle of slope of the excavation along the boundary of the site edged red on plan 1 shall not be steeper than 60 degrees from vertical.
30. No mineral extraction shall take place closer than 20 metres of the planning permission boundary edged red on plan 1.
31. No mineral extraction shall take place within areas edged yellow on plan 2 dated July 1997.

PLANT, MACHINERY AND BUILDINGS

32. Notwithstanding the provisions of Part 19 of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990, for the erection, or re-siting of any building, fixed plant or machinery, structure or erection of the nature of fixed plant or machinery within the site.
33. All plant and machinery and buildings on site, with the exception of mobile plant shall be painted Woodpecker / Holly Green (12 B 29) as specified in BS 4800. Thereafter all such plant, buildings, structures and machinery shall be maintained in that colour.

NOISE

34. Except when soil stripping or soil placement operations are taking place, noise from the operations on the site shall not exceed 45 dB(A) Leq (1hr) 1m forward of the siteward side of the nearest noise sensitive property.
35. The best practicable means shall be used on site to minimise noise levels from all plant, equipment and vehicles. This shall include the silencing of plant and machinery, by use of factory fitted sound suppression equipment wherever practicable.
36. Noise levels from soil stripping, bund formation and soil replacement operations shall not exceed 70 dB(A) LAeq (1hour) when measured 1m forward of the siteward side of nearest noise sensitive property. These operations shall not exceed a total of 8 weeks in any one calendar year unless otherwise agreed in writing with the Mineral Planning Authority.

DUST

37. Measures shall be taken to prevent dust blowing off the site. This shall include the use of water bowser to spray access roads, working areas and stockpiles.
38. The water bowser/dust suppression equipment installed in accordance with condition 5d and 37 shall be kept within the site and in full working order at all times and shall be used to water areas within the site at such intervals as may be necessary to prevent the raising of dust.

BLASTING

39. Blasting shall only take place Monday to Friday, within the following hours 1000 hours to 1600 hours. No blasting shall take place on Saturdays, Sundays or Public Holidays.
40. No more than two blasts shall be used in any single working day unless agreed in writing in advance by the Mineral Planning Authority.
41. Audible warning shall be given prior to the commencement of any blasting operations.
42. Ground vibration as a result of blasting shall not exceed an average peak particle velocity of 6mm/second in 95% of the blasts, measured at the ground surface adjacent to the nearest sensitive property. No individual blast shall exceed a peak particle velocity of 10mm/second.
43. Air over pressure resulting from blasting operations shall not exceed 120 dB when measured at the nearest sensitive property.

SURFACE WATER DRAINAGE, POLLUTION CONTROL

44. All surface water from the site shall be discharged into the facilities approved pursuant to condition 5b prior to discharge into any ditch, stream, water course or culvert outside the site.
45. Oil, petrol, diesel oil, and lubricants shall only be stored within an impervious bund or enclosure with a capacity of at least 110% of the larger tank's capacity.
46. No water or other liquid carrying silt or other form of pollution shall be allowed at any time to enter any watercourse or onto adjoining land.
47. There shall be no open fires within the boundary of the site.

SITE MAINTENANCE

48. From the date of this permission until the restoration of the site, the following shall be carried out:-
 - i) the site haul roads from Old Leek Road as coloured purple on plan 2 and dated July 1997 shall be kept free of mud and other deleterious material throughout the operational life of the site. All such material shall be removed immediately to the satisfaction of the Mineral Planning Authority;
 - ii) all plant and machinery on site shall be regularly maintained;
 - iii) the maintenance of fences in a stock proof condition between any area used for authorised by this planning permission and any adjoining agricultural land;
 - iv) all the site including the amenity bunds shall be maintained and kept free of noxious weeds and necessary steps shall be taken to destroy noxious weeds at an early stage of growth to prevent seeding;
 - v) blasting operations shall be monitored by the site operators in accordance with the scheme submitted and approved pursuant to condition 5h;
 - vi) noise from the operations shall be monitored by the site operators in accordance with the scheme submitted and approved pursuant to condition 5a.
 - vii) on the 1 April of each year that the quarry is operational the operators shall submit a plan to the Mineral Planning Authority recording in detail the extent of quarrying and restoration operations carried out on the land during the previous 12 months and setting out the intended operations for the next 12 months. Every four years the report shall be accompanied by a topographical survey

RESTORATION

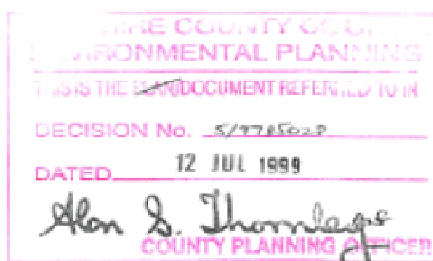
49. The Croker Farm Quarry as edged red on plan 1 shall be restored in full accordance with the schemes to be submitted and approved pursuant to condition 5f

50. All plant, machinery and buildings erected in accordance with this permission shall be:
 - a) removed from the site by the end of the restoration completion period specified in condition 2; or
 - b) removed from the site within 12 months of the cessation of mineral extraction.
51. As areas become available for progressive restoration, internal haul roads/access roads/areas of hardstanding within the area edged red, except those to retained for agricultural purposes, shall be broken up and removed from the site and the land restored in accordance with condition 49.
52. All available overburden shall be spread evenly over the graded surface of the excavation. So that after the replacement of subsoil and topsoil the contours of the restored land conform to the approved scheme and plans required by condition 5f.
53. The subsoil where available shall be spread evenly at a depth of 300mm in thickness in those areas to be restored to pasture. The layer of subsoil shall be ripped to relieve compaction. Stones or other objects greater than 150mm dimension which will impede normal agricultural activities shall be removed from the site or buried on site not less than 2m below final surface.
54. The Mineral Planning Authority shall be notified when Condition 53 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out.
55. After the replacement of the subsoils, topsoil shall be respread evenly at a depth of 150mm over the site the topsoil shall be cultivated to relieve compaction, stones or other objects greater than 150mm dimension which will impede normal agricultural activities shall be removed from the site or buried on site not less than 2m below final surface contours.
56. All operations involving soil replacement and cultivation treatment shall only be carried out when the full volume of soil involved is in a dry and friable condition to minimise soil damage and to maximise the effects of the ripping operations and the ground onto which it is to be placed are dry.
57. The Mineral Planning Authority shall be notified when Condition 55 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out.
58. Following compliance with Condition 55, the land shall be worked to prepare a seedbed suitable for the sowing of grass seeds, and then sown in accordance with the approved seed mix and rate.
59. Topsoil, subsoil and overburden shall not be mixed.

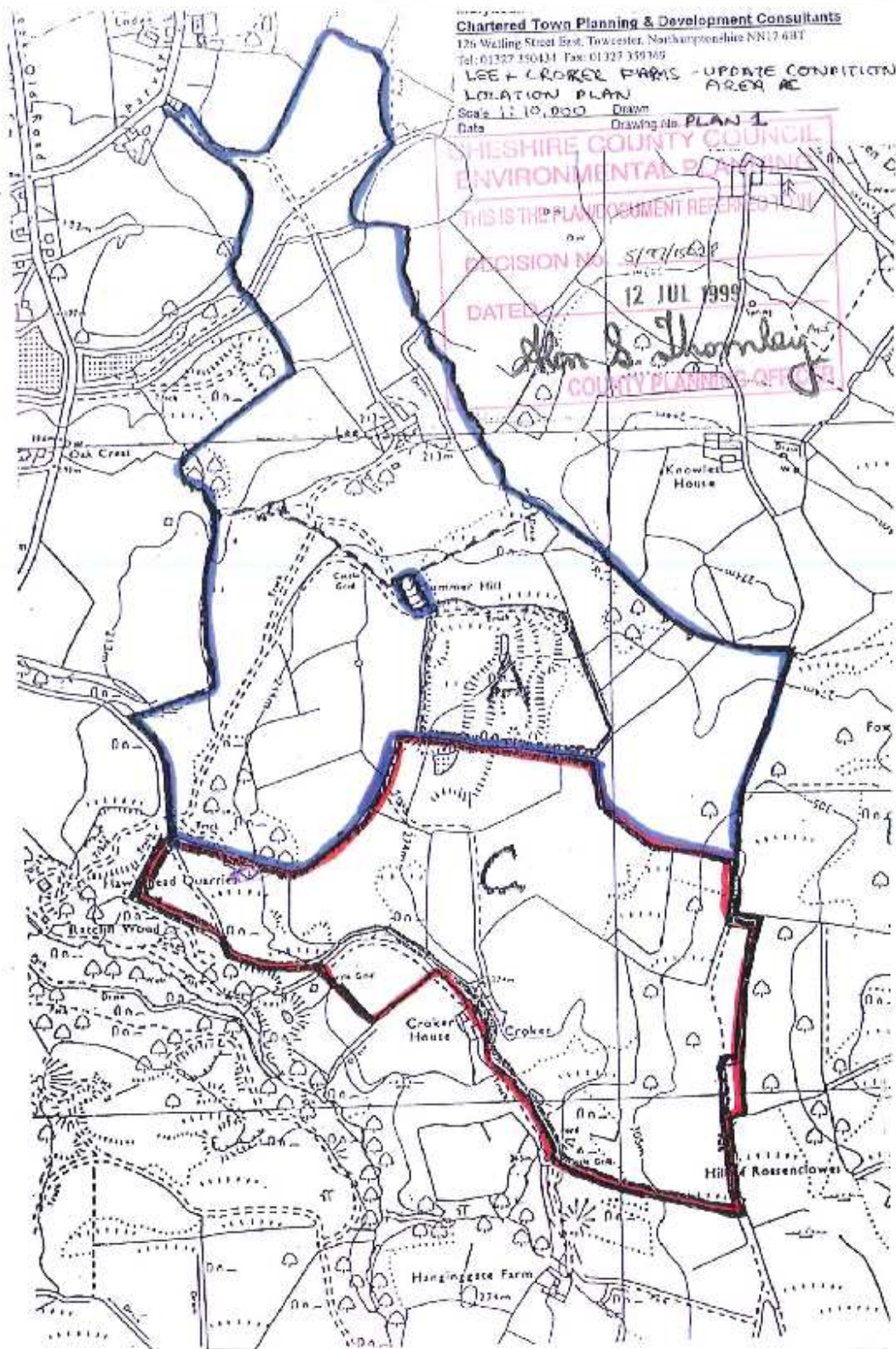
AFTER-CARE

60. The aftercare of the site shall be carried out for a period of 5 years following restoration in each phase in accordance with the approved aftercare scheme or as may be subsequently amended in writing and with the approval of the Mineral Planning Authority.

NB Nothing in these conditions shall relieve the developer from obtaining such consents and approvals to his proposals as may be required from any Public, Local or Statutory Authority or Undertaker, complying with any bye-law, statute or enactment for the time being in force not from observing common law rights.



- 1,23,24,27 For the avoidance of doubt.
28,29, 30.
- 2 In accordance with the Town and Country Planning (Minerals) Act 1981.
- 3,4,8,6,7 To ensure the development is undertaken in accordance with the approved documents and plans.
- 5e,6,16,17 To ensure the eventual satisfactory restoration of the site.
18,19,20,21,
22,27,48iv,
49,50,51,52
53,55,56,57
58,59
- 5a,5d,5h,7 In the interests of the amenity of local residents.
12,13,34,35
36,37,38,39
40,41,42,43
47,48ii
- 5c,8,9,10 In the interests of highway safety.
11,12,13,
48i
- 14,29,30 In the interests of public safety.
- 21,22,33 In the interests of visual amenity.
48iv
- 13,23,24 In the interest of amenity and to enable the Mineral Planning Authority to control
32 the implications of the proposed development
- 14,48iii For the reasons of safety.
- 5b,27,44 To prevent adversely affecting watercourses.
45,46
- 26,30 To protect land outside the site.
- 5f,5g,15 To ensure the development is carried out in an orderly manner.
25,27,28
29,30,31
48v,48vi,
48vii,54
- 6,60 To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by the Town and Country Planning (Minerals) Act.



This page is intentionally left blank

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

- **“Minded To” 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.

This application was submitted on 17-May-2013 and the 13 week target date for determination was 16-Aug-2013. The application was due to be presented to the Strategic Planning Board for determination in December 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

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

A duplicate application (14/0131N refers) has been submitted in parallel with the Appeal Against non-determination to give the Council an opportunity to issue a decision. This will be brought to a future meeting of the Strategic Board.

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.

1. 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

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the

NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The following policies are relevant:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
IN1 - Infrastructure
IN2 – Developer Contributions

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 been 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 is 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 provide 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.

Section106 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 theses 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 m 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 objection s 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. At 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 off 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 travel 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 2020.
- 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-empt 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

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 concerns.

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”.

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 Local Plan Strategy Submission Version now the subject of consultation. This is one of those sites and Policy CS7 states:

The development of East Shavington over the Local Plan Strategy period will be achieved through:

- 1. The delivery of 250 new homes post 2020;*
- 1. The provision of Green Infrastructure including:*
 - i. Allotments or Community Woodland;*
 - i. Open space including children's play space;*
 - ii. Multi Use Games Area or outdoor gym;*
 - iii. Nature conservation area;*
 - iv. Drainage areas;*
 - v. Incidental open space;*
- 2. The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities; and*
- 3. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.*

Site Specific Principles of Development

- a) Consideration of any impact on the Wybunbury Moss Special Area of Conservation (SAC) and RAMSAR site and implementation of any mitigation measures.*
- a) Contributions towards public transport and highways improvements.*
- b) Contributions towards habitat improvements within the Meres and Mosses Natural Improvement Area.*
- c) Contributions towards a planned improvement of Gresty Road and the Crewe Green Link Road.*
- d) Contributions towards education provision.*
- e) Contributions towards health infrastructure.*
- f) Development should incorporate Green Infrastructure and reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposals.*
- g) Provision of SuDS included as part of green infrastructure on the site.*
- h) The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- i) Important hedgerows and trees to be retained and incorporated within the development.*
- j) The development should be supported by an appropriate Travel Plan, including measures to monitor its implementation.*
- k) An up to date archaeological report to be produced, to include appropriate mitigation, if required.*
- l) An up to date contaminated land study to be produced, to include appropriate mitigation, if required.*

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.

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 2013. 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. The supporting text to the plan states at para. 15.125:

As a result of congestion issues around the current access to Crewe Station and the town centre from the southwest of Crewe there are plans between now and 2020 to improve the Station access. These plans will be developed through discussions with Network Rail and HS2 in association with the wider aspirations for Crewe Station.

The planned development around Crewe and growth in the rail network as well as HS2 has led to the pressing need to make changes to Crewe Station and access to it, this need has been recognised by the rail industry. Strategic modelling of the area shows that without changes to the existing pinch points around the Station area, then further development beyond what is committed to the southwest of the Station should be limited until the necessary improvements are in place.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

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

The NPPF 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

Given the highway issues identified above, and the fact that accordingly, the Local Plan Strategy Submission Version does not envisage the site coming forward before 2020, it has not been included as a Strategic Site or site without planning permission which could

contribute to the five year supply. It therefore, follows, that the proposal is not required in order to provide a 5 year supply of housing land, although it will be required to contribute in later years of the plan period.

Conclusion

The site is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development. However, the site is identified in the emerging local plan as a development site for the period post-2020.

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 in excess of 5 years, which does not include any contribution from this site. Therefore there is no justification for the early release of the site, although it will be necessary, acceptable and appropriate in principle to develop it later in the plan period.

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. However, given that this proposal is not required in order to provide a five year supply of housing land, this does not outweigh the potential conflict with the Local Plan Strategy Submission Version in terms of development pre-2020.

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:		
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.		
* Additional parameter to the North West Sustainability Checklist		
Measurements are taken from the centre of the site		

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 the Local Plan Strategy Submission Version 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 fact that this site is identified within the Local Plan Strategy Submission Version and will be required in the long term for housing land supply
- 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 contribution 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 Councils 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, the applicant has undertaken an exercise to balance the potential negative impacts of the development against the benefits of immediate delivery 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.

Whilst the comments of the applicant are noted, it is considered that in the light of the Strategic Highways Managers comments, there would be a severe highway impact arising from the proposal, and in the absence of any agreed scheme of mitigation, the proposal would be unsustainable development and would be contrary to the provisions of the NPPF. It is for this reason that the Local Plan Strategy Submission Version allocates the site for development post-2020 to allow highway infrastructure improvements to come forward.

As this is the only point of concern in respect of this proposal and that in all other respects it is considered to represent sustainable development, and a number of significant benefits, particularly in terms of long term housing land supply for the period beyond the next 5 years, and economic growth would flow from the proposal, it is considered that the application should be approved subject to a condition stating that no development shall take place until post-2020, in accordance with the Local Plan Strategy Submission Version and on the grounds of potential highway impact.

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 Local Plan Strategy Submission Version (but phased until 2020 on the same highway grounds as under consideration with this application). Whilst it is acknowledged that the applicant in this case is a volume housebuilder and evidence has been provided that this site will deliver within the next 5 years, given that the Council can demonstrate a 5 year housing land supply without taking into account any yield from this site, any benefits of early release for development would be minimal and clearly outweighed by the adverse impacts on the local highway network.

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.

The Strategic Highways Manager has objected to the scheme on the grounds that it would result in a severe highway impact at the South Street / Nantwich Road junction and in the area surrounding Crewe Station and that there is no suitable scheme of mitigation which this proposal could deliver to address these concerns. It is for this reason that the Local Plan Strategy Submission Version allocates the site for development post-2020 to allow highway infrastructure improvements to come forward.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and that no objections have been raised by the other relevant consultees, it is not considered that any other adverse impacts such as loss of protected trees or agricultural land significantly and demonstrably outweigh the benefits, such as increased housing land supply and economic growth. Consequently the highway issue is the only point of concern with regard to this proposal, and all other respects it is considered to represent sustainable development.

Accordingly, it is recommended that the Strategic Planning Board, resolve not to contest the Appeal against non-determination, subject to the developer entering into a Section 106 Agreement and the imposition of appropriate conditions, including a condition stating that no development shall take place until post-2020, in accordance with the Local Plan Strategy Submission Version and on the grounds of potential highway impact. However, it will, of course, be necessary for the Council to present suitable highways evidence to the Inspector to demonstrate the need for the phasing condition.

9. RECOMMENDATION

RESOLVE not to contest the Appeal against non-determination subject to the following conditions, and to instruct Officer's to prepare evidence and make appropriate representations to the Inspector to demonstrate their necessity.

- 1. Time limit - No development to take place until 2020.**
- 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

Additionally, given the Appeal is proceeding to ensure appropriate provision of affordable housing and play space provision on site, and off-site ecological mitigation RESOLVE to enter into a S106 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

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 Interim Planning and Place Shaping 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.

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank