

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Monday, 9th December, 2013</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

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

### 3. **Public Speaking**

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

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

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

4. **WITHDRAWN-12/0112M - Land adjacent to the Silk Road and Black Lane, Macclesfield, Cheshire, SK10 2AQ - Part detailed/part outline planning application for a replacement Tesco superstore and erection of retail warehouse units for Tesco Stores Ltd (Pages 1 - 42)**

To consider the attached report.

5. **13/4092C - Land South of Hall Drive, Alsager, Cheshire - Outline application for erection of up to 125 dwellings with associated infrastructure (Resubmission of 12/4150C) for Renew Land Developments Ltd (Pages 43 - 104)**

To consider the attached report.

6. **13/2055N - 138 Sydney Road and land to the north east of Sydney Road, Crewe CW1 5NF - Outline application for up to 240 residential dwellings, open space and new access off Sydney Road for Muller Property Group (Pages 105 - 144)**

To consider the attached report.

7. **13/3032C - Land off Crewe Road, Alsager Cheshire ST7 2JL -Outline application for residential development comprising 110 homes, including 33 affordable homes, to include an area of public open space and children's play area for Persimmon Homes North West (Pages 145 - 172)**

To consider the attached report.

8. **13/2471N - Land at Kingsley Fields, North West of Nantwich, Henhull, Cheshire - Outline application for residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure for North West Nantwich Consortium (Pages 173 - 216)**

To consider the attached report.

9. **13/3764C - Land off Waggs Road, Congleton Cheshire - The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works and other necessary works for Bellway Homes Ltd (Pages 217 - 240)**

To consider the attached report.

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Application No: 12/0112M

Location: Land adjacent to The Silk Road and Black Lane, Macclesfield, Cheshire, SK10 2AQ

Proposal: Part detailed/part outline planning application for a replacement Tesco superstore and the erection of retail warehouse units.

Applicant: Tesco Stores Ltd

Expiry Date: 26-Apr-2012

#### **SUMMARY RECOMMENDATION**

**Refuse**

#### **MAIN ISSUES**

- Principle of the Development
- Loss of Allocated Employment Land
- Retail Policy and Impact on Macclesfield Town Centre
- Layout and Design
- Sustainability
- Amenity of Neighbouring Properties
- Transport, Accessibility, and Parking Provision
- Ecology
- Heritage/Archaeology
- Flooding and Drainage
- Trees and Landscaping
- Planning Benefits

#### **REASON FOR REFERRAL**

The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is approximately 7.41 hectares).

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

#### **SITE DESCRIPTION**

The Barracks Mill site falls within an Existing Employment Area as defined in the Macclesfield Borough Local Plan.

The site covers an area of 7.5 hectares and is located outside the boundary of Macclesfield Town Centre. With reference to the Framework, and guidance which supports it, the status of the site is defined as 'out of centre' being approximately 650m walking distance from the town centre's Prime Shopping area. It is also separated off from it by the topography of the land, major highway and other environmental barriers.

The site is largely made up of an existing Tesco store and car park situated adjacent to the A523 (The Silk Road) and the former Barracks Mill, which lies on the opposite side of the River Bollin and Middlewood Way. The existing Tesco's is situated adjacent to the Silk Road, Hibel Road, Hurdsfield Road roundabout. It is accessed from Hurdsfield Road and egress is onto Black Lane.

There are some residential properties on Black Lane and Withyfold Drive, to the east of the site.

The proposal would necessitate the demolition of all the buildings on both the Barracks Mill side of the river and the existing superstore.

The existing Tesco has a floor area of approximately 6 065 sq. m. and was opened in 1991. The store is predominantly single storey, with a number of tower structures. The store fronts into the site (backs on to the Silk Road). To the north is a surface car park and to the east lies a petrol filling station. The existing store has been enlarged incrementally over time.

The Barracks Mill site consists of a derelict factory, which was damaged by a fire in 2004. The site is on an important gateway location to the town (from the north) and is as an eyesore.

Alongside the River Bollin runs the Middlewood Way, this is used by walkers, cyclists and horse riders. There is an access from the Middlewood Way to the existing Tesco store.

Pedestrian access from the store to the town centre is poor (approximately 375m as the crow flies from the Prime Shopping Area). The site does not contain a direct access from the pedestrian crossing on the Silk Road to the store entrance. There are bus stops on Hurdsfield Road, which serve the existing store.

### **DETAILS OF PROPOSAL**

The application seeks full planning permission for a replacement (larger) Tesco superstore on the site of the former Barracks Mill. A new roundabout would be constructed on the Silk Road providing access into the site and a new petrol filling station is proposed adjacent to this on the northern end of the existing Tesco car park. New retail warehouse units, for which only outline permission is sought with all matters other than access reserved, are proposed on the site of the existing Tesco store.

The relocated and extended Tesco's would provide approximately 8 704 sq. m, with the overall internal gross floorspace (including back of house) extending to 14,325 sq. m. The existing store (to be demolished) has a floor area of approximately 6000 sq. m.

The floor area for the retail warehouse units (for which outline consent is sort) would be 4643 sq. m.

The following revised documents and revised plans were submitted in November 2012, which contained some very minor amendments to some of the drawings. The main elements of the scheme as revised are summarised below:

- Detailed plans of the proposed pedestrian and road bridges
- Illustrative section of non-food retail unit
- Introduction of landscape belt on the south side of the roundabout
- Amendments to proposals to Middlewood Way
- Reinstatement of link between Middlewood Way and through to the car park

A screening opinion was sought by the applicants under the Environmental Impact Assessment Regulations 2011 on 25 November 2011. On 16 December 2011, the LPA confirmed that the proposed development would not require an EIA within the meaning of the Regulations, and therefore an Environmental Statement was not required to accompany the planning application.

### RELEVANT HISTORY

There have been many other applications relating to the use of the site, the following of which are relevant to this application:

11/1014M Extension to Time Limit on Planning Permission 08/0906P. Approved 26.06.11

- 08/0906P New roundabout access/egress to supermarket from the silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of directional signage and street lighting to silk road Approved 17.12.2008
- 07/3144P New roundabout & access to Silk Road, relocation of petrol station and amendments to internal road layout. (Duplicate of 07/3142P) Refused 19.03.08 – Appeal withdrawn 19.12.08
- 07/3143P New access/egress to supermarket from the Silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of directional signage and street lighting to Silk road (duplicate of 07/3141P) – Refused 19.03.08.
- 07/3142P New roundabout & access to Silk Road, relocation of petrol station and amendments to internal road layout. (Duplicate of 07/3144P) - Refused 19.03.08.
- 07/3141P New access/egress to supermarket from the Silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of

directional signage and street lighting to Silk Road (duplicate of 07/3143P).  
Refused 19.03.08. Appeal withdrawn – 25.09.08.

- 07/1950P New roundabout & access, relocation of petrol station and amendments to internal road layout – Withdrawn 22.10.07
- 07/0200P Certificate Of Lawfulness For The Existing Development Comprising The Creation Of A Mezzanine Floor Within The Existing Supermarket (Internal Works Only) – Positive Certificate granted 17 December 2007. The mezzanine comprises 1885 sq m that has been commenced but not completed.
- 64068P Reserved matters - erection of retail store petrol filling station and associated car parking on Land bounded by Hurdsfield Road, River Bollin and new relief road Macclesfield - Approved 08.10.90
- 56588P Outline Planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield -Approved 10.10.89
- 51537P Outline planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield - Refused 08.02.88 – Appeal Withdrawn 05.11.89
- 51536P Outline planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield - Refused 08.02.88

## **POLICIES**

### **MACCLESFIELD LOCAL PLAN – POLICY WEIGHT**

The Macclesfield local plan was adopted by Macclesfield Borough Council on January 2004. It has a plan period that extended to 31 March 2011. Several Policies were then ‘saved’ under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 Act. These remain as part of the Development Plan for the purposes of s38 of the Act.

The approach of the NPPF to existing development plans is set out in paragraphs 209-212 of the document: 209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to date plans.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out of date simply because they were adopted prior to the publication of this Framework.



However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication.

Consequently, whilst the NPPF emphasises the role of up to date plans, plans are not deemed to be out of date merely because they are adopted in previous years. Never the less, the advice of the NPPF should be considered as a very significant material consideration.

The Plan Period for the Macclesfield Plan has now passed – but whilst some policies may be, by their very nature, time limited, it does not follow that all policies are out of date. The key test as set out in the NPPF is the extent to which policies conform to the advice of the Framework. As paragraph 215 indicates, following the passage of transitional arrangements “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”. It is also stressed that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them.

## LOCAL PLAN POLICY

The following saved policies within the Macclesfield Borough Local Plan 2004 are considered to be relevant: -

### Environment

NE9 Protection of River Corridors

NE10 Conservation of River Bollin

NE11 Nature Conservation

NE15 Create or enhance habitats in reclamation schemes, public open spaces, education land and other land held by LPA's

BE1 Design Guidance

BE21-BE24 Archaeology

### Recreation & Tourism

RT5 Minimum standards for open space

RT7 Cycleways, bridleways and footpaths

### Housing

H13 Protecting Residential Areas

### Employment

E1 Retention of Employment Land

E2 Retail Development on Employment Land

E4 Mixed use areas

### Transport

T1 General transportation policy

T2 Public transport

T3 Improve conditions for pedestrians

T4 Provision for people with restricted mobility

T5 Provision for cyclists

Shopping

- S1 Town centre shopping development
- S2 New shopping, Leisure and Entertainment Developments
- S3 Congleton Road Development Site
- S4 Local Shopping Centres
- S5 Class A1 Shops
- S7 New Local Shops

Implementation

- IMP1 Development sites
- IMP2 Transport Measures

Development Control

- DC1 Design – New Build
- DC3 Amenity
- DC5 Measures to improve natural surveillance and reduce crime
- DC6 Circulation & Access
- DC8 Landscaping
- DC9 Tree Protection
- DC13-DC14 Noise
- DC15-DC16 Provision of facilities
- DC17 Water resources
- DC18 Sustainable urban drainage systems
- DC20 Contamination
- DC50 Shop Canopies, Awnings etc
- DC54 Restaurants, Cafes and Hot Food Takeaways
- DC63 Contamination

Cheshire East is currently preparing its new Local Plan which will guide the future planning and development of the area. The latest stage of consultation on the new Cheshire East Local Plan ran from 15th January to 26th February 2013 and whilst clearly these emerging policies carry less weight than adopted plans, they still need to be considered as part of the assessment of this application.

The following policies within the Pre-Submission Core Strategy are relevant:

- Policy MP 1 Presumption in Favour of Sustainable Development
- Policy PG 2 Settlement Hierarchy
- Policy PG 6 Spatial Distribution of Development
- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy IN 1 Infrastructure
- Policy IN 2 Developer Contributions
- Policy EG 1 Economic Prosperity
- Policy EG 3 Existing and Allocated Employment Sites
- Policy EG 5 Promoting a Town Centre First Approach to Retail and Commerce
- Policy SE 1 Design

Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 6 Green Infrastructure  
Policy SE 7 The Historic Environment  
Policy SE 8 Renewable and Low Carbon Energy  
Policy SE 9 Energy Efficient Development  
Policy SE 13 Flood Risk and Water Management  
Policy CO 1 Sustainable Travel and Transport  
Policy CO 2 Enabling Business Growth Through Transport Infrastructure  
Policy CO 4 Travel Plans and Transport Assessments  
Strategic Location SL 4 Central Macclesfield

It should be noted that the North West of England Plan Regional Spatial Strategy to 2021 was revoked on 20th May 2013. Therefore this document no longer forms part of the Development Plan.

## **OTHER MATERIAL CONSIDERATIONS**

National Policy

National Planning Policy Framework (NPPF)

- Designing Out Crime SPD 2006
- Nature Conservation Strategy SPD 2006
- Strategic Flood Risk Assessment (Macclesfield) 2008
- Cheshire Retail Study Update 2011
- Determining the Settlement Hierarchy: LDF Background Report 2010
- Section 106 (Planning) Agreements SPG 2004
- Macclesfield Town Centre Economic Masterplan 2010
- Macclesfield Town Vision 2012
- WYG update 2013
- North West Sustainability Checklist
- Cheshire East Local Plan Draft Development Strategy
- The Planning System: General Principles 2005

Circulars of most relevance include:

- ODPM 06/2005 Biodiversity and Geological Conservation;- 11/95 The use of Conditions in Planning Permissions; and
- Circular 02/99: Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Ministerial Statement of 23 March 2011 on "Planning for Growth"

Relevant legislation also includes the EC Habitats Directive and the

Conservation (Natural Habitats etc.) Regulations 2010.

## **CONSULTATIONS**

### **Strategic Highways Manager:**

The existing Tesco is to be demolished and a new store is proposed that is more than double its existing gross floor area (GFA) and an additional non-food retail store provided on the site of the existing store. The main access to the site will be a new roundabout on the Silk Road that already has an independent planning approval.

The traffic impact of the development has been assessed through the submission of a Transport Assessment and the scope of the development impact within the report was agreed with the Highway Authority. In calculating the likely number of new trips to the site, the applicant compared the new foodstore and retail store against the actual flows to the existing store and the consent for the mezzanine. Whilst, the trip rates used for the foodstore are agreed, the validity of using a consent that has not been implemented to reduce traffic flows is not accepted. In addition, the trip rates for the non-food retail are not agreed and the Strategic Highways Engineer's own assessment of the trip rates are much higher than those provided in the transport assessment.

Therefore, it is the Highway Authorities view that the figures submitted are very conservative and it likely that the traffic generation of the development will be much higher. However, in order to provide a baseline on impact, it was decided to test the actual figures presented in the Transport Assessment, this was undertaken on present day flows i. e 2011. This test would assess the lowest traffic impact of the development, it will be the case that the opening year and future year tests would result in higher flows and a higher traffic impact and this does not of course assess the Highway Authority view, that traffic generation will be higher than stated.

The applicant has undertaken their own capacity assessment of a number of junctions as indicated in this report and found that there are negligible increases in queuing as a result of the development. In order to validate the assertion that there is little impact on the road network, the Macclesfield Paramics model was used to test the development impact in a number of scenarios - AM and PM Weekday peaks and a Saturday Peak. The Paramics model covers all of the main routes within Macclesfield town centre and includes all of the junctions that the applicants have assessed in their report.

The results of the model tests show there are significant queues forming in the evening peak hours on many of the town centre routes providing large increases in journey times and causing re-allocation of traffic. The morning peak does not have the same level of impact on the road network and as such is not raised as an issue on the application. The main concern is the operation of the existing Silk Road / Hibel Road roundabout that despite including the small flare that is proposed as mitigation by the applicant, there are large queues forming northbound on the Silk Road and on Hibel Road approaching the roundabout. It is apparent that there is not sufficient capacity available at the junction and this development will exacerbate the delay to all vehicle users and is seen as a severe impact.

The accessibility of the site to public transport does meet distance guidelines but is not raised as a reason to reject the application. In practice, the proposal falls well short of providing an alternative mode other than car to access the store. Further improvements to the proposed

bus services to the site would be welcomed. The improvements to walking and cycle routes are considered acceptable.

**Therefore, in summary the proposed development is likely to cause significant congestion in Macclesfield town centre and it is recommended that the application is refused, as it will have a severe impact on the local highway network.**

The submission of the revised mitigation measures and Applicants Note in response to the highway concerns raised on the development proposals has addressed some of the issues, such as the public transport accessibility of the site. However, the traffic impact of the development remains a problem and despite revised mitigation measures being submitted, this has not provided enough capacity on the local highway network to accommodate the development.

The development proposals have been tested using the development traffic flow data submitted in the Waterman Transport Assessment and are based upon a 2012 base with no growth being applied to the modelled background flows. Quite clearly this is not an up to date assessment and there is no future year assessment submitted, and therefore the test results represent a best case scenario for the applicant and it is likely that the congestion levels on the road network would actually be worse than the assessments indicate.

Given the foregoing, the recommendation of refusal on this application would have to remain for the reasons stated in the initial comments.

**Environmental Health:** recommends conditions in respect of pile driving, floor floating, demolition, lighting, noise control, contaminated land and the submission of an Environmental Management Plan.

**Macclesfield Civic Society:** raise concerns regarding the decision on whether a screening opinion was required and failure to undertake an Environmental Impact Assessment. Comments are also made with regard to consultation arrangements, the level of detail within the submission, abuse of the planning system, clarification required regarding Tesco's comments and motivations on previous applications. Concern is expressed regarding the lack of consideration of alternatives, retail need, impact on the town centre, access and accessibility, heritage, integration / design concerns, impact on the Bollin Valley and Middlewood Way. In addition, concerns were expressed regarding the appropriateness of a scheme of this size in an out of centre location. The society does not consider that the LPA should give weight to the expired Blantyre scheme, or the extant consent for the mezzanine. Support for improvements to the Town Centre store. Concerns regarding conclusions of Retail Assessment, scale of buildings, impact upon ground levels, would not respect local vernacular, considers details for design of retail warehouse building should be provided up front and also expresses concerns regarding the content of the transport assessment, servicing arrangements, location of disabled persons car parking spaces, traffic impacts and associated environmental effects. Comments on the Wilson Bowden proposals for the town centre and expresses support for car parking to serve the town centre. Suggests Park and Ride scheme as an alternative to the retail warehouse building, which it considers to be the more harmful element of the proposals.

**Archaeology:** no mitigation required

**Environment Agency:** Recommends conditions in respect of plant species mitigation, structural survey of the river bank, drainage, demolition, floor levels, pile driving, contamination and underground tank storage.

**Electricity NW:** recommend informatives.

**Public Rights of Way Unit:** The proposed development offers opportunities to improve pedestrian and cyclist access to facilities on the development site, and the proposals outlined in the application documents are welcomed.

The improvements proposed within the Heads of Terms for the s106 agreement for the Middlewood Way shared use path which runs alongside the River Bollin are supported. The proposals go some way in delivering a suggested improvement to the Rights of Way Improvement Plan (ref. T60) to improve walking and cycling links between Tytherington and Macclesfield. Likewise, the proposed bridge for pedestrians and cyclists, to connect the Middlewood Way with the northeast side of the river will greatly improve the permeability of the site for non-motorised users.

It should be noted that the Middlewood Way at this location is recorded as a Public Right of Way, namely Public Footpath Macclesfield No. 24, as shown in the attached plan.

## **REPRESENTATIONS**

From January 2012 to November 2012 approximately 850 letters of representation were received from 700 households of which 3 households were in support and 3 households made general comments only. The remainder were objecting to the application. Amongst these objections approximately 550 households submitted copies of a standard letter produced, which objects to the application on the grounds of:

- insufficient opportunity for public comments and criticises pre-application consultation
- Impact of the replacement store on the regeneration of Macclesfield
- Design is out of character with the town
- Impact of the new roundabout on traffic and congestion along Hurdsfield Road and Black Lane
- Concerns relating to impact on private car use, poor accessibility and inadequate public transport access.
- The employment opportunities would not compensate for the impact upon local businesses.

**Of the objections submitted, the main concerns related to the impact of the development upon Macclesfield Town Centre and the impact upon highway safety.**

The bespoke letters of objection also raised the following issues:

### Retail/ Town Centre

- Impact on local businesses
- Knock on effect on retail elsewhere
- Inappropriate as out of centre site

- Impact on vitality and viability of the town centre
- High proportion of vacant units
- Macclesfield needs more independent retailers
- Lack of 'need'
- Would reduce competition and choice
- Too many supermarkets - lack of need
- Would erode the upturn in confidence in Macclesfield town centre
- Would result in a net loss of jobs in the town centre
- Poor links with town centre

## Sustainability

- Increased food miles
- Consider should use more sustainable Tesco store as developed elsewhere
- Implications of car movements
- Scheme dependent on increased private car use

## Highways

- Accessibility
- Inadequate transport
- Congestion
- Poor links to town centre
- Disruption during construction period
- Effect of traffic in town centre and congestions

## Employment

- Jobs taken from existing business
- Won't create many jobs/ quality of jobs

## Consultation

- Criticisms of Tesco consultation and reporting of consultation

## Regeneration

- Tesco's and retail units will be harmful to the regeneration of Macclesfield
- Impact on Wilson Bowden
- Impact on regeneration schemes

## Amenity

- Congestion/ noise levels and pollution
- Traffic during construction
- Rubbish pollution and trolleys in local streets

## Heritage

- Impact on historic character of the town

## Design

- Not in keeping
- Would become an eyesore
- Out of scale

#### Other Matters

- Recommend conditions in respect of landscaping to boundaries and to the River Bollin
- Alternative schemes put forward including park and ride, cinema, theatre, public space, housing, manufacturing etc
- Suggest alternative locations
- Request further improvements to Middlewood Way
- Request retail study update
- Concerns regarding inaccuracy/ inconsistency in submission
- Suggest Council undertake impact assessment
- Suggest application determined by committee
- Suggest access for business to the rear of the Barracks Mill site be incorporated
- Request development be phased
- References to similar schemes and associated impacts
- Reference made to morals/ motives/ Tesco actions elsewhere
- Impact on visitors (tourism)
- Impact on community
- Support for Middlewood Way improvements

#### **APPLICANTS SUPPORTING INFORMATION**

The following supporting reports were also submitted with the original application:

- *Planning Statement*
- *Design and Access Statement*
- *Retail Statement*
- *Transport Assessment*
- *Arboricultural Assessment*
- *Community Engagement Statement*
- *Ventilation and Extraction Statement*
- *Utilities Statement*
- *Site Waste Management Plan*
- *Contamination Land Report*
- *Noise Assessment*
- *Protected Species Survey*
- *Lighting Plan*
- *Heads of Terms*
- *Flood Risk Assessment*

#### **OFFICER APPRAISAL**

#### **PRINCIPLE OF DEVELOPMENT**

Macclesfield is a principal town in Cheshire East, a main shopping centre and an important employment centre. The Council has recently granted consent for a planning application (12/1212M), which seeks to improve the shopping and leisure provision via a seamless extension of the town centre. The scheme also includes a cinema. The town centre



redevelopment site is an important strategic development site and is considered key to achieving the sustained regeneration of Macclesfield town centre by providing a mix of retail, housing and leisure facilities and new public realm.

Macclesfield has a population of approximately 52 300, and a catchment area of approximately 80 000 for retail purposes.

With regard to decision making, planning applications still have to be determined in accordance with the development plan. The Framework (Annex 1) makes it clear that development plan policies drafted before the Framework was published that are consistent with the guidance are a material consideration. Therefore, Local Plan saved policies S1 to S7 (excluding S6) are a material consideration as they are consistent with the Framework

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework.

The proposals relate to a major retail scheme in an out of centre site which is allocated for employment therefore the key issues in respect of principle are:

- 1) is the loss of an allocated employment site acceptable, and
- 2) is this site suitable for retail development

These issues are considered below.

### **Loss of Employment land**

The Barracks Mill site is identified on the Local Plan Proposals Map as being within an Existing Employment Area, where policies E1 and E2 indicate that proposals for retail development will not be permitted.

Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan.

However, there is an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace, means that it is unlikely that office development on the land will come forward now or in the future. The findings of the Macclesfield Economic Plan and Masterplan and the Annual Monitoring Report 2009 together with marketing exercises undertaken at other employment sites all support this view.

The Council has carried out an employment land review which identified the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

This concluded that there is adequate Employment Land available across the District, and on that basis, the loss of this site is unlikely to lead to an inadequate supply in this area.

Policy EG3 within the pre-submission core strategy makes it explicit that sites will be protected and that alternatives uses would need to be justified. An Employment Land Statement should have been submitted to accompany this application to justify the loss of employment land.

Whilst this has not been submitted, Tesco's Agent has considered the loss of employment issue and has put forward an argument that no analysis of employment land is required in light of the Council's resolution to grant planning permission in 2008 for the Blantyre proposal (ref 08/0409P).

This decision should be given no weight as the S106 Agreement was not signed and no Decision Notice issued, with the application being finally disposed of on 02.06.11.

Notwithstanding this, it is considered that retail use of the site is acceptable for the following reasons:

- There is a significant oversupply of employment land in the Borough and the loss of this site is unlikely to lead to an inadequate supply in this area.
- Due to the site constraints i.e. contamination which requires remediation and the infrastructure requirements the site is unlikely to come forward for employment uses.
- Retail of the scale proposed would be an employment generator.

## **Retail Development**

Chapter 2 of the NPPF, which relates to "*Ensuring the vitality of town centres*" seeks to ensure that LPAs plan positively to promote competitive town centres.

Paragraph 24, states that Local Planning Authorities should:

***".... require applications for main town centre uses to be located in town centres"***

*It then goes on to state that LPAs should:*

***" ..... apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."***

Therefore, as the proposals relate to a major retail development in an out of centre location, the sequential test would need to be satisfied.

In addition to the sequential test, for developments over 2,500 sq. m LPAs also need to consider the impact on investment, and 'vitality and viability'.

The Framework makes it clear in paragraph 27 that *“where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors (in paragraph 26) it should be refused.”*

These issues are considered below.

## Sequential Test

The Framework (para 24) advises LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The sequential preference of in-centre, edge-of-centre then out-of-centre sites remains the same as PPS4. However, the Framework (para 24) does advise when considering out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The applicants Agent acknowledges (2.8 of the Retail Assessment) that the town centre is difficult to access from the site for pedestrians, therefore, they should also have assessed other more accessible out-of-centre sites. In addition, there is the South Macclesfield Development Area that is designated for retail use in a saved policy of the Local Plan.

The Framework (para 24) also advises that applicants and LPA's should demonstrate flexibility on issues such as format and scale. The Dundee and North Lincolnshire Judgements indicate there has to be realism in the demonstration of flexibility and these decisions have been borne in mind. The Framework no longer refers to disaggregation<sup>1</sup> although the Practice Guide (6.30 and 6.32) does and the earlier Blantyre proposals suggest that the superstore and retail park elements of the proposal could be considered separately in the sequential test. It is possible that the Wilson Bowden town centre development proposals<sup>2</sup> could include an element of convenience goods retailing, albeit in a smaller supermarket. This would represent a flexible interpretation of the Framework (para 24) and would help “promote competitive town centres that provide customer choice and a diverse retail offer” in compliance with the Framework (para 23)<sup>3</sup>.

Tesco's Agent (5.21) dismiss this town centre extension site(s) on the basis that they *“form part of the current proposals by Wilson Bowden for a town centre redevelopment to accommodate new retail units and a cinema, and are therefore not available.”* However, the Practice Guide (6.41 & 6.45) that remains extant guidance, advises the remaining tests of availability and suitability isn't available / suitable to the developer / retailer but available /

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<sup>1</sup> A division or breaking up into constituent parts, particularly the analytic disassembly of categories which have been aggregated or lumped together.

<sup>2</sup> Approved under application 12/1212M

<sup>3</sup> The 2011 WYG Cheshire retail Study Update also recommends (Appendix 3 MF.19) that any future strategy should seek to introduce a centrally positioned supermarket to help strengthen the role of Macclesfield town centre by delivering a key shopping destination to the town centre which will reduce the propensity of shoppers to use existing out-of-centre facilities.

suitable for the type of development. The sequential test of viability appears to have been removed by the Framework.

Given the above, officers disagree with the applicants Agent's conclusion at 5.24, that none of the identified sites within the sequential assessment are suitable for the application proposals. The Wilson Bowden town centre proposals may include a foodstore and larger units capable of retailing bulky goods and the Agent has not considered flexible formats with this regard. The applicant's Agent does not appear to have given consideration to replacing the existing store, with a larger one on the existing site, which would have to be considered to be in a better location (access wise) than the proposed store site. In addition, there may be other more accessible out-of-centre sites such as the Sutton Castings site, or sites allocated in the Local Plan that are better suited to the proposal. It is therefore, concluded that the sequential test has not been satisfied.

## **Impact**

### **Investment in Macclesfield Town Centre**

The Framework (para 24) advises when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, the supporting impact assessment should consider the impact of the proposal on existing, committed and planned public and private investment in a centre, or centres, in the catchment area of the proposal. The PPS4 Practice Guide (7.17) that remains extant advises:

*"Where the LPA and / or the private sector has identified town centre development opportunities and is actively progressing them, it will be highly material to assess the effect of proposals on that investment. Key considerations will include; the stage at which the proposal has reached; the degree to which key developer / occupier interest is committed; and the level and significance of predicted direct and indirect impacts."*

The PPS4 Practice Guide (7.21) goes on in a section headed *"How to: measure the effects on planned investment in nearby centres"* to advise:

*"In the case of proposals which are not in accordance with an up to date development plan and not within an existing centre, their effects on a planned investment in a nearby centre may be highly material. The level of risk to planned investment and its significance, in planning terms, will depend on, among other things:*

- What stage they have reached e.g. are they contractually committed?*
- The policy 'weight' attached to them e.g. are they a key provision of the development plan?*
- Whether there is sufficient 'need' for both?*
- Whether they are competing for the same market opportunity, or key retailers / occupiers?*
- Whether there is evidence that retailers / investors / developers are concerned; and*
- Whether the cumulative impact of both schemes would be a cause for concern.*

*Equally, any adverse impacts as outlined above should be balanced against the positive effects of the proposals, in terms of; investment; employment generation; social inclusion; and physical and economic regeneration.”*

Planning permission was granted in September 2013 for a major retail and measure development within Macclesfield Town Centre ref 12/1212M. This site had been allocated for retail and leisure purposes within the current Macclesfield Local Plan 2004 and under the previous Macclesfield Local Plan 1998. This commitment is carried through within the emerging Local Plan under policy SL4 which makes specific reference to the Wilson Bowden proposals.

The Shopping Chapter within the MBLP 2004, the Cheshire Retail Study 2000, Macclesfield Town Centre Developers' Brief 2005 and Macclesfield Economic Masterplan and Delivery Plan 2010 are all consistent in their support for the town centre redevelopment and the justification for this.

These documents refer to the anticipated growth particularly in comparison goods expenditure over the period to 2011 which would be available to support new retail floorspace, and the desire to direct new provision to a town centre location.

In providing further rationale, these documents highlight the shortcomings of the existing centre, including a proliferation of small and poorly configured retail units within the existing stock not suited to modern retailers' requirements, and thereby resulting in the town centre being poorly represented by national multiple retailers (in contrast to their presence further afield, including in out-of-centre locations in north Cheshire/south Manchester, thereby leading to an outflow of comparison goods expenditure).

The WYG update 2013 notes that intervention in the town centre is still necessary to address the lack of a decent retail (and leisure) offer and to stem the outflow of retail expenditure to other shopping destinations in the North Cheshire / South Manchester belt.

The applicants Agent (7.7 of the Retail Assessment) agree that the Wilson Bowden scheme represents planned public / private investment within the town centre, therefore, the effects of this application upon it need to be considered. They advise (7.6) this proposal is a scaled down version of the town centre redevelopment brought forward by Wilson Bowden in 2008. The Agent understands that there are still land assembly issues to overcome which, together with the current economic conditions, may have an impact on the timescale for bringing forward the development<sup>4</sup>. The Agent advises (7.6) the replacement Tesco superstore would open two years before, in 2014 with the bulky goods retail warehouses being built out at a timescale, which will be determined by market conditions.

The applicants Agent (7.8) also states that the scheme does not include a new foodstore, or bulky goods retail warehouses, although given that the Wilson Bowden planning permission includes consent for an A1 use, it may include a foodstore element. In addition, there are a number of bulky goods retailers in the town centre and in accessible edge of centre locations and the Wilson Bowden scheme may attract new operators such as phone and electrical

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<sup>4</sup> The Wilson Bowden scheme is targeted for opening in 2016.

shops. The applicants Agent (7.9) go on to suggest Tesco's non-food retail offer differs from the high street offer, as Tesco sell only a limited range of non-food goods and these products are *"sold as complementary goods purchased on an impulse basis by shoppers undertaking a main food shopping trip"*. As a result according to the Agent *"new superstores draw non-food trade principally from other superstores, which provide a similar offer."*

Officers strongly disagree with the Agents statements. The revised Wilson Bowden scheme has reached an advanced stage and planning permission was granted in September 2013, and so it is highly material in the determination of this proposal. Clearly the developer is committed to the town centre and has already invested significantly in advancing their proposals. The site is designated in historic, saved and emerging local plan policies and the Council are equally committed to it.

In terms of the impact of the Tesco's proposals on the town centre redevelopment scheme, Tesco's is located in an out-of-centre location with all its real and perceived trading advantages. In contrast, Wilson Bowden are attempting to bring forward a town centre scheme, which is much harder to assemble, that will not have extensive free surface car parking and will not be trading 24 hours per day.

Whilst the WYG Study 2011 does identify sufficient 'need' for both developments, they are competing for the *'same market opportunity'* in many respects. The Tesco proposal will be competing directly with the town centre for fashion and non-bulky comparison goods, as well as top-up expenditure. It will be competing to a lesser extent for bulky goods and mainfood expenditure, but there is still a degree of competition. There is also evidence that retailers / investors / developers in Macclesfield town centre are concerned about the Tesco proposals as demonstrated by the number of objections received by the Council. The cumulative impact of both schemes is also a cause for concern for some existing town centre businesses.

Contrary to Tesco's Agents claims (7.12 of the Retail Assessment) the proposals are of a scale and type, which could prejudice the implementation of the town centre redevelopment. The proposal was identified in the 2011 WYG study as a potential threat to the town centre in the SWOT analysis that summarized the health check (Appendix 3). The Agent (7.6) alludes to the difficulty Wilson Bowden are having bringing the site forward including the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal in direct competition for a finite quantum of retail expenditure would undermine the viability of the scheme in an already difficult economic climate.

It is duly acknowledged that Wilson Bowden has not commented on this application. Whilst the LPA would not wish to speculate as to why Wilson Bowden have not objected, it cannot be assumed that the absence of an objection is an indicator that the proposals would not have a negative impact on investment in Macclesfield town centre.

On the basis of the above, it is clear that an out of town store would negatively impact on delivering the town centre proposals and conflict with the aims to direct new retail provision to a town centre location. It is very clear from the above that any proposals, which could destabilise the deliverability of the Wilson Bowden scheme should be resisted. It is therefore, concluded the proposal will have a negative impact on investment in Macclesfield town centre.

## Vitality and Viability of Macclesfield Town Centre

It should be noted that the Secretary of State has decided in a number of planning cases<sup>5</sup>, that capacity informs sequential and impact assessment therefore, retail capacity is also a matter that must be considered.

The Agent has undertaken an Impact Assessment which the Council has had independently verified. There are concerns regarding the methodology relating to how capacity has been calculated, the weight attached to the mezzanine fallback position, trade draw and trade diversion. The effect is, that the impact of the proposals particularly in respect of trade diversion from the town centre has been significantly underestimated by Tesco.

The existing Tesco store measures 6 065 sqm. The new store (14 325 sqm) and proposed retail warehousing (4 650 sqm), equate to 18 975 sqm of retail floorspace, which represents an increase of 12 910 sqm. This would equate to approximately 40% of the combined convenience and comparison goods floorspace within the town centre itself.

The Framework (para 24) advises when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, the supporting impact assessment should consider 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.

The PPS4 Practice Guide (7.25) that remains extant, advises on judging the effects of a proposal on the vitality and viability of a centre:

*“Any adverse impact on planned investment is likely to be of particular significance, particularly if it forms part of the development plan strategy. Significant levels of trade diversion from the centre, or key sectors, can seriously undermine its vitality and viability resulting in reduced footfall, increased vacancies, a more ‘down market’ offer etc.”*

In the previous section (titled Impact on Town Centre Investment), it was demonstrated how the proposals will have an adverse impact on planned investment that is likely to be of particular significance that forms part of the development plan strategy. In the earlier methodology section it was demonstrated how the WYG study that Tesco’s Agent rely upon to demonstrate capacity relates to a different study area. The Secretary of State has decided that capacity does inform the sequential test and impact assessment. Clearly, if there is less capacity, then impacts are likely to be more significant. It has also been outlined how the Agent has understated the impact of the proposal on town centre trade and particularly for comparison goods, as too much trade is diverted from competing superstores / out-of-centre destinations.

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<sup>5</sup> For example in Worksop APP/A3010/A/10/2124458 (para 18) and Trafford APP/Q4245/A/10/ 2127223 (para 9).

Tesco's Agent undertook a health check of the town centre using (PPS4) indicators of vitality and viability. WYG also undertook a health check in the 2011 Cheshire Retail Study Update, but come to very different conclusions to the Agent:

*"Macclesfield is showing moderate signs of vitality and viability. Although the town centre has a below average representation of convenience goods floorspace this is compensated from a strong proportion of comparison goods floorspace which has remained stable since 2000. The service sector is represented below national averages with scope for improvement, whilst vacant floorspace levels are in accordance with national levels and have decreased since 10 years ago, although the proportion of vacant units has increased reflecting patterns nationally. The centre may be vulnerable in the longer term without significant investment and intervention."*

WYG identified the strengths of the centre as:

- the anchor Tesco Metro store;
- a strong comparison offer;
- an adequate retail service sector;
- an increasing leisure service offer;
- a strong financial and business services sector;
- the local market;
- a good mix of independent / specialist traders and national multiples;
- a high level of retailer requirements and space available; and,
- a strong evening economy.

WYG identified the weaknesses of the centre as:

- the weak level of convenience provision;
- the proportion of comparison units in decline;
- the leisure service offer below national average;
- a high proportion of vacant units;
- static zone A rents;
- a recent increase in commercial yields; and,
- the two large out-of-centre superstores (Sainsbury's & Tesco).

WYG also highlight (Appendix 3, Table 1) the decline of Macclesfield in relation to competing centres. Macclesfield has fallen from 163<sup>rd</sup> in the Venuescore Rankings<sup>6</sup> in 2007 to 208<sup>th</sup> in 2010. In contrast competing centres such as Warrington have risen in the rankings by 30 places and Crewe is now above Macclesfield in 176<sup>th</sup> place. The previous section indicated how the proposal could impact on the investment necessary to revitalise the town centre's vitality and viability and its position within the retail rankings.

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<sup>6</sup> The Venuescore index ranks 2,106 retail venues within the UK (including town centres, standalone malls, retail warehouse parks and factory outlet centres) based on current retail provision. Towns and major shopping centres are rated using a straightforward scoring system that takes account of the presence in each location of multiple retailers – including anchor stores, fashion operators and non-fashion multiples



Opportunities that were identified by WYG included the Town Centre (Wilson Bowden) redevelopment scheme to widen food, non-food and leisure and leisure provision and the Black Lane redevelopment site (that forms part of this proposal site). However, WYG obviously didn't envisage the redevelopment of the Black Lane site being for an extension of the Tesco Hibel Road superstore, which they identified as a specific threat to the vitality and viability of the centre in their SWOT analysis.

Tesco's Agent's health check of Macclesfield Town Centre (Appendix 2) came to different conclusions. They concluded:

*"Macclesfield is a reasonably healthy centre which contains a wide spread of high street national retailers including Marks & Spencer and WH Smith, a large number of independent shops and foodstores such as the Tesco Metro and Aldi. Whilst it has an average number of vacancies, these are mainly in peripheral areas of the centre. In addition, it has good public transport links and parking provision, is relatively safe and secure, and has a pleasant environment for shoppers based around pedestrianisation of most of Mill Street."*

Tesco's Agent (7.16) add the town centre is characterised by smaller buildings, which are more suited to local independent businesses than national retailers, but this will be addressed by the Wilson Bowden scheme. They also advise if the Tesco proposal is permitted the company are committed to continued trading at the Metro in the town centre. The Metro is described as an anchor by WYG which is an indicator of how weak the centre is, as usually sub-regional centres are anchored by major department stores and / or large supermarkets.

Tesco's Agent (7.19) then goes on to suggest the majority of convenience trade drawn to the proposal will be from the out-of-centre Sainsbury's and the majority of comparison trade will also come from this store and other out-of-centre comparison outlets in and around the town. As demonstrated previously in the methodology section, the proposal will compete directly with town centre stores for top-up and non-food goods and the trade diversion from the town centre is greatly understated by Tesco's Agent.

The Agent also claim that the proposal could generate new linked trip expenditure to the benefit of the town centre as a new bus stop is proposed in the scheme<sup>7</sup>. However, little if any weight can be attached to this as it will not offset the significant impact on the vitality and viability of the centre.

Finally, there are the cumulative impacts outlined in the previous section to be taken into consideration. The proposed Tesco superstore plus speculative retail park proposals will have a significant adverse impact upon potential investment in the town centre, as well the vitality and viability of the town centre.

The Agent concludes *"the proposed development would not have a significant adverse effect on the vitality and viability of the town centre..."* Again, Officers disagree strongly with their conclusions. The proposal would exacerbate one of the main weaknesses of the town centre,

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<sup>7</sup> Even if a subsidy is available, there are numerous examples throughout the UK of bus services to out-of-centre superstores ceasing once the subsidy period ends i.e. they are not financially viable routes.

by strengthening the out-of-centre competition, which WYG identified as a specific threat to the future vitality and viability of the centre. The proposal will also impact on the trade of the town to a far greater extent than assessed by Tesco's Agent and it will not increase choice in the town centre and could decrease it if impacted shops cease trading. WYG concluded that *"the centre may be vulnerable in the longer term without significant investment and intervention"* and in the previous section it has been demonstrated that the proposal will impact negatively on investment in the town centre. It is therefore concluded, the proposal will have a negative impact on the vitality and viability of the centre.

## Conclusion

The proposal represents a significant increase (184%) in the quantum of convenience superstore floorspace on the site. This proposal in an out-of-centre location that will be reliant upon carborne trade, can't be described as sustainable. The proposal fails to comply with Local Plan policies S1 and S2 that are consistent with the Framework, and as a result the proposal should not be approved 'without delay' under para 14 of the guidance. The proposal and methodology in the supporting Retail Assessment is also inconsistent with guidance in the PPS4 Practice Guide, that is not replaced by the Framework (Annex 3).

The proposal fails to satisfy the sequential test, as the Wilson Bowden town centre proposals could accommodate a smaller foodstore and larger units capable of retailing bulky goods and Tesco's Agent have not considered flexible formats with this regard. The sequential test of availability refers to the availability of a site for the type of proposed development and not necessarily availability to the developer / retailer. In addition, there may be other more accessible out-of-centre sites, or sites allocated in the Local Plan that are better suited to the proposal. It is therefore concluded, the sequential test has not been satisfied.

Tescos' Agent do not undertake a capacity assessment and instead rely upon the 2011 WYG study. Unfortunately, this broadbrush countywide study relates to a different study area and the retail capacity section should have been updated by the Agent to inform the sequential and impact assessments and in order to follow the Practice Guidance (Appendices B and D).

Tescos' Agent have also failed to undertake an assessment of the impact of the proposal as a whole, rather than just the 'incremental' impact of the difference between the proposed superstore and the approved (mezzanine) scenario.

The trade draw assessment for the superstore is skewed towards comparable / competing superstores and the impact on the town centre is greatly understated. The proposal will compete directly with town centre stores for top-up and comparison goods expenditure.

The proposals are of a scale and type which could prejudice the implementation of the Wilson Bowden town centre scheme. Wilson Bowden are having difficulty bringing the site forward in the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal, in direct competition for a finite quantum of retail expenditure, would undermine the viability of the scheme, in an already difficult economic climate. It is therefore considered the proposal will have a negative impact on investment in Macclesfield town centre.

The proposed development will also have a significant adverse effect on the vitality and viability of the town centre, as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which WYG identified as a threat to the future vitality and viability of the centre. WYG concluded that *“the centre may be vulnerable in the longer term without significant investment and intervention”* and the proposal will also impact negatively on this. It is therefore concluded the proposal will have a negative impact on the vitality and viability of the centre.

The overall conclusion is that the regeneration and limited employment benefits of the proposal are greatly outweighed by the negative impacts on investment in the town centre and its overall vitality and viability, which are potentially significant adverse. The proposal also fails the sequential test to site selection. There is an identified need for the bulky goods element of the proposal and Tesco's Agent has correctly assessed the impact of this, however, the sequential approach to site selection has not been satisfied. There is not an identified need for a superstore of the size proposed, there would be an adverse impact on the vitality and viability of the town centre and planned investment in it and this element also fails to satisfy the sequential test. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. There may be a need identified for a smaller foodstore and the bulky goods element of the proposal but this would be subject to satisfying the impact and sequential tests, although such a revision is more likely to satisfy these Framework policy tests than the current proposals fail.

## DESIGN AND HERITAGE

### Heritage

Although the former Barracks Mill dates back to 1867/8 it was never listed or locally listed, and lies derelict, partly burnt out for almost 10 years. For these reasons, no objections are raised to the loss of this building.

In relation to archaeological assets, the Cheshire Archaeological Planning Advisory Service have commented that although that part of the site currently occupied by Tesco was formerly occupied by an extensive complex of railway sidings, this has been entirely removed when the existing Tesco store was developed. They therefore advise that there is no justification for archaeological investigation in this area of the site. With regard to that part of the site to the east of the Bollin, where the new Tesco store would be developed, they note that although there has been a mill on this site since the 1960's, there is no evidence of any significant below ground features. Again, the advice received, is that a programme of archaeological investigation would be unjustified.

With regard to heritage assets around the site, there are no nearby conservation areas, listed buildings or other designated heritage assets. However the gas storage holders sited on the east side of the site at the end of Black Lane are potentially non designated heritage assets. No details have been submitted by the applicants regarding the history of these structures, one of which appears on historic OS plans of 1875.

The proposal would have no direct impacts on the structures but would clearly have some impact on their setting. Having regard to the separation distance between the new building and the gas facility, the relatively low height of the proposed development, and the current range of buildings in the vicinity of the holders, it is considered that the development would not cause any material harm to the setting of these structures.

In conclusion there are therefore considered to be no harmful impacts on heritage assets resulting from this proposal.

## **DESIGN**

The main issues, when assessing the design of the proposal are considered to relate to:

- a) Scale and massing
- b) Character of development
- c) Security
- d) Suitability of layout and public realm

### **Scale and massing**

MBLP policy BE1 requires that new development reflects local character, respects the form, layout, siting, scale and design of surrounding buildings and their settings, and that it is human in scale, not normally exceeding 3 storeys. Similarly, MBLP policy DC1 requires the scale, density, mass and height of development to be sympathetic to its surroundings.

The proposed Tesco store would have a footprint of around double that of the existing store. The building would be 2 storeys, with a height of around 14 metres above ground level at its highest point.

The design details of the retail units have been reserved for consideration as a reserved matters application. However parameters defining the maximum size of the building have been supplied. These indicate the height would be, as a maximum, similar to the proposed Tesco, whilst the footprint would be smaller at 50000sq ft (4645 sq m).

Although, given its substantially larger footprint, the mass of the proposed Tesco store would be noticeably larger than the existing store, there is a clear precedent for large industrial buildings on the adjacent Hurdsfield Industrial Estate. Whilst there are smaller residential properties to the east on Withyfold Drive, the Tesco building would sit well below the height of the houses on Withyfold Drive which are positioned on higher ground.

The retail units, if constructed to the maximum scale allowed within the parameters set out in the application, would be higher than the two storey residential properties on Black Lane to the east. However, having regard to the scale of the adjacent industrial buildings to the north, and the separation between the proposed retail units and adjacent properties, it is considered that the scale, mass and height of the proposed buildings would be relatively sympathetic to the surrounding buildings in this area which has a mixture of residential and commercial properties of varying styles, scales and designs.

### **Character of Development**

MBLP policy BE1 requires development to respect the design of surrounding buildings and their settings and to use appropriate materials. Similarly, MBLP policy DC1 requires density and materials to be sympathetic to the surroundings.

At the national level, paragraph 58 of the NPPF says that development should create attractive and comfortable places with a strong sense of place, good architecture and appropriate landscaping. It advises that the potential of sites to accommodate development should be optimised and that appropriate innovation be allowed, whilst developments should respond to local character and reflect local identity.

Paragraph 60 makes it clear that local authorities should not attempt to impose architectural styles or taste and should not stifle originality through unsubstantiated requirements, but should however seek to promote local distinctiveness.

Paragraph 64 states that development of poor design that fails to take opportunities to improve the character and quality of an area and the way it functions should be refused.

As the detailed design of the retail units is reserved for later consideration via a reserved matters application, the character of this element of the proposal cannot be considered at this stage.

The proposed Tesco store would essentially be a two storey building, with the retail area at first floor level elevated above a ground level car park parking. The servicing yard would be at the level of the retail floor space positioned on the northern side of the building, accessed via a ramp at the rear (east) of the building.

The proposed external appearance is based on Tesco's standard current branding. The building would have a virtually flat roof punctuated by 12 feature 'wind catchers' with an appearance similar to metal chimneys with slanting tops. These would project around 3.5 m above the main roof level. The exterior of the building would be clad in a variety of materials.

On the front (west) elevation facing the River Bollin and the Silk Road beyond, there would be a high percentage of the elevation faced with curtain wall glazing. This would be interspersed with larch cladding.

The southern elevation, facing across the stores open air car park towards the gas holders on Black Lane/Garden Street, would be predominantly clad in larch with some glazing towards the western corner and at a higher level. Two external staircases would be enclosed with hit and miss timber cladding.

On the east elevation facing towards the rear gardens of properties on Withyfold Drive and a wooded area of open land, the building would be predominantly faced with metal cladding (colour Oyster) with a limited amount of glazing. Again there would be two external staircases faced in hit and miss timber on this elevation and at the northern end, the elevated service yard would be screened with timber fencing.

The northern elevation of the building, facing across open land to a pylon and the Silk Road beyond, would be largely faced in either metal cladding, with timber fencing and panelling below and at the higher level some glazing.

The Petrol Filling Station (PFS) would similarly be of typical standard design with a flat PVC coated canopy.

Whilst, brick buildings are more typical of the traditional buildings in Macclesfield, in this locality, to the south of Hurdsfield Industrial estate there are a number of metal clad buildings, and it is not considered that the proposed design and materials are unsympathetic to the locality. The existing burnt out building on this site detracts from the appearance of the area and the proposal would be an improvement on the current situation, improving overall character of the locality.

This having been said, it would be essential to ensure further details and samples of all facing materials were submitted to allow full consideration of the final finishes. This is particularly important where timber cladding is proposed given that without appropriate finishes it can age in appearance very quickly. Again this could be covered by a condition in the event that planning was to be granted, to ensure that the Tesco store was of an acceptable character.

Acceptance of these materials and details for the Tesco building should not however be taken to imply that a similar design would necessarily be considered appropriate at reserved matters stage for the additional retail units. The retail units are on a far more prominent gateway site and their final design will require a different design approach.

## **Security**

MBLP policy DC5 requires new development to incorporate measures to improve natural surveillance and reduce the risk of crime. Similarly, paragraph 5 of the NPPF 58 requires that decisions aim to ensure developments create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or social cohesion

The development of the Tesco store would improve natural surveillance of the Middlewood Way to the likely benefit of the security and perceived security of those using the route.

Hours of operation are not specified in the application, but it is assumed that this store could potentially be open 24 hours a day, as is common with a number of Tesco Extra sites. Even when not open, there would seem to be nothing to stop the site being accessed by the public. Given the open nature of the ground floor of the store, which would have no natural surveillance from neighbouring properties, it is considered essential that security is carefully considered to ensure the safety of the public. As this design of store is a fairly common model for Tesco, no particular security issues are anticipated subject to adequate lighting and security systems being in place. Such matters could be adequately required and approved by conditions in the event of planning permission being granted.

## **Layout, connectivity and public realm**

There are a number of policies within the Macclesfield Borough Local plan which are relevant when considering the suitability of the layout of the site. In particular:

MBLP policy DC6 seeks to ensure layouts incorporate safe routes for pedestrians, as well as vehicles, access to bus routes, provision for access by special needs groups and for emergency vehicles;

MBLP policy T3 seeks to improve conditions for pedestrians creating routes between town centres, car parks and transport interchanges;

MBLP T4 seeks to ensure adequate provision for people with restricted mobility;

MBLP T5 and IMP2 require developments to make provision for cyclists including appropriate cycle parking, and cycle routes including contributions to improve cycling and pedestrian links off site where justified;  
and,

MBLP policy DC8 seeks to ensure appropriate landscaping schemes are secured for development sites.

Disabled parking would be provided to the immediate north of the proposed entrance to the car park off the Silk Road. This is also the location of the proposed bus stop. A pedestrian bridge would run directly from this small car park into the retail floor level of the store across the Bollin. A second bridge would be constructed at the lower level of the Middlewood Way, providing access from that route to the ground parking level of the store.

The lower bridge would be beneficial for people visiting the store on foot from the north along the Middlewood Way, making it convenient for people living for example on Summerlea Close.

The upper bridge would ensure convenient access to the store for anyone alighting from busses at the proposed on site bus stop.

Although this site is clearly an out of centre location, and unlikely to be accessed on foot by many people using the town centre, the plans do incorporate a shared pedestrian/cycleway, linking the pedestrian crossing over the Silk Road (the the immediate north of the Hibel Road roundabout), to the new stores. This would provide a slightly shorter route into the site than via the existing access off Hurdsfield Road for anyone cycling or walking from the direction of the town centre. It is not however considered that cycling or walking along this route would be a particularly pleasant experience, given the proximity to the Silk Road and traffic within the site.

A further shared cycling and pedestrian route, approximately 85m in length, would be provided adjacent to the realigned access into the site from Hurdsfield Road. This would facilitate people using the Middlewood Way which currently breaks off at the egress from Tesco's onto Black Lane, starting again to the south of Hurdsfield Road. It is considered that this could benefit people who use this stretch of the Middlewood Way, although again benefits would be relatively modest.

Cycle parking would be provided immediately adjacent to the Tesco store adjacent to the proposed low level bridge over the Bollin in an area with good natural surveillance.

Overall, consideration has therefore been given to access for pedestrians and cyclists within the layout, although benefits arising from this would be limited.

With regard to landscaping, a number of trees adjacent to the River Bollin would be lost as a result of this development, but the site would be re-landscaped as part of the proposal. The landscaping plans submitted have been revised to show soft planting on the proposed Silk Road roundabout, around the proposed PFS, within the car park, along the Bollin and to the west of the gas holding facility as well as around the west corner of the elevated service yard.

Only limited details of proposed hard landscaping have been provided. A part stone, part brick wall runs along the boundary of the site with properties on Withyfold Drive. This is clearly an interesting feature of the site reflecting its history and it is considered desirable to seek its retention in any redevelopment of the site, unless there are sound reasons not to do so. It is not clear from the submitted details the intentions with regard to this wall. However, the plans submitted indicate that with appropriate details being agreed relating to hard and soft landscaping and boundary treatments, the site could be satisfactorily landscaped. These details could be dealt with by way of a condition in the event that planning permission was to be granted.

Given the scale of this development, a public art contribution would be expected applying the guidance in the Macclesfield SPG on S106 Agreements. In this particular case, it is considered an appropriate scheme to accept a contribution to be made towards specific public art in the town centre rather than on site and Tesco have in principle agreed to this. This could be secured via a S106 should permission be granted.

Overall it is considered that subject to conditions requiring approval of specific details, a satisfactory standard of public realm would be secured within this development.

## **SUSTAINABILITY**

It is duly acknowledged that attempts have been made to improve the sustainability credentials of the store such as the inclusion of larch cladding, which has been sustainably sourced, and the addition of wind catchers on the roof, in addition to Tesco's commitment to reducing the carbon footprint of their existing operations. There are improvements to the accessibility of the store such as the new pedestrian link, improvements to the Middlewood Way and the provision of the additional bus service.

However, the use of sustainably sourced materials would not offset the carbon footprint associated with demolishing the existing store and rebuilding the new one. In addition, the improvements in accessibility would not offset the fact that the store is moving even further away from existing transport hubs.

Notwithstanding the above, the proposals do involve the redevelopment of a brownfield site which is a more sustainable form of development than construction on a Greenfield site and whilst out of centre, it is a reasonably accessible out of centre site.



Whilst the sustainability implications are marginally negative, this would not be significantly adverse to the extent that it would justify a reason for refusal in its own right.

## **TREES AND LANDSCAPING**

Within the application site itself, there is evidence of natural regeneration of pioneer species of Goat Willow, Silver Birch and Ash around the redundant buildings. Adjacent to the River Bollin there are four examples of Weeping Willow which were possibly planted about 35-40 years ago. Self set saplings of Silver Birch and Ash are also evident growing out of the base of the redundant buildings adjacent to the Bollin. To the north of the site at the end of Withyfold Drive, there is an area of open space with scattered trees comprising of semi mature and early mature Sycamore, Ash and occasional Oak and Whitebeam. These trees are a prominent feature within the locale and can be seen from a number of vantage points including views from across the Silk Road providing a sylvan backdrop to the site.

The proposed Tesco site contains no trees of any significant merit in terms of amenity. Most of the trees comprise of natural regeneration, essentially pioneer species of Birch, Willow and Ash saplings. There are four early mature Weeping Willows and a Silver Birch located to the southern boundary of the site (adjacent to the River Bollin) which appear to have been planted probably as part of a former landscaped area within the Barracks Mill site. It is evident from the submitted plan that these trees will likely require removal to accommodate the proposed bridges linking the disabled parking area and Middlewood Way footpath. Other anticipated tree losses (forming part of existing landscaping) are likely between the Middlewood Way footpath and the current access road to the Tesco's building to accommodate the reconfigured access.

In terms of the wider contribution to the amenity of the area these trees, whilst some have individual merit they are of limited value and could be adequately mitigated.

With regard to the northern section of the site, it is anticipated that a group of four early mature Ash and a Sycamore will require removal to accommodate the service road and 'Plant Well' associated with the new Tesco building. These trees are located on a steep sided embankment on the southern edge of area of open space adjacent to Withyfold Drive. The trees are all multistemmed specimens with weak included forms, or are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

At this location, there is an existing stone and brick wall forming northern boundary of the site, which runs along the rear of the area of open space. In the north east section the wall stops and is replaced by a green coated wire fence at the bottom of a steep sided slope behind the trees. At this location it is proposed to locate the service road and plant well for the Tesco building. Here it is not clear as to how this boundary is to be treated and therefore, detail needs to be provided on what is proposed particularly in the light of the adjacent sloping land. This would be conditioned accordingly.

Construction of the new roundabout to the Silk Road to provide site access will necessitate the removal of existing trees forming part of the landscaping of the Silk Road to the west of the site. Due to a change in levels along the western edge of the Silk Road, the construction of the roundabout may require regrading works and/or retaining walls to support the new build. Removal of this recent planting will have a slightly moderate impact on the wider amenity and consideration will have to be given to mitigate for the impact of this loss and the visual impact of the new road infrastructure at this point when viewed from Station Road and the visual impact when viewed from Holly House. This could be mitigated via condition.

## 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 ("LPA's") 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 NE11 seeks to protect nature conservation interests and indicates that where development would adversely affect such interests, permission would be refused.

Circular 6/2005 advises LPA's 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 LPA's 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, the application is supported by a protected species survey undertaken by a suitably qualified and experienced ecologist. The report indicates that bats were present within redundant buildings and it suggests mitigation measures. The Council's ecologist indicates that impacts are unlikely to be adverse provided that the mitigation is implemented. This would be conditioned accordingly.

The proposals would accord with the Habitat Regulations, as if members of the Strategic Planning Board are minded to approve, the development would be in the public interest and there are no satisfactory alternatives. The mitigation proposed would ensure that the maintenance of the species population at favourable conservation status in their natural range.

The first protected species survey submitted also found evidence of reptiles – a further survey was submitted and no further evidence of reptile presence has been recorded. Therefore, whilst the presence of the Common Lizard was established during the earlier survey it is likely that either:

1. The population on site is small and so, was missed during the latest survey due to the abundance of suitable opportunities for shelter provided by the various debris on site.
1. The population is centred somewhere offsite with animals only utilising the site on a transitory basis.
2. The population of reptiles has gone extinct between the two surveys.

It is the Nature Conservation Officer's view that there is no reason to suspect that the reptile population at this site is extinct, so, scenario 1, or 2, appear to be the most likely. Incidentally, two amphibian species (frogs and common toad) have been recorded on site. As there are no ponds on site the presence of these two species indicates that there is some ecological connectivity between the development site and 'off-site' habitats. So, it is possible that any reptiles on site are also able to access habitats offsite – this would reduce the potential adverse impacts of the development on reptiles.

The submitted report includes mitigation/compensation proposals based on the assumption that animals are still present on site. Proposals include the supervised clearance of the site to reduce the risk posed to reptiles and the enhancement of the remaining area of habitat to increase its value.

The Council's ecologist has recommended that the very north eastern corner of the development should be reconfigured to retain a significant habitat link between the area of habitat near the pylon and the additional off site 'triangle' of habitat to the south west of Withyfold Drive.

The Council's ecologist has indicated that Kingfishers and Otters are unlikely to be present at the site.

## AMENITY

The Environmental Health Officer raises no objections to the proposals. However, should the applications be approved, then the following conditions should be attached:

- hours of working,
- piling,
- floor floating,
- lighting (to prevent glare to the nearest residential properties),
- noise control measures,
- a delivery vehicle management plan (to minimise noise from delivery vehicles),
- hours of operation relating to home shopping activity – restricting hours to 06.00 to 23.00,
- acoustic fence to be erected around the retail warehouse service yard,
- hours restriction for the recycling centre – 08.00 to 22.00
- hours restriction for the car wash – 08.00 to 22.00
- a 2m high solid boundary fence should be erected around the open car park to protect nearest residencies from noise.

## AIR QUALITY

The Air Quality Impact Assessment which was initially submitted failed to take into account the air quality impact of the proposed retail warehouse units, or cumulative impacts of all live applications in the vicinity. Further details were submitted, which has confirmed that the air quality assessment has included the potential effects of the proposed retail warehouse units.

The emissions from the proposed Combined Heat and Power Plant (CHP) system should be considered to ensure potential air quality impacts are controlled. The Environmental Health Officer would accept the details of the CHP plant be submitted and agreed, via condition, prior to the development commencing. If this were proposed to be a Biomass plant, there would need to be some very detailed timely discussions around this in terms of stack height, plant specification and fuel specification. Biomass has a potential to have a negative impact on local air quality.

The originally submitted report stated that the development is predicted to have a minor adverse effect at one receptor location and negligible effects at all remaining considered receptors for nitrogen dioxide. Any negative impact on air quality should be mitigated against to negate any adverse nitrogen dioxide increases irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an AQMA. The Agent has responded to this by saying that as part of the mitigation during operation a Travel Plan would be produced for the Development, and is of the view that the provision of public transport enhancements would have a subsequent benefit to air quality. If the application were approved the Environmental Health Officer would want to see target reductions in private car movements generated as a result of these measures and these would need to be monitored through the travel plan.

**The Environmental Health Officer has recommend that low emission infrastructure be considered.** The Agent confirmed that the Tesco's has considered low emission infrastructure and, as such, the proposed Development would include the use of bio diesel fuels for the Tesco fleet vehicles. The Environmental Health Officer understands that Biofuel is already in use in fleet vehicles (so it would be no step forward). The Environmental Health Officer would seek to condition this element, and potentially seek improvements in Euro Standards of fleet vehicles at this store (would look for consistency with any nearby stores and consult on suitable conditions). In addition, a condition should be attached to ensure that an Electric Vehicle charging point was provided at the store (1 space initially for a rapid charge point in a priority parking position, and provision of cabling for a further 4 spaces).

## CONTAMINATED LAND

The application area has a history of use as a rail sidings, coal yard and textile mill and brick field and therefore there is the potential for contamination of the site and the wider environment to have occurred.

The reports submitted in support of the application recommend that an intrusive investigation is carried out to determine the presence and extent of any contamination on site.

A comprehensive Phase II investigation should be carried out remediation carried out as necessary.

## ENVIRONMENTAL MANAGEMENT PLAN

Environmental Health has recommended that the applicants submit a site specific Environmental Management Plan (EMP) which would be secured via condition. It is proposed that this would identify how any potential environmental effects that may arise during the construction process would be reduced and managed.

## IMPACT ON NIEGHBOURS

Consideration has been given to the impact in the residential Black Lane and Withyfold Drive and it is considered that the development will be compatible with appropriate conditions attached to protect the residents amenity.

## HIGHWAYS MATTERS

To re-cap, the planning application is to demolish the existing store and provide a replacement store of 14,325 Sq.m and also provide a non-food retail store 4,643 Sq.m on the site of the existing building. The access to the site will predominantly be through a new roundabout on the Silk Road, although the access to Black lane will continue as an exit only as will the entrance slip from Hurdsfield Road. The petrol filling station will be retained on the site with access being off the new roundabout on the Silk Road.

The car parking provision for the new foodstore is 759 spaces in total with 40 disabled spaces and 30 parent and child spaces. The new non-food retail store would provide a total of 244 spaces and 10 of these would be disabled spaces.

Chapter 4 of the NPPF relates to promoting sustainable transport. The key message within this chapter is the need to promote sustainable transport to give people a choice about how they travel.

It notes that developments which generate significant amounts of movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Applications for such development should also be supported by a Transport Assessment.

The NPPF also makes it clear that if the residual cumulative impacts of development are severe, applications should be refused on transport grounds.

The policies within the Development Plan only carry weight according to their degree of compliance with the NPPF. Whilst written in the context of guidance which has now been superseded, policies T2-T5 are in accordance with the NPPF as they seek to promote sustainable transport choices – these policies therefore carry full weight.

Policy IMP2, seeks to ensure appropriate measures are taken to mitigate for transport impacts and policy DC6 concerns itself with transport safety. Both policies are in accordance with the NPPF.

Policy T1, seeks to promote sustainable transport and strike the appropriate balance between movement and safety which is in accordance with the NPPF. However, it also states that this should be balanced against the need to protect the environment. This is a matter of planning balance and not a highways consideration in itself, therefore, the policy carries only some weight (according to its degree of compliance with the NPPF).

Turning to the emerging Local Plan, Policy CO1 within the pre-submission Core Strategy relates to Sustainable Travel and Transport. This policy also seeks to promote sustainable transport choices but is more forceful in its expectations that development be proposed in sustainable locations (to reduce the need to travel) and that sustainable modes of transport are prioritised. Recent appeal decisions have indicated that policies within the pre-submission Core Strategy should be afforded only limited weight.

The starting point is therefore compliance with the NPPF and the policies within the Development Plan, which are compliant with the NPPF.

### **Accessibility**

Pedestrian, cycle and public transport access to the site is physically and psychologically very poor due to the distance between the site and town centre and topography, as well location of the major roads (Hibel Road, Hurdsfield Road and the Silk Road).

There is no convenient access to the town. The existing route from the existing Tesco store is highly convoluted as it involves steep gradients and unsafe major highways crossings.

The distance on foot from the new store entrance to the town centre 'Prime Shopping Area' is considerable further than existing, as it would be approximately 650m. This is over twice the recommended maximum recommended walking distance for edge of centre linked trips. The

route involves long stretches of walkways, it is exposed and does not encourage people to walk into the town centre. The siting of the store further away from the town centre car parks and bus interchange will weaken the already very limited prospect of linkage with the town centre by foot, or cycle.

It should also be noted that improvements to pedestrian and cyclist accessibility proposed under this application have already been approved in 2008, to mitigate for current problems at the existing Tesco's store and this permission is still extant.

The new store will generate significantly more car borne trips and the proposals do not seek to offset this by creating any meaningful linkages to the town centre on foot, or by cycle. It will exacerbate already unsustainable travel patterns associated with the Tesco store.

Turning to accessibility by bus, a bus stop is proposed and Tesco's are in discussions with Arriva to provide a bus service to the site with buses departing every 30 minutes. This would represent an improvement in bus accessibility.

Whilst pedestrian and cyclist accessibility would be worse, bus accessibility would be improved. Therefore, the residual impact upon accessibility would not be severe.

### **Car Parking**

As this is an out of centre location which is not particularly accessible for pedestrians or cyclists, this scheme would be increasingly reliant on private car use. On that basis, maximum car parking standards are applicable.

The amount of spaces being proposed for both the foodstore and retail store are within the national maximum parking standards and such is considered an acceptable level of parking provision.

### **Traffic Generation**

The proposals relate to a large scale major retail development (approx 19,000 sq. m (GIA total)). A scheme of this size is of strategic significance to the Borough and such a development would clearly generate significant amounts of movement.

The Transport Assessment, which was submitted with the application, concluded that reasons for refusal on transport grounds cannot be justified as:

- The proposed new site access roundabout (similar to that proposed under application 08/0906P but with an additional 'flare' to an arm of the roundabout) would have a positive effect on the operation of the signalised junction of Black Lane / Hurdsfield Road and the Hibel Road / The Silk Road / Hurdsfield Road roundabout, where there is currently excessive queuing and delay.
- The increased queuing and delay at the junctions of Hibel Road / Churchill Way / Cumberland Street and Hulley Road / Brocklehurst Way / The Silk Road would be negligible.

- Measures such as pedestrian and cycle bridges connecting the existing Tesco's site with the Barracks Mill site, the new pedestrian and cycle link taken from The Silk Road and provision of a bus lay-by would improve accessibility to the site by non-car modes of travel.

There are existing traffic problems at the Black Lane / Hurdsfield Road junction (as acknowledged in the submitted Transport Assessment). There are also significant delays along Hibel Road and the southern section of The Silk Road.

The Local Infrastructure Plan acknowledges that significant growth has the potential to put pressure on an already stressed network. The recent application for the town centre redevelopment ref. 12/1212M (which also had strategic implications for the borough) without mitigation, would have resulted in additional stress to the network.

However, mitigation was proposed, which alleviated the problems to the extent that the impact was no longer significant.

These mitigation measures included payments towards highways improvements on Churchill Way, which were considered necessary in order to address the traffic generation on the highway network, address congestion issues around the town centre and improve access for all users, both on public transport and pedestrians, a wide range of highways and pedestrian enhancement works associated with the development. Funding for Traffic Regulation Orders, a coach stop, and Travel Plan monitoring was also secured.

The draft Heads of Terms submitted with the application indicates that Tesco's are prepared to make a financial contribution towards improvements to the Middlewood Way and the submission and monitoring of the Travel Plan. This is in addition to the proposed bridges, new roundabout, bus stop and provision of bus service for a limited period.

The proposed mitigation measures (excluding the Travel Plan and bus stop) have already gained approval under application 08/0906P, which was renewed in 2011 (this permission is extant). The need for the new roundabout on the Silk Road arises from the existing poor access arrangements at Black Lane/ Hurdsfield Road and the existing congestion problems at this junction. These will only increase in the future through traffic growth on the road network irrespective of impacts associated with future developments.

The Strategic Highways Manager has expressed concerns regarding the data and methodology within the Transport Assessment and its conclusions regarding the impact of the development on traffic flow in Macclesfield.

The Strategic Highways Manager considers that even with the mitigation proposed, the proposals will result in major congestion across the network, which would cause significant problems in the town centre.

It is disappointing that this large scale major retail development is not doing more to alleviate the additional stress it would put on, what is, an already stressed network.



As a significant adverse impact has been identified, and the mitigation proposed would not alleviate the residual cumulative impacts of the proposals, there are transport grounds to refuse the application.

## **TRAVEL PLAN**

Paragraph 36, indicates that for developments, which generate significant amounts of movements, a Travel Plan is a key tool to ensure that the development meets the above objectives.

A Travel Plan Framework plan has been submitted with the application. It indicates that a Travel Plan Co-ordinator is to be established within the Development Centre Management structure.

The provision of a Travel Plan co-ordinator is an important part of the Travel Plan as they would encourage sustainable travel within the different businesses.

The success of the Travel Plan would depend upon a final Travel Plan being agreed, having put in place reasonable modal shift targets and a scheme of monitoring on an annual basis. Updates, to the plan may be required if measures identified are not producing the results required.

The Travel Plan would be secured via condition with a financial contribution required for monitoring of this and would make an important contribution towards promoting sustainable transport choices for users of the development in accordance with guidance within the NPPF.

## **OTHER MATTERS**

### **ALTERNATIVE SCHEMES**

Officers have considered all representations received. Many interesting suggestions have been raised via representations for revisions to the proposal and for potential alternative schemes. Some of these would be unlikely to be viable, or practicable, for other reasons. It is important to note that Members of the Strategic Planning Board can only determine the proposal, that is the subject of this application, and not any alternatives, however positive, or negative they be.

### **Other Material Considerations**

Tescos' Agent (6.33) advise the proposal will regenerate a brownfield site in a gateway location. The proposals will also remediate the contamination on the site. Tesco's Agent (6.34) consider the physical regeneration of the Barracks Mill site is an important material consideration in the determination of the application and should be given significant weight. Whilst Officers and the LPA's consultant agree that it should be given some weight in the determination of this planning application, it is considered the regeneration of the Barracks Mill site and remediation would be achieved by any redevelopment of the site.

Tesco's Agent (6.39) also state the Superstore will create some 200 jobs and the retail park a further 100 jobs, although the number of full time equivalent (FTE) jobs is not stated. Whilst Officers and the LPA's consultant agree the proposal will generate some jobs, it is considered many of the superstore jobs in particular will be displaced from town centre / local shops, suffering trade diversion as recognised in the Mary Portas Review<sup>8</sup> and Basingstoke decision (APP/H1705/A/12/2182975 para 44). The displacement of existing jobs is mentioned in a number of the representations from local businesses and local people are clearly fearful of the impact of the proposal on jobs. Nevertheless, new jobs created by the proposal is a factor which weights in favour of the proposal.

In conclusion, the impacts do *'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

## CONCLUSIONS

The proposal represents a significant increase (184%) in superstore floorspace on the site. This proposal in an out-of-centre location that will be reliant upon carborne trade can't be described as sustainable. It is in compliance with Local Plan policies S1 and S2 that are consistent with the Framework confirming the proposal should not be approved 'without delay' under para 14 of the guidance. The proposal and methodology in the supporting Retail Assessment is also inconsistent with guidance in the PPS4 PG that is not replaced by the Framework (Annex 3).

The proposal fails to satisfy the sequential test as the Wilson Bowden town centre proposals could accommodate a smaller foodstore and larger units capable of retailing bulky goods and GLH have not considered flexible formats with this regard. The sequential test of availability refers to the availability of a site for the type of proposed development and not necessarily availability to the developer / retailer. In addition, there may be other more accessible out-of-centre sites or sites allocated in the Local Plan that are better suited to the proposal. It is therefore concluded that the sequential test has not been satisfied.

GLH do not undertake a capacity assessment and instead rely upon the 2011 WYG study. Unfortunately this broadbrush countywide study relates to a different study area and the retail capacity section should have been updated by GLH to inform the sequential and impact assessments and in order to follow the PG guidance (Appendices B and D).

GLH have also failed to undertake an assessment of the impact of the proposal as a whole rather than just the 'incremental' impact of the difference between the proposed superstore and the approved (mezzanine) scenario.

The trade draw assessment for the superstore is skewed towards comparable / competing superstores and the impact on the town centre is greatly understated. The proposal will compete directly with town centre stores for top-up and comparison goods expenditure.

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<sup>8</sup> The Mary Portas Review (p31) advises with regard to out-of-centre development that *"'job creation' is often just job displacement."*

The proposals are of a scale and type which could prejudice the implementation of the Wilson Bowden town centre scheme. Wilson Bowden are having difficulty bringing the site forward including the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal in direct competition for a finite quantum of retail expenditure would undermine the viability of the scheme in an already difficult economic climate. It is therefore considered that the proposal will have a negative impact on investment in Macclesfield town centre.

The proposed development will also have a significant adverse effect on the vitality and viability of the town centre as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which WYG identified as a threat to the future vitality and viability of the centre. WYG concluded that *“the centre may be vulnerable in the longer term without significant investment and intervention”* and the proposal will also impact negatively on this. It is therefore concluded that the proposal will have a negative impact on the vitality and viability of the centre.

The site is not accessible by a choice of means of transport contrary to the Framework guidance and it fails policy 4 Sustainable Transport. It does not offer people a real choice about how they can travel to the site. Like the existing store most visitors will access the store by private transport. The design and layout of the store does not give priority to pedestrian and cycle movements and it does not have good access to high quality public transport facilities.

The proposal will regenerate a brownfield site in a gateway location, however it is considered this could be achieved by a smaller superstore proposal. It will also create employment, although some jobs will be displaced from town centre and competing superstores suffering trade diversion. As a result it is considered that the benefits of the proposals do not outweigh the adverse impact on the town centre.

The overall conclusion, is that the regeneration and employment benefits of the proposal are greatly outweighed by the negative impacts on investment in the town centre and its overall vitality and viability which are potentially significant adverse. The proposal also fails the sequential test to site selection. There is an identified need for the bulky goods element of the proposal and GLH have correctly assessed the impact of this, however, the sequential approach to site selection has not been satisfied. There is not an identified need for a superstore of the size proposed, there would be an adverse impact on the vitality and viability of the town centre and planned investment in it and this element also fails to satisfy the sequential test. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. There may be a need identified for a smaller foodstore and the bulky goods element of the proposal, but this would be subject to satisfying the impact and sequential tests although such a revision is more likely to satisfy these Framework policy tests than the current proposals fail.

The development would in addition cause significant congestion in Macclesfield town centre and lead to a severe impact on the local highway network.

## **RECOMMENDATIONS**

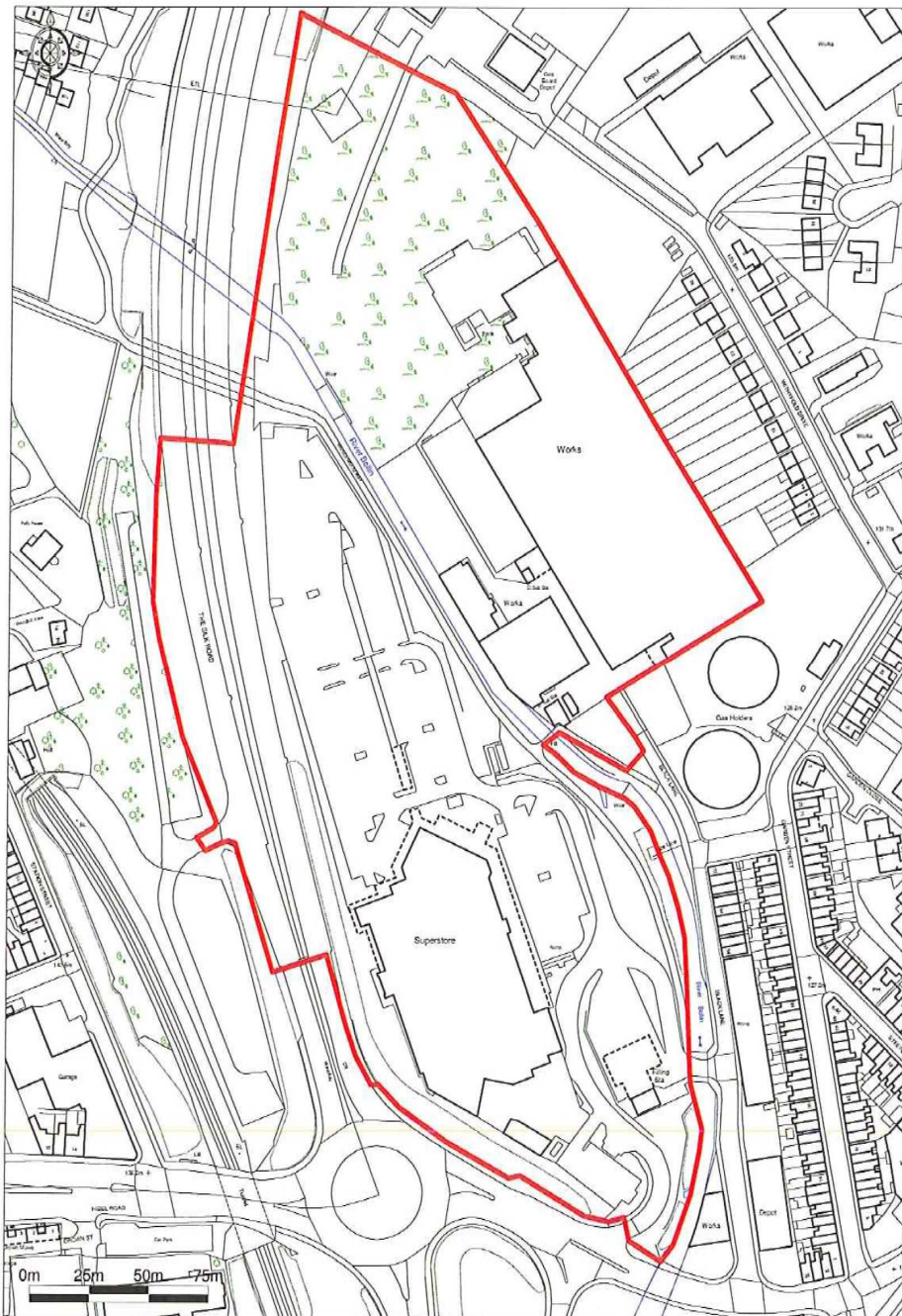
### **REFUSE for the following reasons:**

1. The proposals fail to satisfy the Sequential Test as the applicants have failed to demonstrate consideration of all other suitable and available edge of centre sites, in centre sites and demonstrate flexibility on issues such as format and scale. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. As such the proposals are contrary to guidance within the NPPF, PPS4: Companion Guide and policy S2 within the Macclesfield Local Plan 2004.
2. The proposals would have a significant and adverse impact on committed public and private investment in Macclesfield Town Centre. This would be contrary to guidance within the NPPF, PPS4 Practice Guide, policies S1 and S2 within the Macclesfield Local Plan 2004.
3. The proposals would have a significant and adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which has been identified as a threat to the future vitality and viability of Macclesfield town centre. This would be contrary to guidance within the NPPF, PPS4 Practice Guide, policies S1 and S2 within the Macclesfield Local Plan 2004.
4. Although the proposals will provide certain benefits, such as regenerating a brownfield site and creating employment, it is considered that the benefits of the proposals do not outweigh the adverse impact on the town centre and therefore, the development does not comply with the requirements of paragraph 14 of the NPPF.
5. The proposed development would cause significant congestion in Macclesfield town centre and would have a severe impact on the local highway network. As the residual cumulative impacts of the development are severe, the proposals would be contrary to guidance within the NPPF and policy T1 within the Macclesfield Borough Local Plan 2004.

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.

SITE LOCATION PLAN  
GLH/J001768/107



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Application No: 13/4092C

Location: Land South of Hall Drive, Alsager, Cheshire

Proposal: Outline application for erection of up to 125 dwellings with associated infrastructure (Resubmission of 12/4150C)

Applicant: Renew Land Developments Ltd

Expiry Date: 27-Dec-2013

**SUMMARY RECOMMENDATION**

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

**MAIN ISSUES**

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

**REFERRAL**

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

**1. SITE DESCRIPTION**

The application site is located to the south of Alsager, adjoining the existing settlement boundary as defined in the Congleton Borough Local Plan. It is approximately 450m from Alsager Town Centre.

The site is relatively level, currently undeveloped and used for agricultural purposes with no distinctive landscape characteristics. The land was formerly pasture but had not been used for many years until in 2012 a potato crop was taken from the land. It is a narrow strip of countryside between a modern housing development and St Gabriel's primary school to the north, which currently forms the edge of the settlement; and the railway line to the south which forms the Green Belt boundary. The railway provides a strong dividing line and defensible boundary between Alsager and the Green Belt, as is evident from the local plan map.

The site extends to approximately 6.34 hectares and is confined on its northern boundary by Valley Brook and a play area beyond which lie the houses on Swallow Drive. The play area and an area of public open space would be retained for community use.

There is a public footpath alongside part of the railway along the southern boundary of the site. This connects with a path that crosses the railway, and runs alongside the brook to connect with Well Lane/Cedar Avenue. This path gives access on foot to St Gabriel's school, the railway station, health centre and other town centre facilities. To the west of the site is agricultural land with the Old Mill Public House beyond. To the east are allotments and a playing field accessed from Cedar Avenue.

## **2. DETAILS OF PROPOSAL**

The application seeks outline planning permission for up to 125 dwellings with all matters reserved apart from access. An illustrative site layout is provided in support of the application. It is envisaged that the development would provide a mix of 3, 4 and 5 bedroom houses of 2 and 3 storeys in height, in either detached or mews-type houses.

30% of the dwellings would meet affordable housing criteria in accordance with policy requirements.

Additionally private and public amenity space, landscaped areas, new roads and off street car parking would be provided. Public footpaths would be retained and enhanced as part of the application.

The application is a resubmission of application 12/4150C, which is currently the subject of an Appeal after the Strategic Planning Board resolved to refuse the application on the following grounds:

*The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

## **3. RELEVANT PLANNING HISTORY**



13/4150C (2013) Erection of up to 150 dwellings with associated infrastructure-  
Refused

#### **4. PLANNING POLICIES**

National Planning Policy Framework

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

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

##### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

##### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)

North West Sustainability Checklist  
Strategic Housing Land Availability Assessment  
Draft Development Strategy  
Core Strategy Pre-submission Document.

#### 4. OBSERVATIONS OF CONSULTEES

##### Archaeology

- There are no features currently recorded on the Cheshire Historic Environment Record from within the application area and it must be admitted that the generally low-lying nature of the site makes it unlikely that it would have been attractive for permanent settlement. It is noted, however, that the application is supported by a detailed flood-risk assessment of the site, which has been prepared by ARJ Associates Ltd. Section 2.4 of this report includes a description of various drainage features which have been identified in or around the present stream and, based on the descriptions and photographs in the report, some of these are likely to be of archaeological interest. These include Structure D (timbers and stone blocks), Structure C (former weir), and Structure E (sluice associated with former mill leat). It is also noted that the development proposals will include new culverts, possible realignment of the brook, and various other drainage improvement works. It is likely, therefore, that potentially significant archaeological remains will be disturbed by the proposed development.
- This potential, however, is not sufficient to justify an objection to the development on archaeological grounds or to generate a recommendation for further predetermination work. The Archaeologist does advise, however, that it would be reasonable to secure a targeted programme of archaeological mitigation in the event that planning permission is granted. In view of the lack of any extant desk-based assessment, this work should take the form of an initial phase of map-based and documentary work in order to define those parts of the site requiring archaeological mitigation more closely. Targeted fieldwork should then be undertaken on features and areas of interest that will be affected by the development. A report on the work will need to be produced and the mitigation may be secured by the condition.
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*.

##### Environment Agency

- No objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no buildings or alteration of existing ground levels within Flood Zone 3 (1% AEP) flood event, has been submitted to and approved in writing by the local planning authority.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that the finished floor levels of proposed buildings are

to be set at a minimum of 600mm above the 1 in 100 year (1% AEP) plus climate change flood level, has been submitted to and approved in writing by the local planning authority.

- The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that all proposed access roads, parking and pedestrian areas are to be set at a minimum of 300mm above the 1 in 100 year (1% AEP) plus climate change flood level, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme 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 discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment suggests that surface water will be disposed of via soakaway. Percolation tests will need to be undertaken to confirm that this method is feasible. If surface water is to discharge to Valley Brook and 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 within the Flood Risk Assessment as 2.24 litres/sec/hectare, 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 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.
- 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.
- 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.
- Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (at least 8 metres wide), between the banktop of Valley Brook and any built development, 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 scheme shall include:

§ *plans showing the extent and layout of the undeveloped buffer zone*

§ *details of any proposed planting scheme (for example, native species)*

§ *details demonstrating how the undeveloped buffer zone will be protected during development and maintained over the longer term*

- Prior to the commencement of development, a water vole (*Arvicola amphibious*) survey shall be carried out prior to the submission of final detailed plans, to enable an assessment of the risk posed by the development. The survey should be carried out at an appropriate time of year, by a suitably experienced ecologist, using recognised survey methodology. The detailed design, construction, mitigation and compensation measures shall be submitted to and agreed in writing by the local planning authority.
- Valley Brook is designated a 'main river'. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.
- The Environment Agency have discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.
- Any replacement or removal of the existing culverted Hall Drive crossing will require prior written consent under the above Act as well as the proposed access across Valley Brook. It would be preferable if any crossing was a single span bridge, as this would have the least impact on the Brook. If a culvert access crossing is proposed, the basic requirements are that it is to be capable of passing the 1 in 100 year (1% AEP) flow in Valley Brook without affecting flood risk. Allowance for climate change and a 600mm freeboard allowance are to be included. The invert level is to be set a minimum of 300mm below the hard bed level in the Brook and mammal access through the culvert will be required.
- Any proposed surface water outfall structure will also require consent under the above Act. This should be constructed wholly within the bank profile using materials in keeping with the local area. The discharge exit velocity should not exceed 1.0 metre/second and should be angled with the direction of flow in the Brook.

## **Greenspaces**

### 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. Based on the Council's Interim Policy Note on Public Open Space there is a requirement for 3000m<sup>2</sup> of new Amenity Greenspace.
- The layout plan on page 22 of the D&A Statement shows 2 areas of Public Open Space but the actual area is not quantified.

- 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 recommended these areas of POS be transferred to a management company.

#### Children and Young Persons Provision

- Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.
- Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The play area should be of a LEAP size and 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.
- Please note that the existing play area adjoining the proposed development site (known as Swallow Drive Play Area) or the footbridge linking it to the nearby housing estate is not in the ownership of Cheshire East Council and as such it does not have responsibility for the site and has no intentions of acquiring the land. As we (Cheshire East Council) are not the landowner we are unable to request financial contributions to improve the site.
- The proximity of Swallow Drive Play Area to the water course has resulted in erosion of the riverbank and the perimeter of the play area and fence and therefore it has increased liabilities. To prevent continuing problems it would be preferable to build a new play area on the piece of the Amenity Greenspace (pg 22 D&A Statement) to the South West which is much further away from the watercourse to replace Swallow Drive Play Area which could then be removed (However this would probably mean the acquisition of Swallow Drive Play Area by the Developer from the current landowner)
- As with the Amenity Greenspace Streetscape would recommend that future management and maintenance of the play area be undertaken by a management company

#### **Network Rail**

- No objection to the scheme providing that the developer ensures that improvements are made to other PROW / pedestrian routes to discourage use of the level crossing to the west of the site and to encourage the use of the safe crossing at the under bridge.
- In addition request the following conditions:
  - Submission of scheme of drainage

- Submission of a method statement and risk assessment
  - Provision of a suitable trespass proof fence
  - Submission of full details of ground levels, earthworks and excavations.
- Request standard informatives to be attached to the decision notice relating to
  - Fencing – residential
  - Encroachment
  - Scaffolding
  - Vibro-impact machinery
  - Drainage
  - 2m gap between the buildings and structures on site and newtork rail boundary fencing
  - Lighting
  - Noise
  - Landscaping
  - Need for vehicle incursion prevention at the turning heads adjacent to the railway boundary.

### **Newcastle-under-Lyme Borough Council**

- The Planning Committee has the authority to make comments on behalf of the Borough Council and it resolved that your Council be advised that the Borough Council OBJECTS to the application on the grounds that major residential development in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

### **United Utilities**

No objection to the proposal subject to the following conditions:

- 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 directly in to the adjacent watercourse and may require the consent of the Local Authority.
- This site would need to be served via a foul water pumping station with the nearest public sewer available for discharge purposes being located approx' 400m away.

### **Natural England**

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- The protected species survey has identified that bats, a European protected species may be affected by this application.
- Natural England refer the Council to their standing advice relating to bats
- They have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, widespread reptiles or white-clawed crayfish . These are all species protected by domestic legislation and they make reference to standing advice to assess the impact on these species.
- The application is not within/close to a SSSI or SAC notified for bats.

- There are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal.
- Detailed visual inspections had been undertaken and no evidence of a roost was found.
- The application does not involve a medium or high risk building as defined in our standing advice.
- "Permission could be granted (subject to other constraints)" and the authority should "Consider requesting enhancements".

## Highways

- The site is proposed to be accessed for Hall Drive that already serves some 180 residential units and adding the proposed development would bring the total up to 330 units, this is on the upper limit of being served from one single point of access, which is the at the junction of Hall Drive/ Crewe Road. The standard of Hall Drive in terms of road and footway width varies through its length and again it is on the limit of what development can reasonably be served from this infrastructure. The junction of Hall Drive /Crewe Road has been assessed with regard to capacity and although the layout of the junction is non-standard it does provide minimum levels of visibility. Whilst, these issues are of concern they are not severe reasons to reject the application.
- The traffic impact has been assessed on a number of junctions on the road network and although the applicant does not conclude that there is an impact there are concerns at two junctions Hassall Road /Crewe Road and Sandbach Road / B5077 Crewe Road where capacity problems exist. The development will add to congestions problems and there has been no offer of mitigation towards improving the highway network from this development.
- The site is located some distance away from local bus services and this is considered detrimental to providing modal shift for the site despite the introduction of a Travel Plan, it is also quite a walk to the railway station from the site. However, the location of the site does meet policy distances for walking to a range of services and it would prove difficult to say that the site is isolated and not accessible.
- In summary, there are a number of issues I have identified as problems with the development but they are not ones which I can say causes a severe impact as described in the NPPF although there is an impact identified at existing junctions albeit a small percentage increase that does warrant mitigation. In this regard, I would request that the site does provide a financial contribution of 200k in mitigation at these junctions. It is clear that some other form of junction is necessary at Hassall Road/ Crewe Road and that additional capacity needs to be found at the signal junction in the town centre at Sandbach Road / Crewe Road.
- The above contribution was worked out on the basis of 150 units, if they change it to 125 then its £166,000 or if it goes to 109 units then its £146,000.

## Environmental Health

No objection subject to the following conditions:

- Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of a piling method statement
- 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
- Any mitigation measures applied must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
- Submission, approval and implementation of a residential travel plan
- Provision of Electric Vehicle infrastructure on the properties.
- Submission and approval of a Phase II 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 to be submitted, and approved
- If remediation is required, a Site Completion Report to be submitted and approved.

### **Health and Safety Executive**

- From the plans it is clear that the development falls within the consultation distances of the nearby explosives facilities licensed by the HSE. Based on the information provide, the Explosives Inspectorate has considered the effect that the explosives operations allowed under the license might have on the new development. If this development is allowed to proceed, the external population density permitted in this reference zone for this explosives facility will be exceeded. The conclusion is that whilst the probably to a major accident involve explosives is low, the consequences to people at the development could be serious.
- Note that the re-submitted plans now have the building zones skirting the edge of the Class 2 inhabited buildings distance safeguarding yellow line. The footprint of the plan still infringes this line, and no guarantees are given on the future building on this green land should planning permission be given on this occasion. On this basis, the Explosives Inspector looking at the application has advised an objection response advising of an undertaking necessary to guarantee that no future development of the green land inside the yellow line will take place. TH proposed buildings should not be more than 2 storeys high and should not be of vulnerable construction.
- Any plans to develop inside the yellow line could jeopardize the operations of the BAE Systems, Radway Green site, due to enforced amendment of the explosives license.



## Public Rights of Way

- The proposed development, as acknowledged in the application documents, will affect Public Rights of Way (PROW), namely Public Footpaths Nos. 8 and 10 in the Parish of Alsager, as recorded on the Definitive Map and Statement of Public Rights of Way
- The PROW Unit requests that the Planning department add the standard advisory notes to any planning consent.
- The Design and Access Statement acknowledges that the existing Public Footpath No. 8, which runs along the northern edge of the railway line/southern edge of the site, will need to be accommodated within the layout. It continues to propose that the footpath will be faced with a number of private drives to provide natural surveillance over the path. This design principle is welcomed, with the path remaining un-enclosed, provided that the width of the public right of way is not be diminished. In order for the public footpath to be used by prospective residents as a means of access to the town centre, the surface of the path should be brought up to an all-weather surface, such as crushed stone and a width of at least 2 metres should be allowed for the footpath in any detailed design. The Public Rights of Way team will need to be consulted on the proposals for the layout of the development adjacent to this footpath and full details and specifications for the footpath will require the agreement of the Public Rights of Way office prior to any development taking place.
- In order to further increase the permeability of the site for cyclists as well as pedestrians, it may be appropriate to upgrade, in status and surface, this section of public footpath which at present only pedestrians have a right to use. In terms of status, the route may be upgraded to a public bridleway or cycle track through legal order process. Alternatively, permissive access for cyclists could be granted over the land by the developer. In terms of surface, the route would benefit from being formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility with appropriate width of 2m minimum or 3m preferable width, to be consistent with best practice for traffic-free routes. At present this route is valued by local residents as a rural path and therefore the facility could be designed into the green infrastructure of the site. The developer would be required to cover the administrative costs of any legal orders and the construction works. If the surface of the path is not to be maintained within the arrangements for the public open space of the site, contributions towards maintenance costs would be required through a commuted sum.
- It should be noted that at the south-western corner of the development site, Footpath No. 8 connects with Footpath No. 9 which crosses the railway at grade at this location.
- Section 3.11 of the Framework Travel Plan describes the intention to “provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre”. Presumably this relates to Footpath No. 10 on which improvements would be required and welcomed in order to cater for the increased traffic generated by the proposed development.

- In order for both pedestrians and cyclists to use the public right of way, the route will require upgrading in status and surface from its junction with Footpath No. 8 to Cedar Avenue. In terms of status, the route will need to be upgraded to a public bridleway or cycle track through legal order process for which the developer would be required to pay the administrative costs. In terms of surface, the route will need to be formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility consistent with best practice and the developer would be required to cover the costs for this both within and outside of the development red line boundary. In order to provide this facility, the line of the route will require diversion away from the brook which threatens erosion of the line of the path, and the proposals could include a link to the adjacent adopted Footway FY1403 off Swettenham Close to increase the permeability of the site. These proposals will then match the aspiration stated in the Framework Travel Plan to accommodate a primarily non-vehicular route for pedestrians and cyclists to the town centre within the public open space. Full details and specifications will require the agreement of the public rights of way office prior to any development taking place. If the surface of the path is not to be maintained within the arrangements for the public open space of the development, contributions towards maintenance costs would be required through a commuted sum.
- In relation to Public Footpath No. 10, section 3.7 of the Transport Assessment states that the footpath will be retained on the existing alignment, the brook over which it crosses will be realigned and a new footbridge provided. It is unlikely that the proposals will enable the footpath to be kept on its current Definitive line, and therefore the developer will be required to submit detailed plans and specifications to this office for approval. Any required legal orders will need to be applied for and costs covered by the developer. It should be noted that the status of Lake View lane (QR1986), over which the public footpath runs, will require clarification with the Highways Department.
- It appears that the development will temporarily affect Public Footpath No. 10 during construction due to the proposed realignment of the brook and bridge and may affect Public Footpath No. 8 during construction of the dwellings and access routes. The developer must therefore apply for a temporary closure of the route(s), preferably providing suitable alternatives. The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be designed as part of the proposals. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities, is proposed so that prospective residents are fully informed of travel options. This should be extended to provide residents with information on leisure activities including the public rights of way network in the vicinity of the site.
- In conclusion, the proposed development, through best practice integration of the existing public rights of way into the design of the site, could offer improved pedestrian and cyclist facilities for residents of the area. The developer will be required to obtain

the agreement of the Public Rights of Way team during the design of the development with respect to the affected Public Footpaths.

### **Education**

- 125 dwellings would be £249,465 (23 primary aged pupils)
- 109 dwellings would be £216,926 (20 primary aged pupils)

### **BAe Systems**

- Comments awaited at the time of report preparation

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

Alsager Town Council strongly objects to the proposed development (13/4092C) on the following grounds:

- a. The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.
- b. Cheshire East Council state that they have in excess of the required 5 years supply of land identified in the 2012 SHLAA document and this site is not contained therein.
- c. The application is an intrusion into the surrounding open countryside and no development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development.
- d. A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.
- e. The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local

environment, open spaces and wild life. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.

- f. This particular application, in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the town's highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere to the town as a whole.
- g. The proposal will increase the traffic congestion on Hall Drive and put pressure on Crewe Road and its junctions with Station Road, Hassall Road and the mini roundabout at Poppyfields. Many children walk to school via Hall Drive which is the only proposed access road to the development. The transport assessment undertaken by the developers has not taken into account key junctions close to the proposed development, such as the mini-roundabout at Poppyfields or the cross-road junction between Station Road, Crewe Road and Church Road. The Town Council has serious concerns about the impact of significant increase traffic use of the Church Road/Station Road junction given its proximity to the Hall Drive entrance and the hazardous site lines onto the main route through Alsager.
- h. The Town Council has serious concerns about the existing ground conditions on which the development is proposed and would contend that there is an increased flood risk that would be further worsened by new development on this site and ask Cheshire East Council to defer consideration of this application until a thorough investigation into ground conditions has been undertaken.
- i. The proposed development is located partly within the Radway Green Ammunitions Factory Exclusion Zone and it is the Town Council's view that to develop the site would be unsafe in the event of an explosive accident and consequently urge Cheshire East Council to acquire a report from the Health and Safety Executive.
- j. The Town Council understands that Network Rail have submitted a holding objection to the original application no. 12/4150C. The Town Council is concerned that health and safety issues relating to footpaths in close proximity to the railway line have not been addressed by the developers.
- k. The Town Council have concerns that there is insufficient information in the application relating to the impact of the development on local Air Quality.
- l. The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application

## 6. OTHER REPRESENTATIONS

### Councillor Fletcher

- Having seen what is proposed on this outline plan I am truly horrified.
- The applicants appear to have accepted that they cannot build on some parts of the field due to the high water table and the proximity of Radway Green R.O.F.
- So the proposal for what appears to be two clusters of houses with a space in between them and the current Hall Drive houses which will probably be a swamp for many months of the year will just not look right from the street scene point of view.
- I believe this is an incursion into the countryside and that the Valley Brook should remain the boundary for residential development.

### Swettenham Close Residents

A 25 page joint objection has been received from the residents of Swettenham Close. The executive summary states:

- *The proposal conflicts with the emerging Alsager Town Strategy and is a deviation from the Local Plan. This site would be in addition to the accepted limit of 1,000 houses for the current plan period.*
- *Moreover a planning inspector recently emphasised that Alsager is an area of planning restraint*
- *This proposal would breach the existing urban boundary; intrude into open countryside, and go against the policy of preserving grade 3a agricultural land.*
- *It would reduce amenity and adversely impact on public rights of way*
- *The site is inappropriate for residential development due to an adjacent railway, a flood prone brook with rapidly eroding banks, and its proximity to BAE systems at Radway Green*
- *The applicant has failed to demonstrate that the proposal sites can sustainably deliver up to 125 dwellings, being mindful of the precautionary principle. synergy principle in conjunction with the sustainability criteria of the NPPF these constitute further material grounds for refusal.*

### Hall Drive Action Group

A 40 page objection has been received from the Hall Drive Action Group. The executive summary states:

- The Hall Drive Action Group (HDAG) is submitting this document as an objection against the re-submitted application for the proposed development on the land south of Hall Drive, Alsager. The application submitted by Emery Planning Partnership on behalf of Renew Land Developments indicates proposals to build up to 110, 125 or 150 dwellings on the site, depending on which submitted document is read.
- HDAG objects to the proposed development based on numerous valid technical reasons which demonstrate that this proposed development is not sustainable and the *adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.*
- Clearly, since the initial application by the same party on this site in 2012, the findings of the Planning Inspector (PI) on the Appeal Ref: APP/R0660/A/ 13/2195201 Land off Sandbach Road North, Alsager ST7 2EH have clarified matters. On the one hand he found that Cheshire East Council cannot demonstrate a 5 year land supply. On the other hand he found Planning Policy PS4 of the extant Congleton Local Plan is not to be time expired. Indeed, he found the policy as largely in conformity with the NPPF and attracting significant weight. Clearly this development, as in the appeal case, falls foul of CLP Policies PS8 and H6 which seek to restrict development outside the Settlement Zone Line (SZL).

- Our objection to the current proposal recognises that time and issues have moved on. However, the issues which were valid then are even more valid now in the light of the documents presented in this re-submission. It is based on the same six major technical areas:
- Policy – the site is outside the SZL as noted above. Therefore permission should be refused on this basis.
  - The indicative plan shows two islands of development divorced from existing development and surrounded by a sea of green-space.
- Intrusion into the Open Countryside, destruction of natural habitat, loss of grade 3 agricultural land, and damage to both the character and appearance of the countryside and on the Green Belt land across the railway line. This would be in conflict with CLP Policies GR1 and GR5.
- Flood Risk (all parties agree that the site floods).
- Despite detailed comments from HDAG, in part informed by a professional critique of the developer's consultant's Flood risk assessment, this report has not been updated. Network Rail has now commented strongly on this issue.
- Traffic Impact
  - Although the Traffic Assessment has been amended for this application, it now excludes Crewe Rd/Hassall Rd/Chancery Lane junction (which showed issues), and continues to exclude the two closest junctions at Crewe Road/Station Road and Poppyfields roundabout. Planning permission was also refused in 1996 and on appeal in 1997 for a golf course etc because of general environmental impact of more traffic on the quality of life of Hall Drive residents.
- Proximity to Railway and associated safety risks
  - Again despite detailed comments regarding the findings of the noise survey the issue has not been revisited by the developers.
- Safety relating to Munitions Exclusion Zone at Radway Green and impact on the site's commercial viability (Should the developers continue to challenge the validity of the exclusion zone) depending on which document is read
- Our objection assesses these key technicalities, based on a detailed review of the assessments submitted by the developers. Evidence for our objections is established from a range of sources, including resident's own technical knowledge and experience, consultation with consultees and statutory bodies, and a data gathering exercise from publically available information. This objection illustrates that the proposed development is not in full accordance with the National Planning Policy Framework (NPPF) and when fully assessed against this framework, the potential adverse impacts of this development would demonstrably outweigh any potential benefits.

- The proposed development would cause severe irreversible detriment to the residents of Alsager, impacting current and future generations.
- On this basis, the proposed development on the land south of Hall Drive, Alsager, would not constitute sustainable development, and we therefore recommend that Cheshire East Council should not grant planning permission for this application.

## 22 Swettenham Close

A 40 Page objection has been received from the occupier of 22 Swettenham Close. It concludes as follows:

1. The site is not directly accessible from a main road; only via a narrow, winding, busy built-up road with numerous junctions and above average level of vulnerable users; thereby creating congestion, accident risk and community severance.
2. This adverse impact would be felt by the numerous pedestrians and amenity users. People crossing the construction access to get to school and elsewhere; people accessing POS, PROWs and attendant amenity. Policies and case law emphasise the experiential and qualitative. They also take great account of consultation. There has been no active consultation by the applicants with users and stakeholders.
3. The proposal site has additional 'unique non-selling points'. In essence, the two proposal fields are islands, bordered by a railway line and a rapidly-eroding flood-prone 'main river' brook.
4. BAE Radway Green: threat to its viability, contrary to NPPF
5. The applicant's 'sustainability' argument rests heavily on the NWDA Toolkit for developers. This is a biased facile device from a disbanded NGO. It lacks credibility and pragmatism. The NWDA themselves acknowledge local authorities might lack the ability to check information submitted.
6. The developer's case is further falsely predicated on spurious *Ceteris Paribus* assumptions. *Ceteris Paribus* is a modelling tool, based on the Latin concept of 'other things being equal'. To simplify models and consequential arguments, certain assumptions are made and certain variables omitted. E.g. the walking model assumes journeys will be made in the dark, in all weathers, via unlit routes without pavements.
7. There is no evidence to support the scheme promoters' contentions that current POS/s106 provision is safety deficient. The current Swallow Drive Play Area is a valued amenity, well used, and safe.
8. The proposal area risks becoming another employment inaccessible area for those without a car.
9. Alsager is an area of planning restraint. Permitting this proposal would be detrimental to Alsager's cohesion and deter much-needed brownfield development in neighbouring conurbations such as Stoke-on-Trent.

## **Petition**

A Petition containing approximately 852 signatures has previously been received objecting to the proposal.

## **Individual Representations**

c.340 individual representations have been received making the following points:

### ***Policy Issues***

- Flies in the face of national and local (The Alsager Town Strategy) policy to build on brownfield sites (such as MMU and Twyfords) as a priority.
- The Town Strategy was adopted in August 2012 after local residents were consulted and whose views must be taken into account even though the Town Plan is only 'evidence'
- There is sufficient brownfield land in Alsager to accommodate the 1000 new houses that allegedly need to be built without any greenfield or open space being used
- These brownfield sites are better suited and should be used before Greenfield.
- The university appears to have been completely vacated now and the buildings have been boarded up. Inevitably this is an open invitation to youths to congregate in this area and over time it would be usual to expect vandalism and general anti-social behaviour. To develop this brown site therefore should be the priority. Failure to do this may result in having a negative impact on Alsager and increased risk of crime.
- Why this land is even being looked at when there are brown fields sites locally?
- There is one registered and approved planning application to build on a brown field site in Alsager and Cheshire East Council knows that more applications are imminent. There is therefore no longer any excuse to ignore Cheshire East's own policy of giving priority to brownfield sites and to refuse permission to build on precious farmland or any other greenfield sites.
- A proper strategic development strategy for Alsager is needed. Currently there seems to be random applications, many on green field sites, that seem inappropriate and poorly thought through.
- The Town Strategy looked into the viability of using this land for future housing but rejected it as unsuitable and this strategy should now be a material consideration when deciding where to approve applications in Alsager. Surely the council should take local leaders' decisions seriously and not override them at will.
- To ignore the Alsager Town Plan would be to ignore the wishes of the Alsager Community, Cheshire East policies and National Policies.
- The option to use farmland/Greenfield sites has previously been rejected by all Town Council and Cheshire East Councillors.
- Alsager Town Council had a legal obligation to identify any possible, potential sites. Developers should not be allowed to get away with using the actions of the Town Council as some sort of 'carte blanche' justification for making planning applications for these sites just because they have previously been identified as an option.
- Alsager Town local plan has not yet been approved. The interim plan was consulted on but views were ignored. This is not democratic and therefore the interim plan is invalid.



The Council should re-consult and actually take into account people's opinions, otherwise all future planning applications of this nature will be opposed. Better still, the local plan should be expedited through to reach an agreement.

- This is another unnecessary raid on Alsager's green belt.
- There is no point having a properly constituted town strategy if developers can ignore it.
- Developers obviously prefer green field sites because it is more profitable than re-instating brownfield sites. The cost of clearing these sites is not attractive to developers, especially where asbestos may be involved. It must be remembered that their primary responsibility is to their shareholders, not to the local community. However this is in no way a reason for their preference for greenfield sites to be condoned or approved.
- Why would any decent ethical developer ignore the wishes of the community expressed through the town strategy?
- No planning applications in Alsager should be considered until the Cheshire East 5 year plan is drawn up and published.
- The field subject to the proposal is green belt and should not be built on.
- In producing the Strategy Alsager followed National and Cheshire East Guidelines to the letter and the plan has been accepted by Cheshire East. It would be perverse not to implement the Alsager Town Strategy otherwise Government demands for local control have not been met.
- Residents are in favour of the expansion of Alsager, notably by the construction of affordable housing. Alsager's population is disproportionately old, and development is needed. The excellent Alsager Town Strategy produced recently outlines suitable brown field sites for such growth.
- The pre-existing Congleton Borough Local Plan specifically identifies Alsager as an area of housing restraint. The Plan still stands until Cheshire East Council complete their own Plan.
- There is also a case based on Cheshire East's Emerging Plan. In the case of Alsager, it is apparent that the housing element of the Emerging Plan is already in place, and adopted.
- Developers must not be allowed to exploit the temporary lack of a Cheshire East Plan in order to cover the South East Cheshire countryside with unwanted urban sprawl against the wishes of the residents.
- The NPPF also states with reference to sustainability that green fields should not be built on unless there is absolutely no alternative and should only be used for housing in exceptional circumstances.
- Despite all of this, planning requests for housing development in and around Alsager are still being received and Cheshire East (elected representatives) should not override the wishes of local councils and residents to meet the wishes of developers.
- The land is allocated in the extant Congleton Local Plan as formal public open space. The developers propose that the playing fields at the MMU site should be substituted for this allocation - because there is a Planning Brief for the site. However the developers have deliberately excluded the MMU site from their traffic analysis because the MMU site has not received planning permission. This is clearly inconsistent and should be seen for what it is
- Greg Clark, the minister responsible for planning recently said the framework ensured there would be no greenfield development without the sanction of local authorities. *"Local communities are the best judges of what is important in their area,"* Clark said. *"My expectation is that most communities will want to bring brownfield back into use; but*

*if they want to preserve green space in towns, to maintain a leafy aspect to them, [and instead would] like to make the choice, say, to add two or three homes to the edge of villages in their area, it will be up to local people to decide. I don't think they should be prevented from making that choice by a national ban."*

- Pressure for the development in the village is considerable, mainly for housing city commuters, but has been successfully resisted in similar cases recently.
- It flies in the face of the stated Strategic aim in the Town Strategy Plan to '*Maintain the Green Belt between Alsager and the Potteries*'. It is also out of step with the current Government's own strategy stated in its 'Quality of Life Report' from 2007 which stated in reference to new builds, '*...we have to use brown field sites for the vast majority of [these] new homes. Of course, the [building] industry would be better pleased to be given carte blanche to build on virgin land. However, not only is that environmentally unacceptable, but it is also politically impossible...*'.

### **Lack of Need**

- Sufficient land has been identified within the Strategy to meet the town's foreseeable housing needs.
- The need for the houses is unproved. There are many empty properties and houses which have been on the market for a long time, and for sale signs are everywhere. Flats, houses, terraced, town house are all available
- It would difficult for people to sell existing houses in this area
- New development should be to meet the calculated local housing needs of an area, as opposed to the generalised figures concocted by central government.
- If there is housing need it is in the South Manchester/Didsbury area, not here. Turning Alsager, Sandbach and Congleton into dormitories for South Manchester will do nothing for carbon emissions or environmental degradation.
- The forecast requirement for housing, is derived by mere statistical techniques with little or no reference to local conditions. Alsager have just lost the two largest remaining employers, the MMU and Twyfords factory. The remaining large employer (BAE Radway Green) has automated its lines and cut workforce despite winning the full UK supply contract. Lack of employment is translating already into lack of demand for housing in Alsager, with one primary school closing last year due to lack of demand. House prices have dropped greatly over the last decade, in comparison with prices in Kidsgrove, and there are many houses proving impossible to sell in the town. Therefore, if there will be renewed demand in Alsager after the recession is over, that will be weak and fully met by the Twyfords and MMU sites.
- A quota of more than 1000 new houses has been imposed on Alsager because of Government policies despite the obvious fact that there is currently no demand and there is very unlikely to be any such demand between now and 2030 as the quota suggests.
- It is also becoming clear that the census population statistics and estimates of population growth and movement are seriously flawed and will hopefully be publicly challenged but central and local government (Cheshire East Council) is using these disputed figures to force local communities to accept unwanted houses on farmland for political reasons not need.
- Contrary to superficial opinion, the building of residences on green field sites adjacent to open countryside generates its own demand to a great extent, and is not satisfying any

local demand. It is inevitable that new housing will attract residents largely from other conurbations, such as Stoke-on-Trent.

- Alsager already has a nine year supply of available housing land.
- There has been explosion of property development in and around the town including proposals on Hassall Road, Dunnocksfold Road, Hall Drive, Crewe Road, opposite Willbram Arms and probably others. Residents cannot see the need for further development in the town and have never seen any assessment to support the need
- The emerging local plan is likely to show a 5 year supply of housing land. Were this to have been formalised already the present window of opportunity that the developers are trying to exploit would be closed.
- The need for additional housing in Alsager, Cheshire East or even the North West has never been explained properly by central government. House prices in the region are still depressed and building more houses will only make the situation worse. Unless significant money is invested in local business to create jobs for all the additional people in the area, why would people want to come and live here?
- This proposal demands an increase in industrial activity which is not envisaged and may never again be a possibility. During this town's former growth spurts the incentive was the proximity of technology industry at Talke Pits which made Alsager a convenient place to live. Today the employment opportunities especially for qualified engineering and other professions is not well defined suggesting a necessity for wide ranging commuting activity.
- With regards to the MMU college site, it was originally proposed that: by 2014 there would be a total of 300 houses, office space and a retail development, including shops, restaurants and financial services. However, these plans have been 'delayed until the housing market recovers.' This therefore begs the question: what is different regarding the plans for the site in question? We are clearly still in the middle of a recession; the housing market remains static: banks are not approving mortgages: and wages for the majority of Alsager residents are not high enough to achieve a 20% deposit to buy a house here, even a house defined as 'low cost' by the average person living and working in Alsager today.

### ***Impact on the Character of Alsager***

- Alsager is now a large town and has little agricultural or green land left.
- The town should not be allowed to grow unchecked but should remain a small country town and this will affect the character of the town. Many people still refer to Alsager as "the village" which shows how much it has already grown in the past.
- It is losing its identity as a village as the Council grants more and more developments year in year out.
- To build anymore houses in Alsager would result in the village no longer being a village.
- Alsager feels like it's lost its heart due to the rapid mass urbanisation of the village.
- The awful state Crewe is in now, is due to housing estates being built on every spare patch of ground, residents do not wish to see Alsager share its plight
- It would ruin the character of the village. The protection of Alsager's visual, historic and archaeological qualities is supported by The Alsager Town Strategy which highlights that inappropriately-designed and sited housing, or design, will fail to take opportunities to improve the character of an area and should not be accepted.

### ***Lack of Economic Benefit***

- To build for the sake of creating short term work is not a sustainable approach
- Jobs provided by such developments are transient and tend not to provide much local employment. Such work is generally subcontracted to firms based in regional conurbations such as Stoke-on-Trent, Manchester and Liverpool, who draw employees mainly from those areas
- The short-term view that any increase in housing would increase business in the town should be off-set by longer term thinking about how building on greenfield sites such as Hall Drive would negatively impact Alsager. One of the main draws of Alsager is the easy access to green spaces and the semi-rural feel of those estates on the outskirts of Town. If the focus of any new build is to erode the network of spaces for current residents then this can only have a long term detrimental impact on the towns attractiveness as a place to live, set up business and invest.

### ***Impact on Infrastructure***

- Any extra houses will put a strain on local services such as health and education.
- With 150 dwellings with 2.4 children each a larger schools will be required. Existing ones are full to capacity.
- Developments such as these extend the services, gas, water, electricity and roads rather than economizing on those that already exist.
- The electric power lines on that side of Alsager are considered over capacity. (Practical capacity is set at 85% of nominal capacity, to accommodate variations and surges in demand.)
- What are the emergency services requirements?
- The existing sewerage network along Crewe Road is already running close to its maximum capacity with the (relatively) recent additions of housing at Hall Drive and Poppyfields (and its latter additions) feeding into the old sewerage system.
- The play area is shown to be adjoining the brook/river. What safety measures are being included?
- Alsager has one medical centre shared by two practises with all these extra houses and therefore people the current excellent service given could suffer.
- Alsager is now not looked after efficiently has it used to be by the Council and building more houses is going to put more pressure on the services done by the Council - more roads to repair, more bins to empty, more waste water and drains to look after.
- Infrastructure impact studies need to be carried out to assess the effects of availability of school places; medical facilities and sewage plant capacity in the area.
- Leighton Hospital hardware (car park and buildings) are far from sufficient.
- No further plan of new homes should be considered before an appropriate plan of the infrastructure is approved first. Otherwise, any plan will be irresponsible.
- The expansion of settlement here will obviously increase the waiting time for GP services which is some cases in critical with waiting times exceeding the weekly diary. Local Hospitals, Leighton and University Hospital show signs of stress in ward admission, outpatients and A & E, a thing which will be a of general and specific impact
- The Catholic primary school (nearby) has a 5-year waiting list.

- At the moment there is one supermarket and although this has recently been enlarged, it is still the only one in Alsager. There is no petrol station in Alsager.
- For the most part, Alsager has remained, in essence, a rural village with the amenities and infrastructure of such: a large increase in the population can only create far-reaching consequences for both existing Alsager residents and incomers alike.
- There is a total lack of amenity in Alsager made all the more critical by the failure of the East Cheshire Council and previous formulations of Councils to guard leisure facilities.
- Repeated submissions for the better access to the Alsager Mere and efforts to prevent removal of expensive and new facilities at the MMU site (swimming pool, tennis courts and gym hall particularly) have failed.

### ***Design issues***

- The proposed siting of the development is particularly ill-considered: building here would both diminish the striking view into the centre of the village but also be prominent from most angles approaching the village.
- Design issues for the proposed site might be solved by conditions or revised proposals, but these could not remedy the siting problem.
- The Parish Council, Network Rail and Radway Green share the concerns.
- The proposal that will look out of place in this area as its character does not fit in with the existing character of the area. The proposed development is much larger than other buildings in an area and will stand out in the countryside.
- The design, layout and appearance of the new developments is not practical and fails to fit in with the character and appearance of the surrounding area. The development would be too dominant. The proposed density (the number of dwellings per hectare) appears to be significantly higher than that found in the area.

### ***Sustainability***

- The design does not include any features required for sustainability, such as energy generation or on-site sewage/foul water disposal and effective waste management.
- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars, increasing carbon production.
- East Cheshires reduced bus services through the village, could limit opportunities for the residents of the any new development to travel by public transport.

### ***Loss of Agricultural Land***

- The site has provided crops in recent years so why is it classed as under utilised? One crop failed this year because it was waterlogged.
- It is wrong to build on agricultural land as due to increasing demands on foodstuffs.
- We should be looking for future generations to be self sufficient not reliant on imports.
- We need to retain as much agricultural land as possible, given the rapidly expanding population of Great Britain and increasing difficulties in importing food from abroad as other countries develop and consume more.
- The land with water alongside it is suitable to grow food, eg vegetables and fruit, by people in existing housing near it. Towns and cities are now short of work, so

households working near their housing by growing their food would have useful work - without travelling to it.

- People growing their vegetables and fruit usually use manual cultivations with plant trash (compost, etc) providing the nutrients; a form of sustainable agriculture. Whereas large scale mechanised farming involves unsustainable practices. "Sustainability" is required in various objectives. Broadly "brownfield" land, now existing in Alsager and most other towns, is mostly unsuitable for agriculture. Food is an essential consumable, and is expensive in resources to import and distribute. So land that is suitable to grow plants that is near housing should be used for that.
- Destroying a farm land is very dangerous to the country's survival especially when the population is increasing quickly. The Office for National Statistics (ONS) said it was set to rise from 62.3 million in 2010 to 67.2 million by 2020 and 73.2 million by 2035

### ***Impact on Open Countryside***

- Whilst not an area of outstanding beauty it is still green belt
- This proposal is clearly an intrusion into the Alsager countryside and erodes the network of green spaces around Alsager
- The site must be preserved in order to keep the green space round Alsager for current and future generations
- It is an opportunist proposal that will not enhance Alsager town as the buildings will be spreading the village in a rambling way. The development will further degrade the surrounding countryside belt which separates Alsager from neighbouring communities
- There is an obvious barrier in the form of Valley Brook. It would be the only site off a Crewe Road access that is across Valley Brook. It is inappropriate in that location.
- It is one of the few remaining dark places in Alsager and should be kept as such.
- The proposed development by reason of incursion of built form into the open countryside would detract from the generally open character of this area and would extend the development boundary of Alsager. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply.

### ***Loss of Recreational Land***

- Alsager 's USP, as outlined in the Town Plan, is its ease of access to countryside and to a network of footpaths. It would therefore seem perverse to give planning permission for this greenfield site, particularly since there are at least two available brownfield sites currently not being utilised.
- This part of Alsager has an historic walk situated to the side nearest the railway line - part of a network of footpaths leading to Barthomley. In past centuries, people used this network of footpaths to worship at Barthomley church, before the churches at Alsager were built. They are still used regularly by a variety of people. They are also used by the local Ramblers Associations as part of their scheduled walks, winter and summer alike.
- It is a pleasant walk they can do from their homes without having to drive into the countryside. It would be a significant loss of readily accessible green space.

- It is said that footpaths would be 'upgraded' as part of the development. A tarmac path between houses is a poor substitute for a path through open countryside.
- To offer a long dark tarmac 'corridor' at the back of large housing estate and between that and the railway line (which it has been proposed to fence off ), for the purpose of preserving these footpaths would not serve anyone well.
- Children regularly play on and around this site.
- We are constantly being told by health officials to get our families outside and keep a healthy lifestyle, yet eventually it seems the Council may allow there to be no green areas in Alsager.
- Walking over the fields towards the fisheries and surrounding area is a good way of taking exercise that doesn't cost any money.
- This development not only intrudes on the Alsager countryside but also with residents work/life balance.
- The field directly at the back of Swettenham Close will be affected which will prevent the children playing football and other leisure activities which are very popular, especially in the summer. Again, another form of exercise for the children that is cost free which keeps them entertained for hours
- The land has always been used by walkers, dog walkers, children playing and even a bonfire site for the village bonfire run by the Rotary. It has become an unofficial village green.

### ***Amenity***

- Residents bought houses here because they were surrounded by green belt, located in a semi-rural area, were close to fields and overlooked countryside. This application attacks their personal circumstances.
- Spectacular views will be lost and there would be no more privacy for existing residents especially on the end plot. The appearance would become quite ugly and block out the view of the train.
- The paths would become a much busier thoroughfare and privacy could be invaded and there will be potential for anti- social behaviour.
- Residents who have lived on a building site at their previous home for 4 years, cannot think of anything worse than living in that situation again - the noise, dirt, ruined roads (and the damage to cars as a result)
- Before the Council make a decision they should think this "If I lived there or if this was happening in my area, to my house - would I grant it?"
- Hall Drive is settled community and the imposition of a building development over a long term is seriously going to impact their life experience
- Residents are concerned with the proposal of 2 and 3 storey properties right next to them there will be a loss of privacy and a loss of light particularly being only single storey dwellings in some cases.
- If this land is built upon the options for recreation and enjoyment of future generations will be severely reduced and that is not " sustainable " development

### ***Ecology***

- The site is home to a diversity of wildlife including protected species

- There have been sightings of buzzard, hawks, hoopoes, wood peckers, bats, skylarks, dragonflies, birds, foxes, shoals of stickleback fish, flocks of long-tailed tits, greenfinches, frogs, bats, toads, snakes, nesting pheasants, kestrels, owls and water voles (although a one day survey did not find the latter.),
- Great Crested Newts migrate from the wet areas.
- Green belt land in the UK should be maintained for the housing of wildlife which is constantly being put at risk from developments. They have a right to living just as much as we do, especially considering there are areas of brownfield sites in the Alsager area which could be used for this development.
- One day much of our wildlife will be eradicated if developments such as this continue.
- There are several healthy oak trees which deserve protection.
- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.
- The ecology data employed in the application is technically incorrect. The data ignores a site for Great Crested Newts that is afforded the Protection of a Section 106 agreement well within the 2000 metre span highlighted in the document. The ecologist is making claims that cannot be substantiated
- There is a lack of available data on how the mature trees on the site will be protected, and no mitigation strategy proposed.
- The wild life of Alsager has declined significantly in recent times and as the various additions of allocated lands have come on stream there has been a noticeable extinction of animals generally. Once Alsager was a site for a wide diversity of avian creatures which are now sparse and which on the top of the latest bad weather could constitute an extinction point. Wide ranging redevelopment could change the nature of Britain forever

### ***Flood Risk***

- The development increases the flood risk for current and future residents from the brook adjoining the site.
- The land partly comprises flood plain and there are legitimate concerns that the likelihood of flooding will increase with climate change and the run-off water from any new development
- The adjoining brook has collapsing banks and on occasions burst its banks and parts of the fields have been flooded.
- Flooding is caused by water flowing from farmland situated at a higher level on the southern side of the Crewe/Derby railway line and from the risk of flooding from the brook itself.
- Residents report a car driving onto the middle of the site and sinking down to roof level due to water logging
- Climate change has brought more long periods and more intense periods of rainfall. Recently in Somerset and elsewhere, a month's rain fell in 48 hours. It is not appropriate to take risks with this when other sites with much lower flood risk are available.
- Much of the western part of the site would flood (as it has in the past) where the Flood Risk Assessment says it would not in a 1000 year event.
- Insurance companies classify existing houses in Hall Drive as on a flood plain from Valley Brook and residents have had difficulty in obtaining insurance. According to one



resident only 7 quotes were available on price comparison sites because their house is within 250m of the watercourse. Building houses on this flood plain will only make this issue more prominent and the residents of this development would face real problems in this respect. So would nearby residents should there be flooding in that area. The Council would, be accountable, in part, for such problems, should they occur

- On occasions the water level in the brook nearly touches the underside of the pedestrian bridge to the playfield. It has left the park bench near St Gabriels part-submerged, and the banks are eroding and with no-one taking responsibility for maintenance makes walking along the path to the Poppyfields estate hazardous
- The Environment Agency have moved the development away from the brook for this reason. However, the model which is used is too simplistic. The increased rainfall due to Global Warming is assumed to be linear. From recent experience this is not the case. Long and torrential rain has now become the norm and this will not be engineered for by the developers.
- Bad planning decisions has been one if the main causes of the excessive flooding seen again in the UK recently, residential sites constructed on flood alleviation sites etc etc.
- Putting in land drains would destroy the water retentive nature of the fields, so creating flooding problems elsewhere by tipping water (from heavy rain) straight into the brook at a faster rate than that with which it can cope.
- The proposed development can only serve to exacerbate this situation and subsequent worsening of the flood risk is unacceptable and would have to led to local residents seeking substantial compensation through judicial processes against the planning office and those responsible for planning approval.
- The 'Quality of Life report from 2007 states the following, *'The need for more homes is inescapable. Avoiding that reality would damage the poorest most and undermine all that we would wish to do to strengthen the family and increase social cohesion. Yet, building on green fields, on floodplains, ..... makes no environmental, social, or economic sense.'* It also had the following things to say on this issue, *'If a Government is serious about the risks of climate change, it doesn't build homes in flood zones', 'We also recommend ... the prevention of development on land likely to be at risk of flooding now or in the foreseeable future' and 'Every inch of space occupied by impermeable buildings or surfaces redirects and often focuses rainfall, causing flooding and preventing rain from reaching groundwater. The economic effect is significant. Water and sewerage companies spend some £320 million each year on intra-urban flood risk management.'*
- Even if, as the Emery Planning Partnership proposal brochure states: that the proposed development will ensure that this area [the flood plain] remains free from buildings' - the very nature of the land and the drainage situation with regard to sandy soil as mentioned previously means that this will not be enough to ensure that any new housing built on the site, or any of the existing housing estates nearby will not be under threat from flooding.
- The proposed site consists of sandy soil, which by its very nature is difficult to drain through the soil, as any rain simply runs off the top surface.
- Residents have personally rebuilt and reinforced parts of the brook, on many occasions at their own time & cost. The Environment Agency has historically had no funds to maintain the brook and should this development go ahead, there are concerns about who's responsibility the maintenance will be as well as the surrounding land, parks etc in the future.

### ***Railway***

- The railway at the southern boundary creates noise and vibration.
- Reports presented for the developers used very limited survey durations and extrapolated for 24 hours. They downplayed adhoc traffic movements such as inter-city express trains and goods trains. Network Rail points to the use of the line for shunting etc . There are discrepancies between the reports.
- In addition, to satisfy noise design criteria the houses would need their windows to be closed.
- The railway line can get very busy at times, pendolino trains are often re-routed and freight trains are regular users.
- Residents hear the noise from most trains and feel the vibration from heavy goods trains and they are over 200 metres away.
- Network Rail were not consulted - and they have safety concerns of people, especially children, around the level crossing; as well as vehicles passing over it. They require a security fence to be erected alongside, at least 2m away, from its own fence. Noise from the trains will require solid wood fences to screen the gardens close to the line. Consequently the public footpath will become enclosed, noisy, and potentially dangerous from fumes and anti-social behaviour.
- The pedestrian crossing of the railway line, rarely used now by unaccompanied children, will be used frequently if there are houses nearby (even right up to it), leading to a major safety risk.
- What will be the affect of children from this proposed site playing next to an electrified railway line?
- Residents query whether account has been taken of possible future developments on this rail route, particularly in the light of HS2.
- Houses close to the embankment would undermine its foundations
- There is also considerable flooding currently underneath the railway bridge - more flooding could cause weakening of the bridge structure.
- Residents use the trains to travel directly London and do not want the line restricted, in terms of traffic, because of this development.

### ***Radway Green***

- Over a third of the proposed development falls into the Radway Green Ammunitions Factory exclusion zone where major damage would be caused in the event of an explosive accident making the land unsafe to build on.
- If the application was granted the licence of Radway Green munitions factory would be reviewed and BAe would have to reduce its activity, with the result of jobs being put in jeopardy at the only large employer left in the area.
- BAe would require compensating for loss of revenue and failure to complete orders
- There is serious concern about the economic impact on this large employer no-longer investing in the site. This is too high a price to pay for Alsager residents in the current economic climate. It seems incredible that it is even being considered as a potential development.
- This factory is a valuable local employer (around 400 staff) and its operations cannot be threatened or restricted. At a time of decreasing British industry it would also be

negligent of the Council to allow this housing development in this regard particularly when there are several other alternative sites available for housing in Alsager.

- Alsager has already lost key employers, and a clear message should be made to BAE, through rejecting this planning application, that their future investment and expansion is welcome and supported.
- To live in the development when the factory is test firing will be very noisy and cause disturbances. Residents in Swallow Drive can hear the ammunitions being tested,
- The bulk explosives magazines are located at the closest point to the proposed development. If there was ever an incident involving explosives the council would be guilty of gross negligence in allowing such a development.
- When Dunham Close was built the potential hazard from Radway Green munitions factory had to be addressed by the developers building a high earth mound.
- All of the development lies closer to the Radway Green Ordnance factory than the raised blast deflector embankments originally constructed to protect the perimeter of the original Hall Drive development. As production of ammunition at the factory still continues then therefore the risk of a major explosion must still be present.
- 7 years ago part of the loading factory blew up. It was approx 12.30 pm. The blast woke residents living the other side of the field and this was with 6kg of propellant. There is far more than that amount in the main magazine. Since the main factory has moved to a new area within the boundary of the site this has moved the loading factory to face the way of the proposed housing estate and is closer.
- The BAE munitions works at Radway Green is a top tier COMAH site. The Public Information Zones (PIZ) that the HSE design for a major incident indicate that approximately 50% of Site A lies in the middle zone. Housing developments are not normally permitted by the HSE in this area.

### ***Compromises Road Safety / Traffic Generation***

#### **Hall Drive**

- Hall Drive was built as an access road to serve the original development, not as a through road. It now carries more traffic than envisaged in the 1980's and does not cope well.
- Each home comprises of on average of 2 cars, which means an extra 200+ cars will be using Hall Drive on a daily basis which means a minimum of 400 journeys - assuming that each car that goes up the road has to return to its property. It would become gridlocked.
- In addition it would have to carry heavy construction vehicles, which are cumbersome
- Many children walk to school via Hall Drive, which is the only proposed access road to the 150 homes.
- It also provides sole access to the busy Home Farm Fisheries. This commercial fishing complex has, in the last 3 or 4 years, begun to attract many visitors from as far afield as Birmingham, Liverpool, Manchester and Derby, due to the introduction of specimen sized catfish.
- It would exacerbate traffic exceeding the 30 mph speed limit. When there is a fishing match on it is like a race track
- There would be an increase in noise and congestion with its attendant pollution.
- The current Hall Drive estate is an attractive safe family environment

- Children have very little play areas in the surrounding area. This will make it almost impossible for them to play outside their own homes.
- When exiting Dunham Close onto Hall Drive it is very difficult to see traffic to the right hand side & children could get knocked down here as a consequence of the increased traffic.
- Hall Drive has become much busier as families now have far more cars than estimated and it certainly is not wide enough to take more traffic
- The Dennis Round Court has parking problems as people visit it for recreational purposes and there are always cars parked up along side the road
- There is much concern about access to the proposed site by the emergency services.
- Hall Drive is not well adapted for the increased volume of traffic - a proposal for a golf/country club on the hill to the south was rejected on those grounds some time ago.
- Currently the area is safe for cyclists to use paths to cycle down to Hall Fisheries. It would be unsafe with more traffic.
- The proposed extension of Hall Drive cuts across a footpath. This is a safety issue as many children use it to get to the local park, as well as walkers etc.
- On Hall Drive there is a tight bend that is difficult to pass if a car is parked on the road.

#### Crewe Road / Hall Drive Junction

- At peak times, the junction from Hall Drive onto Crewe Road clogs up severely.
- The proposal will virtually double the number of vehicles, existing Hall Drive onto Crewe Road.
- This junction is very near to the cross-roads of Crewe Road with Church Road and Station Road, the latter being a major cut through for traffic to and from the A500 Alsager - Stoke-on-Trent commuter route; the two junctions affect each other's capacity, safety and smooth flowing.
- Every week cars almost collide when traffic from Crewe overtakes parked cars opposite Hall Drive and forces traffic from Alsager to take evasive action by crossing into the Hall Drive turning. Luckily there is rarely any traffic exiting Hall Drive but this would probably not be the case if the development went ahead.
- The existing junction of Hall Drive/Crewe Road as means of access to further housing was deemed unacceptable when the original planning application for the Poppyfields Estate was made, which was for a smaller number of properties than the current proposed development and required the installation of a mini roundabout.
- This junction would become the scene of considerable delays at peak times with the increased risk of road traffic accidents with the estimated additional number of vehicles exiting Hall Drive, taking into account the restricted visibility in the easterly direction. Many school children also cross the Hall Drive junction at these peak times increasing the risk of accidents.
- The transport survey is woefully inadequate on this proposal. The true statistics can be found on the Guardian and Crashmap websites. It can be seen on both sites that this Hall Drive junction was the site of a fatal road traffic accident on 04/02/2007(one of 3 fatalities on Alsager Roads in the last 10 years) There is also evidence of a further 9 accidents at this junction that have been conveniently ignored by the developer in his report.
- A child was knocked over just a couple of months ago.
- How will the additional vehicles from 150 properties help this blackspot?.

- The actual photograph being used in the developer's report shows a vehicle encroaching into the Hall Drive entrance. This makes any visibility splay data useless, as vehicles emerging from Hall Drive have to stop significantly before the white lines
- Are they going to build a new roundabout at the entrance of Hall Drive?
- Environmental impact studies would need to establish the effects of increased traffic from Hall Drive at the junction of Crewe Road.

### Crewe Road

- Crewe Road, has become busier over the years as more houses have been built, and traffic will be further increased on already congested roads. The road is increasingly becoming more dangerous as the main route through the town.
- The junction at Hassell Road/Crewe Road is predicted by the developers traffic analysis to become overloaded as a result of increased traffic and the Hall Drive development. Clearly the true situation would be much worse with the MMU redevelopment is added in as well.
- Crewe Road is extremely narrow in this area and already very congested
- Crewe Road residents have difficulty crossing the road, and getting out of their drives and in some cases it can already take in excess of 3 minutes in a morning.
- This increase in traffic will itself create a greater safety risk on a road that is already dangerous due to the speeds that traffic seems to travel along it and will undoubtedly give rise to the number of accidents that occur on such a road.
- Crewe Road / Station Road / Church Road junction will need traffic lights and pedestrian crossings
- The extra children crossing Crewe Road to go to school will also be a danger.
- Crewe Road is in considerable disrepair and potholed. It has a sandy substructure and cannot cope with additional volume of traffic
- Cyclists are worried about their safety from such an increase in housing and therefore in car drivers.
- Cranberry is the only school that has the potential for places, which means more traffic between Hall Drive, Poppyfield exit roundabout, and Cranberry Lane.

### Other Highway Issues

- The traffic analysis also does not take into account the planning permission granted for the Caradon Twyford's site. Nor was there an analysis done of the Station Road/Crewe Road junction. This is one of the junctions on Crewe Road that concerns most residents. It is extremely dangerous.
- 2 level crossings at Radway Green and Alsager Station already cause traffic problems, and Bank Corner junction cannot cope with traffic flow now.
- Junction 16 of the M6 and Radway Road is particularly dangerous.
- More and more drivers are using Dunnocksfold Road and Close Lane as their preferred route onto Crewe Road. At times the junction of Dunnocksfold Road and Hassall Road is a white knuckle ride. Also when the children are coming to and from school (eg Alsager School and Pikemere) the mix of kids and traffic is frightening. New development will certainly increase traffic, increase the number of children at the schools and add considerably to the risk.

- The existing bridge over the site is inadequate for such a large increase of traffic. The low bridge under the railway is a potential traffic blackspot for cars wrongly traversing the area.
- The traffic system in Alsager is already overloaded and the roads themselves in a very poor state of repair
- Church Road is used by buses and also appears to have a lot of usage from parents dropping and collecting their children from the Alsager School. Again there are already times when this road is at a stand still.
- The M6 is a heavily congested arterial road with frequent and lengthy limitations on traffic flow if not actual stoppage of flow
- To enlarge or reconfigure the road networks can only mean increased noise and pollution
- Cheshire East Council is already struggling to maintain road surfaces and is ill-prepared for prevailing weather conditions. It shows all the signs of a system under stress and unable to cope with that which it has to deal with currently, a thing which bodes badly with anyone's expectations for the future

### ***Other Matters***

- The Town Council voted unanimously against this proposal.
- No one will want to buy a house within a recognised blast zone of the ammunitions factory, a near a railway line, built on a water logged field near a brook which has a risk of flooding.
- The Councils should listen to the views of local residents and support them in stopping greedy property developers exploiting a loophole
- It is only East Cheshire's incompetence as a Council which has allowed this application to get this far. This, together with other proposed large scale housing developments in Alsager, should be vigorously opposed and rejected. Their purpose is not to improve the quality of life for local residents, but to line the pockets of greedy and opportunistic housing developers taking advantage of the absence of East Cheshire's local plan.
- The application will undoubtedly get approved as it will help increase the Council coffers.
- The development would not benefit most of the existing residents of Alsager, as their children would not be able to afford properties in this area. This would draw in new inhabitants from outside the area who work in other towns and cities.
- Residents can all see the disruption that the new Co-Op has caused and is still causing with access etc.
- The only people who stand to benefit from this proposal are the developers who can maximise their profits from ploughing up greenfield sites rather than taking on the added costs of clearing already despoiled brownfield sites in Alsager. There will be NO benefit to the residents of Alsager whatsoever, only harm
- Residents deserve to be listened to & views respected when the Council are making such important decisions about the future of the community.
- Alsager is being targeted by many developers making speculative planning applications, as responsible decision makers in the authority this is the opportunity to demonstrate that the Council will not be rail roaded by them & will make a decision to oppose the plan which will be in the best interest of the community.

- If the Local Plan was in place, there would not be such an avid interest in obtaining planning permission for areas such as this.
- Approval of this plan would represent a betrayal of the residents of Alsager by the planning authority.
- People objected to the development off Crewe Rd recently, to build 65 homes. The developers had not even discussed the proposal with the Council, just applied speculatively. Because of the Council's incompetence for future land planning they were successful in gaining permission to build on a field with protected species, entrance to the roads endangering the public, next to a stream and against objections from the Town Council and public. Residents hope they are not successful in this application and that the Council's procedures are investigated and what they consider to be a ludicrous planning permission already given is revoked.
- Unfortunately this application will probably be given permission and Alsager and Sandbach will be the scapegoat for Council incompetence, both suffering greatly.
- There is on the site Himalayan Balsam weed which is very invasive and would need a lot of work to eradicate.
- The development of the land as proposed would have the effect of devaluing the existing dwellings not only their desirability but also their monetary value.
- Alsager town centre is in desperate need of development and this money has never been found. Any local developers should be made to make a significant contribution to rebuilding the 60s buildings to a more aesthetically pleasing and pedestrian friendly centre.
- All local people are really angry and disgusted at this unnecessary, greedy proposal.
- If this development is given approval it will represent very much the thin end of the wedge regarding future proposals of this nature. If this is agreed it will make it impossible for Alsager residents or Cheshire East at a local or wider level to object to others whether in Alsager or other parts of the region. A precedent will have been set.
- This is a ludicrous proposal and sadly voices of the Alsager residents will be conveniently not be heard.
- Recently the head of Cheshire East Council wrote in the Daily Telegraph concerning how his hand was being tipped in the proposals made by housing development companies within his constituency. He found that the system was being inundated and that he felt disempowered to oppose them. It is self-evident that due to the lack of plan (due to unitary council proposals) that the housing industry has a determination to use this mishap to impose its demands on the local community whether their intrusion is merited or not.
- There will be increased light pollution which will disenable the night time experience of the natural universe and disenable the possibility of pastimes such as astronomy.
- Because the Developers did not consult with Network Rail and therefore appreciate the constraints on the site layout, and properly take into account their noise assessment, together with the flood risk assessment differences to the development line allowed by the Environment Agency - a new indicative site layout will have to be developed which, unless the type of housing changes, will result in fewer houses being proposed. Fewer market houses means fewer affordable houses. The maximum on the current proposal is 45 being 30% of the total number. Although this is a benefit from the proposal this is vastly outweighed by the negative aspects.
- Hall Drive's development cannot be viewed in isolation and it is a microcosm of the totality of errant plans proposed for the immediate area now including Green Field

expansion in diverse locations from Crewe Hall, Barthomley, Dunncocksfold, MMU, Twyfords, Oakhanger and much else that has not as yet been divulged. Taken with the totality of changes in Crewe and Sandbach it will take the area from a collection of relatively small settlements to a conurbation within a short time.

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

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

## **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 material consideration to outweigh the policy concerns.

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

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

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

### **Housing Land Supply**

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

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

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

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

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

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

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’  
(Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

- 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.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

### ***Emerging Policy***

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road,

Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

*‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’*

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

*‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.*

*Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case’*

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

### **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 zone lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

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

In reaching this conclusion, the Inspector memorably noted that:

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

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

## **Conclusion**

- The site is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years

- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

### **Impact on the Regeneration of the Potteries Conurbation**

An objection has been raised by Newcastle-under-Lyme Borough Council (NULBC) on the grounds that it would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026. A recent report to their Planning Committee states:

*In particular, given the strong economic links between this part of Cheshire and North Staffordshire, major greenfield development in this location could encourage further out-migration from the North Staffordshire conurbation. This view is borne out by the Transport Assessment accompanying the application, which emphasises that the site is accessible by road and rail to employment areas in Stoke-on-Trent. Such out-migration in turn would undermine the strategic aim and Policy SP1 of the adopted Core Spatial Strategy, detracting from the regeneration of the North Staffordshire housing market and economic base.*

*On 19 February 2013, Planning Committee endorsed a report by your officers on the draft version of the Cheshire East Council Local Plan: Development Strategy and Policy Principles consultations. This report raised concerns about the proposed scale of development to the south and south east of Crewe and suggested that sites to the north and west of Crewe would offer a more sustainable location for housing development. 1,100 new homes were planned for Alsager. The level and location of development at Alsager did not appear to raise any significant issues for the borough. Cheshire East Council have now published for consultation purposes the 'Pre-submission Core Strategy,' and a report on this consultation document will be brought to the Planning Committee at its meeting in December. In the latest iteration of the Core Strategy Alsager continues to be identified as a 'Key Service Centre' but the proposed level of housing, on three strategic sites, has been increased to between 1,650 to 1,700 homes over the plan period 2010-2030. This represents an increase in the region of up to 55% beyond Cheshire East's previous stated position. The development of the site, south of Hall Drive would result in a further increase of 125 homes above this figure. Your officers are also aware of significant development pressure in and around Alsager, which officers at Cheshire East have indicated is likely to lead to additional speculative housing proposals being submitted in the near future. Individually these schemes may be of a small scale (in comparison to the proposed strategic site allocations) but their cumulative impact could be significant.*

*Cheshire East Council have recently lost several appeals on the basis that they do not have a five year housing supply, but nationally there have been appeal cases where Planning Inspectors have given weight to the potential adverse impact on a neighbouring authority under the 'duty to cooperate' legal requirements.*

*Your officers consider that the development of this site when considered together with the revised planned allocation of strategic sites at Alsager, is likely to result in a level of*

*development that would have an adverse impact on the strategic objectives of the adopted Core Spatial Strategy and hence has the potential to both undermine the North Staffordshire housing market and encourage further out-migration from the conurbation.*

This issue was considered at the recent inquiry relating to the proposed development at Sandbach Road North in Alsager. In that case, the Inspector concluded:

*The adjoining Councils (Stoke-on-Trent and Newcastle-under-Lyme) have been consulted in relation to the draft development strategy and have made it clear that there are reservations in relation to development close to the common boundaries of a scale which might prejudice regeneration in their areas. However, there is no specific objection lodged to this particular proposal. I bear in mind that the final version of the CEC Local Plan has yet to be examined and the matter of the duty to cooperate with neighbouring authorities will no doubt form part of that examination. So whilst I cannot indicate that granting permission on this site would cause difficulties for regeneration elsewhere, it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.*

The Hall Drive case differs from that considered by the Inspector as there has been a specific objection lodged to this proposal. However, like the Sandbach Road North case it does go beyond the draft strategy, which in the view of the Inspector is a point which weighs against the proposal in the planning balance but is not determinative. Therefore, whilst there is sympathy with the concerns of NULBC, given that, as will be demonstrated below, there are no other grounds for objection to this scheme, it is not considered that they are sufficient in themselves to provide a sustainable reason for refusal. Furthermore, where cases are finally balanced, the general thrust of the NPPF makes it clear that the presumption should be in favour of the development.

## **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 North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

*“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply ‘good’ or ‘best practice’ standards wherever practicable”.*

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

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	HALL DRIVE, ALSAGER
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	500m
Local Amenities:	Convenience Store (500m)	600m
	Supermarket* (1000m)	600m
	Post box (500m)	850m
	Playground / amenity area (500m)	0m
	Post office (1000m)	850m
	Bank or cash machine (1000m)	600m
	Pharmacy (1000m)	750m
	Primary school (1000m)	200m
	Secondary School* (1000m)	1126m
	Medical Centre (1000m)	800m
	Leisure facilities (leisure centre or library) (1000m)	750m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	450m
	Public park or village green (larger, publicly accessible open space) (1000m)	500m
	Child care facility (nursery or creche) (1000m)	804m
Transport Facilities:	Bus stop (500m)	160
	Railway station (2000m where geographically possible)	900m

	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	600m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

On the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms.

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.

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

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

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

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Careful consideration will be given to providing overall thermal performance and heat loss solutions in accordance with Part L of the building regulations.



The construction process will source local materials and suppliers which will reduce transport emissions both to and from the site. In terms of drainage it may be appropriate to include aspects of a sustainable urban drainage system. The potential for such features to be discussed at detailed design stage.

There is a potential to incorporate rainwater harvesting systems and utilise the use of grey water to minimise both water supply demands and surface water run off. The use of permeable road and paving surfaces will also help minimise surface water run off.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how the requirements of RSS Policy EM18 would be met within the development. Nevertheless, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that *"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

The Statement goes on to say *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development."* They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

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 conclusion, the loss of open countryside, is not considered to be sustainable but it is considered that this is outweighed by the need to provide for the 5 year housing land supply requirement, and the sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

### **Loss of Agricultural Land**

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

The applicant has submitted an agricultural land classification study which concludes that there is an area of Grade 4 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grades 3b and 3a, the latter confined to a strip of higher ground alongside the railway line.

Given the proposal involves the loss of an element of 3a land, it is necessary to refer to the other tests in Policy NR8. Given that the Council now has a land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan or that the development could not be accommodated on another site. However the proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of 3a land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

### **Impact on Radway Green**

The south western part of the development site lies within the inner (Band 2) consultation zone of the nearby licensed explosives facility. No development should take place within this area as the HSE have advised that this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

The indicative layout shows all of the proposed development located outside the Band 2 area, and an area of public open space within it. However, the indicative layout shows only 109 properties, rather than the 125 proposed. Although this is an outline application, in the absence of a plan to demonstrate that 125 dwellings can be accommodated on the site outside the Band 2 area, it is considered that a condition should be attached to any approval limiting the number of properties to 109.

The remainder of the site falls within the outer (Band 3) consultation zone of the licensed explosives facility. Therefore, the Explosives Inspectorate has no objection to it proceeding provided that the development is no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a "vulnerable" nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey 'curtain wall' buildings, large open plan, unframed

structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

However, the proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey, brick built, detached, semi-detached and terraced housing. It is therefore likely to comply with the requirements of the HSE.

Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties to be of traditional brick construction and no more than 12m in height.

### **Impact on Level Crossing**

The site is located adjacent to a level crossing, which carries a public right of way over the Crewe-Stoke Railway line. The proposed development has potential for increasing the level of foot traffic, which is currently very low (once or twice a day) over this crossing. However, Network Rail has stated that they have no objection to the scheme providing that the developer ensures that improvements are made to other PROW / pedestrian routes to discourage use of the level crossing to the west of the site and to encourage the use of the safe crossing at the under bridge. This could be secured through an appropriate Section 106 contribution. Network Rail have indicated that a sum of £163,500 would cover the cost of the necessary works.

### **Affordable Housing**

The Council’s Interim Planning Statement for Affordable Housing (IPS) states that we will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment Update 2013 (SHMA) shows that for the sub-area of Alsager, there is a requirement for 54 new affordable units per year, made up of a need for 38 x 2 bed units, 15 x 3 bed units, 2 x 4+ bed units and 5 x 1 bed older persons units (the SHMA identified an oversupply of 1 bed units).

There are currently 225 applicants on our housing register applying for social rented housing who have selected one of the Alsager rehousing areas as their first choice, these applicants require 94 x 1 beds, 78 x 2 beds, 40 x 3beds and 7 x 4 beds. (6 applicants have not specified how many bedrooms they need).

Therefore, as there is affordable housing need in Alsager there is a requirement that 30% of the total units at this site are affordable with 65% rented and 35% intermediate. On the basis of 125 dwellings on site this equates to 38 affordable (25 rented and 13 intermediate). However, on the basis of the reduction to 109 dwellings on site based on the indicative layout provided, this would equate to 33 affordable (21 rented and 12 intermediate)

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

The SHMA does not show that there is a need for 1 bed properties however the information from the housing register does show that 1 beds are needed and as such a mixture of 1, 2, 3 and 4 bed properties would be preferable.

As this application is an outline application it is not possible to provide further detail about the affordable housing provisions. However, it is Officer's preference that the requirement for an affordable housing scheme to be submitted is secured in a s106 agreement, and that this includes a requirement that the rented housing is to be transferred to a Registered Provider.

### **Contaminated land**

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

### **Air Quality**

The proposed scale of the development is likely to change traffic patterns in the area. There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

An Air Quality Impact Assessment has been submitted with the application. The assessment uses DMRB to model nitrogen dioxide (NO<sub>2</sub>) impacts from the predicted additional road traffic associated with this proposal and other permitted developments.

The report predicts that four receptors modelled will experience small increases in NO<sub>2</sub> and at the remaining three receptors there will be an imperceptible change. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area (AQMA).

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 developer in the form of direct measures to reduce the impact of traffic associated with the development.

Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles. The Environmental Health Officer has therefore, recommended conditions relating to provision of a Travel Plan, electric vehicle charging points and an Environmental Management plan, which could be added in the event of approval. Subject to these conditions they raise no objections.

### **Noise Impact**

The site is located adjacent to the Crewe – Stoke railway line. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing rail traffic. A railway noise assessment has been carried out for the development which concludes that:

- Noise measurement surveys have been carried out on the site and the daytime and night-time railway noise exposure values have been evaluated.
- The railway line is only lightly used by passenger trains and there are up to 12 - 15 freight trains passing the site per week during the daytime only. Therefore, railway noise exposures are low. However, it is recommended that proprietary acoustic fencing be installed for any private gardens within 5 metres of the southern boundary of the site not already adequately screened by dwellings themselves.
- The need to ensure an adequate scheme of acoustic fencing can be ensured by the use of an appropriately worded planning condition.

In addition, a vibration assessment has been carried out which concludes that the extrapolated daytime vibration values are below the threshold values set out in BS 6472. Since there are only two trains in the whole of the night-time, corresponding night-time VDV's will be in even lower. Therefore, no special vibration isolation measures will be necessary.

Environmental Health have considered the reports and commented that detailed recommendations for proposed mitigation measures are made. However as the layout is only indicative at the present time, Environmental Health would be unable to determine at this stage if the mitigation measures would be adequate.

Therefore they will require in due course a detailed layout of the site and the areas in which the mitigation measures will be applied in order to ensure the occupants of the development/occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise. This can be considered at the Reserved Matters stage.

They go on to comment that any mitigation measures applied must achieve the internal noise levels defined within the "good" standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. This can be secured by condition.

Network Rail have asked that details of the foundation design for the acoustic fencing be submitted for approval, to avoid the potential for the structure to fall on to the railway. All works, including the foundation design, which form part of the recommended scheme of mitigation, can be easily secured by condition.

## **Drainage and Flooding**

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

- Part of the site lies within EA flood zones 2 and 3, at medium to high risk of fluvial flooding from Valley Brook, a tributary of the River Weaver. Detail Hydraulic Modelling has been undertaken to better define the flood zones and risks from Valley Brook.
- The FRA has informed the proposed development layout. Dwellings are proposed to be located outside Flood Zones 2&3. Criteria for geometry of the culvert, arrangement of the proposed access road and the proposed Brook realignment have been considered.
- The existing site is 6.2 hectares and is predominantly Greenfield. Site-specific Greenfield runoff rates have been calculated as  $Q_{bar}=14l/s$ . The proposed impermeable area is 2.89 hectares. The FRA demonstrates it will be feasible to drain the proposed development and limit the discharge of surface water runoff to Valley Brook to the Greenfield rate by means of attenuation.
- It has been demonstrated the proposed development will address the residual risk of surface water flooding and will not increase risk of flooding to neighbouring properties.

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.

Local residents have disputed this conclusion and have submitted a significant amount of evidence relating to flooding. This has been passed to the Environment Agency for their further consideration and a further update on this matter will be provided to Members in due course.

## **Layout, Design and Public Right of Way**

An indicative site plan has been submitted with the application which shows a main entrance to the site, from the end of Hall Drive, running through the middle of the site, with dul-de-sacs extending to each side. Properties are shown facing on to the access roads and the public right of way running through the site, as well as the public open spaces creating active frontage to all principle routes and public areas within the development, whilst retaining the majority of the existing hedges along the boundaries.

2 pedestrian accesses are proposed through the existing public open space to the east of the site, via the public footpath to the south and west and through the Swallow Drive play area to the north, as well as via the main vehicular access, which will allow permeability through the new development for pedestrians. This will allow pedestrian access for residents of the new development and the existing Hall Drive estate to Crewe Road, and facilities such as the railway station and medical centre, in Station Road, as well as the town centre. This is considered to be a positive aspect of the design.

The proposed layout shows properties fronting on to the new paths so that they are well overlooked with an open aspect, which would encourage use and prevent it becoming a target for antisocial behaviour.

It is also noted that the Council's Public Rights of Way Officer has welcomed the development, as it will improve pedestrian and cycle connectivity in the area subject to a number of provisions relating to the detailed treatment of the route. In particular details the shared use of the route between cycles and pedestrians and its status and maintenance need to be agreed. Given that layout is a reserved matter, these matters could be addressed at a later stage, whilst maintenance would be dealt with via the management company established by the Section 106 Agreement.

To turn to the elevational detail, the surrounding development comprises predominantly modern cul-de-sac development from the 1990's / 2000's radiating from Hall Drive to the north. There are also a number of isolated vernacular farm properties set within the open countryside to the south. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

### **Open space**

There is an existing play area adjoining the proposed development site (known as Swallow Drive Play Area). Neither the play area nor the footbridge linking it to the nearby housing estate is not in the ownership of Cheshire East Council and as such it does not have responsibility for the site and has no intentions of acquiring the land. As Cheshire East Council are not the landowner we are unable to request financial contributions to improve the site.

The proximity of Swallow Drive Play Area to the water course has resulted in erosion of the riverbank and the perimeter of the play area and fence and therefore it has increased liabilities. To prevent continuing problems it would be preferable to build a new play area on the piece of the Amenity Greenspace to the South West which is much further away from the watercourse to replace Swallow Drive Play Area which could then be removed. The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. This could be secured through the Section 106 Agreement.

Turning to amenity greenspace, the proposed development would generate a requirement for 3000m<sup>2</sup> of new Amenity Greenspace based on 150 dwellings. Taking into account the reduction to 109 dwellings, referred to above, the requirement is reduced to 2616m<sup>2</sup>. As detailed above, substantial area of Open Space, amounting to 11,000 m<sup>2</sup> square metres has been created in order to comply with the requirements of the HSE. Therefore the local plan requirements in terms of amenity greenspace can be met within the site. As with the Children and Young Persons Play Provision it is recommended that the Amenity

Greenspace be transferred to a private residents management company as part of the Section 106 agreement.

### **Amenity**

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

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 109 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

109 dwellings, is lower than the 125 applied for, but on the basis of the indicative layout submitted, it has not been demonstrated that 125 dwellings could be accommodated on site. Therefore it is considered to be appropriate to impose conditions on any approval, limiting the number of dwellings to 109.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Landscape Impact**

The site consists of 6.2 hectares of agricultural land located off Hall Drive, on the southern edge of Alsager. The area to the immediate north of the site is residential and this is separated from the site by the Valley Brook, which meanders along the site boundary. To the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site. The Lodge is located along the southern boundary of the site and an access track that leads to The Lodge leads to a small tunnel under the railway line and to the area to the south.

The site itself is open farmland with a pattern of hedgerows, the play area to the west of Hall Drive has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a single mature Oak located in the central part of the site.

There are no landscape designations on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within the boundary of Character Type 10: Lower Farms and woods, specifically in the LFW 7: Barthomley Character Area. The area immediately to the north lies within the urban character area of Alsager. Although the assessment indicates that ‘the scheme will seek to enhance the pre-existing natural features, such as the single mature oak in the heart of the site’, this oak is not shown on the illustrative layout scheme, and the layout shown would not allow sufficient space for the retention of this tree.



The site has the landscape capacity to accommodate future residential development, providing that it is well planned and designed and takes due account of the existing landscape features of the site, but more consideration needs to be given to the design and mitigation in the area adjacent to the south of the site along the Crewe – Stoke-on-Trent railway line.

### **Trees and Forestry**

There are a number of trees and lengths of hedgerow in the vicinity of the site.

The application is supported by a Tree Survey Report prepared by Solum Environmental dated March 2013. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in Relation to design demolition and construction.

The tree report includes a tree survey, a scaled tree survey plan and a tree constraints plan. The report makes recommendations to retain boundary hedgerows and trees and a prominent single mid-site Oak tree. Recommendations are also made for the provision of an Arboricultural Impact Assessment and Arboricultural Method Statement to support a detailed planning application.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

This means that at planning permission stage the following information will have been completed and where appropriate submitted as part of the planning application for validation purposes.

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage.

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective Tree protection details have not been superimposed onto the Sketch Site Plan ref 115 and there is no Arboricultural Impact Assessment provided. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees.

In order for the LPA to have full confidence that the number of dwellings proposed can be accommodated without harm to trees worthy of retention the above information should be provided. Nonetheless, it is appreciated that this is an outline application and that limited weight can be afforded to the layout.

Furthermore, whilst the arboricultural submission is still incomplete in relation to the recommendations in BS 5837, from the information provided, it appears it should be possible to accommodate development on the site and retain significant trees, albeit that the layout as proposed is likely to require some amendment in this respect.

In the event of approval comprehensive conditions in respect of:

- Tree protection & retention
- Arboricultural Impact Assessment
- Arboricultural Method Statement

## **Ecology**

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

In this case specific advice has been sought from the Council's Ecologist who has made the following comments:

#### Bats

The site appears to support relatively low levels of bat activity the potential impacts of the proposed development upon bats are likely to be low.

#### Reptiles

Slow worm are known to occur on the railway line to located to the south of the proposed development. No reptile survey/assessment has been undertaken as part of the submitted ecological report so it is impossible at this stage to confirm whether the species is likely to be present immediately adjacent to the site. However, as the bulk of the proposed development site is utilised for arable farming it is unlikely to support reptile species. The narrow band of tall ruderal habitat along the southern boundary of the site and the hedgerow of the western boundary of the development site may offer potential habitat for this species.

The submitted ecological assessment now includes recommendations for the incorporation of 'buffer zones' along the railway line and the hedgerow to retain this habitat. It is therefore recommended that buffer zones are incorporated to retain these habitats and be secured by means of a condition if outline planning consent is granted.

#### Stream

The stream to the northern boundary of the site has nature conservation value in the local context. It is advised that the stream be safeguarded within an 8m undeveloped corridor of retained habitat. This matter may be dealt with by condition.

#### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. It is advised that the hedgerow along the western boundary of the site should be retained

and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

### Breeding Birds

If planning consent is granted it is recommended standard conditions are imposed to safeguard breeding birds.

### **Education**

The Council's Education Officer, examined the previous application and concluded that considering the proposed development cumulatively with others identified in the Draft Development Strategy, and previous approvals, there will be a requirement for a contribution towards primary school places for 150 dwellings proposed at that time of £260,311. There will be places available in the local secondary school to accommodate the proposed development. Therefore no secondary education contribution is required in this case.

The education officer has since commented that 125 dwellings would be £249,465 (23 primary aged pupils) and 109 dwellings would be £216,926 (20 primary aged pupils)

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

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

- *Access to the site will be provided from an extension to the southern end of Hall Drive and will provide a 5.5m wide carriageway width and 2m wide footways on both sides of the access road. The existing standard of Hall Drive and its junction with Crewe Road has been reviewed and found acceptable in terms of carriageway width, footway provision, lighting and levels of visibility.*
- *Pedestrian and cycle access to the site will be provided at the same location as the main vehicular access from Hall Drive. In addition, the proposed development will provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre.*
- *The personal injury accident data for the most recently available three year period for the most recently available five year period has been reviewed and does not represent a material concern in the context of the proposed development.*
- *The development is compliant with local, regional and national policy as it will promote sustainable modes of travel and reduce the number of car trips to local facilities. In particular, the site has been found to exceed the accessibility requirements set out in CEC's interim planning policy for the release of housing.*
- *It has been demonstrated that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle. A good frequency bus service is available within acceptable walk distance of the site. Policies to encourage travel by sustainable modes are also developed further within the Interim Travel Plan that accompanies this application*
- *The impact of the traffic arising from the scheme has been tested in detail at all the junctions in the TA study area in an opening and future assessment years of 2014*

and 2019. These assessments are carried out on a robust basis, incorporating traffic growth and committed development.

- The assessments show that at the majority of the junctions there is either sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.
- It is therefore concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.

The Strategic Highways Manager has examined the application and commented that Hall Drive forms a junction with the B5077 Crewe Road and provides access to a number of residential roads and varies in width between 5m – 6.5m along its length, it also has two footways each side of the road. The proposed access to the site is taken from the end of Hall Drive, there is an private access close to the end of Hall Drive that provided access to a small number of residential properties and also a fishing lake.

The site access is indicated as 5.5m wide and 2m footways on both sides of the access road, it is also proposed to close the single track access and provide a new access through the site to the north of the railway bridge.

The traffic impact of the development has been considered by the applicant in this Transport Assessment, and the applicant has undertaken a number of assessments on the local highway network specifically at junctions, these are as follows:

- § Sandbach Road North/Crewe Road
- § Hassall Road/Chancery Lane/Crewe Road
- § Radway Green/Crewe Road
- § Hall Drive / Crewe Road
- § Old Mill Road / The Hill Junction

### ***Trip Generation***

All assessments are undertaken when the background flows are at their highest and these are normally in the morning and evening peak hours. The likely traffic generated by the development has been determined by using the Trics database using average trip rates, the following tables indicate the trip rates and generation from a 150 unit scheme.

Mode	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicles	0.164	0.424	0.391	0.241
Pedestrians	0.052	0.186	0.081	0.056
Public Transport	0.011	0.030	0.016	0.004
Cyclists	0.007	0.026	0.017	0.014

Mode	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicles	25	64	59	36
Pedestrians	8	28	12	8
Public Transport	2	5	2	1
Cyclists	1	4	3	2

These trips have been checked and are considered acceptable as the amount of development traffic that the site will generate. Peak hour assessments have been undertaken as these have been identified as 08.00 – 09.00 and 16.45 – 17.45 hrs.

The capacity assessment in the transport assessment have been based upon a opening year of 2014, quite clearly the development would not be completed by 2014, assuming build rate of 30 units per year this would be 2018 and a future year assessment would be 2023. The traffic growth factors would also need to be adjusted to 2018 -2023, these would be then added to the base flows.

At the time the TA was submitted there was only one committed development that being the 65 dwelling off Crewe Road. The applicant has also included for the traffic from Twyford's site and the MMU site in the capacity tests undertaken.

### ***Capacity Assessments***

The assessment of capacity has been undertaken using computer software using Picady for the priority junctions and Linsig for the signal junction. The applicant states that the impact from the scheme has been tested in detail at all the junctions listed in the Transport Assessment and concludes that the junctions have practical reserve capacity or they will not receive a material impact from the development. This is not correct. The junction at Hassall Road /Crewe Road is over capacity without development and will be made worse by the development, although the development impact only results in a slight increase in queue lengths.

With regard to the existing signal crossroad junction of Sandbach Road / B5077 Crewe Road the assessment predicts that the junction will operate within capacity in 2019 with development added. This junction has been assessed by a number of other applicants for other sites and their respective consultants who have used very similar opening and future year assessments, they have concluded that the junction does have capacity problems. Assessing the input data for the Linsig model submitted with this application the main issue is in the PM model where the pedestrian is called every other cycle. As this junction is in town centre, it should be modelled with a pedestrian stage every cycle as modelled by other Transport Assessments and if this was undertaken it would show that indeed there are capacity issues. It is clear from visiting the site in the peak hours and the lengths of queue being formed that there is a capacity problem at this junction.

### ***Accessibility***

Although the site is some distance away from the main Crewe Road and local bus services, the site does meet recognised accessibility distance check lists for walking and cycling, there are also proposed improvements to public rights of way that access the town centre from the site. It would prove difficult to reject the application on the grounds of inadequate sustainability even though it is not located well for modal shift to occur.

### ***Road Safety***

A review of the last 5 year accident record has been undertaken and there are a number of accidents recorded at some junctions studied although these are not considered to be relating to a specific cause that would be exacerbated by the development proposals.

### ***Summary***

Given that, subject to a contribution of £166,000 towards off-site highway junction improvements the Strategic Highways Manager has raised no objections to the scheme, whilst the concerns of local residents are noted, it is not considered that a refusal on highway grounds could be sustained.

The Strategic Highways Manager has confirmed that on the basis of the reduction in units to 109 units the contributions would be reduced accordingly to £146,000.

In the event of approval, the required contribution could be secured through a Section 106 Agreement.

## **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 Pre-Submission Core Strategy plus recent appeal decisions have determined that the Council does not have a 5 year supply of housing land.

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

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education, highways, and level crossing improvements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, highways, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. Previous concerns related to the proximity to the explosives plant at Radway Green have been resolved through the submission of an acceptable indicative layout and the recommendation of appropriate conditions.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these

and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Whilst the proposal will result in the loss of grade 4, 3a and 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

Whilst there is concern from the neighbouring Borough of Newcastle-under-Lyme, previous inspectors considering this issue have viewed it as not being “determinative”. Therefore, whilst there is sympathy with their concerns, and they undoubtedly weigh against the scheme in the “planning balance”, it is not considered that this is sufficient as a sole reason to sustain a refusal and where decisions are finely balanced, the decision should be taken in accordance with the presumption in favour of sustainable development which runs as a “golden thread” throughout the NPPF.

Therefore, in the light of the adopted development plan policy, and all other material considerations, the National Planning Policy Framework, lack of a 5 year housing land supply and previous appeal decisions and having given due regard to all other matters raised, it is considered that the presumption in favour of sustainable development should apply in this case and accordingly it is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE** subject to Section 106 agreement to secure:

- **33 affordable units (21 rented and 12 intermediate)**
- **Type and number of bedrooms to be agreed at reserved matters**
- **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**
- **LEAP including at least 5 items of equipment. Specification to be submitted to and agree by the Council.**
- **Provision for a private residents management company to maintain the on-site amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages**
- **Detailed management plan for the above Open Space be submitted and approved.**
- **Highways contribution of £146,000 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.**
- **Contribution of £206,080 towards education.**
- **£163,500 for level crossing improvements**



And the following conditions:

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. Limit number of dwellings to 109
5. Submission / approval and implementation of programme of archaeological works
6. Reserved matters to include no development within yellow line on BAE Safeguarding Plan
7. Development to be of traditional brick / tile construction and of no more than 12m in height
8. Reserved matters to make provision for development fronting footpaths within site
9. Submission / approval and implementation of works to improve and enhance footpath no.8 / 10 including upgrading to cycle way and improvements to discourage use of the level crossing to the west of the site and to encourage the use of the safe crossing at the under bridge.
10. Provision of signage within the site for cyclists and pedestrians
11. 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. Submission, approval and implementation of a piling method statement
13. Submission, approval and implementation of an Environmental Management Plan
14. 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
15. Any mitigation measures applied must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
16. Submission, approval and implementation of a residential travel plan
17. Provision of Electric Vehicle infrastructure on the properties.
18. Submission and approval of a Phase II 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 to be submitted, and approved
  - If remediation is required, a Site Completion Report to be submitted and approved.
19. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge directly in to the adjacent watercourse

20. Reserved matters to include no buildings or alteration of existing ground levels within Flood Zone 3
21. Reserved matters to include finished floor levels of proposed buildings to be set at a minimum of 600mm above the 1 in 100 year (1% AEP) plus climate change flood level,
22. All proposed access roads, parking and pedestrian areas are to be set at a minimum of 300mm above the 1 in 100 year (1% AEP) plus climate change flood level,
23. Submission, approval and implementation of a scheme to limit the surface water runoff
24. The discharge of surface water from the proposed development to mimic that which discharges from the existing site.
25. Submission, approval and implementation of attenuation for discharges above 1% annual probability event, including allowances for climate change
26. Submission, approval and implementation of Sustainable Drainage Systems (SuDS).
27. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
28. The site layout to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
29. Reserved matters to include the provision of an undeveloped buffer zone (at least 8 metres wide), between the banktop of Valley Brook and any built development,
30. Submission, approval and implementation of a scheme for landscaping and management of the buffer zone
31. Submission, approval and implementation of boundary treatment
32. Submission, approval and implementation of ground levels, earthworks and excavations.
33. Tree protection & retention
34. Arboricultural Impact Assessment
35. Arboricultural Method Statement
36. Reserved matters to make provision for buffer zones along railway
37. Retention of hedgerow on western boundary
38. No works in bird nesting season without survey
39. Provision of features for breeding birds

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 Planning and Placeshaping Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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Application No: 13/2055N

Location: 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF

Proposal: Outline application for up to 240 residential dwellings, open space and new access off Sydney Road

Applicant: Muller Property Group

Expiry Date: 12-Aug-2013

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

**Principle of Development.**

**Sustainability**

**Green Gap**

**Landscape Impact**

**Trees and Forestry**

**Loss of Agricultural Land**

**Contaminated Land**

**Air Quality**

**Noise and Vibration**

**Drainage and Flooding**

**Layout and Design**

**Open space**

**Amenity**

**Ecology**

**Education**

**Affordable Housing**

**Highway Safety and Traffic Generation**

#### **REFERRAL**

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

## **1. SITE DESCRIPTION**

The Application site measures approximately 9.25ha and adjoins the north eastern edge of Crewe, within the suburb of Sydney. The site is located to the north of Sydney Road and is approximately 1.5km from Crewe Town Centre. It is bounded by residential development to the south, open countryside to the north and east and the Crewe to Manchester railway line runs along the whole length of the western boundary. Thorny Fields Farm bounds the south east corner of the site.

The site itself is an area of undeveloped land comprising open fields currently set to pasture.

## **2. DETAILS OF PROPOSAL**

This is an outline planning application for the erection of up to 240no. dwellings, open space and new access off Sydney Road. Approval is sought for the access arrangements at the outline stage with appearance, landscaping layout and scale reserved for a subsequent application.

## **3. RELEVANT PLANNING HISTORY**

There are no relevant previous decisions

## **4. PLANNING POLICIES**

National Planning Policy Framework

### **Local Plan Policy**

NE.2 (Open countryside)  
NE4 (Green Gap)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE17 (Pollution Control)  
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)  
BE5, (Infrastructure)  
BE6, (Development on Potentially Contaminated Land)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

## **Other Material Policy Considerations**

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

SHLAA

Draft Development Strategy

Core Strategy Pre-submission Document.

## **4. OBSERVATIONS OF CONSULTEES**

### **Archaeology**

- Application is supported by an archaeological desk-based assessment prepared by Northamptonshire Archaeology.
- The report has considered all the readily-available sources of information, including data held in the Cheshire Historic Environment Record, historic mapping, and aerial photographic evidence. It concludes that the area is likely to have been farmland since initial woodland clearance and that there is little potential for the presence of settlement remains. This is not, however, to say that the area is without interest but this is largely focussed on the present field boundaries, many of which are depicted on the Tithe Map Of 1840 and, during work carried out by the Historic Landscape Characterisation Project, were identified as *Ancient Fieldscapes* suggesting an origin prior to 1600. Evidence of earlier cultivation, in the form of ridge and furrow, survived in many of these fields until recently but has been much reduced by recent agricultural activity.
- The indicative master plan submitted in support of the application indicates that many of these boundaries will be preserved within the proposed development. This is to be welcomed and I advise that elsewhere on the site, where other historic boundaries are to be removed, a limited programme of targeted trenching should be carried out. This should involve the cutting of sections across the boundaries by machine and the recording of formal sections. Such work will allow any banks and ditches associated with the boundaries to be characterised in more detail and dating evidence gathered. This work may be secured by condition.

### **Environment Agency**

No objection subject to the following conditions:

- Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
- Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission, approval and implementation of a scheme to to dispose of foul drainage

### **Cheshire Fire**

- Access and facilities for the fire service should be in accordance with the building regulations
- Applicant should submit to the Fire Authority details of the water main installations so that fire hydrant requirements can be assessed
- Recommend consideration of a fire risk assessment
- Request that consideration is given to secure refuse storage area
- Recommend fitting of domestic sprinklers

### **United Utilities**

- No comments received at the time of report preparation

### **Amenity Greenspace**

- The proposal should provide an equipped children's play area. and a Multi Use Games Area
- Detailed specifications have been provided by Green Spaces.

### **Highways**

The Strategic Highways Manager has assessed this application and offers the following comments:

- An outline planning application has been submitted for 240 residential dwellings with access to be provided from Sydney Road, Crewe.
- As this is an outline application all matters are reserved except for access and no comments regarding potential internal layout is applicable. Dealing with the submitted access matters first, the proposed site access is taken off Sydney Road and has been designed with a 5.5m carriageway and two 2.0m footways on both sides of the access, this access design is suitable to serve some 300 residential units. The visibility provided is 2.4m x 43m in both directions and this is consistent with the visibility standards for a 30mph speed limit contained within Manual for Streets. Therefore, in terms of the submitted access design the Strategic Highways Manager would raise no issues.
- Turning to the traffic impact of the development, as acknowledged in the Transport Assessment there are existing infrastructure congestion problems on the Sydney Road Corridor and the ones that will be directly affected by this development proposal is Sydney Road bridge and the Crewe Green roundabout which operate above capacity levels. In addition to the existing congestion there are a number of committed developments that will add significant traffic to these junctions in the future although there are planning obligations agreed that will contribute to funding improvements.
- In terms of consistency, CEC would accept a financial contribution towards improvements at either of these junctions as it has with the other committed schemes. However, the Council is aware that only 5 contributions can be secured towards each



item of infrastructure and given that it needs eventually to fully fund the infrastructure the level of contribution secured is important.

- The financial contribution that has been submitted is £380,000, if accepted this would leave an unacceptable risk that the improvements at either Sydney Road or Crewe Green Roundabout would not be fully funded and the Strategic Highways Manager would have to reject this proposal. However, it has been indicated that the contributions can be improved by reductions in affordable housing, clearly from a highway point of view it would be preferred if £2,227,000 is provided with 10% affordable housing although if £1,196,000 with 20% affordable housing was secured then the Strategic Highways Manager would not object to the application.
- Therefore, on the basis of the actual submission in regard to the financial contribution towards highway improvements the Strategic Highways Manager would be objecting to the application. However, should the contributions increase by subsequent reductions in affordable housing, then this would provide an adequate contribution in respect of fully funding infrastructure improvements and this is considered acceptable. In respect of other matters such as access the Strategic Highways Manager has no objections.

## **Environmental Health**

In the event of approval recommend the following conditions:

- Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of piling method statement
- Submission, approval and implementation of a detailed scheme of glazing and ventilation mitigation measures, together with any mitigation measures required for garden areas or outdoor living areas, at the Reserved Matters application stage.
- Construction works taking place during the development (and associated deliveries to the site) 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 residential Travel Plan
- Individual Travel Plans shall be developed for all commercial occupants
- Electric Car Charging Points shall be provided
- Submission, approval and implementation of Environmental Management Plan to include dust control measures.
- Submission and approval of a Phase II investigation including a thorough gas risk assessment
- If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, approved and implemented
- 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 and approved

## **Network Rail**

- The council and developer are to be advised that bridge CMP1 Br 4 Maw Lane located to the North of the site is currently subjected to bridge strikes any proposed increase in

road traffic as a result of this development may impact on the number and nature of future strikes.

- If it is confirmed that site traffic and/or residential traffic will use this route then the developer should fund improvements to bridge strike mitigation measures and possibly consider the provision of Collision Protection Beams.
- It is also noted that a culvert passes beneath the railway at our ref CMP1 159m 792yds (eastings 371732 / N 356861) and therefore continued access to inlet and outlet areas for future maintenance/inspection/renewal should also be safeguarded within the proposal. The developer should ensure that water from the proposal does not run off into the culvert.
- Recommend standard conditions and informative to protect the railway during the construction phase.

### **Public Rights of Way**

- The proposal is adjacent to public footpath Crewe No. 4 as recorded on the Definitive Map.
- Recommend that the standard advisory notes should be added to the planning consent.
- The Transport Assessment states that Crewe Footpath No. 4 “will be safeguarded (and if possible enhanced) as part of the development of the scheme”. We would welcome the opportunity to discuss the enhancement of the Footpath.
- The application form states the intention that a “pedestrian link will be provided onto the Public Right of Way.....that runs along the boundary of the site”. This link would be sensible in order to offer potential options for access to the countryside and circular walks for prospective residents. The status, maintenance and specification of this linking footpath would require agreement with the Council.
- The Design and Access statement states that “the existing Public Right of Way has been incorporated into the proposed development and is shown on the indicative masterplan”. No other Public Right of Way, other than Crewe Footpath No. 4 adjacent to the site, is recorded in this location.
- The Transport Assessment states that “one of the main benefits of the location of the site is its proximity to the continuous off-road foot and cycle path (Footpath 36) alongside the Crewe to Manchester railway line...” It goes on to say that this Footpath is “realistically usable by cyclists”. Cyclists do not currently have a right to cycle along the Public Footpath, on which the right of access is on foot only. An aspiration has been logged under the Council’s statutory Rights of Way Improvement Plan for the upgrade of Public Footpath No. 36 to cycle track status so the route can be promoted for cycling in addition to walking. The proposal is supported by a number of local user groups including Sustrans and the Crewe Local Area Partnership. The proposal involves a legal order process and minor surface, signage and barrier works to bring the route up to a standard suitable for cycling. Contributions towards this aim should be sought from the developer in recognition of the route being a key trajectory for prospective residents of the proposed development and in anticipation of the increased usage arising as a result of the development.

## Education

- This development will generate 43 primary aged children and 31 secondary aged pupils.
- The primary schools considered for capacity are forecast to be oversubscribed therefore a contribution of  $43 \times 11919 \times 0.91 = £466,390$  will be required to accommodate primary aged children. This contribution will need to be paid on occupation.
- The secondary schools are showing signs of having reduced surplus places for the period of the forecasts, with the situation indicating that there are currently some 346 places across the schools with this falling to 164 in the forecasts by 2019. There are a number of developments in Crewe which affect the same high schools and which have either planning permissions or a resolution to approve (Parkers Road, Coppenhall East, Maw Green, etc) which are anticipated to generate 166 primary aged children. Therefore the sum of  $31 \times 17959 \times 0.91 = £506,623$  towards secondary accommodation. Phased payments can be agreed for this contribution.

## Sustrans

- Would like to see the development contribute significantly to the improvement of the pedestrian/cycle network in the vicinity of the site. Possible measures are:
  - A safe crossing of Sydney Road in the vicinity of the railway bridge
  - Improvements at the railway bridge
  - Conversion of the footpath on the E side of the Manchester railway to footway/cycle track
  - Creating a footway/cycle track between Sydney Road bridge and Lime Tree Avenue
  - A direct pedestrian/cycle only exit from the estate into Maw Green Road
  - Closure of Maw Green Road to through traffic
- 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' bikes/buggies
- Would like to see travel planning with targets and monitoring set up for the site.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

Matters of concern to be advised to CE Borough council:

- (a) The current application has no details of house design and the impact these houses might have on the views of the limited number of surrounding properties.
- (b) Transport links are mentioned and there is recognition that there will be an increased number of vehicle trips. 143 in the morning and 160 in the evening.
- (c) This increase in traffic means there must be improvements to the railway bridge on Sydney Road. The developer is willing to contribute to this but will fund it by building less affordable housing.

- (d) There will also have to be changes to the Crewe Green roundabout. Again the developer is willing to contribute to these changes.
- (e) There is provision for bus access to the site. The report recognises that many people living there will want to access Crewe Station which it suggests is within walking distance.
- (f) There is no mention in the report of the impact of the planned housing on the infrastructure of the area.
- (g) The 46 people who replied to the consultation pointed out the traffic problems and the risk of flooding.
- (h) There will be undesirable encroachment into the green gap.
- (i) There will be a negative impact on infrastructure in particular the Sydney Road Bridge.
- (j) There will be a negative impact on local schools and doctors surgeries due to increased demand.

## 6. OTHER REPRESENTATIONS

Objections have been received making the following points

### Policy and Principles

- Contrary to local, strategic, regional and national planning policies
- Intrusion into the open countryside
- Defined as Green Gap
- Conflicts with SHLAA
- Contrary to Crewe and Nantwich Replacement Local Plan 2011 which states no loss of Green Gap land except for necessary development which cannot be located elsewhere
- Contrary to development strategy which identifies 8 alternative sites in Crewe for residential development – Town Centre, West Street, Basford East, Basford West, Leighton West, The Triangle, East Shavington, Crewe Rail Exchange
- Coppenhall East Extension, South West Crewe, Gresty Lane and Sydney Road were rejected
- There are also lots of empty houses around that people cannot afford to buy without any more left standing, a prime example is the apartments by Morrisons just off West Street why do we need more to spoil the surrounding landscape and nature.
- The alleged housing shortage could be accommodated by encouraging occupation of the hundreds of new builds currently lying empty in the local vicinity.
- May be the first part of a larger development, and the next stage of development could be even more detrimental to both the community and the new estate residents.
- Should be refused for the reasons stated when declining planning application number 12/4494N at the Hunters Lodge Hotel, that being " *The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and*

*Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy."*

- This is not an area approved for housing in the Councils own plans
- Brown belt land should be used before green belt is considered. The council has a duty to the residents to make sure that all other avenues have been used up before green belt land is used.
- Council should down this application in favour of their own suggested sites in "All change for Crewe"

### **Infrastructure**

- Development would bring Crewe town to its knees because of the poor infrastructure.
- A & E at Leighton hospital cannot cope with the amount of people now & it is hard enough to get a doctor's appointment without adding to the list of patients

### **Amenity**

- Additionally the substantial number of proposed dwellings at the rear of existing property would bring about a significant amount of noise pollution into what is currently a tranquil rural environment.
- As this proposal would back onto existing houses/gardens residents would like to make sure that the particular houses in question are not the affordable houses or the town houses as this would de-value their existing property and cause concerns for the future.

### **Highway Safety**

- Pedestrians (especially with young children) have difficulty crossing Sydney Road
- Crossing can only be achieved by timing it in between the changing of traffic lights
- The proposed extra road off Sydney Road and to remove the traffic lights following bridge improvements will jeopardise safety
- At Peak times traffic queue at the Crewe Green roundabout. The proposed plan, along with other housing developments in the area will only compound the issue despite proposals to contribute to highway improvements
- Muller stated on their website that they will provide £2m for improvements to the Sydney Road Bridge and Crewe Green, secured from the delivery of the full scheme. This is taken to mean the end of a phase 2 (which involves land which has not been purchased)
- Does this mean the £2m would never be paid?
- The bridge improvements will only be commenced after the development has been commenced or completed congestion has been made worse
- The bridge works should be done before housing development takes place.
- 2 years of disruption plus 2 or 3 years of bridge work will cause unacceptable disruption.
- Vehicular access at 138 Sydney Road seems viable at the moment but if the bridge is made into two way access, it would be dangerous.
- Also danger at Kids Planet nursery and also at 138 Sydney Road for vehicles entering and leaving the junctions being so close to emerging traffic from the bridge

- It already takes 10 minutes or more to get out of drives in Sydney Road
- The traffic has trebled over recent years
- Lorries shake houses on Sydney Road
- Sydney Bridge had a pavement put in because someone was killed trying to go over it, adding more cars to this road is an accident waiting to happen
- Most houses have on average 2 cars. The present road system will not cope with the potential of an extra 500 vehicle journeys twice a day.
- Where Sydney Rd joins the roundabout for Crewe, Sandbach & Haslington (A534 A5020 & B5077). The traffic hold ups are excessive and are particularly bad in the morning for traffic coming from Sandbach. Sydney Rd is a major sign posted route to the Hospital.
- On the approach to the roundabout the development would create longer delays and longer tail backs at peak hours
- The main Sydney Road is already extremely busy, being the main thoroughfare from the M6 to Leighton Hospital.
- The nearby traffic lights at the end of Hungerford Road and Crewe Green roundabout are already very congested for about two hours both in the morning and late afternoon. It can take up to half an hour to get through.
- Planning permission has already been granted for housing at Maw Green which will add to the already congested roads in and around the Sydney area.
- The traffic leading up to the bridge from the proposed entrance to the site is always at a standstill
- The majority of traffic does not observe speed limits
- Additional congestion particularly at the railway bridge could lead to accidents.
- The general state of Sydney road is awful now, so adding more traffic will just create even more wear to an already crumbling highway.
- Maw Green Lane which bounds the North of the proposed development also has a narrow bridge which effectively limits traffic to single file and would struggle to cope with an extra 240 residences.
- Herbert Street is horrendous to get out of at peak times as it is without adding more traffic on Sydney Road.
- Exits from a housing complex so near to the bridge would just grid lock the road.
- If the bridge was made two-way without lights it would certainly ease the situation. A report also recommends ways of encouraging people to leave their cars at home. It states that it is only 2 km to the town centre is optimistic, it may be possible from Sydney Rd to the Junction shopping centre but not for residents at the furthest side of the estate. The proposal that people may also use bicycles is also wishful thinking due to the poor condition of the roads, and the lack of awareness of motorists.
- Crewe Green Roundabout has now been made worse by the reduction in lanes and having the traffic for 2 A roads squashed into 1 lane and a single lane for a B road. Surely 2 lanes for the A road with one being shared by the B road to Haslington would have made more sense.

### **Flood Risk & Subsidence**

- The area is susceptible to localised flooding, especially to the north of the site
- This is supported by the Phase 1 Desk Study and along with the high risk of natural ground subsidence the area should be avoided for development.

- By building these houses, the surrounding property in the area will be adversely affected by subsidence of land.
- Maw Green bridge area is also subject to flooding during the winter so severe that it closes the road for days at a time. Any further runoff from the development of adjacent fields would no doubt make this worse and could endanger local properties

## **Ecology**

- The trees have been assessed in the application documents as having high potential to support bat roosts.
- Residents report seeing bats in the area
- Any development might compromise the safety of bats in the area
- If existing ponds are retained, will existing wildlife still thrive.
- If ponds are retained and will the safety of young children be secured.
- Residents confirm the presence of bats in the area which, along with other wildlife, would be negatively impacted by this development.

## **Section 106**

- Policy requirement is a minimum of 30% affordable housing
- This equates to 62 of the 240 houses, rather than the 10% (24 houses) that are proposed
- This however, seems to have come part of a bargaining toll for the applicant as detailed in section 7.70 of the Planning Supporting and Sustainability Statement
  - 30% affordable = £0 towards contribution towards Sydney Road Bridge
  - 20% affordable = £1,196,000 contribution towards Sydney Road Bridge
  - 10% affordable = £2,227,000 contribution towards Sydney Road Bridge
- Object to this for 2 reasons
  - Applicant has highlighted the 10% / £2m to the public through clever marketing and has hidden the required 30% by the Council and bargaining within the “small print” of large documents
  - The affordable housing and bridge work are 2 separate subjects and should be kept so. If the Council request 30% affordable houses so be it but also the bridge and roundabout work only become more of a priority because of the proposed development.

## **Lack of detail**

- Plans are only indicative and it is not possible to comment on the following potential issues
  - Lack of pepper-potting of affordable housing across the development
  - Adequacy of parking
  - Disabled persons access
  - Layout and density of buildings
  - Loss of daylight or sunlight
  - Design, visual appearance, and materials
  - Overshadowing / loss of outlook
  - Overlooking loss of privacy

- Noise and disturbance
- Light pollution.

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

- Acoustic Report
- Air Quality Assessment
- Framework Travel Plan
- Design and Access Statement
- Heritage Assessment
- Habitats Survey
- Housing Market Assessment
- Statement of Community Involvement
- Arboricultural Impact Assessment
- Agricultural Land Classification
- Trees Bat Roost Potential
- Phase 1 Desk Top Study Contaminated Land
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Transport Assessment
- Supporting and Sustainability 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 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

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

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

### **Housing Land Supply**

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This

proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

### ***Emerging Policy***

The site is identified as “Site CS 5: Sydney Road, Crewe” in the Council’s recently published Core Strategy Pre-submission Document as presenting the opportunity for a high quality sustainable residential development. The emerging plan envisages:

*The development of Sydney Road over the Core Strategy period will be achieved through:*

1. *The delivery of 250 new homes;*
2. *The incorporation of Green Infrastructure including:*
  - i. *Allotments;*
  - ii. *Equipped Children's Play Area/Multi-Use Games Area;*
  - iii. *Community Woodland;*
  - iv. *Outdoor Gym; and*
  - v. *Formal Sports Pitches*

*Site Specific Principles of Development:*

- a. *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 proposal;*
- b. *Contributions towards highway improvements at Crewe Green Roundabout, Maw Green Junction and Sydney Road Bridge;*
- c. *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;*
- d. *The inclusion of appropriate planting and buffering along the northern and western boundaries of the site, to provide a clear edge to the development and reduce the visual impact of the development of this site on the adjacent proposed new Green Belt area of search. Such buffering and planting to also ensure that noise and disturbance, from the West Coast Mainline which runs along the western boundary of the site, is reduced to a level to be agreed at a future date;*
- e. *The Core Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);*
- f. *Provision of habitat for protected species, if required;*
- g. *Fowle Brook runs through the site and into Sandbach Flashes SSSI. Any discharge, foul drainage and / or run-off from the site must not lead to a deterioration in water quality entering the SSSI;*
- h. *The development will be expected to provide contributions to education provision; and*
- i. *A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.*

The justification for the allocation is provided at paragraph 15.83 – 15.89 of the emerging plan. It states:

- *Green Infrastructure provision underpins future development in Crewe, ensuring that it is a pleasant place to live and work. Any proposals should take into account the Green Infrastructure Action Plan for Crewe.*
- *The provision of new Green Infrastructure and the improvement of existing Green Infrastructure are of paramount importance. This will assist in improving the health and*

*wellbeing of residents, as well as enhancing the environment of the town and reflects the findings of the Green Infrastructure*

- *Action Plan for Crewe (TEP, 2012) and will also help deliver the aspirations of 'All Change for Crewe: High Growth City'.*
- *Mechanisms must be put in place, to ensure that water from the development, flowing into Fowle Brook, does not have an adverse impact on the Sandbach Flashes SSSI.*
- *Adjacent land lies within the proposed new Green Belt Area of Search. It is important that any visual impact of development on the proposed new Green Belt Area of Search is minimised by appropriate landscaping and the retention of existing trees and hedgerows.*
- *It is important that the site contributes to highway improvements at Sydney Road Bridge, Maw Green Junction and Crewe Green Roundabout, to ensure highway safety.*
- *Habitat for protected species, if required, will be provided.*
- *It is important that buffering planting, along the western boundary of the site, with the West Coast Mainline is provided in such a way that noise and disturbance are mitigated to an acceptable level.*

### **Countryside Policies**

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

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

*“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

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

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply*

*that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

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

In reaching this conclusion, the Inspector memorably noted that:

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

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

## **Conclusion**

The site is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:

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

Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years. Only limited weight can be applied to the emerging Local Plan. As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

## **Deliverability**

According to the emerging plan, indicative site delivery is 175 homes expected during the early part of the plan period 2015-2020, and 75 homes expected during the middle part of the plan period 2020-2025.

## **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.

According to the developer’s submissions:

*“our accessibility assessment confirms that Sydney Road meets most of the NWDA / Council’s recommended accessibility standards and all of the local services and facilities listed in the NWDA accessibility standards and draft policy CS9 are available in Crewe. Most of the Council’s preferred sites do not meet all, or most of the recommended accessibility standards and there are some sites that meet less than half. The application site only fails on 3 out of the 20 assessment criteria because the nearest convenience store, supermarket and children’s’ playground just fall outside of the Council’s maximum accessibility standards. Local convenience store and supermarkets are available within walking distance of the application site (2km). In respect of a children’s playground, this can be provided on site. The accessibility score achieved by the application site is significantly higher than other sites recently*

*approved by CEC and most of the Council's strategic allocations. Thus we conclude that Sydney Road is located in a highly sustainable location."*

Officers have carried out their own accessibility assessment using the North West Sustainability Checklist methodology as set out below.

Category	Facility	Sydney Road
Open Space:	Amenity Open Space (500m)	295m
	Children's Play Space (500m)	953m
	Outdoor Sports Facility (500m)	723m
Local Amenities:	Convenience Store (500m)	1050m
	Supermarket* (1000m)	2018m
	Post box (500m)	1596m
	Playground / amenity area (500m)	953m
	Post office (1000m)	1596m
	Bank or cash machine (1000m)	1639m
	Pharmacy (1000m)	1694m
	Primary school (1000m)	1400m
	Secondary School* (1000m)	1409m
	Medical Centre (1000m)	1694m
	Leisure facilities (leisure centre or library) (1000m)	1409m
	Local meeting place / community centre (1000m)	2217m
	Public house (1000m)	623m
	Public park or village green (larger, publicly accessible open space) (1000m)	953m
	Child care facility (nursery or creche) (1000m)	427m
Transport Facilities:	Bus stop (500m)	581m
	Railway station (2000m where geographically possible)	2501m
	Public Right of Way (500m)	87m
	Any transport node (300m in town centre / 400m in urban area)	87m
<b>Disclaimers:</b>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

Contrary to the developer's assertions, it is considered that the proposal does not meet the minimum standards of accessibility in respect of 16 of the facilities listed, of which 10 are significant failures. The site only meets the required distances against 6 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in Core Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only one aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions towards the upgrading of footpath 36 to a cycle route (discussed in more detail below).

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.

No detail has been provided within the Design and Access Statement, and other supporting documentation with regard to sustainable design principles and there appears to be very little commitment to them in respect of the scheme.

No consideration appears to have been given to passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc. However, this is an outline application and it is acknowledged that a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"



The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

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 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. Owing to its position on the edge of Crewe, 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. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot, by bus or bike and therefore it is considered that this small scale site is 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.

### **Green Gap**

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local

Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and 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, this is in conflict with the approach taken by the Inspector in more recent Appeals in Alsager and Sandbach, where, as outline above, it was determined that 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 and that the lack of a 5 year supply does not provide an “automatic ‘green light’ to planning permission.

Therefore, full assessment of the proposal against Policy NE.4 is appropriate. A development of this nature will clearly erode the physical gap between Haslington and Crewe and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below. Notwithstanding this point, in this particular instance the Green Gap is comparatively wide at this location and it is a relatively small site. It will not result in the gap becoming any narrower than it is at the existing narrowest point between Crewe and Haslington. The proposal will not result in any loss of, or reduction in, the perception of separation, or of a gap, of leaving one settlement and arriving in another when travelling between Crewe and Haslington. It is enclosed by existing housing development, the West Coast Main Line, and Maw Green Road, and therefore is well contained, with “defensible boundaries” and represents a “rounding off” of the existing settlement rather than a visually divorced incursion into the open countryside and green gap.

Policy NE.4 goes on to state that exceptions to this policy will be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Core Strategy it has been demonstrated that a number of sites on the periphery of Crewe will be required to address the Council’s housing land supply shortfall and this is one of those sites.

### **Landscape Impact**

The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 9.25ha. The application site has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The Crewe to Manchester railway line follows the western boundary of the application site, beyond which is agricultural land. The southern boundary adjoins the rear of dwellings located along Sydney Road. The remainder of the site forms part of the wider agricultural landscape, with Thorny Fields Farm located to the east of the application site and Meadow Croft Cottage to the north.

The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Wimboldsley Character Area: ELP5.

The assessment also includes a number of independently identified 'character types' (LCTs), namely LCT1: Settlement, LCT2: Mixed Agricultural Fringe and Horsiculture Farmland, LCT3: Transport Corridors, LCT4: landfill, LCT5: Flat Rural plain. The adopted Cheshire Landscape Character Assessment clearly identifies that the application site is located within the East Lowland Plain Landscape Type, and that within this landscape type it is further characterised as being specifically in the Wimboldsley Character Area (ELP5). This has been identified in the Landscape and Visual Impact Assessment submitted. The character of the Wimboldsley area ELP 5 is fully described in the Cheshire LCA and the application site is typical of and exhibits many of its features and characteristics.

Consequently, there is no justification for identifying what is essentially a land use area assessment as a baseline for a landscape character assessment, when the existing, adopted LCA, which has been undertaken following the Guidelines for Landscape Character Assessment Guidance (GLVIA) for England and Wales and Scotland, published in 2002 by the Countryside Agency and Scottish Natural Heritage, should, and could, have been used. Therefore, the Council's Landscape Officer disagrees with the basis of the landscape character assessment that has been submitted and would also question the accuracy of the landscape assessment submitted.

Although the sensitivity of the visual receptors has been identified, (Table 4.11 identifies types of visual receptors and offers a sensitivity rating, along with a commentary), there is no explanation of the process that has been used and no identification of the criteria or thresholds used in the assessment. Figure 4.18 offers an assessment of the visual effects. The Landscape Officer would question the robustness of the visual assessment and feels that in reality that the proposals may have more significant visual impacts than those indicated.

The application site is located within the area designated as Open Countryside and Green Gap and the Landscape Officer is of the view that the landscape and visual impacts may well be more significant than those indicated in the submitted assessment, and, as the assessment indicates in Para 5.9, '*there will be a direct loss of pastoral landscape to urban development*'. Consequently, it is considered that the proposals will be contrary to both Policy NE2: Open Countryside and also Policy NE.4: Green Gap.

The developer's landscape consultant, Tyler Grange, has provided a written response to these criticisms. Having considered the additional information, the Landscape Officer has commented that, with specific reference to the 'Review upon Cheshire Landscape Character Assessment, Landscape Type 7: east Lowland Plain: ELP5 Wimboldsley Character Area, he is now satisfied with the methodology and would broadly agree with the assessment in terms of the sensitivity of the Character Area, Moderate; magnitude of change, Low (minor) and significance of landscape effect, minor adverse.

However, although Para 1.5 refers to GLVIA (Edition 3), the original LVIA was undertaken with reference to GLVIA (Edition 2), and whilst he agrees with the reference quoted, he would interpret it differently. Consequently, although he is happy for his original comments as set out above to be amended regarding the landscape assessment, his conclusions regarding the visual assessment and policy remain valid.

### **Trees and Forestry**

The application is supported by an Arboricultural Impact Assessment (Ref SRC/03/13) dated 16<sup>th</sup> March 2013 by Shields Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

As this is an outline application all matters are reserved except for access and open space, no comments regarding potential internal layout is applicable.

The proposed point of access immediately off Sydney Road occupies an area currently utilised as domestic dwelling curtilage, and a private driveway. Construction to facilitate the requested access and associated visibility splays to an adoptable standard can be facilitated without having any direct or indirect impact on any high or moderate value trees. This section of Sydney Road is devoid of any meaningful tree cover, with the only consequential contribution to the street scene in arboricultural terms provided by offsite trees to the south of Sydney Road, and those within a private garden to the East.

The proposed development site comprises open pasture land with scattered individual and groups of trees located within existing mature hedgerows. The dominant species is Oak which is a characteristic of the area and typical of the existing land usage and landscape. 56 individual trees 2 groups and 6 hedgerows were recorded as part of the survey. Final potential tree losses should the development proceed can only be determined as part of a reserved matters submission, any comments which relate to this aspect of the submission are only subjective. Given the open aspect of the site it should be possible following current best practice guidance *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*, and despite the greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. This includes potential areas of Open Space.

The Council's Landscape Officer has examined the application and is comfortable that the outline application as detailed from an arboricultural perspective can proceed without having a disadvantageous impact in terms of trees.

### **Loss of Agricultural Land**

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

The applicant has submitted an agricultural land classification study prepared by David Hughes Agricultural Consultants which concludes that the application site comprises predominantly Grade 3b agricultural land with some areas falling within Grade 4 due to excessive water logging. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria. Therefore, the site is also appropriate for development in line with the sequential approach to the development of agricultural land as set out in the NPPF.

### **Contaminated Land**

The site is located within 250m of the landfill site at Maw Green, which 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. The applicant submitted a Phase I Preliminary Risk Assessment with the application. However it was evident that the application area is larger than the area considered within the report, and in particular there was a former landfill approximately 40m from the application boundary which had not been appropriately considered within the report.

Given the close proximity of the landfill to the proposed development and the fact the landfill contains putrescible waste, Environmental Health would expect some form of gas risk assessment to be undertaken and presented with the application to demonstrate that the site is suitable for its proposed use.

Therefore, it was considered that insufficient information had been submitted with the application relating to the nearby landfill in order to assess adequately the impact of the proposed development having regard to Paragraph 121 of the NPPF.

This was brought to the attention of the developer and additional information and a further assessment with regard to the nearby Maw Green landfill site, was submitted in response.

The update to the Phase I investigation identifies no further on site sources of contamination, and the desk-based gas risk assessment appears to be reasonable based on existing knowledge of the nearby landfill site.

As such, the Environmental Health raises no objection to this application. However, In line with the conclusions of the assessment, they will require a site investigation and full gas risk assessment to be undertaken in line with best practice guidance, prior to submission of any Reserved Matters application. This can be secured by condition.

### **Air Quality**

The transport assessment for this proposal assumes that that development related traffic would travel through Hungerford Road to reach the town centre. Hungerford Road is a continuation of Earle Street to the town centre. Earle Street has been identified as an Air Quality Management Area (AQMA) by Cheshire East Council. However, the air quality assessment originally submitted with the application only considered sensitive receptors on Sydney Road. Due to the limited scope of the modelling area, there were also no monitoring locations considered for verification purposes. Therefore Environmental Health could not

make a definitive judgement on the air quality impacts of this proposal based on the information provided.

However, it was acknowledged that this position could be reviewed on submission of further information to include the following:

- Air quality impacts of this proposal and other committed developments included in the transport assessment on the AQMA in Earle Street,
- Verification of the model, including previously considered receptors on Sydney Road,
- Use of 2012 monitored air quality data and consideration of congestion in the AQMA,
- Consideration of air quality mitigation strategies should there be any negative impact in the AQMA.

This was brought to the attention of the developer and additional information has been submitted. Environmental Health have reviewed this further information. The addendum assesses the air quality impacts in the air quality management area in Earle Street as requested. The methodology used is acceptable. The assessment indicates that this proposal could lead to a small increase in nitrogen dioxide concentrations in the area. There were no mitigation measures put forward in the report. However, despite the small increase Environmental Health aim to control the accumulation of negative impacts in AQMA's and safeguard future air pollution in all areas by incorporating mitigation measures for such developments. Therefore, the recommendation is one of approval of planning permission subject to conditions relating to air quality mitigation through the provision of travel plans and electric car charging points and construction dust control via an Environmental Management Plan.

### **Noise and Vibration**

There are two key considerations in respect of noise and vibration. Firstly impact on the proposed development from the adjacent main railway line, and, secondly, the impact of construction on neighbouring residences.

With regard to the former, the applicant has submitted a noise assessment report with the application. The report shows that noise on the site can be mitigated to acceptable levels as detailed in BS8233. As the final layout of the site has not yet been confirmed; a detailed scheme of glazing and ventilation mitigation measures, together with any mitigation measures required for garden areas or outdoor living areas, should be prepared and submitted at the Reserved Matters application stage.

A vibration report is also submitted with the application. The assessment consisted of vibrations measurements on the ground at a site location near to the Crewe to Manchester railway. This could be considered as a worst case location and is closer to the railway than the nearest of the proposed housing. The measured vibration dose values were below those where complaints could be expected according to BS6472:2008. It is possible that some vibration may be noticeable to the more sensitive of occupants and that structures could effectively amplify vibrations and become more noticeable. However, given the relatively low levels measured Environmental Health Officers consider that the vibration levels are acceptable for a residential development.

With regard to construction impacts, Environmental Health have raised no objections, subject to conditions relating to construction hours and the submission of a piling method statement.

## Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that:

- *The site lies 400m to the west of Fowle Brook. Due to the distance and topography between the Fowle Brook and the site, the site is not at risk of flooding from this source*
- *A number of secondary flooding sources have been identified in the level 1 Screening Study which may pose a small risk to the site. These are*
  - *Overland flow flooding*
  - *Flooding from rising / high groundwater*
  - *Flooding from artificial drainage systems -sewers*
- *The secondary flooding source will only inundate the site to a relatively low water depth and water velocity will only last a short period of time, in very extreme cases and will not have an impact on the whole of the proposed development site. These secondary flooring sources will be mitigated by the adoption of a surface water management strategy for the site*
- *The site is located within flood Zone 1 and therefore has a low probability of fluvial flooding with less than 1 in 100 annual probability of river or sea flooding in any year (<0.1%)*
- *The proposed development is classified as more vulnerable. These uses are appropriate within Flood Zone 1 after the completion of a satisfactory FRA*
- *The sequential test will not need to be undertaken as part of this planning application*
- *In addition, the FRA has considered the potential impact of the site on surface water runoff rates and foul drainage of the site.*
- *Based upon the nature of the proposed development there would not be any increase in surface water runoff for all events up to and including the 1 in 100 year (including climate change) event. The site will consist of a mix of hard standing and permeable surfaces.*
- *The surface water runoff from the site will be discharged to the Fowle Brook, at this stage there are two options:*
  - *Via the United Utilities 900mm surface water sewer in the south eastern corner of the site*
  - *Via a new surface water sewer across third party land*
- *The attenuation volume required to contain the 1 in 100 year event (plus 30% for climate change) and release a maximum of the 1 in 2 year Greenfield discharge would be 4.433m<sup>3</sup>.*
- *Surface water drainage issues could be conditions for consideration within the detailed design of the development.*
- *The overall conclusion of the FRA demonstrates that the proposed development would be operated with minimal risk from flooring, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF*
- *The development should not therefore be precluded from being granted planning permission on the grounds of flood risk.*

United Utilities and the Environment Agency have been consulted on the application. The Environment Agency have raised no objections subject to the imposition of appropriate planning conditions. However, United Utilities comments had not been received at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

### **Layout and Design**

The submitted indicative Masterplan (*drawing 646/SYD/001*) illustrates the potential form and layout of the development. It shows a single point of access from Sydney Road, blocks of development arranged around a central area of Public Open space and includes a landscape buffer to the railway line to the west and links to land for potential further phases of development and beyond.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this cul-de-sac form of development is appropriate and will reflect the character of the existing suburban development to the south and east of the site.

However, no testing layouts have been provided, and therefore, the applicant has not demonstrated that the maximum number of dwellings proposed (240) can be accommodated on the site in addition to public open space requirements, whilst maintaining an adequate standard of residential amenity for existing and proposed occupiers and a layout of sufficiently high quality in urban design terms.

However, there is no requirement to provide this level of information at the outline stage, and it can be addressed as part the reserved matters. However, it may be necessary to reduce the total number of units on the site below 240, in the final layout in order to produce a scheme of suitable quality.

To turn to the elevational detail, the surrounding development comprises predominantly modern bungalows arranged in a ribbon development along Sydney Road. To the south is a large estate accessed via Rochester Crescent and Lansdown Road, which is made up of 1960, 70's and 80's 2 storey detached and semi-detached houses and bungalows. To the east of the site is Mayfair Drive, which comprises 2 and three storey properties built within the last 10 to 15 years. .

According to the Design and Access Statement, properties will be a maximum of 2 storeys in height. The approximate dimensions of the properties are shown on the indicative masterplan. The proposed layout and the type of housing will respect the appearance and character of the surrounding area. Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 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 a total of 0.84ha of amenity space based on 240 family dwellings.

According to the supporting information, this proposal will provide a large area of public open space, the total area of which will be approximately 2.65ha. This exceeds the open space requirement of Policy RT3 by 1.81ha.

It is therefore recommended that, in the event of approval, any Section 106 Agreement makes provision for a minimum of 8,400sq.m onsite shared recreational open space, to be maintained by a private resident's management company. The Council's Greenspaces Officer has confirmed that the proposal will need to include an equipped children's play area, to cater for the needs of older and younger children and a multi-use games area, in accordance with the detailed specification provided in the consultation response. These requirements can be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Amenity**

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

However, it is considered that this issue would need to be addressed in detail as part of the reserved matters application. It may be necessary to reduce the number of dwellings within the scheme at that stage, in order to meet the required amenity standards.

### **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:

#### Great Crested Newts

Two ponds, one on site and one immediately adjacent to the site have been assessed as being unlikely to support great crested newts. No further action is required in respect of these ponds. The submitted report also makes reference to an ornamental pond in the garden of a property to the south west of the site which was apparently surveyed in 2010. However no details of the location of this pond or the detailed survey have been provided. In addition to the ponds referred to in the report a small pond also appears on the OS plan at SJ72155706 and a further pond just outside the boundary of the site at S71865703. Initially no information was provided as to the potential of these ponds to support great crested newts.

The Council's Ecologist considered that at least an initial assessment should be undertaken to confirm whether these two ponds are extant and whether they have any potential to support breeding great crested newts. If the ponds offered potential breeding habitat for great crested newts a full survey would be required. Further details of the location of the ornamental pond referred were also required.

This was brought to the attention of the developer's ecologist who provided an additional pond assessment. Having considered this information, the Council's Ecologist has advised

that GCN are unlikely to be breeding at these ponds. No further survey effort is therefore required.

### Reptiles

The submitted report whilst assessing the potential impacts of the development on reptiles as being low does identify the small paddocks to the northern boundary as having limited potential to support common lizard and slow worm'. The locations of these paddocks has not been included on the submitted habitat plan. However, after discussing this matter with the applicant, the Council's ecologist is satisfied that the potential risk posed to reptiles is low and so advises that no further surveys are required in respect of this species group.

### Barn owls

The grassland habitats affected by the proposed development are unlikely to provide significant foraging opportunities for barn owls and therefore this species does not present a constraint on the proposed development.

### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The existing hedgerows should be retained and enhanced as part of any future detailed layout produced in respect of the site. This could be secured by condition

### Breeding Birds

The hedgerows and trees at this site may provide breeding habitat for a number of species of bird including the more widespread Biodiversity Action Plan species. However the site is unlikely to be of particular importance for breeding birds. If planning consent is granted standard conditions would be required to ensure that surveys for breeding birds are carried out prior to any work commencing during nesting season and to secure the provision of features suitable for use by breeding birds in the completed development.

### Bats and trees

A number of trees on site have been identified as having high potential to support roosting bats. These trees have been subject to a detailed bat activity survey which did not indicate any evidence of roosting. It seems likely that all of the trees with high potential could be retained as part of the proposed development.

## **Education**

The Council's Education Officer has confirmed that the development will generate 43 primary aged children and 31 secondary aged pupils. This will necessitate a contribution of £466,390 towards primary education and £506,623 towards secondary accommodation. This can be secured through a Section 106 Agreement and therefore the proposal is acceptable in terms of its impact on education provision.

## Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states 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 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 2010.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of a need for 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units.

There are currently 3074 applicants on the Council housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice. These applicants require 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds and 9 x 5 beds (159 applicants haven't specified how many bedrooms they need).

Therefore, as there is affordable housing need in Crewe, 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, which equates to up to 72 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (47 units) and 35% intermediate tenure (25 units). The affordable housing should be provided on site

According to the Planning Statement the applicant is offering 30% affordable housing at this site subject to the Highways contribution, which is discussed in more detail below. A suggested mix of affordable housing dwelling types would include 1 bed flats for rent, and houses and bungalows for rent and intermediate tenures. Housing Officers have welcomed the proposal to provide 1, 2, 3 and 4 bed affordable units. Registered Providers have expressed concerns about 2 bed flats for rent due to welfare reform issues and also intermediate tenure flats have proved unpopular.

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. It also says 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 requires 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.

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

A Transport Assessment (TA) has been submitted with the application which concludes, inter alia, that:

- *During pre-application discussions with Cheshire East Council, the Local Highway Authority indicated that the development would be unlikely to be acceptable in planning terms without contributing towards local infrastructure improvements, and the principle of this is accepted by the applicant. The proposed assessment methodology within the report has been discussed and agreed with the Council*
- *To the west of the site Sydney Road bridges over an existing railway line. The bridge is too narrow to allow two-way traffic working, and as such it is signalised and operates on a one-way basis. The signals are recognised as a key constraint on the local highway network and it is expected that, should planning permission be granted, some financial contributions arising from the application proposal would be channelled towards addressing this local highway constraint.*
- *The most recently available five year road safety record of the area has been examined. The record does not point towards any inherent safety defects on the local network, and road safety does not therefore present a material concern in the context of the proposals*
- *Baseline traffic data from 2011 has been obtained from the TA work undertaken for the recently approved Coppenhall East residential scheme and used as the basis for the traffic flow forecasts in this TA.*
- *The proposed development will be accessed via a simple priority controlled junction onto Sydney Road, designed in accordance with the highway design standard in the Manual for Streets, and suitable to potentially facilitate the movements of a bus service in due course. The site accesses will result the demolition of the existing dwelling at number 138 Sydney Road.*

- *There are a number of infrastructure improvement works planned in the area as part of local committed developments that could also benefit prospective residents of the application site. These include some significant financial contributions to help to relieve some of the key constraints on the highway network and an expansion of local pedestrian and public transport facilities. It is expected that the financial contributions rising from the application proposals, per dwelling, will exceed those agreed as part of other nearby resident schemes.*
- *The multi-modal trip generating potential of the development has been estimated using trip rates from the TRICS Database. It is estimated that the development will generate around 143 two-way vehicular trips during the AM peak hour and around 160 two-way vehicular trips during the PM peak hour.*
- *The vehicular trips arising from the scheme have been distributed and assigned within the TA study area on the basis for the turning proportions adopted in the TA for the nearby Maw Green Road development scheme, recently approved by the Council. The traffic flows arising from three committed development in the area have also been taken into account in this TA*
- *The peak hour capacity performance of the proposed site access has been assessed using the PICARDY junction modelling software for a 2030 future assessment year. The results indicate that the proposed site access will operate satisfactorily with the proposed development in place.*

The applicant has agreed to contribute £380,000 towards the infrastructure works to improve Sydney Road Bridge and Crewe Green Roundabout referred to above. The Strategic Highways Manager has confirmed that this would be insufficient to off-set the impact of the development. However, the applicant has invited the Council to consider the following options in respect of affordable housing provision and enhanced financial contributions towards strategic highway improvements in the area, in addition to the £380,000 referred to above.

<b>Affordable Housing %</b>	<b>Additional Strategic Transport Contribution</b>
30	£0
20	£1,196,000
10	£2,227,000

The Strategic Highways Manager has confirmed that subject to the additional contribution of £1,196,000 he would raise no objection to this proposal.

A viability appraisal has been provided to demonstrate why the developer cannot provide the required highways contribution and the policy requirements in terms of affordable housing. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

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

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

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

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

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

The Council has appointed independent consultants Gerald Eve to independently scrutinise the viability appraisal that has been submitted. They have advised that in general, the value, cost and timing assumptions provided appear, when considered holistically, to be reasonable.

However, there was a lack of supporting evidence, justification and commentary contained within the appraisal as original submitted, which was not in line with the RICS Guidance and further information was requested to support the following assumptions:

- Developer's Profit on GDV of 21.79%
- Average affordable sales values of £55.75 / Sq. Ft.
- Abnormal development costs (Further background to the requirements/justification together with details of how they have been calculated etc.)

Additional information has been provided in respect of both average sales values and the abnormal development costs and Gerald Eve are now satisfied that these are acceptable and justifiable.

With regard to developer profit, up to 20% is generally considered to be acceptable and therefore 21.79% was still considered to be too high. However, it was acknowledged that no provision had been made for contingencies. On this basis, at the request of Gerald Eve, the developer has amended the appraisal to add a 3% contingency to the construction costs. This resulted in a gross margin of 20.15%

If the gross margin is reduced to a more acceptable, 20% the amount available for planning contributions can be increased by £43,000. As the education and highway contributions are already meeting the requirements of the relevant consultees and are thus policy and CIL Regulations compliant, this could be added to the affordable housing provision, which would increase the provision by 1 three bed roomed house. The affordable contribution would then be a total of 49 homes (20.4% provision).

Alternatively, at present the Section 106 Agreement package makes no provision for the off-site public footpath improvements referred to above, which have been requested by a number of local user groups including Sustrans and the Crewe Local Area Partnership and the Rights of Way Officer. It is therefore recommended that the additional £43,000 is dedicated to off-site public footpath works which will improve the sustainability credentials of the scheme.

It is therefore considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the scheme and the Section 106 package should be reduced accordingly. Furthermore, it is considered that at 20.4% will provide an acceptable compromise between the provision of affordable housing necessary to create of a mixed and balanced community and the required infrastructure to make the development sustainable.

Network Rail have commented that if site traffic and/or residential traffic will use Maw Green Lane then the developer should fund improvements to bridge strike mitigation measures and possibly consider the provision of Collision Protection Beams. However, only one site access point is proposed directly from Sydney Road, and therefore these contributions are not considered to be necessary.

## **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 is identified within the Pre-Submission Core Strategy plus recent appeal decisions have determined that the Council does not have a 5 year supply of housing land.

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

The proposal would adversely affect the visual character of the landscape, and would result in erosion of the physical gaps between built up areas, and therefore the proposal is considered to be contrary to Policy NE.4. However, the Green Gap is comparatively wide at this location, and this is a relatively small site. It will not result in the gap becoming any narrower than it is at the existing narrowest point between Crewe and Haslington. The proposal will not result in any loss of, or reduction in, the perception of separation, or of a gap, of leaving one settlement and arriving in another when travelling between Crewe and Haslington. It is enclosed by existing housing development, the West Coast Main Line, and Maw Green Road, and represents a “rounding off” of the existing settlement rather than a visually divorced incursion into the open countryside and green gap.

Policy NE.4 goes on to state that exceptions to this policy will be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Core Strategy it has been demonstrated that a number of sites on the periphery of Crewe will be required to address the Council’s housing land supply shortfall and this is one of those sites. Therefore taking a balanced assessment of this particular site relative to its surroundings and the emerging strategy it is considered that the harm to Green Gap is outweighed by the housing shortfall.



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

Through a suitable Section 106 package, the proposed development could provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education and highways improvements. The applicant has indicated that they would only be willing to provide the necessary level of highways infrastructure contribution on the basis of 20% affordable housing provision. However, a detailed viability appraisal has been submitted to justify this position, and as a result of the independent scrutiny of that appraisal it has been possible to increase the Section 106 package by £43,000 or an additional three bedroomed affordable unit to 20.4% overall affordable housing provision.

In this case, that there is no provision within the Section 106 package for enhanced walking and cycling provision, and in view of the fact that, as outlined above, the proposal does not meet all the requirements of the North West Checklist, it is considered to be appropriate to put the additional £43,000 towards off-site footpath improvements which are supported by local groups and the rights of way officer.

The applicant demonstrated that, subject to conditions, the proposal will not have any unacceptable impacts in terms of air quality and that it would not be adversely affected by the nearby Maw Green landfill site. They have also supplied sufficient information to demonstrate that the proposal will not adversely impact on protected species.

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

Whilst the proposal will result in the loss of grade 3b and 4 agricultural land, this is not the best and most versatile agricultural land and therefore a refusal on these grounds would not be sustainable in this case.

Therefore, in the light of the adopted development plan policy, and all other material considerations including the emerging Core Strategy, the National Planning Policy Framework, lack of a 5 year housing land supply and previous appeal decisions and having given due regard to all other matters raised, it is considered that the presumption in favour of sustainable development should apply in this case and accordingly it is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE subject to a Section 106 Legal Agreement to Secure:**

- **£466,390 towards primary education and £506,623 towards secondary education**

- Highways contribution of £1,576,000 for Sydney Road Bridge and/or Crewe Green Roundabout
- £43,0000 for off-site public footpath improvements
- Minimum of 8,400sq.m of open 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
  - Specification for the above to be as set out in the Greenspaces consultation response
- Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, incidental open space, footpaths and cycleways.
- 20% affordable housing (48 units) 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 to be 15 x 1 beds, 15, x 2 beds (not flats), 15 x 3 beds and 3 x 4 beds.)
- affordable units to be tenure blind and pepper potted within the development.
- no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased
- Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008

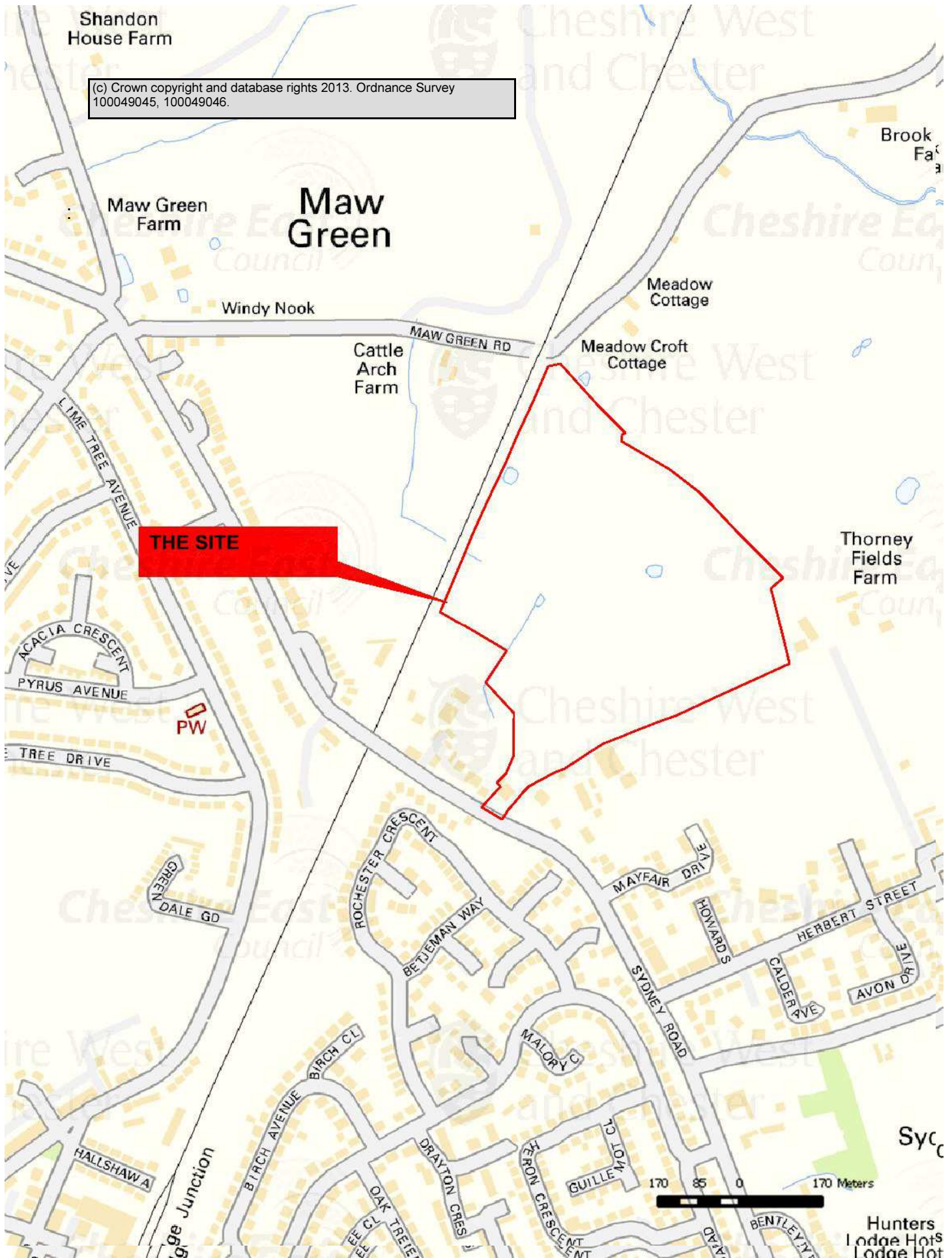
And the following conditions

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. Submission / approval and implementation of archaeological programme
5. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
6. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
7. Submission, approval and implementation of a scheme to to dispose of foul drainage
8. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
9. Submission, approval and implementation of piling method statement
10. Submission, approval and implementation of a detailed scheme of glazing and ventilation mitigation measures, together with any

mitigation measures required for garden areas or outdoor living areas, at the Reserved Matters application stage.

11. Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
12. Submission, approval and implementation of residential Travel Plan
13. Electric Car Charging Points shall be provided
14. Submission, approval and implementation of Environmental Management Plan to include dust control measures.
15. Submission and approval of a Phase II investigation including a thorough gas risk assessment.
  - If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, approved and implemented
  - 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 and approved
16. Reserved matters to make provision for protection and enhancement of public footpath 4 across the site. To include house fronting on to right of way.
17. Reserved matters to include a statement of sustainable design principles and features and features.
18. Important Trees / Hedges to be incorporated into reserved matters layout and hedgerows to be enhanced
19. Submission and approval of scheme of tree / hedge protection
20. Implementation of tree / hedge protection
21. Submission, approval and implementation of materials
22. Submission, approval and implementation of boundary treatment.
23. Submission, approval and implementation of features for use by breeding birds
24. No development in bird nesting season without prior survey

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add conditions / informatics / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning and Placeshaping 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: 13/3032C

Location: LAND OFF CREWE ROAD, ALSAGER, CHESHIRE, ST7 2JL

Proposal: Outline application for residential development, comprising 110 homes, including 33 affordable homes to include an area of public open space and children's play area.

Applicant: Lucy Hawley, Persimmon Homes North West

Expiry Date: 21-Oct-2013

**SUMMARY RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

**MAIN ISSUES**

**Impact of the development on:-**  
**Principal of the Development**  
**Planning Policy and Housing Land Supply**  
**Agricultural Land**  
**Impact Upon the Regeneration of the Potteries**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Air Quality**  
**Trees and Hedgerows**  
**Landscape**  
**Design**  
**Ecology**  
**Open Space**  
**Education**  
**Flood Risk and Drainage**

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located approximately 1.4 kilometres from the centre of Alsager and covers an area of approximately 3.477 hectares. The site is bounded to the south by Crewe

Road, south of which is agricultural land. The east and north of the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager.

To the north west is agricultural land. White Moss quarry, a peat quarry, is located to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, and along the western boundary. A hedge forms the boundary between the two fields, across the centre of the application site. The most significant feature on the site is the electricity pylon, located towards the southern part of the site and the overhead power lines that run diametrically across the southern field.

### **1. DETAILS OF PROPOSAL**

This is an outline planning application for up to 110 dwellings. Access is to be determined at this stage, with all other matters reserved.

The site is intended to be accessed via 2 separate points. The main vehicular access is via Crewe Road, the other being a pedestrian sized access point at Coronation Avenue. The site would include the provision of 30% affordable housing and public open space and a play area, at least 8 pieces of equipment are proposed with a LEAP. An existing electricity pylon traverses the public open space which is located within the central belt of the site

### **2. RELEVANT HISTORY**

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

### **3. POLICIES**

#### **National Policy**

National Planning Policy Framework

#### **Local Plan policy**

PS3 – Settlement Hierarchy

PS4 - Towns

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

#### **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  
Alsager Town Strategy  
Core Strategy Pre-Submission Document

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

**Environment Agency:** The Environment Agency has no objection in principle subject to conditions 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. If a single rate of discharge is proposed, this is to be the mean annual run-off ( $Q_{bar}$ ) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. 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.

**United Utilities:** No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and UU will not permit building over it. An access strip with a width of 6 metres (3 metres either side of the centre line) will be required.

**Health and Safety Executive** – No objection provided buildings are of traditional brick construction and no more than 3 storeys high (12m) and be of brick construction

**English Nature** : Proposal is within 850m of Oakhanger Moss SSSI. English Nature are satisfied that if the development is undertaken in accordance with the submitted information that

there will be no adverse impact upon the SSSI. Advises that 'in house' ecological expertise should be utilised and does not consider the development hits the thresholds to comment upon loss of agricultural land or soil quality.

**Strategic Highways Manager:** No objection subject to conditions and A S106 contribution of £70,290 towards highways improvements in Alsager.

**Strategic Housing Manager:** No objection subject to 30% affordable housing in a 65:35 split

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation and a residential travel plan, scheme for car charging points.

**Public Open Space:** No objection subject to the onsite Amenity Greenspace and the on site Locally Equipped Area of Play being transferred and maintained by a management company.

**Archaeology:** The application is supported by an archaeological desk-based assessment. The report concludes that the site is of generally low archaeological interest, although some limited potential for the presence of prehistoric remains is acknowledged in view of the proximity of former moss lands at the nearby White Moss and Cranberry Moss. The site is however relatively restricted in extent (c 3.5ha) when compared to other proposed 'green field developments' and the historic mapping, aerial photographic evidence, and detailed topography of the site do not suggest any particular locations where early settlement activity might be thought likely. In these circumstances, it is advised that further investigations would be difficult to justify and no further archaeological mitigation is advised.

**Public Rights of Way (Countryside Access Team):** A Public Right of Way, namely Public Footpath No. 49 in the parish of Haslington is adjacent to the proposed development site, being some 30m from its northwest extent. Research for the Council's statutory Rights of Way Improvement Plan has shown that people want circular walks close to their homes so that they can build a walk into their daily schedules. Were a footpath link to be provided from the proposed development site to this public footpath, as may be suggested through the identification of 'strategic footpath connections', prospective residents and existing residents would have access to circular walking options. Contributions to accessibility improvements on the Public Rights of Way in the vicinity would be then sought to make the routes suitable for as many new residents as possible and to accommodate the increased footfall.

The site is on the edge of the built up area; it is important that pedestrian and cycle links both within and to/from the proposed development site to the facilities of Alsager town centre are adequately assessed, designed and improved where necessary.

**Education:** The development would generate 20 primary aged pupils and 14 secondary aged pupils. There is sufficient capacity within the secondary school sector however local primary schools will be over subscribed. A contribution of £216,926 is required towards primary education.

**Newcastle under Lyme Borough Council :** Objects on grounds of the cumulative impact of housing proposals would have upon regeneration within their area.



## 5. VIEWS OF THE PARISH COUNCIL

**Alsager Town Council:** Object to the proposal on the following grounds:

The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the town's brownfields sites should be fully utilised before greenfield sites are developed. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. Consultation on the Alsager Town Strategy was comprehensive and extensive and it provides a clear statement of the views and needs of the residents of Alsager, representing a democratic process which is of great importance to its residents. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.

Cheshire East Council state that they have in excess of the required 5 years supply of land identified in the 2012 SHLAA document and this site is not contained therein.

The application is an intrusion into the surrounding open countryside and no development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. This application if developed would have 3 boundary sides facing open countryside.

Once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open spaces and wild life. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.

This particular application, in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the town's highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere to the town as a whole.

Close Lane is as described 'a lane' with considerable stretches without pavement and some parts being so narrow that they are only single track. This continues along a majority of Close Lane and onto Dunnocksfold Road. Two very sharp bends are also in very close proximity to the site where the north end of Close Lane joins Dunnocksfold Road. At the South of Close Lane is its junction with Crewe Road, Crewe Road although is classed as a 'B' road it is a major feeder road to the A500, M6 and the Radway Industrial Estate. Close Lane is already

hazardous and in a state of disrepair and can be congested at school times. The impact of this development, given the number of vehicles it would generate and the single access point, would be dangerous to pedestrians including school children.

Location is unsustainable due to its distance from the Town Centre, local amenities and infrequent bus service.

## 6. OTHER REPRESENTATIONS

Letters/electronic representations of objection have been received from 211 local households and from Newcastle Under Lyme Borough Council raising the following points:

### Principal of development

- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy and is contrary to the Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- All new housing should be on brownfield land
- Impact upon the rural landscape
- Loss of agricultural land
- There is no need for more housing in Alsager
- Brownfield development should be the priority, the University is boarded up and a magnet for anti-social behaviour
- Alsager has a greater than 5 year housing land supply
- The land was not included in the Alsager Town strategy
- Allowing the development would conflict with the localism agenda
- There is a lack of employment in Alsager
- The development of the site will jeopardise brownfield sites from being brought forward
- Not needed or wanted by the community
- Brownfield development must be completed before Greenfield development allowed
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- Local infrastructure of services cannot cope with this additional development
- There are numerous properties for sale in Alsager
- The proposal is adjacent to the White Moss proposal for 700 or more houses. If the area required 1100 additional houses, then this number is already exceeded by the applications already in progress.
- Priority should be given to brownfield sites
- The projection for the Alsager area is to provide an additional 1000 houses by 2030. Areas already outlined as being the preferred sites are MMU and Twyfords which are both brownfield sites and should be used prior to any greenfield development areas. These 2 sites alone are providing between 700 and 800 houses and that goes without mentioning the site agreed for planning already on Crewe Road between the Mill and Poppyfields. There is no need to build any houses on Rhodes field. The Alsager strategy is already fulfilled.
- The development would result in urban sprawl
- The site is within the blast zone for Radway Green

- The land was not included in the 2012 SHLAA document, was not added to the 2013 SHLAA on its revision and was not included in the 'additional considerations' subsequently put forward for consideration
- Development at the boundary of the borough will cumulatively adversely impact upon the regeneration of Newcastle Under Lyme

#### Highways

- Close Lane/Crewe Road accident black spot
- Increased traffic congestion on Crewe Road
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Narrow roads with poor pavements

#### Green Issues

- Loss of green land
- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Impact upon wildlife
- Impact upon local ecology
- Impact upon flora and fauna
- Loss of agricultural land
- Impact upon Great Crested Newts

#### Infrastructure

- The infrastructure in Alsager cant cope
- Increased pressure on local schools
- The local schools are full to capacity
- Proximity to the pylons on site
- The sewage system is overstretched
- The site itself plays host to pylons and high voltage power lines that the developers simply intend to build around. Is there really such a housing shortage that we have to resort to such extreme sites?

#### Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Overlooking to residents on close Lane
- Very near to the M6 and the Quarry both that generate noise and pollution – poor living conditions for future residents

### **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Arboricultural Assessment
- Transport Assessment
- Extended Phase 1 Habitat Survey
- Affordable Housing Statement
- Planning Statement
- Landscape and Visual Assessment
- Noise Assessment Report
- Archaeological Desk Based Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Utilities & Infrastructure Report
- Sustainability Strategy
- Renewable Energy Statement
- Statement of Community Involvement
- Soil Resources and Agricultural Use and Quality Report
- Supplementary Ecology and Arboricultural Information
- Socio-Economic Impact Report
- S106 Heads of Terms

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

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

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

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

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

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

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

### **Housing Land Supply**

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most' (Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

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

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

### ***Emerging Policy***

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

*'As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making'*

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

*'There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the*

*timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.*

*Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'*

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

### **Conclusion**

- The site is within the Open Countryside which is also subject to Policy PS8 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance. These are now considered below:

### **Impact on the Regeneration of the Potteries Conurbation**

An objection has been raised by Newcastle-under-Lyme Borough Council (NULBC) on the grounds that it would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026. A recent report to their Planning Committee states:

*..In particular, given the strong economic links between this part of Cheshire and North Staffordshire, major greenfield development in this location could encourage further out-migration from the North Staffordshire conurbation. This view is borne out by the Transport Assessment accompanying the application, which emphasises that the site is accessible by road and rail to employment areas in Stoke-on-Trent. Such out-migration in turn would undermine the strategic aim and Policy SP1 of the adopted Core Spatial Strategy, detracting from the regeneration of the North Staffordshire housing market and economic base.*

*On 19 February 2013, Planning Committee endorsed a report by your officers on the draft version of the Cheshire East Council Local Plan: Development Strategy and Policy Principles consultations. This report raised concerns about the proposed scale of development to the south and south east of Crewe and suggested that sites to the north and west of Crewe would offer a more sustainable location for housing development. 1,100 new homes were planned for Alsager. The level and location of development at Alsager did not appear to raise any significant issues for the borough. Cheshire East Council have now published for consultation purposes the 'Pre-submission Core Strategy,' and a report on this consultation document will be brought to the Planning Committee at its meeting in December. In the latest iteration of the Core Strategy Alsager continues to be identified as a 'Key Service Centre' but the proposed level of housing, on three strategic sites, has been increased to between 1,650 to 1,700 homes over the plan period 2010-2030. This represents an increase in the region of up to 55% beyond Cheshire East's previous stated position. The development of the site, south of Hall Drive would result in a further increase of 125 homes above this figure. Your officers are also aware of significant development pressure in and around Alsager, which officers at Cheshire East have indicated is likely to lead to additional speculative housing proposals being submitted in the near future. Individually these schemes may be of a small scale (in comparison to the proposed strategic site allocations) but their cumulative impact could be significant.*

*Cheshire East Council have recently lost several appeals on the basis that they do not have a five year housing supply, but nationally there have been appeal cases where Planning Inspectors have given weight to the potential adverse impact on a neighbouring authority under the 'duty to cooperate' legal requirements.*

*Your officers consider that the development of this site when considered together with the revised planned allocation of strategic sites at Alsager, is likely to result in a level of development that would have an adverse impact on the strategic objectives of the adopted Core Spatial Strategy and hence has the potential to both undermine the North Staffordshire housing market and encourage further out-migration from the conurbation...'*

*This issue was considered at the recent inquiry relating to the proposed development at Sandbach Road North in Alsager. In that case, the Inspector concluded:*

*The adjoining Councils (Stoke-on-Trent and Newcastle-under-Lyme) have been consulted in relation to the draft development strategy and have made it clear that there are reservations in relation to development close to the common boundaries of a scale which might prejudice regeneration in their areas. However, there is no specific objection lodged to this particular proposal. I bear in mind that the final version of the CEC Local Plan has yet to be examined and the matter of the duty to cooperate with neighbouring authorities will no doubt form part of that examination. So whilst I cannot indicate that granting permission on this site would cause difficulties for regeneration elsewhere, it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.*

*The Crewe Road application differs from that considered by the Inspector as there has been a specific objection lodged to this proposal from NULBC. However, like the Sandbach Road*



North case this application site does go beyond the draft strategy, which in the view of the Inspector is a point which weighs against the proposal in the planning balance but, the Inspector considers, is not determinative. Therefore, whilst there is sympathy with the concerns of NULBC, given that, as will be demonstrated below, there are no other grounds for objection to this scheme, it is not considered that the objections are sufficient in themselves to provide a sustainable reason for refusal. Furthermore, where cases are finally balanced, the general thrust of the NPPF makes it clear that the presumption should be in favour of the development.

### **Loss of Agricultural Land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, 0.9ha (14%) of the site is classified as Grade 2, 1.66ha (48%) is Class 3a. Thus 62% of the site is considered to be the 'best and most versatile' agricultural land. The remaining 1.32ha (38%) is not considered to fall within the category of being the 'best and most versatile land'. However, it is important to note that the area of farmable land is not significant, measuring only 1.66 ha. At present, the plot is divided into paddocks and is used for the keeping of horses. It is not in agricultural use at present. Due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by development and separated from the larger open fields to the west), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 2 and 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

### **Sustainability**

The 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 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 toolkit sets maximum distances between the development and local amenities. These comprise of:

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

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

- leisure facilities – leisure centre Hassall Road (1700m)
- public park / village green – Cranberry Moss (250m)
- Post box (Corporation Street) 150m
- Local shop (Spar ) 160m
- The Plough public house, Crewe Rd ( 500m ),
- railway station Station Rd/Talke Road(2700m)
- bus stop outside site on Crewe Road
- Amenity Open Space - on site
- Children’s Play Space - on site
- Bank or cash machine (Spar – corner of Close Lane and Crewe Rd) 160m
- Cranberry Primary school - 660m
- Alsager Secondary School - 1580m
- Public park or village green -950m

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

- Alsager Post Office Lawton Road(1930m)
- Alsager medical centre (2100m)
- Pharmacy - at medical centre (2100m)
- Nursery (1650m)
- Local meeting place / community centre (2350m)

Owing to its position on the main road into Alsager, the site is well served by Bus Service 20 (Hanley to Leighton Hospital serving Alsager) along the main road , which runs past the site in each direction between 06:45 and 23:59 weekdays, 07:59 and 23:59 Saturdays and 08:51 and 22:51 Sundays, it is therefore considered that this site is sustainably located and is well served by a bus service to the centre of the village and beyond.

The Applicant has also provided an economic appraisal which describes the economic benefits of the development beyond the construction phase. Additionally, the development will bring in additional residents who will add to the economic and social sustainability of the area.

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, *“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. 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.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“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.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, 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; consider the range of likely economic,

environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Future residents would also contribute to economic activity in Alsager.

The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:

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

It is therefore appropriate to consider whether there are other impacts of this development which are so adverse in the planning balance that they **significantly** and **demonstrably** outweigh the benefits in the form of the additional housing development. These are considered below;

### **Landscape Impact**

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. 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”*.

Policy PS8 accords with the NPPF desire to recognise 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 application site is bound to the south by Crewe Road, south of which is agricultural land, to the east and north the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager. To the north west is agricultural land, with White Moss Quarry, a peat quarry, to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, along the western boundary and a hedge forming the boundary between the two fields, across the centre of the application site. The site covers an area of approximately 3.477 hectares and is agricultural land located immediately adjacent to a residential area which is used for horse grazing. There are well established hedgerows and tree belts to several of the boundaries. The most significant dominating feature on the site is the High Voltage electricity pylon, located towards the southern part of the site and the overhead

power lines that run diametrically across the southern field through the central portion of the site. There are no landscape designations.

As part of the application a Landscape and Visual Assessment has been submitted, this identifies the baseline landscape of the application site and surrounding area. The Councils Landscape Architect would generally agree with the assessment as submitted.

The submitted Landscape and Visual Assessment assesses the landscape sensitivity as being of moderate sensitivity and identifies that *'with minimal removal of vegetation and retention of field boundaries, the overall input on landscape character resulting from the proposed development would be moderate adverse during construction to slight adverse upon completion of the development'*.

The assessment is based on the minimal removal of vegetation and retention of field boundaries, however, as this is an outline application there are no detailed landscape proposals. Nevertheless, provided the boundary vegetation is largely retained the Councils Landscape Architect would broadly agree with the landscape assessment.

The Council's Landscape Architect agrees with the viewpoints chosen as part of the landscape visual impact assessment submitted in support of the application, as well as the sensitivity and significance for each as identified in the study, namely that the impacts would range from moderate substantial adverse to negligible adverse during construction works and from moderate adverse to negligible adverse following completion from Public Rights of way and moderate substantial adverse during construction and following completion of works.

Hedgerows and periphery trees are proposed to be retained and the central belt of open space beneath the high voltage pylon is left as open space.

Subject to appropriate conditions which retains existing trees and hedgerows, it is considered that the proposal can be designed and housing screened to minimise landscape impact, which is presently dominated by the high voltage electricity pylons that traverse the site and would remain so.

## **Hedgerows/Tree Matters**

### Trees

An arboricultural impact assessment considers the trees and groups in the context of the proposed development indicated on the Illustrative Masterplan. Being a site that is a part of former agricultural fields traversed by an electricity power line and intersected by a non historic hedge, the indicative masterplan allows for the retention of the peripheral trees.

The Arborist considers that any detailed layout should be guided by a detailed arboricultural impact assessment which accords with the requirements of current best practice BS5837:2012. This will enable a suitable development footprint to be established, preserving the boundary planting and horticultural features.

### 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 new access with visibility splays on Crewe 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.

### **Affordable Housing**

The Strategic Housing Market Assessment 2010 identified that for the Alsager sub-area there is a net need for 36 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 180 new affordable homes for the period and is made up of an annual requirement for -12 x 1 bed, 13 x 2 bed, 12 x 3 bed, 12 x 4/5 beds and 10 x 1/2 bed older persons accommodation. The gross affordable housing need is 47 units per year.

There are also currently 393 applicants on the housing register on Cheshire Homechoice who have selected one of the Alsager letting areas as their first choice. These areas were chosen as their first choice by 393 applicants. These applicants require 143 x 1 bed, 133 x 2 bed, 67 x 3 bed & 17 x 4 bed (33 applicants haven't specified how many bedrooms they require).

The applicant is offering 33 dwellings as affordable housing, with 21 provided as social rented and 12 provided as intermediate tenure, this meets the requirements of the IPS. They also suggest that the majority of the affordable homes will be provided as 2 & 3 bed properties but 4 bed properties could also be made available if there is demand for them and this is acceptable for the type of affordable housing to be provided. The SHM would also suggest that the rented affordable units are described in this way to allow for social or affordable rent to be delivered allowing the Registered Providers flexibility dependant on their ability to deliver either tenure in the future.

The applicant (Persimmon Homes) state that they will make their own shared equity product available (whereby they will sell properties as shared equity at 80% of market value). Whilst these properties will offer help to people who cannot buy at the full open market value, they should not be counted towards the planning policy requirement for 30% affordable housing as they do not meet the requirements of the Council's 'IPS: Affordable Housing' or the definition of affordable housing in the glossary of the National Planning Policy Framework. As such, the intermediate housing should be provided and transferred to a RSL.

### **Highways Implications**

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 Transport Statement considers the accessibility of the site in terms of a choice of means of transport, including cycling, proximity to public transport facilities and walking and concludes that the site is highly accessible

Vehicular access is proposed via one main access to serve the site taken off Crewe Road and a further pedestrian access via Coronation Street.

The access is a priority junction access with 5.5m wide carriageway and two 2.0m footways, this road width is sufficient to serve a development of 110 units. Visibility is indicated as 2.4m x 120m in both directions from the proposed access point.

Although an indicative layout has been submitted, no comments have been made on the internal indicative as only the means of access is being determined in this application. This will form part of reserved matters.

The Strategic Highways Manager has considered the Transport Statement submitted with the application and considered the objections raised by respondents very carefully and reached the conclusion that the level of traffic generation which could be attributable to 110 additional dwellings does not produce a level of trips that can be considered material given the background traffic flows. The likely traffic generation of the site has been derived from a TRICS analysis, the proposed trip rates used are considered acceptable for the location of the site. The amount of development trips that a 110 unit would generate is 65 trips in the morning peak and 73 trips in the evening peak.

However, the Strategic Highways Manager is of the view that a number of local committed developments have been added to the base flows. These are the Hollins Site, the MMU site and the Twyfords site. There are other sites in Alsager that have planning applications submitted but are not yet approved, and as there is uncertainty regarding the approval of these applications the Developer has not been required to take these into account.

The scope of the traffic impact has been limited to a number of nearby junctions but has not included the junctions in Alsager that capacity issues such as Hassall Road and Sandbach Road North. The omission of these junctions may have been on the assumption that the development traffic would only have a small impact but cumulatively all the committed schemes will extent queues and congestion over and above the current capacity problems.

The junctions that have been assessed are Close Lane/Crewe Road, Crewe Road/Butterton Lane/Radway Green signal junction and also the site access junction. None of these junctions tested have shown to experience capacity problems with the development traffic added.

The accessibility of the site to non-car modes is considered acceptable, the site can be connected to the footway network and cyclists are within a short ride of a range of facilities. There are a number of bus services that pass the frontage of the site on Crewe Road that are within a reasonable walking distance from the likely property locations within the site.

The impact of this site is modest on the local road network. This is mainly due to the location of the site and the positioning of the access. The majority of the development traffic would turn right out of the site travelling towards Crewe or the M6 motorway, trips turning left would pass through Alsager town centre junctions. Whilst, there were no capacity issues identified on the junctions assessed by the applicant there are concerns further afield that have congestion issues. Even though the amount of traffic added to the network is not a large percentage it will still cumulatively add to congestion levels.

Other developments have provided contributions for two identified junction capacity improvements at Sandbach Road North/Crewe Road and Hassall Road/Crewe Road, this development should also contribute to these schemes and based upon the number of units in the development this would equate to £70,290.

With regard to the access, although a priority junction would work within capacity it is taken off the principal route of Crewe Road to reduce delay in the future the Strategic Highways Manager considers that a right turn ghost island should be provided. This can be required by condition.

In summary, the level of development trips generated is not considered a severe impact as set out in the NPPF policy test. However, a financial contribution is necessary as the generated traffic does add cumulatively to flows using the congested town centre junctions. Subject to a satisfactory access design being submitted and a S106 contribution being provided (£70,290) to mitigate for the impacts of the proposal on the local highways network, the Strategic Highways Manager raises no objections to the application.

## **Amenity**

Environmental Health have requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases. They have also requested a condition in relation to noise during construction and pile driving.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and



13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

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

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

### **Contaminated land**

Environmental Health have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study

The applicant has submitted a contaminated land report with the application, which shows a low potential for contamination to be present on the site.

There was a former tank across the road to the south of the site, if historical spillages occurred, there may have been migration of contamination onto the application site. As such, should any adverse ground conditions be encountered on the site, especially on the south east of the site, all work in that area should cease and the environmental health section be contacted for advice. No planning conditions are requested.

### **Air Quality**

The site is not located within or close to any designated Air Quality Management Areas. Therefore, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust (as indicated above).

### **Noise Impact**

The site is located on Crewe Road, which is a major arterial route between the towns of Crewe and Alsager. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing traffic. A noise report has been submitted with the application, Environmental Health have asked for more details however it is considered that that no development should commence until a scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority. This can be easily secured by condition as part of the details at reserved matters stage

## Design

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

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

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

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway and the public open space.

According to the indicative plan, the open space would be located centrally in a corridor formation that generally follows the route of the overhead pylons which would act as green corridor. Housing is orientated to allow for passive surveillance of the open space. The indicative layout is therefore considered to provide an appropriate layout that makes the most efficient use of the site.

## Ecology

### Oakhanger Moss SSSI/Ramsar

The applicant has provided an assessment of the likely impacts of the proposed development upon the features for which Oakhanger Moss was designated as a SSSI and Ramsar site.

The assessment concludes that the proposed development is not likely to have any significant effects.

Natural England have considered the assessment and raise no objection. They advise that given that the Planning Authority is a ‘competent authority’ under regulation 61 of the Habitat Regulations. On this basis the Council is ‘adopting’ the submitted assessment in order to discharge its statutory duties under the regulations

### White Moss SBI

The assessment identifies the following potential impacts on the nearby SBI. Firstly, the nutrient enrichment and pollution of water run-off and ground water contamination during the construction phase. Outline mitigation proposals have been submitted to address this impact and Natural England are satisfied that these issues could be dealt with by means of a condition requiring the submission of a Construction Environment Management Plan.

### Great Crested Newts

The Council’s ecologist is satisfied that this species is not present.

## **Education**

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 26 new primary places of which 9 cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £216,926 to primary education provision. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement should the application be approved.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

## **Flood Risk and Drainage**

The site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps, A Flood Risk Assessment (FRA) has been submitted as part of this application.

The FRA identifies that a drainage strategy shall be developed as part of the detailed working of any reserved matter. The FRA identifies that currently the site drains in the northwest quadrant and runs off to ponds to the western boundary and then to White Moss. The residual run off from the site is intercepted by existing network on Crewe Road and Close Lane.

The foul drainage will be domestic in nature and proposed discharge into the existing foul sewer in Crewe Road or Close Lane.

The Environment Agency and United Utilities have been consulted as part of this application and have 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.

## **Open Space and Play Space**

In terms of Play provision, if this scheme were approved 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 Play Provision to meet the future needs arising from the development.

An on site play area in the form of a LEAP will be required and is proposed as part of this scheme. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. As the nearby play area known as Dickenson Way contains predominantly toddler equipment the Greenspace Manager has requested that items for all ages including ages 8+ are included in this LEAP.

They further request that layout and choice of play equipment be agreed. A buffer zone of a 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. This could form a reasonably worded planning condition

Both the play space and Amenity Greenspace are to be transferred to a Management Company. This can be controlled by condition.

## **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 Alsager 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.

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already congested and the required mitigation is directly related to the development and is fair and reasonable.

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

## **10. CONCLUSIONS**

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and facilities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. A suitable layout has been tabled which demonstrates how the provision of 110 units and public open space could be delivered on the site whilst respecting distances with boundary hedges, trees, adjoining properties and respect the character and appearance of the locality

The proposal will not have a significant impact on the landscape character of the area and will be in many respects adjoining existing areas of housing or urban development without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 2 and 3a agricultural land, it is considered that the benefits of the delivering the site for much needed housing and affordable housing would outweigh this loss, given that the site does not offer a significant quantity of land. Recent appeals have also supported this interpretation.

Whilst the concerns expressed by Newcastle Under Lyme about the cumulative impact of developments in Alsager are legitimate issues and are finely balanced, in a case such as this, when the NPPF advises that sustainable development should be brought forward without delay, the balance lies in favour of sustainable development.

Subject to the required Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards highway and pedestrian improvements.

## **11. RECOMMENDATIONS**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

- **30% affordable housing (33no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **Provision for a management company to maintain the on-site Open Amenity Space and LEAP (min 5 pieces of equipment)**
- **Provision of commuted sum of £216,926 towards primary education provision**
- **£107,290 Highways contributions towards highways improvements in Alsager**

**And the following conditions**

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Approved parameters Plan**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Reserved matters to contain noise report**
- 7. Provision of Right turn lane into access from Crewe Road**
- 8. Details of pile driving operations to be limited**
- 9. Submission of details of bin storage**
- 10. Details of drainage (SUDS) to be submitted**
- 11. Scheme to limit surface water runoff and overland flow**
- 12. Only foul drainage to be connected to sewer**
- 13. Dwellings to be no more than 12m (3 storeys) and be of brick construction**
- 14. Tree and hedgerow protection measures**
- 15. Buffer zone of 20m between houses and play space**
- 16. Arboricultural Specification/Method statement**
- 17. Landscape scheme to include replacement native hedgerow planting and boundary treatments**

18. Implementation of landscaping scheme
19. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
20. Implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted
21. Landscaping scheme to retain existing hedging, where possible. When not, landscaping to provide replacement hedge planting.
22. Minimum 10% reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies).

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.

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Application No: 13/2471N

Location: Land at Kingsley Fields, North West of Nantwich, Henhull, Cheshire

Proposal: Outline application for residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure

Applicant: North West Nantwich Consortium

Expiry Date: 08-Oct-2013

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

#### **MAIN ISSUES**

- Planning Policy And Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Heritage impact
- 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 and a departure from the development plan.

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

The application site comprises approximately 58 hectares of open farmland, which is bound to the north by the A51, to the west by Welshman's Lane, to the south by Malbank School playing fields, allotments, Nantwich Town Football Club Stadium and to the east by the River Weaver. The site can be divided into four different character areas, namely; Riverside, Equine Centre and Paddocks, Rough Grassland with Hedgerows and Managed Farmland. The site is located within Open Countryside Outside Settlement Boundaries as identified in the Crewe & Nantwich Local Plan.

## DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved for subsequent approval, with the exception of the strategic access to the site, for a residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure.

## RELEVANT HISTORY

None

## POLICIES

### Local Plan Policy

NE2	Open Countryside
NE5	Nature Conservation and Habitats
NE9	Protected Species
NE11	River and Canal Corridors
NE12	Agricultural Land Quality
NE17	Pollution Control
NE20	Flood Prevention
BE1	Amenity
BE2	Design Standards
BE3	Access and Parking
BE4	Drainage, Utilities and Resources
BE5	Infrastructure
BE6	Development on Potentially Contaminated Land
BE7	Conservation Areas
BE17	Historic Battlefields
E6	Employment Development within Open Countryside
RES3	Housing Densities
RES5	Housing in the Open Countryside
RES7	Affordable Housing within the Settlement Boundaries of Nantwich and the Villages
TRAN1	Public Transport
TRAN3	Pedestrians
TRAN4	Access for the Disabled
TRAN5	Provision for Cyclists
TRAN6	Cycle Routes

TRAN9	Car Parking Standards
RT3	Provision of recreational Open Space and Children's Playspace in New Housing Developments
RT9	Footpaths and Bridleways
RT12	Nantwich Riverside
RT17	Increasing Opportunities for Sport

### **Other Material Considerations**

National Planning Policy Framework (the Framework)

Nantwich Riverside Masterplan

Interim Planning Statement: Affordable Housing

Strategic Market Housing Assessment (SHMA)

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

Pre-Submission Core Strategy

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

United Utilities - No objection subject to the site being drained on a separate system with only foul drainage connected into the public foul sewerage system.

Cheshire Wildlife Trust – Proposal should be modified to exclude development from the flood plain and the valley shoulder; public access to the northern section of the western river bank should be excluded; no wintering birds survey carried out; recent CWT surveys found strong evidence of the presence of water vole in Kingsley Brook; loss of semi-improved pasture could be avoided if they were included into the green infrastructure of the riverside; impact on floodplain from roads and paths would be significant; unclear how the development will ensure no net loss of biodiversity; culverting will cause harm to the population of water vole; residual impacts on Brook corridor outside of working areas are likely to be significant; Fragmentation of the north-south linear features in the site; adverse impact from the loss of semi-improved grassland if significant increases of the extent of semi-improved grassland in the floodplain are not achievable; it is unclear whether such increases are achievable; substantial reduction in the number of semi-mature and mature trees within the site; permanent residual impact on the hedgerow(s); permanent adverse impact on brook habitats; adverse residual impact on water vole, with a low likelihood of complete loss of water vole (which would be an impact of county significance); adverse impact on breeding birds

Cheshire East Local Access Forum – Would like National Cycle Network Route No. 75 reinstated, and enhancement of existing local footpaths.

Environment Agency – No objection in principle but note that there are opportunities to enhance the habitat upstream of the weir at Beam Bridge, and recommend conditions relating to.

- Development shall be carried out in accordance with FRA.
- Undeveloped buffer zone around the waterbodies on site required.
- Scheme to be agreed for any crossing of the non main rivers and the River Weaver
- Water vole and otter mitigation.
- Contaminated land.

English Heritage – do not wish to comment in detail but note that there is some potential for the setting of the Registered Battlefield of Nantwich to be affected. Impact is unlikely to be substantial, providing that the mitigation measures suggested in the ES are confirmed.

Canal & River Trust – No comments to make.

Environmental Health – No objections subject to conditions

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

Public Rights of Way – No objections subject to clarification of impact on rights of way and provision for pedestrians and cyclists.

Archaeology – No objection subject to condition

Strategic Highways Manager – No objections subject to conditions and financial contributions towards nearby junction improvements.

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

Housing Strategy & Needs Manager – No objections

Greenspaces – No objections

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

**Acton, Eddleston & Henhull Parish Council (AEHPC)** - The Parish Council's views are based on accepting that it would be futile to object to the proposed development in total, but wish to see a large number of conditions, further consultations and approvals relating to reserved matters and s106 contributions. The following comments are also raised:

- How can an allocation of 1,100 be permitted when the Town Strategy document allocated 1,500 for Nantwich (which included sites west and south of Nantwich, but outside the town boundary). More than 400 (1,500 – 1,100) have already been commenced or permitted and there are more sites than NW Nantwich.
- It is important that the employment land comes forward creating jobs throughout the development period and is not left until the end.
- The house types should provide a range of housing.
- Other sites such as those between the bypass and the current eastern town boundary offer similar if not better opportunities for market town expansion and that small-scale organic growth in a number of directions can make for a better planned expansion rather than one large urban extension.
- The consultation events stated that the Waterlode to A51 link is a traffic-reducing relief road for west Nantwich and Acton. AEHPC wishes the fact it is no longer a relief road to be clearly stated in any officer's recommendation; so that decision makers are not under the misapprehension that traffic impact will improve for Acton and Nantwich.
- There is no substantial demonstration of how the highways works will reduce hazard and improve safety, merely assertions that this will happen.

- The applicant has significantly under-played the already heavy traffic flows in the area and the regular tailbacks and congestion that arises during peak times and out of peak times at a number of junctions.
- The applicant confines its assessment to the peak periods and spends time responding to those conditions but there is hardly any consideration of the off-peak.
- The applicant addresses questions over the impact on Nantwich and on the surrounding roads but very little consideration is given to the quieter surrounding villages and settlements.
- The assessment report cites the Local Transport plan as focusing on "ensuring a sustainable future" and "creating conditions for business growth" but seems to make no attempt to demonstrate how this development will play its part in ensuring a sustainable future or in creating conditions for business growth.
- There is no discussion of whether the Cheshire East highway proposals are valid or not.
- Travel Plans will not ensure maximising of sustainable modes of transport.
- Improvements are not a cost effective way of reducing impacts.
- Assumptions about cycling are based on theoretical distance modelling not on the existence of high quality, safe routes.
- Air quality impact on Hospital Street Air Quality management zone seems not to be considered pertinent.
- The assessment has not considered the impact of the opening up of the Taylor Drive link in this assessment, although it has assessed Queens Drive development.
- We do not consider proper assessment has been made of Acton as the traffic speeds through Acton are not addressed.
- We are not convinced that only 10.2% of the residents of the proposed development would travel north west on the A51.
- Assumptions about net reduction in traffic on roads to the north (TA 5.58) are without proof.
- 40mph is too fast for realigned A51.
- The accident analysis seems to indicate a need for better cycling provision at this roundabout, which is not currently provided for in the proposals.
- The impact of the road and footpaths in the floodplain are assessed as significant.
- The Parish Council wishes to see the underpass given internal treatment, making it attractive to pedestrians and cyclists not just horses.
- The provision and nature of a link from Waterlode to A51 is crucial. Without such a link traffic in Acton village will increase.
- The Parish Council wishes to see a condition that requires the (redesigned) link road to be opened before Welshman's Lane closes.
- A s106 contribution is required to deliver environmental improvements and traffic management through Acton village.
- The opportunity exists to reduce through movement in Acton along Chester Road in any redesign of Burford junction.
- The extension of existing schools will have an associated traffic impact on these locations.
- We contest the assumption (TA 5.49) that no development trips will pass through Acton.
- Pleased to see cycleways in the proposed development but a replacement route up to Wettenhall Road is required.

- More work is required in terms of urban design principles for the entire site before applications come in for reserved matters on the different phases or land ownerships.
- The Nantwich Riverside Masterplan clearly showed no footpath access to the western edge of the River Weaver in the northern section and buffer planting between the Riverside and any future housing.
- The applicant's statements about the extent of the battlefield site do not accord with those that have been given to us from the Battlefields Trust.
- Requests that the allotments created as part of this development to be available to the residents of Acton, Edleston and Henhull parishes, not just to new residents of the housing estates.
- Green Belt to the west of the proposed development should be designated if this development is given outline planning approval.
- The landscape works and flood zone mitigation should be included in the phasing plan so it is clear when these works will be carried out.

**Worleston & District Parish Council** - Overall we are not in support of large scale developments like Kingsley Fields on our boundary. Inevitably such a development will place a massive strain on the access and services that our parishioners rely on in their local town of Nantwich, which is already under siege by developers actively developing on other sites and registering proposals for additional sites.

The following specific concerns are raised:

- The potential for "development creep" into rural parishes that have boundaries to the site.
- The increased traffic flow on the B5074 which runs through Worleston Village, both in the construction phase and as the dwellings are occupied.

However, we recognise that the sponsors of the development, Reaseheath College, are a significant local employer and generally a good neighbour within our Parish as a whole. Couple this with a certain inevitability in the current planning climate that very significant levels of development will take place in the Nantwich area, then we feel that Kingsley Fields is a development we would prefer to support, providing the issues caused by this development were able to be ameliorated by investment in the neighbouring parishes.

Specifically for Worleston:

- Traffic calming measures on the B5074
- Speed awareness technology to educate drivers passing through the village to lower speeds
- An extension of the footpath from the village store north to the junction with Station Road to keep pedestrians safe whilst walking from Main Road towards the church, further housing, and the school, coupled with any required lighting
- That no primary school is developed until later stages of the development several years down the line in order to utilise the capacity in the excellent, established schools in the area.

**Nantwich Town Council** - The Council is very concerned that strategic decisions on housing development are being made in advance of the publication of Cheshire East's Draft Core Strategy. Planning applications are being decided without the benefit of public consultation on the Core Strategy and as a result the forthcoming consultation exercise will be devalued. In this context this application is premature.

The Town Council remains opposed to large scale growth in Nantwich and particularly if this occurs in an unplanned and ad hoc way. It favours carefully planned growth supported by appropriate investment in infrastructure. The Council does however recognise that Cheshire East is under pressure to approve development as a result of government policy and the absence of an approved local plan. Unfortunately this takes control of decisions away from local people and their elected representatives. The recent appeal decision on Land off Queens Drive is an example of a decision contrary to views expressed by the residents of Nantwich.

In previous responses the Town Council argued against large scale growth and was successful in reducing the housing target in the Town Strategy. It remains committed to its adopted housing guidelines which seek to protect the historic character of Nantwich. It advocates development of brownfield sites before greenfield and considers that major development should not take place without the guarantee of appropriate infrastructure. Sites should be chosen which will not increase the likelihood of flooding.

However, if Nantwich has to accept some major growth, the Town Council considers that the Reaseheath / Kingsley Fields site, the subject of this application, is the option that will cause the least harm. The site should however be phased so that brownfield sites within the town are developed first.

In conclusion the Town Council considers that Cheshire East should resist applications for major development until decisions can be made in the context of appropriate consultation with Nantwich residents through the local plan process.

## **OTHER REPRESENTATIONS**

Approximately 40 letters of representation have been received from local residents and interested parties. 17 letters object, 19 support and the remainder make general observations on the proposal.

### **Grounds for objection:**

- Method for calculating housing figures should be disclosed fully & transparently
- No extant local plan in force
- More than 5 year supply of housing exists
- Scale will erode rural character
- Not sustainable location
- Greenfield
- No justification for these housing numbers
- Flooding concerns
- A51 realignment puts houses onto trunk road

- Other sites would contribute better to well being of Nantwich
- Existing schools should be extended
- Nantwich taking considerable burden of housing land
- Should contribute to improved cycle parking in town centre
- Cycle track/footway should be completed on the north side of Waterlode with a connection to Malbank School via the subway.
- Welshmans Lane should be closed to through traffic; the only connection to the estate from this meandering country lane should be for pedestrians and cyclists.
- Contrary to NE2 of local plan
- Impact on battlefield
- Loss of market town character of Nantwich
- Impact on nature conservation
- Is there a need for realigned A51
- No consultation with Burford residents re junction works
- No need for access along western bank of river
- Consultation not fit for purpose
- Total housing numbers will add up to more than the 1500 needed in Town Strategy
- Housing estate with main highway through is contrary to MfS and Building for life
- A51 diversion has negative impact on apartments to east of river
- New housing requiring acoustic mitigation is contrary to sustainable development principles
- New A51 results in hazard for students
- Money for A51 diversion could be better spent elsewhere
- MfS approach for link road will deter other users,
- Contributions to traffic calming in Acton should be made
- Proposal should include replacement for the recently closed cycle route through Reasehath college
- Proposals are not landscape led
- Would benefit from design review process
- No need for new bridge
- Increased air pollution
- Increased noise
- Impact on local services
- Urban sprawl
- Impact on GP and hospital
- Nantwich is already stretched to capacity
- Temporary site access will create congestion
- Link road should not be a slow winding estate road
- Grade II listed walls of the old walled garden should be reinstated
- Loss of agricultural land
- Impact on nature conservation

**Grounds for support:**



- Welcome the new A51 access plans and hope the Reaseheath conservation area will be much improved as a result.
- Will boost Nantwich town
- Proposal consistent with draft local plan
- Sustainable site
- Natural boundary along Welshmans lane
- Affordable housing is needed in Nantwich
- Much needed road improvements
- Will bring more trade to the town

**General observations:**

- The design of the estate off the spine road should restrict vehicle speeds to 20mph
- Should be an E-W greenway from the estate over the River Weaver on a new bridge
- New footway/cycle track on the north side of Waterlode from the football ground junction to Welshman's Lane and Chester Road.
- Access onto a closed Welshman's Lane just for pedestrians and cyclists
- Reinstate the National Cycle Network route
- Toucan crossing needed at realigned A51
- Properties should include storage areas for residents' buggies/bicycles.
- Any employment sites developed should provide cycle parking under cover for staff.
- Travel planning with targets and monitoring, and genuine commitment to reduce the traffic impact of the proposed development.
- Special historic character of Nantwich must be considered
- Many Nantwich residents feel that there shouldn't be large scale development
- Landscape works should be implemented ahead of development
- North west corner will create a gateway to Nantwich – appropriate landscape and building design will be needed.
- Secure boundaries needed to riverside walk

**APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents with the applications: Agricultural Report; Protected Species Surveys; Business and Residential Travel Plans; Statement of Community Involvement; Design & Access Statement; Phase 1 survey; Environmental Statement; Flood Risk Assessment; Geophysical survey; Heritage Assessment; Planning Statement; Transport Assessment; Tree Survey; Waste Management Plan. The Planning Statement concludes that:

- Concept masterplan indicates how the development could be designed and implemented.
- Will provide a mix of open market and affordable dwellings.
- New routes will enhance existing accessibility in the area by non car modes.

- Development will deliver a new neighbourhood of suitable and recognisable local character.
- Illustrative Masterplan provides a development framework within which sustainably focused detailed design proposals may be progressed.
- Includes effective use of existing established landscape and physical site features, a permeable block structure which exploits solar opportunities, and provision of community facilities to create natural nodes of activity.
- Network of green infrastructure created around existing mature landscape features
- Local Centre and green space network will provide a strong 'heart' to the development and offer the opportunity to create a new place of individual character.
- connect into and re-inforce existing footway and cycleway links within and surrounding the site
- Two principal vehicle accesses will be provided off A51 Chester Road to the north and A534 Waterlode to the south. The road layout within the site will deliver a spine road link between the two passing the proposed local centre.
- The proposed development accords with NPPF policy in respect of sustainable development having regard to its economic, social and environmental dimensions.
- There are no policies of the NPPF which restrict development of the site;
- Nantwich is a recognised Key Service Centre in Cheshire East where planned growth is appropriate within the spatial strategy in the plan period from 2011 to 2030;
- Kingsley Fields, North West Nantwich has been identified in the Nantwich Town Strategy and emerging Cheshire East Local Plan Development Strategy as the preferred direction for growth as a strategic urban extension site allocation for some 1,000 dwellings and associated mix of uses;
- The existing development plan policies are out of date and to deliver the required supply of housing in Cheshire East there is an immediate need to release greenfield land including land identified as countryside in adopted plans;
- Cheshire East cannot identify a five year housing supply;
- The proposals will deliver needed affordable housing requirements in the Nantwich and Acton area;
- The proposals will deliver new strategically significant transport infrastructure including the diversion of the A51 to bypass The Green enabling environmental enhancement to the Conservation Area and provide a contribution towards the A51 junction at the Burford crossroads, and the locally significant provision of a new link road to the west of Nantwich between Waterlode in the south and A51 in the north;
- The proposals complement strategic employment proposed at Wardle to the west of Nantwich with small scale new business units within the mixed use scheme which will encourage enterprise locally including spin-off investments from the activities of Reaseheath College;
- The proposals will provide extensive and important new recreational infrastructure which complements existing provision in the locality;
- The proposals include a local centre which will add to the amenities of the wider area and reduce the need to travel by car;
- The proposals will improve sustainable transport in the area through an extensive pedestrian and cycle network serving the proposed development area, linking the town centre and Reaseheath College by a much enhanced and more attractive route, and linking the development to the Connect2 route across the river to the east and to the Canal towpath to the west; the road network within the site will allow bus access within

close proximity to all new properties and provided for bus services within and through the site via the local centre, proposed employment area, Reaseheath College to the town centre;

- The public rights of way across the site are proposed to be routed through the linear open space within the development to optimise their attraction as part of the development;
- Careful consideration has been given to community responses to the proposals which has led to refinement and revision of the proposals including limits to building heights, general connectivity of the site, buffer to Welshmen's Lane and the historic battlefield and riverside access;
- Allotments are proposed within the development which will mitigate for the loss of some best and most versatile agricultural land within the site.
- The material planning considerations are concluded to substantially outweigh the loss of an area identified as countryside in the out of date development plan. There is extensive best and most versatile agricultural land in the south Cheshire area and particularly around Nantwich. The need for new housing is concluded to override the loss of some best and most versatile agricultural land in this case.

## **OFFICER APPRAISAL**

### **PLANNING POLICY AND HOUSING LAND SUPPLY**

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

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

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

### **Housing Land Supply**

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

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

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

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

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most' (Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- 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."*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

### **Emerging Policy**

The application site is a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document. The strategy envisages:

- Delivery of up to 1,100 new homes
- Financial contribution towards educational facilities within 2 miles of the site.
- Delivery of a new highway link to waterlode and the realignment of the A51.
- Deliver of up to 2 hectares of B1 business uses
- Incorporation of Green Infrastructure, including extension to the riverside park, allotments and open space.

### **Conclusions on housing land supply**

- The site is within the Open Countryside and is subject to Policy NE.2 where there is a presumption against new residential development.
- The Framework states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.

- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

## **SUSTAINABLE DEVELOPMENT**

The NPPF defines sustainable development and states that there are 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 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*
- *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*

### **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, is also a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document.

The site is within walking distance of Nantwich Town Centre, which lies less than 1km from the southern edge of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

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. The mix of residential and commercial (B1 business) uses together with a new local centre will facilitate this.

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. However, there is clearly strong support for business development in the Framework, and the mixed use nature of the proposed development will ensure that this is delivered in a sustainable manner.

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 land will take access off the existing A51 via a new roundabout access from which the north to south spine road through the development will be constructed to link to Waterlode. The business park is proposed to be managed by Reaseheath College where the principal objective will be to provide starter innovation space units in Class B1 for businesses linked to and spinning off from the research activities of the College.

The employment area, accordingly, has a specific local focus which will complement the more strategic employment investment opportunities that will be created at Wardle Airfield and at Basford West and Basford East to the south of Crewe

### **Social Role**

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 1100 new family homes, including a significant amount of affordable homes, on site public open space, community facilities and financial contributions towards education provision.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies NE.2 and RES.5 of the Local

Plan restrict new development within the Open Countryside, 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.

The site is located in Henhull which comes under the Acton sub-area in the SHMA 2010, however it is also located directly adjacent to Nantwich and due to its size if this proposal is given planning approval we would expect affordable housing to be delivered to meet some of the need for both the Acton & Nantwich sub-areas. Nantwich is one of the Key Service Centres in the emerging Development Strategy.

The SHMA 2010 identified that for the combined Acton and Nantwich sub-areas there is a need for 82 affordable homes per year between 2009/10 – 2013/14 which equates to a total of 410 affordable homes for the period. This is made up of a requirement for the following each year–

- 27 x 1 bed dwellings
- 21 x 2 bed dwellings
- 8 x 3 bed dwellings
- 18 x 4 bed dwellings
- 8 x 1/2 bed older persons dwellings

In addition to this Cheshire Homechoice is the choice based lettings system for allocating rented affordable housing across Cheshire East. There are currently 930 applicants on the housing register with Cheshire Homechoice who have selected an area in Nantwich Town as their first choice, these applicants have stated they require 363 x 1 beds, 335 x 2 beds, 160 x 3 beds, and 19 x 4 beds, 50 applicants haven't set how many bedrooms they need.

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%.



Discussions regarding the affordable housing requirements of this site have taken place in a pre-application meeting, and the Corporate Manager Economic Intelligence & Spatial Planning (formerly the Head of Planning & Housing) has requested that 25% of the affordable homes provided are built to comply with Lifetime Homes Standard made up of a combination of bungalows, maisonettes and adaptable houses and also requested that 2 of the rented affordable properties are specifically designated for key workers and are suitable for Police use.

The applicant is at this point offering affordable housing provision as per the requirements of the Interim Planning Statement: Affordable Housing which equates to provision of up to 330 affordable dwellings across the site. In line with the request at the pre-application stage, 82 of the affordable dwellings need to be built to comply with Lifetime Homes Standards and 2 rented dwellings must be specifically for key workers. The tenure split offered at present is 65% rented affordable dwellings and 35% intermediate tenure dwellings, which equates to 215 rented and 115 intermediate dwellings. This is still to be confirmed.

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 increasing as it gets closer to the Local Centre. The D&A also sets out that the development will be built in phases and is proposed to be phased generally from both the North and the South of the site. 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 Planning Statement sets out that the intention is for a range of between 75 – 100 dwellings per year to be built, with a development programme of 12-14 years and around 240 completed by 2017. The length of the development programme is likely to span over two or more Strategic Housing Market Assessment periods, and it will be necessary to ensure the correct type of dwellings are delivered to meet affordable housing need. It should be recognised that this could change over the period of development so provision will need to be made to agree the types of affordable housing to be provided with each Reserved Matters application. 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, and 2 of the rented affordable dwellings are specifically provided as homes for Key-workers which are suitable for Police use.

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.

The s106 agreement will need to secure provision of affordable housing as per the Interim Planning Statement: Affordable Housing and requests made in pre-application meetings, the details of which are as follows:

- 30% of the total dwellings on site to be provided as affordable housing, which equates to up to 330 affordable dwellings.

- The tenure split of the affordable dwellings to be 65% social/affordable rented and 35% intermediate tenure, this equates to a requirement for 215 rented affordable dwellings and 115 intermediate dwellings. (This is still to be confirmed)
- The required affordable dwellings to be provided on site.
- 25% of the affordable dwellings to be built to meet Lifetime Homes standards, this equates to up to 82 dwellings, and these properties should be bungalows, maisonettes or adaptable houses. The tenure mix of these properties should be 65% affordable or social rented and 35% intermediate tenure dwellings.
- 2 of the rented affordable dwellings to be specifically for key workers, suitable for Police use.
- Submission of affordable housing schemes with each reserved matters application.
- The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- 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.
- 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.
- Affordable dwellings pepper-potted within each phase of the development.
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.

## **HIGHWAY SAFETY & TRAFFIC GENERATION**

The Strategic Highways Manager has commented on the proposal and has noted the following key issues to be addressed by this development proposal:

1. Achieving a safe and convenient site access strategy.
1. Traffic impact, including environmental impacts of traffic, on the villages of; Wardle, Barbridge, Calveley, Alpraham, Acton, and Worlestone.
2. Traffic impact at Burford Crossroads.
3. Traffic impact at A51 roundabouts around Nantwich.
4. Traffic impact in the town centre and effects on sensitive routes.
5. Achieving a sustainable access strategy for this urban extension.
6. Achieving a safe construction access for the development.
7. Provision of a suitable level of car parking.

The applicant initially submitted a Transport Assessment (TA), and Business and Residential Travel Plans (TPs) to support the application. Following discussions with the applicant a Technical Note and Supplementary TA have been submitted.

### **Access**

The overall strategy for site access has been agreed. It is considered appropriate that the A51 is realigned at the northern end of the site and that (ultimately) access is taken from the realigned A51 via a new roundabout. The A51 is proposed to be realigned to the south in this location. As a temporary measure a new access roundabout will be built on the existing A51. At the appropriate trigger point of the development the new A51 alignment will be put in place with a link to the roundabout that had been constructed on the old alignment. The ends of the

old alignment will then be severed only allowing access via the new roundabout on the realigned A51 and then onto the roundabout on the line of the old line of the A51.

It is also agreed that the site will be accessed from the south via a traffic signalled junction with the A534 Waterlode and Fairfax Drive. The proposal will ensure that the access road through the development (from Waterlode to the A51) is designed to a suitably high standard so as to allow the potential for traffic to reassign through the site for trips between the A51 and the town centre. This proposal forms part of an overall strategy that includes A51 junction improvements to help protect the town centre and Acton village from potential rat-running traffic.

As part of ongoing responses to the Strategic Highways Manager has requested the following;

1. Alterations to the proposed northern access roundabout to allow two-lane entry and exit for A51 to A51 traffic movements.
1. Further consideration of the ability of the access junction to the south to deal with development traffic.

The applicant is in agreement on the first point and a drawing will be provided to indicate such a proposal.

With regard to point 2, the applicant has indicated that they have undertaken a review of the traffic signals with an increased cycle time and they consider the operation of the junction is sufficient to support the development. The Strategic Highways Manager does not wish to encourage overdesign in this location such that movements from the site through Acton to the A51 might be encouraged. As a result, the design is considered to be acceptable in the light of the revised traffic analysis.

### **Traffic Impact in Villages**

It is noted that the applicant acknowledges that their impact in the villages of Alraham, Calveley, Wardle and Barbridge will be dealt with by measures proposed by the Wardle Airfield Development.

The applicant is therefore accepting the strategic approach to the overall traffic impact of cumulative development impact. The Strategic Highways Manager is seeking an appropriate overall mitigation strategy to development impact for this area. As a result, highways are content with this approach given the package of highway mitigation measures proposed by this applicant to support this development and outlined within this report and the Heads of Terms for the S106.

It is likely that a significant number of schoolchildren living on the proposal site will attend school in Acton. This will generate traffic movements from the development for this purpose as well as potential routing through the village for other purposes. In order to minimise the impact of the development traffic on the village it is considered appropriate that traffic and speed management measures are introduced to complement the strategic approach of improvements at Burford crossroads, with the realignment of the Chester Road away from the junction, and also the upgrade of other junctions on the A51 and the good standard of route through the development proposal site. The measures proposed are based on those

described in the Martin Stockley Associates report for Acton Parish Council and the realignment of the layout at the Windmill junction. The costing for the traffic and speed management works in Acton is £659,528 and this is sought from this developer solely on the basis of their potential traffic impact. There is also an impact at the Windmill junction and the need to provide the necessary infrastructure to support development and protect Acton Village from excessive traffic the works at this location would cost £180,301.

### **Traffic Impact at Burford**

This development (and the development at Wardle Airfield) will impact upon the existing Burford Crossroads to varying degrees. The Strategic Highways Manager is in the process of preparing an infrastructure plan to support the local plan. Details of this infrastructure plan for this area have been released to both applicants mentioned above. The strategy for delivery of this junction is via development contribution and this infrastructure, along with improvements at Alvaston and Peacock roundabouts is seen as essential infrastructure necessary to support the delivery of significant planned development in this area.

Contributions have already been agreed from the Wardle development based on development traffic impact, subject to planning approval. The remainder of the contribution is sought from this development.

The Strategic Highways Manager recognises that contributions from this development are being sought at levels higher than those from the Wardle development, based on traffic impact alone. The need for the strategic infrastructure improvements in this area is paramount.

Based on traffic impact figures and based on the existing and future background traffic levels at the junction. Highways are requesting the balance of infrastructure funding required at £1,382,425 in this location.

### **Traffic Impact at A51 Junctions**

There are two roundabouts of particular concern along the A51; these are the Alvaston roundabout and the Peacock roundabout. Both are observed to experience extremely long queues and delays in the peak hours of operation on the network. The operation of the Alvaston roundabout is particularly poor. These forecasts are borne out by the traffic modelling presented in the applicant's TA.

The Strategic Highways Manager does not consider that minor improvements at these junctions will be sufficient to secure development in this area. The strategic infrastructure approach must be followed. The expected contribution of this development to secure this essential infrastructure to support the identified developments amounts to £1,337,536

The expected contribution of this development at Peacock roundabout, to secure this essential infrastructure to support the identified developments amounts to £608,355

There are lesser issues at the Cheerbrook roundabout and the Strategic Highways Manager has identified minor improvement works at this junction. However, on the basis of a satisfactory contribution to overall works to junctions on the A51; the Strategic Highways Manager will not be seeking contributions from this applicant in this location.

The applicant proposes to realign the A51 in the vicinity of the northern access to the site, southwards away from Reaseheath College, for environmental and safety reasons. It is understood the cost to the development to be some £4,000,000.

On the basis of the significant contributions to the overall A51 improvement package Highways are not seeking to pursue any potential further layout changes to the Reaseheath roundabout from this applicant. It will fall to other future potential developments to consider infrastructure improvements at this location.

### **Traffic Impact in the Town Centre**

The TA and Supplementary TA for the application identify impacts at town centre junctions. For example, there are potential future impacts at; the Waterlode/A530 High St signalled junction, the Barony Rd/Middlewich Rd junction, and the Barony Road/Beam St junction. Highways are also aware of the Air Quality Management Area (AQMA) area at Hospital Street, however, it is recognised that there are land and other constraints in these locations that restrict the potential for significant highway improvements.

Whilst the development will inevitably assign some traffic through these junctions and streets, Highways consider that the strategic approach adopted by the Strategic Highways Manager (A51 junction improvements, good standard of route through the development site itself, and measures designed to minimise through traffic in the town via Acton and local routes), will all help to minimise the impacts at the locations outlined above. As such, elements of the 'overage' amounts requested for A51 improvements are, in reality, related to the development but are being used on strategic routes in order to protect the town centre of Nantwich.

### **Sustainable Access**

The applicant has submitted travel plans (business and residential) to support this development proposal. Overall, Highways consider the site to be sustainably located with good opportunities for residents and employees at the site to make use of sustainable transport modes for access to/from the development.

The site is large and the distance from different parts of the site to sustainable transport opportunities and local facilities does vary. The inclusion of a local centre on the site benefits the aims of sustainability considerably.

The Strategic Highways Manager considers it appropriate that bus services should be encouraged to come to site. To that end it is essential that the design of the road through the development site is sufficient to cater for bus services, including an allowance for bus use through the local centre.

The business and residential travel plans are fairly generic and do not yet address site specific needs. Improving pedestrian and cycle provision is important and use of such modes of travel should be encouraged. Such provision will be encouraged through the detailed reserved matters applications for the site. Each travel plan indicates that the design of the site will allow for a new bus service through the development, which is to be welcomed and subsequent detailed designs must reflect this aspiration.

### **Construction Access**

The SHM will seek agreement of a construction vehicle access plan and overall construction access strategy prior to first development.

### **Car Parking**

Car parking on the development site will be required to meet Cheshire East parking standards for the relevant proposed uses.

### **Highways Conclusion**

The Strategic Highways Manager has a Strategic Highways Infrastructure Plan for the A51 corridor and nearby junctions. This development will help to secure the infrastructure requirements of the area and mitigate any potential traffic impact of the development. The Strategic Highways Manager raises no objections to the proposal subject to s106 requiring contributions towards junction improvements and conditions.

## **PUBLIC RIGHTS OF WAY**

### **Existing Rights of Way**

The development is to affect Public Footpaths Nos. 3 & 4, Henhull and Footpaths 3 & 4, Worleston, which all within the site. The Rights of Way Unit has requested further information to show the current definitive line of the public rights of way overlain any proposed diversions. However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

### **Countryside access and active travel**

Paragraph 35 of the Framework states that plans and decisions should 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.

### **Footway/cycleway proposals**

The Concept Masterplan does not distinguish between facilities for pedestrians and cyclists, and is mixed in its depiction of definitive Public Rights of Way and other paths, both proposed and existing. Further detail on the legal status and specification of new or diverted routes will be required (not least where agricultural traffic is also proposed). The future maintenance and management of the pedestrian/cyclist routes on the site will need to be included within proposals for the maintenance of the green infrastructure of the site. Destination signage should be installed both within and off-site to encourage and facilitate use of these routes.

A northerly extension to Public Footpath Henhull No. 3 is noted on the Concept Masterplan. Its connectivity with the internal street and path network is not discernible at this level of

detail, but would be required to make sense of the extension and provide onward connection to Public Footpath Henhull No. 2 and onto the canal towpath and Acton village.

Residents of the proposed development would be allocated places within existing local schools, which would be extended to accommodate the increase in pupil numbers. One such school will be that in Acton. There is an existing public footpath, named Henhull Footpath No. 2 which runs from Welshman's Lane at the western side of the development to the canal and on to Acton village. This would provide a direct (approx. 1.1km) route for pedestrians to travel from the development site to the school. The alternative is a longer (approx. 2.1km) route along the busy Chester Road. The development proposals include infrastructure for pedestrians to access Welshman's Lane, and it is suggested that the developer be tasked to contribute towards the improvement of Henhull Footpath No. 2 so that it is available for year-round pedestrian usage. This would normally involve the laying of a compacted gritstone surface, replacement of stiles with gates and fencing to protect the surface if livestock is an issue.

At present this route is a headland path in a field. Whilst the Council as the highway authority has powers to improve public rights of way, landowner agreement is normally sought, as the installation of a surfaced route could reduce the agricultural land area available. It is understood that the landowner of the two fields where the improvements would be required also owns some of the land on which the development is proposed. A legal diversion order may also be required to re-align the path so that it runs adjacent to the field boundary (as at present the legal line of the footpath veers some 20m away from the boundary).

### **Riverside path and crossing**

The proposals include a new pedestrian/cyclists bridge over the River Weaver so as to create a link to the new Connect2 Crewe-Nantwich Greenway. This would be welcomed provided that an assessment of how pedestrians and cyclists would be anticipated to reach the greenway via the highway network (including an assessment of road crossing and junction facilities) is undertaken, with a condition issued for the delivery of any required improvements so as to accommodate the anticipated movements of new residents between the site and employment areas.

A new north-south footway is proposed along the western bank of the River Weaver. This proposal is consistent with policy RT.12 of the Local Plan which seeks to extend the Nantwich Riverside Park along the western bank of the river. The policy acknowledges that whilst the land lies within the flood plain, its use for open space would not compromise this.

### **Bridleway Underpass and National Cycle Network**

The proposals outline a proposed bridleway with underpass under the new A51 alignment. This is intended to accommodate the Public Footpath Worleston No. 3 and provide a link between the Equine Unit and the retained grazing land within the site avoiding the A51

realigned highway. Adequate width, surface and drainage specification will be required to accommodate walkers, cyclists and equestrians.

This underpass would offer cyclists a grade-separated crossing of the A51 for those using the proposed shared use routes either side of the new road and adequate connections would be required. This could partly mitigate for the lost section of National Cycle Network (NCN) which formerly enabled cyclists to travel from the toucan crossing between the equine centre and Reaseheath entrance, across the college grounds and onto the Wettenhall Road. The licence that facilitated this has recently been terminated by the college, and so the NCN is no longer continuous. Accommodation for a re-connected NCN, the formalisation of which has been registered under the Council's statutory Rights of Way Improvement Plan would be required of the proposed development either via the underpass, other crossing facility and/or use of the closed A51 route. Provision for users of the NCN both prior to and during the construction of the new road would be required.

## **CONTAMINATED LAND**

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

A Phase I Preliminary Risk Assessment for contaminated land was submitted with the planning application. Some potential areas of infilling (former ponds) and a former farm were identified during the review of historical maps, however these potential sources did not appear to have been inspected during the site walkover and were not carried forward into the Conceptual Model for the site.

The areas of former ponds may have been infilled and, depending on the nature of any infill, may pose localised contamination and ground gas issues. There may also be areas of made ground, former fuel or waste storage in the area of the former farm on the south east of the site. The potential contaminants of concern associated with farms should be considered further.

An allotment area is proposed as part of the Masterplan (however we accept this application is currently outline and the therefore subject to change). We would expect this area of the site to be demonstrated to be suitable for its proposed use.

Further investigation into the geotechnical aspects of the underlying Halite bedrock has been recommended within the report, and should be undertaken. Accordingly, having regard to the comments above, a condition is recommended requiring an updated phase 1 contaminated land survey.

## **AIR QUALITY**

Environmental Health has noted that the transport assessment has used a 'sensitivity test' to make an assumption of the contribution of the development to road traffic on Hospital Street. The original traffic distribution appears to be based upon statistics and assumptions from 2001 census data of a neighbouring ward and assumed no traffic distribution through the Hospital Street Air Quality Management Area (AQMA). This starting basis and the



assumptions are unverified for the predictions in Hospital Street. It seems unlikely that in reality one of the main routes through Nantwich town centre would receive such small impacts and it is not clear that a 'worst case' scenario has been devised. The scale of the development would increase the margins of error for any traffic assumptions.

Notwithstanding these assumptions, it is agreed that there could be an adverse impact in the AQMA of Hospital Street. Environmental Health criteria request that an air quality assessment is carried out for any housing development greater than 60 residential units. It is not acceptable to use an unverified traffic assumption and subsequently a guidance which advises when assessments are likely to be necessary as the basis for not assessing air quality and dismissing the impact as not significant in an area where there are health risks to residents. Monitoring in this area has shown nitrogen dioxide levels above the national health based objective. 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. For this reason air quality impacts should be considered as a material planning consideration and we would expect mitigation measures and / or a full air quality assessment.

In addition, the canyon effects experienced in Hospital Street are likely to exacerbate the proposal's impacts in the AQMA. It was for this reason that Hospital Street air monitoring data should be used to verify any air quality predictions in Hospital Street. As the consultants for the developers state; "air quality mitigation and control measures should be targeted where there are predicted to be adverse air quality effects from a proposed development; not simply based on the scale of a proposed development".

Therefore, in order to make this proposal acceptable from an air quality perspective financial contributions are required via a s106 agreement to go alongside conditions covering electric charging points in the proposed new residences and the travel plan. This would be put towards directly implementing the objectives of the statutory Air Quality Action Plan (AQAP) in Hospital Street and contribute towards the mitigation of the impacts of the proposed residential development.

The Framework places a general presumption in favour of sustainable development, stressing the importance of local development plans, and states that the planning system should perform an environmental role to minimise pollution. One of the twelve core planning principles notes that planning should "contribute to...reducing pollution". To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The Framework states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

The need for compliance with any statutory air quality limit values and objectives is stressed, and the presence of AQMAs must be accounted for in terms of the cumulative impacts on air quality from individual sites in local areas. New developments in, or near AQMAs should be consistent with local air quality action plans. Any adverse air quality impacts in an AQMA are considered as significant by this department. Particularly where there are further cumulative impacts from other committed proposals in the area. The impacts are in conflict with our air quality objectives to protect public health, and the AQAP. The air quality impacts from this development could be mitigated against by providing funding towards measures that directly seek to reduce nitrogen dioxide levels in the AQMAs affected. The measures would be

delivered through the AQAPs that Cheshire East Council is required to produce and deliver for each AQMA as part of its Local Air Quality Management duties.

The costs of countering the adverse effects in Hospital Street of this proposal would otherwise rely on public based funding. Based on Environmental Health's review of costs and air quality benefits of implementing actions to improve air quality, a financial contribution to the Nantwich AQAP of £20,000 is considered to be reasonable and proportionate alongside the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure.

The construction impact assessment predicts that a 'moderate adverse' impact could be expected at the nearest residential properties. Given the scale of the proposed development it is possible that these impacts could be over a significant period of time. A mitigation strategy in the form of a dust management plan is proposed and this should form part of any planning permission given for this proposal and to include for a monitoring programme.

## **NOISE IMPACT**

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise from road traffic / construction noise from the development.

The mitigation scheme (including glazing and ventilation systems) recommended in this report and detailed in the Environmental Statement will need to be specified at the reserved matters stage, when a final layout has been decided.

To ensure external amenity spaces associated with the residential dwellings are suitable for their proposed use, a 4.0m high barrier along the diverted A51 will be required to meet the desirable steady noise level of less than 50dB (A) LAeq. Details of this will be required at the reserved matters stage.

There is no information contained within the application to determine whether there will be a loss of amenity caused by noise from the proposed A1, A2, A3, B1 and D1 business uses. In order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report considering these potential noise sources. This can be conditioned to be considered at the reserved matters stage.

## **LANDSCAPE & TREES**

### **Landscape**

The landscape and visual amenity study indicates in that it has been undertaken according to the 2<sup>nd</sup> Edition Guidelines for Landscape and Visual Impact Assessment, since the assessment had already commenced prior to the publication of the 3<sup>rd</sup> Edition Guidelines for Landscape and Visual Impact Assessment. The applicant's assessment correctly identifies the baseline conditions and in essence, that the site feels 'rural'. The site can easily be divided into four different character areas, namely; Riverside, Equine Centre and Paddocks, Rough Grassland with Hedgerows and Managed Farmland.

The assessment also identifies the location of the application site within both the National and Cheshire Landscape Character Assessments and provides a landscape and visual baseline summary, which are broadly agreed with.

A number of viewpoints and illustrative photograph locations are identified within the landscape study, and eleven of these have been selected for the visual impact assessment. Whilst the landscape officer agrees that the viewpoints chosen are representative, he does raise some concern regarding the sensitivity attributed to a number of the viewpoint locations and as a consequence considers that the significance of visual impact will be slightly greater than shown for a number of receptor locations. The scale of the proposals in a greenfield environment, along with the largely urban nature of the proposed development means that it will almost certainly have some impact on the character of what is currently a rural environment.

However, the site is bordered by existing development to south and east, and by the A51 to the north and Welshmans Lane to the west, and the development would represent a natural rounding off of the town. The proposal will include a 25m landscaped buffer with appropriate additional native tree and understory planting to the western boundary of the Site with Welshmen's Lane including the retention of the hedge; the retention of the site's mature hedgerows; additional native planting to infill gaps in mature hedgerows; the retention of the site's brook courses; extensive green infrastructure including boulevard tree planting and landscaping to the proposed access road leading from Reaseheath roundabout into the site.

With reference to the cumulative landscape effect, the assessment indicates in Para 5.5.5.11 that *'it is assumed that good landscape and architectural design practice will be employed at the above potential scheme should they come to fruition including an appropriate framework of structural landscape treatments including retention of existing characteristic hedgerows and notable trees, new tree planting of appropriate scale, area, design and species composition to ensure that the new development achieves a good fit in the landscape'*. As this is an outline application no details of this have been provided.

The assessment does include a section on mitigation, as well as the masterplan drawing. Any positive effects would depend largely on the development being undertaken in accordance with the masterplan drawing and as such these parameters should be ensured through appropriate conditions.

### **Trees**

The site is mainly managed pasture and arable farmland defined by native mature hedgerows forming the field boundaries becoming more defined within the northern section of the site. Within these hedgerows there are scattered individual and groups of trees comprising mainly of Oak, Ash, and Sycamore. Individuals and groups of Willow and Alder define the mature vegetation along the banks of the River Weaver to the east

There are currently no Tree Preservation Orders protecting any of the trees within the site or on land immediately adjacent to the site. The Reaseheath (The Green) Conservation Area lies partly within the application site boundary to the north east corner of the site to the south of the A51. All trees with a stem diameter of 75mm or above are afforded pre-emptive protection by virtue of their inclusion within the Conservation Area.

There are four public footpaths Henshull Footpath No.3 and 4 and Worleston Public Footpath No. 3 and 4 within the application site from which trees within the site can be viewed as a public amenity.

The application is supported by an Arboricultural Impact Assessment (AIA) incorporating a Tree Survey (RPS Ref JKK785. rev B dated 14<sup>th</sup> June 2013). The Assessment is also supported by a Tree Constraints Plan. The Assessment states that the trees were assessed in accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* which is the primary document which guides the process of determining planning applications and impact upon trees. It is agreed that the submitted Assessment complies with the parameters set out in the British Standard.

The Assessment identifies a total of 156 Individual trees and 36 groups (of which 25 are classed as hedgerows) located across the site and has categorised them in accordance with Table 1 of BS5837:2012 into High (A) category; Moderate (B) category; C (low) category and trees unsuitable for retention (U). Of the 156 Individual trees, 27 are categorised as A; 38 trees categorised as B; 75 trees categorised as C and 16 trees considered U category. All groups have been categorised as Category C (low quality) landscape benefit.

The Assessment has also identified four Veteran trees (T117 – 119 Oak and T156 Alder). One further tree, an Ash (T114) has been identified as possible Veteran status. These are located in the north east section of the site. In accordance with BS5837:2012 all Veteran trees should be listed as Category A (high quality) which means there will be a presumption for their retention. Paragraph 18 of the National Planning Policy Framework requires the retention of aged or veteran trees found outside ancient woodland unless the need for and the benefits of the development in that location outweigh the loss.

Alder (T156) has been classified as B2 and therefore should be re classified as 'A' category if deemed to be a Veteran in accordance with Table 1 of BS5837:2012. All Veteran trees identified in the submission must be retained, away from built development and preferably located within open space.

Whilst all trees are deemed a material constraint all High (A) and Moderate (B) category trees should be regarded as principle landscape assets which means there will 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 Illustrative Masterplan shows the initial access arrangement to be taken off the southern arm of a new roundabout and diversion of A51 with indicative internal road layout, residential, employment and green infrastructure shown on RPS Drawing 500\_003 Revision O. A second access is also shown off Welshmans Lane serving the west of the site. The supporting Environmental Statement (ES) further states that the principle landscape assets including mature trees and hedgerows within the eastern and southern area of the site will be retained.

The ES advises that eleven hedgerow trees and one field tree to the north of Henshull Hall Farm will require removal and at least one tree in the hedgerow running north to south because of an internal access. Three large trees would also be lost to create the road over the wooded stream, with further losses anticipated for the creation of a new bridleway to the

Equine Centre. Whilst the internal road layout is only indicative at this stage it is not clear as to how this would impact on existing trees throughout the site, both directly and indirectly. This will need to be clarified at the reserved matters stage.

Similarly, although the Arboricultural Assessment provides details of proposed tree removals, it only considers those by virtue of their condition. It does not provide any indication of those proposed for removal to facilitate development of the internal roads and bridleway referred to in the ES. It is therefore not possible to determine with any degree of certainty the impact of these losses will have on both visual amenity and on the wider landscape. This also will require consideration with the reserved matters.

### **Hedgerows**

From the information provided in the ES hedgerows across the application site are generally species poor comprising of Hawthorn or Blackthorn. Most have been regularly cut or flailed with poor quality ground flora. Two hedgerows running parallel to the River Weaver north to south have been identified as potential to be 'Important' under the Hedgerow Regulations 1997 and should be retained within development proposals.

## **ECOLOGY**

### Great Crested Newts

No evidence of great crested newts has been recorded at any of the ponds surveyed. This species is not reasonably likely to be present or affected by the proposed development.

### Bats

The site of the proposed development supports foraging bats and has been identified as being of local importance for two common bat species. However, the site is not considered likely to be significantly important for the more uncommon bat species.

The proposed development is likely have an adverse impact on foraging/commuting bats due to loss of foraging habitat and increased light pollution. This impact will only be partly compensated for as the proposed on site planting matures.

An acceptable bat survey of tree 20 has now been submitted. No evidence of roosting bats was recorded during the survey and the nature conservation officer advises that that roosting bats are unlikely to be affected by the removal of this tree.

### Badgers

Nineteen badger setts utilised by two separate badger clans have been recorded within the application site.

The proposed development will result in the loss of one main sett, a subsidiary sett and several outlying setts. The development will also result in the significant loss of foraging habitat for both of the resident badger clans.

The submitted Environmental Statement has assessed the impact of the development upon badgers as being significant within the context of the site. The nature conservation officer advises that that whilst badgers are common and widespread in Cheshire East the significant

size of the site should be borne in mind when considering the impacts of the proposed development.

An outline badger mitigation strategy has now been submitted in support of the application. The strategy involves the closure of the setts directly affected by the development under Natural England license and the provision of replacement artificial setts. It is also proposed that the green infrastructure associated with the development be managed to provide cover and foraging habitat for badgers. The proposed mitigation is adequate to avoid any direct impacts upon badgers, however it is likely that there would be a residual adverse impact on badgers due to loss of foraging habitat. If planning consent is granted a condition should be attached requiring any reserved matters application to be supported by an updated badger survey and mitigation strategy.

#### Reptiles

Grass snakes have been recorded within 2km of the site. The nature conservation officer is in agreement with the applicant's consultant that this species is likely to occur on site on at least a transitory basis.

Habitat creation proposals for grass snake have now been provided. If planning consent is granted it is recommended that a condition be attached requiring any reserved matters application to be supported by a detailed reptile mitigation strategy and compensation method statement.

#### Barn owls

Breeding barn owls are known to occur to the north of the proposed development site. The semi-improved grassland near the river flood plain is likely to be important foraging for this species. The loss of this grassland habitat as a result of the proposed development is likely to have an adverse impact upon the local barn owl population.

Proposals have now been received for the creation of areas of rough grassland habitats for barn owls both on and off site. The proposals are acceptable, but a section 106 may be required to secure the offsite works. Confirmation is awaited from the applicant regarding the ownership of land outside of the application site.

#### Water vole

Water vole has been recorded as being present in the 'northern' brook. This protected species is also a local and national Biodiversity Action Plan priority species.

The current proposals will result in the loss 130m of brook habitat as a result of the proposed culverts. This will result in the direct loss of water vole habitat and will also have a fragmentary affect on the remaining habitat. Outline mitigation proposals have been submitted which include the enhancement of the existing ditch on site and the creation of an additional flood pond habitat to compensate for the loss of habitat associated with the proposed development, which are considered to be acceptable.

#### Otter

Whilst otter are known to occur on the river weaver I do not anticipate the proposed development having a significant impact upon this species. No offence is likely to occur under the Habitat Regulations in respect of this species.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The submitted ES states that the loss of hedgerows is significant in the context of the site. If outline planning consent is granted it must be ensured that suitable replacement hedgerows are included in the detailed design of any future reserved matter application.

### Semi-improved pastures

Two semi improved fields to the west of the flood plain and a relatively diverse field headland (target note 6) will be lost as a result of the proposed development. These grassland habitats have some botanical interest which contributes to the biodiversity value of the site.

### Breeding Birds

Thirty three species of bird have been recorded on site as being likely to be breeding. Seven Biodiversity Action Plan priority species which are a material consideration for planning were recorded. The submitted ES concludes that the breeding bird assemblage of the site is of local value or less. The site is unlikely to qualify as a Local Wildlife Site under the ornithological site selection criteria.

The loss of arable land associated with the proposed development would result in the loss of breeding habitat for 3 pairs of skylark, whilst the loss of hedgerow would displace one breeding pair of song thrush. The value of the retained hedgerows and other habitats for breeding birds will be reduced due to increased disturbance and potential predation by domestic cats.

The overall impact of the proposed development upon breeding birds is anticipated by the submitted Environmental Statement as being moderate in the local context.

### Residual impacts of the proposed development

An ecological mitigation and compensation strategy to address the residual ecological impacts of the proposed development has now been submitted. The strategy includes the enhancement of the land both within and outside the redline boundary of the application. The strategy is acceptable but further detailed designs for the proposed enhancement works would be required at the reserved matter stage. A section 106 may be required to secure off-site habitat creation.

A number of comments received in representation have referred to the potential impact of the riverside path upon wildlife in this area. The nature conservation officer has confirmed that the proposed footpath would not have any significant ecological impacts.

### Conditions

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

- Any future reserved matters application to be supported by an updated badger survey and mitigation strategy.
- Any future reserved matters application to be supported by detailed ecological mitigation and compensation proposed in accordance with the ecological mitigation and compensation strategy submitted in support of the outline application.

For the reasons outlined above, the proposal is considered to have an acceptable impact upon nature conservation interests in accordance with policies NE.5 and NE.9 of the Local Plan.

## **HERITAGE**

Paragraph 131 of the Framework notes that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Local Plan policy BE.7 seeks to preserve and enhance conservation areas; policy BE.14 requires development to respect the character and appearance of Historic Parks and Gardens and do not harm features of archaeological or historical interest; and policy BE.17 seeks to ensure that there would be no adverse effects upon the historical value, the archaeological value or the appearance of the landscape of historic battlefields.

The site at Kingsley Fields abuts two conservation areas, the registered Nantwich battlefield and is in close proximity to Dorfold Hall registered park and garden (grade II listed). No heritage assets are located within the application site.

The proposed development does have the potential to affect the setting of the Registered Battlefield of Nantwich. However, English Heritage considers that this impact is unlikely to be substantial, providing that the mitigation measures suggested in the ES, such as the retention of historic hedgerows within and around the development site, are confirmed.

Similarly, the conservation officer raises no significant concerns regarding the heritage implications of the proposal. However, it is noted the development could have a bearing on the setting of the Nantwich Battlefield site, which does provide added justification to create a naturalised and lower density edge to the west of the site. The proposal is therefore considered to comply with the above listed heritage policies and the requirements of the Framework.

## **LAYOUT & DESIGN**

With all matters reserved for subsequent approval except for strategic means of access, only an illustrative layout has been submitted. However, the submitted masterplan and design and access statement outlines that a mix of dwelling sizes, types and tenures will be provided including up to 30% affordable housing, comprising an agreed split between rented homes (social or affordable rent) and intermediate homes.

Lower densities are proposed on the western, northern and eastern sides of the development where the site adjoins Welshmen's Lane and the Battlefield site, the countryside and Reaseheath College, and the River Weaver corridor. The overall average density to deliver



1,100 dwellings is 34 dwellings per hectare. The exact mix of densities and dwelling types will be determined at the reserved matters stage.

The dwellings will vary in height, with the very great majority of the new homes being two-storey properties which are characteristic of the area. Taller buildings will be appropriate in parts of the site and the proposed maximum heights of buildings in different areas of the site are identified on the Building Height Parameters Plan.

A mixed use community hub/local centre will be provided. This is proposed to be located centrally in the site on the spine road link between Waterlode and A51 and adjacent to the Nantwich Town Football Club site in order to be highly accessible to the new development.

The proposals will create a green infrastructure network throughout the site. The green spaces are proposed to perform a range of functions ranging from formal recreation and play provision through informal recreation and amenity space to areas to be managed for their sustainable urban drainage and biodiversity roles. The green infrastructure principles are addressed in detail in the landscape and visual, ecological and drainage and flooding risk assessments as well as through this Statement. These documents are intended to demonstrate that the green infrastructure strategy is central to the design of the proposals and has strongly influenced the form and character of the development design.

The design officer has commented on the proposal and highlights the importance that the development responds to its location and should have a naturalised feel where landscape is a key feature which permeates throughout the scheme. The development will need to work with or reflect the natural (hedgerow) structure and characteristics of the site.

One of the design objectives set out in the D & A is:

*“3. Responding to landscape*

*The site benefits from a network of established trees and hedgerows which can be utilised to create an instant mature landscape setting for the benefit of both new and existing communities. A green infrastructure network should be created around these features to define its edges where appropriate, overlooked and surveyed by new properties to create a safe and attractive public realm.”*

It is positive that SUDS are suggested. These should play an important part of the overall landscape of the scheme given its relationship to streams and the River Weaver.

It is also important to note that there are views to the west to Acton Church from several points, these should be harnessed further in the layout as kinetic or incidental views as well as grand vistas. This also applies to the views toward Nantwich Church from several viewpoints, the landmark being more immediate and prominent for the eastern part of the scheme. The masterplan and Design & Access Statement highlights the importance of views of these two landmarks but scope exists for more to be made of them within different areas of the scheme.

It is positive that the Weaver valley is being safeguarded and there is potential for ecological betterment but to still secure managed access through the area. This also has the potential to create a strong sense of place for the development and enabling the eastern edge of the scheme in particular to have a strong physical connection to nature and to act as a design lead for this edge of the development

Some concern is raised by the impact of the highway works to the north, however it is understood that this is a longstanding 'improvement' that has been agreed with Highways. These works may negate widening of the highway through the Reaseheath Conservation Area, there is concern about the quality of this gateway into the scheme and the extent of engineering required to deliver it with its potential impact on the setting of the conservation area. It is also noted that the block structure means that development will turn its back on this road, with the potential of inactive and unattractive boundaries and poor sense of arrival on entry to the development from the north (after all this would be a gateway into the scheme). Careful consideration will need to be afforded to this at reserved matters.

The principle of a linked spine principal street through the site is supported, particularly if designed to Manual for Streets principles with regular public realm and landscape features to slow traffic and create public realm 'incidents' and variety within the townscape, as is inferred in the illustrative masterplan. However, beyond the principal street, there is a lack of clarity about the street hierarchy and associated character within this submission. In a scheme of this size there is scope to have at least 3 tiers of street introducing different characteristics and a legible hierarchy.

Whilst it is recognised that this is an outline scheme, it is a substantial development and strategic in scale. Therefore there is a case that a design code should be developed for this site to help deliver high quality. The Framework itself suggests that design codes should be used in helping to deliver well designed development. Also, a mechanism to ensure a lead developer and masterplanner role into the reserved matters and construction phases would be beneficial. This is especially important on a scheme of this size to ensure delivery of quality within the development and to ensure consistency in approach and delivery of strategic elements such as the green infrastructure / open spaces, and blue infrastructure and SUDS.

These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

## **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 Framework states that development should be directed away from areas at highest risk of flooding. This is the aim of the sequential test, to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in terms of flooding. The vast majority of the development (i.e. the residential, community and employment areas) is located in Flood Zone 1.

The main flood plain (Flood Zone 2 (medium probability) and Flood Zone 3 (high probability)) of the River Weaver is included within the eastern portion of the development site. This area is proposed to remain as existing with no alterations to levels and with no development. These areas are shown within the Masterplan as green infrastructure/formal open space. A small section of the A51 diversion route passes through the area of flood plain. The diversion route will be constructed above the floodplain and the road will be protected from flooding. The loss of floodplain volume will be compensated within the area of open space proposed to the south of the diversion link. The A51 diversion cannot be accommodated on other sites, given that the diversion seeks to address existing issues on this particular stretch of road.

Where development is necessary within the higher risk Flood Zones, it must be made safe without increasing flood risk elsewhere. The proposed diversion route is categorised as “essential infrastructure” and will only be permitted in this zone should the Exception Test outlined in paragraph 102 of the Framework be passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood. For the exception test to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

The applicants set out that the A51 diversion route addresses the Exception Test in the following way:

#### Environment:

The A51 is a heavily trafficked route with a large proportion of HGVs using it, which passes residential properties and the Reaseheath College. The Reaseheath roundabout experiences queues and congestion during the peak hours, especially on the Main Road arm in the PM peak and the A51 west arm in both peaks. The realignment will remove traffic and the HGVs from these properties, which will improve the noise and air quality for the existing community at this location. It will also reduce congestion and delays at the Reaseheath roundabout for the existing users and proposed community of the North West Nantwich development.

#### Safety:

The existing A51 at this location is of sub-standard design, with inadequate visibility and verge and footway provision. It has previously been subjected to a reduction in the speed limit from the National Speed Limit to 30mph in order to have a more appropriate speed restriction. The proposed link road will be designed in accordance with Design Manual for Roads and Bridges guidance, and therefore will provide a safer route and improve the safety record of the A51.

Economy:

The improved layout of the Reaseheath roundabout will result in reduced congestion which will have an economic benefit by reducing the cost of delay experienced at this location. This will be of benefit to the existing and future users of the A51, including the North West Nantwich development community.

Accessibility:

The proposed road will provide footway and cycleway provision on the A51. It will also remove through traffic from the accesses to the Reaseheath College and existing properties, which will improve pedestrian and cycle access to these. The reduced delay at the Reaseheath roundabout would also benefit the public transport provision to the existing community using the College located on Main Road.

Integration:

The proposed layout provides access for a bus service, with improved pedestrian and cycle facilities for the benefit of the future North West Nantwich community. It will also link in with access to the Reaseheath College and remove the through traffic from the existing route past the site.

Policy Justification:

This proposed urban extension to Nantwich is supported by Policy Site Nantwich 1 of the emerging Cheshire East Local Plan. The emerging policy proposes the realignment of the A51 through the site, together with the provision of 1,000 new homes, a mixed-use local centre including a primary school, 2-3 hectares of employment land, and green infrastructure.

Location of other uses:

The most vulnerable uses of the proposed scheme, the residential development and school, are to be located in areas of the lowest flood risk.

The Environment Agency raise no objections to the proposal but note that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the submitted Flood Risk Assessment are implemented and secured by way of a condition.

These measures include:

1. Limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
1. Provision of compensatory flood storage where the A51 diversion affects floodplain.
2. Finished floor levels are set no lower than; the relevant 1:100 years fluvial flood level climate change 600mm freeboard.
3. Overland flow of surface water is to be contained within the site, such that new or existing buildings are not affected.

Having regard to all these details, the proposal is considered to meet the exception test of paragraph 102 of the Framework and is acceptable in flood risk terms.

**OPEN SPACE**

Policy RT.3 of the Local Plan requires that on sites of 20 dwellings or more, a minimum of 15 sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20 sqm of shared children's play space per dwelling is provided.

The maximum total public open space requirement for this development based on 1100 (family) dwellings will be:

- 1,100 x 35 sq m, equalling 38,500 sq m overall.

This is broken down into:

- 16,500 sq m of shared recreational open space; and
- 22,000 sq m of shared children's play space.

The Illustrative Masterplan provides for 12.78 hectares (ha) of Green Infrastructure (excluding the school site / MUGA, proposed allotments and retained agricultural and grazing land). Of this, 1.69 ha is dedicated for SUDS use, 1.07 ha is buffer planting along the southern edges, 0.1 ha is open space within the employment area. This leaves a residual public open space combined area associated with the new housing area of 9.89 ha which is well above the Local Plan requirement.

The proposed on site public open space will comprise:

- Riverside Walk – 10,700 sq m (1.07 ha)
- Central Circus and east and west spurs including the Neighbourhood Equipped Area of Play (NEAP) and adult outdoor gym, and excluding SUDS land – 10,000 sq m (1.0 ha)
- Remainder of linear green routes, spaces and public access green infrastructure – 78,200 sq m (7.82 ha)

In addition, formal play space and open space provision within the scheme will include:

- Multi Use Games Area (MUGA) on potential new school site with out of hours community use – 2,500 sq m (0.25 ha)
- Allotments – 4,100 sq m (0.41 ha)

The above provision set out within the application reflects the requirements for the site set out by the Greenspaces Officer, and is considered to meet the requirements of policy RT.3 of the Local Plan.

## **EDUCATION**

The application has been submitted on the basis that either a primary school can be provided on site, or proportionate financial contributions will be made to extend existing local schools.

Primary schools within 2 mile radius of the site have been considered for capacity. No capacity has been identified in these schools. Only schools beyond the 2 mile distance from the site have some availability (e.g. Bunbury, Calveley, Wrenbury, Sound). The Council's education department have identified that the development will trigger the requirement for a sum of £2,277,721 towards the cost of providing primary accommodation for the pupils generated by this development. This figure has been achieved on the basis that the development will generate enough primary aged children to warrant a new school and then calculated using multipliers provided by the DfE. The service will then seek to accommodate

these pupils within the 2 mile radius (i.e. the distance on which capacity has been assessed). The preference will be to extend existing provision within this radius.

In addition, the education department also identify that the development will be required to make a secondary school contribution. The service expects this development to result in some 143 secondary aged pupils. Forecasts are suggesting that the secondary schools considered for capacity will have only 77 places available by 2019. On this basis a contribution of £1,078,618 will be required to accommodate the pupils of this age. In terms of expansion, the Malbank and Brine Leas are the two High Schools in Nantwich.

## ARCHAEOLOGY

A geophysical survey of the site has been submitted, which was designed to identify those parts of the site requiring further archaeological investigation.

Across much of the site very little of interest has been noted, although former field boundaries (visible on 19<sup>th</sup> century mapping) have consistently been identified, which suggests that the results can be regarded with a high degree of confidence and that it is unlikely that major concentrations of archaeological features have not been detected. In these circumstances, across most of the application site further archaeological mitigation will not be required.

There are, however, a number of areas in the eastern part of the site where it is considered that some further archaeological work will be necessary, which may be secured by condition in light of the fact that a pre-determination desk-based assessment and geophysical survey have been carried out and that the areas requiring further work are now clearly defined. These areas are described further below:

**Area 17** (SJ 648 533). This area contains a pattern of anomalies which the report acknowledges could be natural but do look like a group of small enclosures. In addition, the features lie close to the edge of the terrace overlooking the Weaver which is a very similar location to that of the Roman salt-making complex excavated by Manchester University in 2001. It is advised that these features, which extend over an area of approximately 1ha, require a comprehensive programme of trenching (5% sample) to establish their nature which will need to be followed by more extensive excavation work if they prove to be archaeologically significant and cannot be preserved *in situ*. If the trenching proves negative no further work will be required.

**Areas 18 and 20** (SJ 649 530). Only limited geophysical work could be carried out in these two areas due to the overgrown nature of the fields. This is unfortunate as they lie closest to the area excavated in 2001 and it should also be noted that a supervised metal-detector survey carried out during the construction of the adjacent football ground in 2006 recovered a significant number of artefacts of Roman, medieval, and early post-medieval date, although it is acknowledged that cut features were not present. In addition, Area 20 was the site of the recovery of the Roman salt pan in the 1980s. It is advised, therefore, that these two areas cannot be dismissed at this stage and that further work will be necessary. One option would be to comprehensively trench the area as outlined above for Area 17. This, however, is a substantial area of approximately 5ha and a meaningful sample would involve many hundreds of metres of trenching. In order to avoid this scenario, the Council's Archaeologist suggests that attempts should be made to get the land into a condition where survey is possible with

provision to target trenching on anomalies and the site where the salt pan was found. This will be a much more economical and rapid approach but it will require suitable ground conditions for initial survey, which could take the form of geophysical survey or supervised metal-detector survey. Whichever approach is taken, areas where significant remains are found may require formal excavation although a negative result to any of the further phases of evaluation will mean that the areas can be dismissed.

**Site of Kingsley Fields Farm** (SJ 6482 5310). This building, now demolished, does appear on the 1840s tithe map. The development master plan suggests that the site will be preserved within the areas of green space but, if this is not the case, a rapid strip and record exercise would be appropriate in order to record the remains of the structure. This would be a fairly rapid process and would extend over a limited area of approximately 20m by 20m.

**Areas 21 and 22.** These areas have a similar potential to Areas 18 and 20 and have not been subject to geophysical survey but are proposed as green space within the development. As long as this is the case and no major landscaping is proposed, further work would not be required in this area.

**Area 19.** This area was not subject to full geophysical survey but, as it is in the flood plain of the river this is not a major cause for concern. It is advised, however, that any major intrusive groundworks in the flood plain should be subject to a watching brief with a particular emphasis on noting any waterlogged timbers and deposits suitable for palaeoecological analysis.

It is recognised that the present application is for an outline consent and that if permission is granted detailed applications will then be submitted for different parts of the site. Many of these, it is now clear, will have no archaeological implications but where a detailed application affects one of the sensitive areas outlined above, it is advised that no works should occur anywhere within that particular area until a programme of archaeological work has been agreed with the planning authority and implemented. This will be vital to ensure that work is conducted in a timely and efficient manner, and that the development complies with policy BE.16 of the Local Plan.

## **NANTWICH TOWN CENTRE**

A development of this scale is likely to have some impact upon public buildings and facilities within Nantwich Town Centre. At the time of writing the extent of any impact was still being investigated. Where any impact is identified, this will be reported to Members in an update, together with any recommended mitigation.

## **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) will not be permitted unless the need for the development is supported in the local plan; it cannot be accommodated on land of lower agricultural quality, and; other sustainability considerations suggest the use of higher quality agricultural land is preferable to the use of poorer quality 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 agricultural land on the application site is set out below:

Grade	Area (ha)	%
<b>3a</b>	24.2	41
<b>3b</b>	30.8	53
<b>Non agricultural</b>	3.7	6
<b>Total</b>	58.7	100

Whilst the site does comprise a proportion of grade 3a (good quality) agricultural land, the applicants Agricultural Resources Assessment outlines that this distribution of grade 3a and 3b land is typical of what might be expected on soils of this type in the wider area around Nantwich and the quality of the land should be considered within this wider context.

This Assessment also identifies the pattern of agricultural land quality from survey work carried out in the area around Nantwich, which shows that the quality of land on the application site is of similar, if not of lower, quality than much of the other land that has been surveyed. This suggests that it is unlikely that the development could be accommodated on lower grade agricultural land.

Notwithstanding this view, previous Inspectors have considered the need for housing land supply outweighs the loss of agricultural land, as is considered to be the case with the current proposal.

## HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include contributions (highlighted in the report above) for:

- Education contributions (and / or provision of a school on site)
- Provision of affordable dwellings.
- Tenure split of the affordable dwellings.
- Affordable dwellings to be provided on site.
- 25% of the affordable dwellings to be built to meet Lifetime Homes standards.
- 2 of the rented affordable dwellings to be specifically for key workers.
- Submission of affordable housing schemes with each reserved matters application.
- The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- 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.
- Phasing of affordable dwellings
- Affordable dwellings pepper-potted within each phase of the development.
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings



- Implementation of off site ecological mitigation
- Financial contributions for highways improvements
- Provision of open space and management arrangements
- Financial contribution for air quality mitigation

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of affordable housing, public open space provision, air quality mitigation and off site ecological 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.

Financial contributions for offsite highways works are necessary to make the development acceptable in planning terms to mitigate for its impact on surrounding routes.

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

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

### **CONCLUSIONS**

The site is within the Open Countryside where, under policies NE.2 and RES.5 new development is restricted unless it is for one of the specified exceptions, which the application is not. However, the Council cannot currently identify a five year supply of housing land and therefore in accordance with the Framework, the presumption in favour of sustainable development applies. The site is also identified as a preferred site for housing and commercial development (site CS 21: Kingsley Fields) within the Pre-submission Core Strategy Document. The development of the site is therefore considered to be acceptable in principle and is considered to be a sustainable form of development.

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

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, ecology, air quality and noise impact can be

adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of open countryside, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. It is also acknowledged that there will be some additional impact upon the existing highway network, however financial contributions towards junction improvements will adequately mitigate for this impact.

The proposal is a sustainable form of development offering a balance of housing and commercial uses and in the absence of any identified significant adverse impacts a recommendation of approval is made subject to the Heads of Terms above, the following conditions and clarification on outstanding matters relating to affordable housing and Nantwich town centre.

#### 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. Acoustic assessment of A1, A2, A3, B1 and D1 uses to be submitted with reserved matters
13. Updated contaminated land Phase I report to be submitted
14. Noise mitigation details to be submitted with reserved matters
15. Submission of residential and business travel plans
16. Energy from decentralised and renewable or low-carbon energy sources
17. Site to be drained on a separate system
18. Development to be carried out in accordance with Flood Risk Assessment
19. Details of buffer zones around watercourses to be submitted with reserved matters

20. Details of watercourse crossings to be submitted with reserved matters
21. Site access roundabout from the A51 to be agreed prior to first development.
22. A51 diversion to be in place prior to occupation of the 600th dwelling
23. Link road to be provided prior to occupation of 400th dwelling
24. Provision of footbridge across the River Weaver
25. Reserved matters application to incorporate public right of way routes
26. Provision for pedestrians and cyclists
27. Reserved matters to be in accordance with parameters set out in Design & Access Statement and masterplan drawing
28. Submission of arboricultural details
29. Reserved matters application to be supported by an updated badger survey and mitigation strategy
30. Reserved matters application to be supported by detailed ecological mitigation and compensation proposed in accordance with the ecological mitigation and compensation strategy submitted in support of the outline application
31. Written scheme of archaeological investigation to be submitted
32. Hedgerow retention and enhancement

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Application No: 13/3764C

Location: Land off Waggs Road, Congleton, Cheshire

Proposal: The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works and other necessary works

Applicant: Bellway Homes Limited c/o agent

Expiry Date: 10-Dec-2013

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

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

**1. REFERRAL**

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

**2. SITE DESCRIPTION**

The application site comprises an irregular parcel of Greenfield land, 3.63 hectares in size, situated to the south of Waggs Road and Meadow Avenue, Congleton. The land is designated as being within the open countryside in the adopted local plan.

The land is in agricultural use and is Grade 3 (subject to urban pressures). There are native hedgerows on the northern boundary with the existing housing development, a bank top hedgerow on the western boundary with Fol Hollow and a hedge and trees on part of the southern boundary in the vicinity of New Bank Farm. The remainder of the southern boundary and the eastern boundary are largely open giving views towards the hills. The site is divided by a continuous central hedge running north-south and there are two mature field oak trees near to the proposed site entrance.

Public Footpath No.6 runs along the eastern boundary of the site.

The north western corner of the site slopes steeply down several metres to Waggs Road where there is a large amount of mature vegetation which is a valuable habitat for protected species.

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

Full planning permission is sought for the erection of 104 dwellings on this site. The dwellings would comprise 35 three bedroom and 38 four bedroom open market houses and 31 three bedroom affordable houses. The affordable dwellings would be 65% affordable rent and 35% shared ownership.

The development would have a mix of dwelling types including detached, semi-detached and mews style properties, all of which would be two-storey, with varying finishes including brick and render.

Access, both vehicular and pedestrian would be taken from a single point adjacent to No. 124 Waggs Road. This access would incorporate visibility splays of 2.4m x 43m to the west and 2.4m x 35m to the east, with footpaths on either side.

The north western corner of the site is to be retained as an area of public open space, with the existing trees and vegetation to be retained.

A Local Area of Play (LAP) is proposed centrally within the site.

### **4. RELEVANT PLANNING HISTORY**

There is no relevant planning history relating to this site.

### **5. PLANNING POLICIES**

National Planning Policy Framework

#### **Local Plan Policy**

PS8	Open Countryside
GR1	New Development
GR2	Design

GR3	Residential Development
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
GR 22	Open Space Provision
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	Provision of New Housing Development
H6	Residential Development in the Open countryside
H13	Affordable Housing and Low Cost Housing

#### **Other Material Policy Considerations**

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

## **6. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions restricting hours of construction / piling, the submission of an environmental management plan, a Phase II Contaminated Land Assessment and submission of a residential travel plan and inclusion of electric vehicle infrastructure.

### **Environment Agency**

No objection subject to conditions relating to surface water run off and flood risk management.

### **Flood Risk Manager**

I have now had a chance to review the above application and note that the EA's Mr Graham Bate has had some extensive involvement in assessing flood risks and in the subsequent development of the early Drainage Strategy based on preliminary calculations submitted by the developer. The early assessment work is in line with what I would expect to see for a site of this size and does identify the key constraints and considerations that will need to be considered in some detail. I also note that Agreement in principle has already been reached with both United Utilities and Environment Agency and on the basis that the site will be drained using "greenfield equivalents" to mimic existing drainage

**patterns** for the undeveloped site, combined with on site storage for excess surface water generated by the developed the site in oversized pipe work or similar arrangements.

In principle, this approach would be acceptable but ensuring compliance with any agreed and restricted discharges from the site will be essential if off site impacts and flood risks are to be effectively managed. Particular attention will need to be given to the performance of the hydrobrake flow control across the full range of **catchment critical storm events** (at points of interest off site) identified as part of this early assessment and also, the off site receiving infrastructure to ensure adequate drainage arrangements are indeed in place.

Whilst not explicit in the FRA report, it does not specifically reference known off site drainage issues, flooding problems and flood risks associated within the Fol Hollow ordinary watercourses and Main River reaches beyond. It will therefore be essential that final detailed assessments and drainage designs for site discharges are agreed in context of the receiving land drainage infrastructure which at this time , is reliant on riparian (landowner) maintenance.

Mr Graham Bate is aware of the offsite flooding problems and indeed, of the early study work that Cheshire East Council is currently undertaking to look at these risks in more detail and clearly with a view to securing funding to implement any identified and necessary improvements to help reduce these risks.

I would reasonably expect some further detailed discussions around these aspects if the site is to be taken forward.

## Highways

*13<sup>th</sup> November 2013*

The planning application proposal is to provide 104 residential units; access to the site is taken from Waggs Road in the form of a priority junction. The site access road will have a carriageway of 5.5m wide with a 2.0m footway on one side and a narrow verge on the other side.

Visibility from the site access is shown as 2.4m x 43m in the non leading direction and 2.4m x 35m in the leading direction. Whilst these visibility splays are acceptable for reasonably low traffic speeds, I am concerned that actual speeds along this section of road are higher than 30mph and therefore the visibility splays are not adequate. Speed surveys should be undertaken and the 85<sup>th</sup> percentile speed determined in order to provide the appropriate visibility splays.

With regard to the accessibility of site, there are no footways on Fol Hollow to the west of the site and the footways on Waggs Road towards the town centre are in certain locations substandard in width and are only provided on one side. Therefore, although the town centre is not too distant a walk from the site, the standard of pedestrian facilities are poor indeed and as such I consider the site not readily accessible to pedestrians. The site is located a considerable distance from the nearest bus services and cannot be deemed accessible to public transport.



Considering the traffic impact of the development, the trip rates have been based current flow data from a nearby residential site and not using a TRICS analysis. The rates used are considered acceptable and the peak hour generation is some 58 and 64 trips. The distribution submitted is in favour of trips towards the town centre this is what might be expected and I raise no issues on this matter.

The only capacity assessment that has been undertaken is the site access junction, I have no issues with the capacity at the site access it is the junctions further afield that have capacity issues. Both West Street roundabout and the signal junction at the A54 Clayton bypass/ Rood Hill junction are operating over capacity currently and forecasts indicate worsening congestion will occur at these junctions in 2017 without development. However, once the traffic is distributed on the road network the development trips using these junctions will be small and I cannot justify an objection in regards to capacity impact.

The main concern I have is the impact the development will have on Fol Hollow and Waggs Road, these roads are already used as a rat run to avoid the congested A34 through Congleton and this application will add further traffic onto roads that are below standard. Fol Hollow is no more than a single track in places with a very poor alignment and sharp bends and forward visibility is limited, this access road is not suitable to serve the development. The development would also produce 9% and 11% increase in flows on Fol Hollow, this is a significant percentage increase on current flows. To the east of the site, Waggs Road is narrow and has pinch points, traffic calming has been introduced due to the poor width of Waggs Road and also to address traffic speeds. Again, the development produces a significant percentage increase in flows, 16% and 13% and will only add traffic to a substandard urban road.

Internally the road layout within the site is acceptable although I would highlight that there are concerns regarding the adoption of the site given the lack of service strips and narrow verges.

In summary, there are a number of concerns regarding this development, the visibility at the access is limited and it needs to be demonstrated that the visibility provided is sufficient for the approach speeds on Waggs Road. The accessibility of the site in regard to pedestrians is poor and bus services are a considerable distance from the site. Both Fol Hollow and Waggs Road are not suitable to serve a major development of this nature and there will be an unacceptable impact on these roads.

Therefore, I am recommending that the application is refused as it has an unacceptable traffic impact on the road network and that the site is not readily accessible and cumulatively these impacts can be considered severe.

*21<sup>st</sup> November 2013*

Further information has been received from the applicant that proposes additional works to Waggs Lane, this work proposes further traffic calming to be introduced and also two sections of carriageway narrowings that incorporates wider footways.

Whilst these measures are of benefit, they do not address the main concerns that Waggs Lane is not designed to accommodate high traffic flows, it varies in width, does not have continuous footways on both sides and the existing footways are very narrow in places.

Fol hollow is more problematical, it has sharp bends with limited forward visibility and also the carriageway is single track in places and is not suitable to serve major development.

Therefore, the advice provided remains in that an objection to application is raised.

### **Sustrans**

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

- 1) For a site of this size we would like to see another access for pedestrians and cyclists, away from traffic. This could be via Stony Lane.
- 2) The design of the estate should restrict vehicle speeds to less than 20 mph.
- 3) The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- 4) Can this development make a contribution to improving the walking/cycling locally to help with journeys to the town centre and the towns public park, to local schools and to the railway station?
- 5) We would like to see travel planning set up, with targets and monitoring.

### **Streetscape**

#### *Amenity Greenspace*

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The amount of Amenity Greenspace required would be 3,500m<sup>2</sup>. With reference to page 27 of the D&A Statement 'Planning Layout' two areas of Public Open Space have been indicated with additional areas of incidental Open Space not labelled as such.

The Public Open Space includes a belt of mixed species woodland to the North West edge of the site although part of this would appear to be Highway Land. Also contained within this area is a badger set. With reference to page 27 of the D&A Statement the presence of the badger proof fence in position A to D would appear to prohibit public access and access for maintenance vehicles to the Public Open Space. What are the implications of the 30m badger set stand off on the POS?

It would be preferable to see more native planting in this area which would be in keeping with the adjacent belt of woodland trees rather than 'roses' identified on the plan.

It is not clear whether existing hedgerow trees are to be incorporated into adjacent gardens (eg Between points D and E) or whether they are to be included in the incidental Open Space

It is recommended that the Management and maintenance of the Public Open Space be transferred to a Management company due to increased maintenance and management liabilities of mature trees and wooded areas.

#### *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 and an equipped Play area will be required. Page 27 of the D&A Statement shows a LAP (Local Area of Play) on a parcel of Public Open Space but this does not appear to be 'equipped'. With reference to the D&A Statement (Page 27 'Planning Layout') there does not appear to be a safe route to the LAP for children particularly from the East of the Development ie a lack of continuous footpaths?

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. 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 also recommended that the children's play area is transferred to a management company.

#### **Education**

No contributions required as local schools have increased their capacity.

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

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

#### **Archaeology**

The site of the proposed development lies on the southern fringes of Congleton but is beyond the limits of the town's Area of Archaeological Potential, as defined in the Local Plan of the former Congleton Borough Council. In addition, no sites are currently recorded on the Cheshire Historic Environment Record from within the application area, although the Cheshire Historic Landscape Characterisation Project does include the area within its

‘Ancient Fieldscapes’ category, indicating that existing field boundaries may owe their origins to medieval or early post-medieval enclosure. This limited archaeological potential is acknowledged by the applicants on Page 7 of the EIA Screening Request that accompanies the application. In the section on Archaeology and Cultural Heritage it is stated that if archaeological remains are discovered during construction works, any remains that cannot be preserved in situ will be recorded to an appropriate standard.

It is advised that this outlines an appropriate approach and that any archaeological works might usefully concentrate on recording sections across the sections of hedges and boundary that will be disturbed by development and monitoring particularly intrusive and extensive aspects of development, such as the drainage system. A report on the work will be required and the mitigation may be secured by condition, a suggested wording for which is given below:

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.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the *National Planning Policy Framework* (2012), published by the Department for Communities and Local Government and the still current *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

### **Public Rights of Way (PROW)**

The transport assessment acknowledges the adjacent Public Right of Way, namely Public Footpath No. 6 in Congleton, as running along the eastern boundary of the proposed development site. This public footpath offers an alternative walking route to and from the site, particularly to the network of Public Rights of Way known as the Southern Fringe project which forms a major leisure facility for residents of the area. However, the Planning Layout drawing does not indicate a connection to this network of paths from the proposed development. The transport assessment also acknowledges that a network of paths offers an alternative, traffic-free route to the town centre.

Contributions would be sought to enhance the quality of these facilities in order to accommodate the increased usage arising as a result from any development on this site.

The legal status, maintenance and specification of any 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.

## **7. VIEWS OF CONGLETON TOWN COUNCIL**

Object on the grounds that:

The planning application to construct up to 104 dwellings on land off Waggs Road is in an area designated by the Congleton Borough Council Local Plan as Open Countryside and as such fails to satisfy policy PS9( iv) of the Local Plan as a development of up to 104 dwellings cannot be described as infilling. It also is contrary to H6 of the Local Plan in that the infill development must be appropriate to the local character in terms of its use, intensity and scale, indeed as a consequence of its scale alone it is contrary to H6.

It is also 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 NR4 of the Congleton Local Plan as proposals for development will not be permitted where they would adversely affect sites of nature conservation or geological importance in the designated Wildlife Corridor, the proposed development would have a significant impact on the destruction of wild life habitat.

Additionally in the emerging Cheshire East Local Plan, land North of Lamberts Lane and East of Waggs Road was considered in the Shaping Our Futures document and rejected.

## 7. OTHER REPRESENTATIONS

Representations have been received from approximately 105 addresses objecting to this application on the following grounds:

### *Principle*

- The site is not part of the local plan
- Lies outside the development zones identified in the Congleton Town Strategic Plan
- Not in an area outlined within the emerging Strategic Local Plan
- Does not satisfy the requirements of Policies PS8 and H6
- The development fails to comply with the core principles of the NPPF
- The development fails to comply with the adopted CEBC Local Transport Plan
- Cheshire East has a 5 year housing land supply
- Loss of good quality agricultural land
- Speculative development in open countryside
- Brownfield sites should be used first
- Departure from the development plan
- Loss of a green field site
- The land is not allocated for housing
- Proposal is premature before the adoption of the local plan
- Will undermine the spatial vision for the area
- The site was rejected in the “Shaping our Futures” document
- Will create urban sprawl
- The land is not urban as stated by the developer
- This is not a small scheme for affordable housing

### *Highway Safety*

- Roads will not cope with the increased traffic that 104 houses will bring
- Unsafe access
- Increased traffic generation which will lead to accidents especially near schools
- Waggs Road and Fol Hollow are already a very dangerous environment for pedestrians and cyclists
- Congestion already disrupts lives
- Fol Hollow is unsuitable for any increase in traffic volumes
- Proposed traffic calming measures will create nuisance and noise
- Traffic statement is not accurate
- No emergency access to the site
- Refuse vehicles would have to reverse within the site
- Collisions and near misses are a regular occurrence on local roads
- Double parking already happens outside the schools
- Danger from HGVs during development
- Should the application be approved the developer should fund traffic calming measures
- The development would jeopardise the building of the link road
- Waggs Road is a rat run and it is only a matter of time before someone is killed
- Fol Hollow has no footpaths
- People use the winding roads like a race track
- Visibility splays seem misleading as they do not comply with Manual for Streets
- Cycling is hazardous
- There is no bus service after 2pm
- There are regular non-reported minor accidents
- There is no safe route for children of any age to walk or cycle to school

### *Amenity*

- Total loss of privacy
- Total loss of outlook
- Overshadowing
- Noise and disturbance
- Flood risk

### *Ecology*

- Destruction of wildlife and habitat
- Adverse impact on protected species
- Longest Badger sett in Cheshire
- Wildlife corridor
- Degradation of biodiversity
- Unexplained digging going on near protected species habitat
- A pond has been filled in on the site

### *Landscape*

- Loss of a valuable countryside asset with natural scenery and walks enjoyed by many people
- Intrusion into open countryside

- Development would appear prominent when viewed from Priestly Fields, Mow Cop and Congleton Edge
- Loss of hedgerow
- Threat to the unique natural heritage of enormous value to Congleton
- Green spaces are beneficial to the mental health of the nation
- This unbroken route from countryside to town centre is far too important to England's heritage to be lost to the short termism of Government housing targets
- Impact on the historic village of Astbury
- Loss of beautiful walks

#### *Other Matters*

- Appalled and disgusted that this planning for housing development would even be considered
- This is a ludicrous planning application
- No infrastructure improvements being offered
- Local schools and GP surgeries are already oversubscribed
- Would open the flood gates for further development
- A site of this size should not have to rely on a pumping station
- The local area has already been subjected to significant amounts of development
- Inadequate drainage
- The houses are not needed as there are plenty for sale in Congleton
- Flood risk
- The application should be refused for the same reasons as the site off Meadow Avenue
- Speculative building by a greedy developer
- Loss of spectacular unobstructed views all the way to Mow Cop
- Developers immoral greed

## **8. OFFICER APPRAISAL**

### **Main Issues**

This is a full planning application and the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, loss of agricultural land, affordable housing, air quality, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and archaeology.

### **Principle of Development**

The site lies in the Open Countryside, as designated in the adopted Congleton Borough Local Plan First Review 2005, where Policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its local character. Residential development will be restricted to agricultural workers dwellings, replacement dwellings, and conversion of existing buildings or limited development within the infill boundary line.

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

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

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

### **Housing Land Supply**

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

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

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

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

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



In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:  
*'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most'* (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

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

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

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

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

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

### ***Emerging Policy***

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

*'As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making'*

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

*'There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.*

*Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'*

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

### **Conclusion**

- The site is within the Open Countryside which is also subject to Policy PS7 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

### **Loss of Agricultural Land**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, an Agricultural Land Use and Land Classification Report has been submitted. This report found the site is not graded in the 1 to 5 category, excellent to very poor and as such is not classed as being the 'best and most versatile agricultural land' defined in the NPPF.

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

### **Sustainability**

The site is considered by the SHLAA to be close to a bus route, which would allow access to services and close to a primary school.

The Planning Statement maintains that pedestrian access on footways from the site is good, with the exception of a short stretch. It also maintains that the site is within a 5 minute cycle journey for the whole of Congleton and that nearby towns can be reached using public transport.

Whilst it is acknowledged that some services and facilities are not in very close proximity to the site, on balance it is considered that the proposed development would be within a relatively sustainable location.

The NPPF advises that there are three dimensions to sustainable development which require the planning system to perform a number of roles. These roles consist of an economic role, a social role and an environmental role. This proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure. With respect to fulfilling the environmental role, this will be considered later. Subject to this, the proposal is considered to be sustainable.

### **Design Considerations**

This application seeks full planning permission for 104 dwellings, therefore full details of layout and design form part of the application.

Access to the site would be taken from Waggs Road adjacent to number 124, it would then branch off to the east and west with narrower, shared surface mews streets and spaces. The layout contains a series of linked landscape squares and spaces to punctuate the route and provide focal points and destinations, including the Local Area of Play. The majority of the trees and hedgerows will be retained within the site.

The dwellings would be of varying designs with a mixture of finishes including brick and render. They would all be two storey, many with gable features to the front. The finishes would vary from a combination of brick and render with timber detailing, solely render and solely brick finish all with grey roof tiles, which it is considered would provide a varied and interesting streetscene.

A mixture of detached, semi-detached and mews style properties are proposed and these would be distributed throughout the site, in order to provide a varied appearance to the street scene. It is considered that these would be in keeping with the character of the surrounding development and would create an attractive form of built environment.

The density of development is 28.65 dwellings per hectare, which is a similar density to the nearby Marsh Farm development. The density in the local area varies from some properties set in large plots on Waggs Road, to a mixture of large and small plots on Meadow Avenue and smaller plots on Fields Crescent. It is considered that whilst the development would not contain large plots such as those on Waggs Road, it would reflect the urban grain of the wider area.

The position of the proposed Public Open Space softens the edge to the open countryside, and as shown on the layout, would be well overlooked by some of the proposed units.

On this basis, it is considered that an appropriate design has been submitted, which will sit comfortably alongside the mix of existing development within the area. The proposal is therefore considered to be in compliance with Policy GR2 of the adopted local plan.

### **Tree Matters**

The application is supported by an Arboricultural Impact Assessment dated July 2013 by Ascerta Consulting Ltd. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* no longer refers to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design. The

submitted detail satisfies the criteria outlined within BS5837:2012 enabling a determination of any possible direct or indirect impact on retained trees to be assessed.

The development proposals require the removal of a limited number of sections of hedgerows, but no trees require removal to facilitate the proposed layout

Located immediately to the south of the proposed new access off Waggs Road stand a pair of mature Oak trees identified as T1 and T2 within the record of inspection. T1 has been identified as a moderate (B1) value specimen, with T2 downgraded to a low value C2. The Council does not concur with these categorisations with both trees visible from a number of public vantage points increasing their value to category A high value specimens.

The new access including the graded banking has been positioned to respect the Root Protection Area (RPA) of T1, allowing the access road to be constructed to an adoptable standard. The proposed driveway which serves Plots 1 and 2 extends through the RPA's of both T1 and T2. Highways have advised that as the driveway would be private, as the Council do not normally adopt such cul-de-sacs serving 5 or less properties, and providing the Council are satisfied that the junction with the spine road is safe, and the construction of the access is not likely to be such that any inherent weakness would migrate to affect the highway, it would not be concerned over the form of construction. It is accepted that ground levels and conditions are considered suitable to a "no dig" construction technique allowing implementation as presented whilst retaining both trees. This type of construction will require additional details in the form of a suitable Construction Method Statement, but can be address by conditions. This approach is supported by 7.4 of the Arboricultural Impact Assessment.

The proposed development in terms of build footprints respects the root protection areas (RPAs) associated with both T1 and T2. A limited amount of selective pruning is anticipated but this will not detract from their natural shape and form or contribution to the immediate area or the wider landscape. It appears T1 may be located within a proposed area of POS with T2 forming part of a private garden. Whilst it is not anticipated that there will be any significant issues post development in terms of light and nuisance, formal protection under a TPO would appear to be a prudent course of action given the prominence of the trees within the landscape. This is currently being progressed.

The southern boundary of the site supports a number of individual and groups of trees located both on site and on adjacent land. No direct impact in terms of construction is anticipated with a reasonable offset achieved in terms of RPA's utilisable garden space and rear elevations.

The retained tree aspect associated with this site can be protected in accordance with current best practice BS5837:2012. The details provided as part of Tree Protection Drawing P.333.13.02 satisfies this requirement.

In order to gain access to the site and facilitate the designed road layout a number of short sections of hedgerow require removal from H1 H3 and H6. No details have been provided in terms of informing if they are considered to be important in respect of the 1997 Hedgerow Regulation. Where those hedges which form the boundary with both an existing

dwelling house and a constructed property should the development proceed regulations do not or would not apply.

All arboricultural works should be carried out in accordance with Ascerta Consulting Ltd Arboricultural Impact Assessment and supporting documents dated July 2013 received on the 5<sup>th</sup> September 2013

No Development shall take place until details of an Engineer designed no dig hard surface construction for the driveway incursion within the RPA's of both T1 and T2 has been submitted to the Local Planning Authority (position of RPA as shown on the submitted Tree Protection Plan) . These details shall also include the proposed details of the materials for the final wearing surface.

### **Landscape**

The site lies in an area designated as Open Countryside but it's not within an Area of Special County Value. The land is currently in agricultural use. There are native hedgerows on the northern boundary with the existing housing development, a bank top hedgerow on the western boundary with Fol Hollow and a hedge and trees on part of the southern boundary in the vicinity of New Bank Farm. The remainder of the southern boundary and the eastern boundary are largely open giving views towards the hills. The site is divided by a continuous central hedge running north-south and there are two mature field oak trees near to the proposed site entrance.

The application includes detailed soft landscape proposals but if the development is approved, appropriate landscape and boundary conditions should be imposed so that the landscape issues can be addressed.

The proposed layout retains all boundary hedges and trees, the two mature field oaks and most of the central hedge which bisects the site. However, in some areas the space between the central hedge and proposed houses and hardstandings is quite narrow (i.e. plots 56/57, 31/32/33, 40 and 39). This hedge should be properly protected during construction to ensure its long-term retention.

Whilst it is acknowledged that the development would result in the loss of an area of open countryside, which by its very nature is an attractive feature in the area, it is considered that the overall impact on the landscape character of the area would not be so significant as to warrant refusal of the application. This is due to the retention of the majority of the existing hedgerows and because it would also be seen in the context of the existing built environment that it would be adjacent to. It is therefore considered that subject to conditions relating to landscaping, tree protection, boundary treatments and surfacing materials.

The soft landscape proposals are generally acceptable but would need some amendments to ensure that the proposed shrubs would not obscure sight lines and some tree species are too large close in proximity to the dwellings and should be amended. Also, the ecologist has recommended some fruit trees and native shrub roses in the vicinity of the Badger sett.

Hard landscape details would need to be controlled by condition.

The Borough's Nature Conservation Officer has confirmed that the Badger-proof fencing would not be required across the end of the access road adjacent to the POS. It could therefore remain open to allow access for residents and for maintenance purposes.

A post and rail fence, as proposed, would be appropriate on the southern site boundary in the vicinity of the open space/LAP to retain open views of the hills. However, it is recommended that native hedgerows should be planted along the southern garden boundaries to form an appropriate permanent edge to the development.

The Council will not adopt the Public Open Space Areas. A landscape and habitat management plan should therefore be submitted for approval prior to commencement of development. The plan should include details for the establishment of a management company to maintain in perpetuity the open space areas and any other areas not within private gardens.

### **Provision of Open Space**

Open space is to be provided within the site in the form of an informal area in the north western corner of the site, which is to retain the existing trees and vegetation, which are valuable habitat and a Local Area of Play centrally within the site adjacent to the southern boundary.

Streetscape have recommended that the play area should be equipped with at least 5 items of equipment, using companies approved by the Council and that the equipment and layout be approved by the Council.

All areas of public open space should be transferred to a management company and should the application be approved, this should be secured by way of a Section 106 Agreement.

### **Impact on Residential Amenity**

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

The development would maintain adequate separation distances between the existing and proposed dwellings. In addition there would be adequate private amenity space for future residents.

Environmental Protection have recommended conditions relating to the hours of construction and piling and contaminated land in order to protect residential amenity. These conditions are considered to be reasonable and should be imposed if the

application is approved. Subject to these conditions, the proposal accords with Local Plan Policy GR6.

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

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

Policy GR18 requires that proposals will only be permitted where the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level or includes measures, a developer contribution towards measures, to overcome any deficiencies in the transport network as a result of the development.

Having regard to this proposed development, the Strategic Highways Manager has raised significant concerns about the impact that the development would have on Waggs Road and Fol Hollow. These roads are below standard, with Fol Hollow being single track in places, with very poor alignment and sharp bends where forward visibility is limited and no footpath in places. Waggs Road is also narrow and has pinch points.

Given the sub-standard nature of both Fol Hollow and Waggs Road in terms of vehicular and pedestrian use, it is considered that the impact of significant percentage increase in traffic flows would be severe. It is therefore considered that the adverse impact on highway safety would **significantly** and **demonstrably** outweigh the benefits of the scheme, namely housing land supply.

### **Impact on Protected Species**

The application is accompanied ecological reports.

#### *Great Crested Newts*

The ponds located in close proximity to the proposed development are not reasonable likely to support this protected species, therefore no further action in respect of this species is required.

#### *Common Toad*

Common toad a UK Biodiversity Action Plan priority species has been recorded at Astbury Mere. It is however considered that the proposed development is unlikely to have a significant impact on the local conservation status of this species.

#### *Bats*

A tree on site has been identified as having bat roosting potential. The submitted illustrative layout shows this the tree as being retained. If planning consent is granted it is recommended that the retention of this tree be secured by means of a condition.

#### *Badgers*

A badger site has been recorded immediately adjacent to the proposed development. The submitted badger survey recommends the provision of a 30m undeveloped buffer around



the sett. This recommendation has been incorporated into the indicative layout which shown open space provision in the vicinity of the sett. The proposed development will result in the loss of some foraging habitat utilised by badgers. This is however no likely to be critical to the local badger population.

#### *Breeding Birds*

A number of Biodiversity Action Plan priority bird species have been recorded within 1km of the application site. The submitted ecological assessment states that these species are likely to occur on the application site and utilise the hedgers and scattered trees present. Much of the hedgerows and trees on site are retained as part of the submitted illustrative layout details which would at least partially mitigate the impacts of the development upon breeding birds.

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

#### *Brown Hare, Hedgehog, Pole Cat*

The above Biodiversity Action Plan priority species have been recorded within 1km of the application site and so it is reasonable that they would utilise the site on at least a transitory basis. The proposed development would result in the loss of habitat for these species however the impacts are unlikely to significantly affect the status of the local populations.

### **Flooding and Drainage**

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur.

United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions.

The Environment Agency has no objection to the proposal, but has stated that 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 reduce the discharge rate. They have therefore recommended that conditions be imposed to secure this.

The Flood Risk Manager for Cheshire East Highways has also assessed the information submitted with the application. He draws attention to existing off-site flooding problems and the implication that this development would have.

It is therefore considered that conditions should be imposed relating to surface water run-off and any details submitted should be agreed with the Environment Agency and the Flood Risk Manager.

### **Provision of Affordable Housing**

The proposed development will provide 31 affordable units (20 for affordable rent and 11 for shared ownership) within the proposed 104 dwellings. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. The affordable dwellings would all be 3 bedroom units.

The affordable housing is to be mixed in to the site in a satisfactory manner. Plots 46, 47, 57, 58, 66, 67 and 81-85 inclusive would be shared ownership. Plots 40-45 inclusive, 57-65 inclusive and 98-104 inclusive would be affordable rent. It is considered that this would ensure good integration within the development.

### **Education**

The Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

### **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, securing a management company for the public open space within the site would help to make the development sustainable. It is directly related to the development and is fair and reasonable.

Having regard to the request for contributions towards Public Rights of Way, No justification or quantifiable figures have been put forward and therefore this would not comply with the CIL Regulations 2010.

### **11. CONCLUSION**

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should consider favourably suitable planning applications for housing.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. With respect to fulfilling the environmental role, this proposal will safeguard the natural and built environment.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. The design and layout are considered to be acceptable in this context.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3 agricultural land, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land. Recent appeals have also supported this interpretation.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing requirements.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon flood risk, ecology and archaeology.

Having regard highways issues, the adverse impact on highway safety as indicated above would **significantly** and **demonstrably** outweigh the benefits of the scheme, namely housing land supply. The application must therefore fail on those grounds.

## **RECOMMENDATION**

**Refuse for the following reason:**

- 1. The development would have a severe adverse impact on Waggs Road and Fol Hollow, due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme namely housing land supply. The development is therefore contrary to Policies GR1(V) and GR18 of the adopted Congleton Borough Local Plan First Review 2005 and the requirements of the NPPF.**

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

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