

Strategic Planning Board

Agenda

Date:	Thursday, 23rd January, 2014
Time:	10.30 am
Venue:	The Assembly Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes as a correct record.

4. Public Speaking

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

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

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

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

5. **13/2661M-Erection of 167 Dwellings, Land off, Springwood Way and Larkwood Way, Tytherington, Macclesfield for P E Jones (Contractors) Limited** (Pages 13 - 38)

To consider the above application.

6. **13/2954C-Proposed outline application for the demolition of Hawthorne Cottage, Canal Side Farm, and gaining the consent for the principle of up to 49 no. dwellings. The formation of a new vehicle and pedestrian access from the existing Goredale Close carriageway, Hawthorn Cottage, Harvey Road, Congleton for Dr David Poyner, Davico properties UK Ltd** (Pages 39 - 68)

To consider the above application.

7. **13/3032C-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, Land off Crewe Road, Alsager, Cheshire for Lucy Hawley, Persimmon Homes North West** (Pages 69 - 96)

To consider the above application.

8. **13/5037W-Retrospective planning permission for the importation of inert material to install cover system to former tip and restoration scheme to allow change of use to informal recreational open space with ancillary car park, Former Tip, Roughwood Lane, Hassall Green, Sandbach, Cheshire for Professor Hays Plc** (Pages 97 - 106)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 8th January, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS IN ATTENDANCE

Ms P Cockroft (Senior Planning Officer), Ms S Dillon (Senior Lawyer), Mr D
Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic & Economic
Planning), Mr B Haywood (Principal Development Officer), Mr N Jones
(Principal Development Officer) and Mr D Malcolm (Interim Head of Planning
& Place Shaping Manager)

133 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Edwards.

134 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 13/4675N, Councillor D Brickhill declared that he
had fettered his discretion. He exercised his right to speak as the Ward
Councillor and then vacated his chair and sat in the public gallery for the
remainder of the application.

In the interest of openness in respect of application 13/4627C, Councillor
D Hough declared that he was a member of Alsager Town Council,
however he had not commented on the application.

In the interest of openness in respect of applications 13/4781C and
13/4634C, Councillor J Wray declared that he knew the agent for the
applicant speaking on both of the applications.

In the interest of openness in respect of item 12-Revocation of Certificate
of Existing Lawful Use for the parking and storage of vehicles machinery
and equipment, White Moss Quarry, Barthomley, Councillor D Brickhill
declared that he knew the applicant well and therefore would leave the
room prior to consideration of the item.

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

135 MINUTES OF THE PREVIOUS MEETINGS

RESOLVED

That the minutes of the meeting held on 15 November 2013 be approved as a correct record and signed by the Chairman.

That the minutes of the meeting held on 4 December 2013 be approved as a correct record and signed by the Chairman subject to condition 10 in relation to planning application 13/2035N being amended to refer to structured planting and not structure planting.

That the minutes of the meeting held on 9 December 2013 be approved as a correct record subject to the inclusion of Councillor P Hoyland in the list of apologies. In addition in relation to application 13/3032C, Councillor D Hough requested it be noted that the deferral reasons relating to highways contributions must result in a scheme being brought forward.

136 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

137 13/4675N-OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF 47 HOUSES OF MIXED TYPE TO INCLUDE 30% AFFORDABLE (RESUBMISSION OF 13/3018N), 414, NEWCASTLE ROAD, HOUGH FOR DAVID WOOTTON

Consideration was given to the above application.

(Councillor D Brickhill, the Ward councillor, Councillor S Hogben, the neighbouring Ward Councillor, Councillor Mrs J Clowes, the neighbouring Ward Councillor and Parish Council Mrs G McIntyre, representing Shavington-cum-Gresty Parish Council).

RESOLVED

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

1. A scheme for the provision of 30% affordable housing (12 units)– 65% to be provided as social rent/affordable rent (8 units) with 35% intermediate tenure (4 units). The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A contribution of £25,000 for improvements to the existing equipped children's play area at Wessex Close, Shavington.
 3. Education contribution £75,924 for primary education

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters (Landscaping to include buffer of at least 5metres including native species only, Design should reflect the local characteristics of this area)
3. Time limit for submission of reserved matters
4. Approved Plans
5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
6. The Reserved Matters applications(s) shall include details of noise mitigation measures
7. Dust Control measures
8. Contaminated land
9. A scheme for surface water management
10. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
11. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
12. The reserved matters application shall include details of replacement hedgerow planting
13. Reserved Matters application to include an Arboricultural Impact Assessment and Tree Protection Measures
14. Reserved matters application to include details of existing and proposed levels
15. Reserved Matters application to include details of a footway across the front of the site
16. Prior to the commencement of development details of replacement signage to the front of the site to be provided
17. Reduction of number of dwellings to 39
18. Access to the development to be located in the centre of the site
19. Submission of a Construction Method Statement

Informative:

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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

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

(The meeting adjourned for lunch from 12.25pm until 1.00pm).

**138 13/4627C-ERECTION OF UP TO 95 DWELLINGS AND
FORMATION OF ACCESS POINT INTO THE SITE TO SERVE THE
DEVELOPMENT (RESUBMISSION OF 12/4146C), LAND OFF,
DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE FOR THE MORRIS
FAMILY & P.E. JONES**

Consideration was given to the above report.

(Councillor R Flether, the Ward Councillor, Town Councillor Derek Longhurst, representing Alsager Town Council, Honorary Alderman Derek Bould, representing Alsager Residents Action Group (ARAG), Dr Margaret Wakelin, an objector and Mr Short, the agent for the applicant attended the meeting and spoke in respect of the application.

RESOLVED

That the application be deferred for further information on highways and further consideration of the Hasall Road and Sandbach Road North appeals.

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

139 13/4781C-OUTLINE APPLICATION WITH ACCESS FOR ERECTION OF UP TO 14 NO. DWELLINGHOUSES WITH ANCILLARY FACILITIES AND ASSOCIATED INFRASTRUCTURE, LAND EAST OF, MEADOW AVENUE, CONGLETON, CHESHIRE FOR MR ROBERT PEDLEY

(During consideration of the item, Councillor G Walton left the room and returned. As a result he did not take part in the vote on the application).

Consideration was given to the above application.

(Councillor G Baxendale, the Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Peter Minshull, representing Congleton Sustainability Group, Mr Light, an objector and Russell Adams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (3 units) with 35% intermediate tenure (1 unit). The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A £31,985.06 contribution to public open space.

And subject to the following conditions:-

1. Commencement
2. Submission of reserved matters (all matter other than access)
3. Plans
4. Tree and hedgerow protection measures
5. Arboricultural Method statement
6. Landscape maintenance and management
7. Boundary treatment to be submitted with reserved matters

8. Breeding Bird Survey for works in nesting season
9. Bats and bird boxes
10. Updated protected species survey and method statement prior to commencement
11. Submission of a scheme to limit the surface water run-off generated by the proposed development,
12. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
13. Submission of a scheme of Sustainable Urban Drainage
14. Submission of 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.
15. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.
16. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
17. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
18. Submission of scheme to minimise dust emissions arising from construction activities on the site
19. Submission of Construction Management Plan
20. Reserved Matters to include details of bin storage.
21. Details of improvements to public footpath
22. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
23. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
24. Reserved matters to incorporate existing and proposed levels and boundary treatments
25. Submission of a Phase I contaminated land survey

(The meeting adjourned for a short break. Councillor C Thorley left the meeting and did not return).

140 13/2649N-OUTLINE PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, HIGHWAY WORKS, PUBLIC OPEN SPACE AND ASSOCIATED WORKS, LAND NORTH WEST OF CHURCH LANE, WISTASTON CREWE, CHESHIRE FOR GLADMAN DEVELOPMENTS, GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

(Councillor Mrs M Simon, the Ward Councillor, Councillor Mrs J Weatherill, the Ward Councillor, Parish Councillor Mrs Bond, representing Wistaston

Parish Council and Peter Wainwright, representing Hands Off Wistaston Action Group attended the meeting and spoke in respect of the application.

RESOLVED

That the application be refused for the following reason:-

1. The proposed development would cause a significant erosion of the Green Gap between the built up areas of Crewe and Nantwich which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
2. The proposed development would cause the loss of Open Countryside, which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 17 of the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside.
3. The proposal would involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Together with the reasons stated above this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

(Prior to consideration of the following item, Councillors P Hoyland, P Mason and G Walton left the meeting and did not return).

141 13/4634C-OUTLINE APPLICATION FOR UP TO 13 NO. RESIDENTIAL DWELLING HOUSES, ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES. (RE-SUBMISSION OF REFUSED PLANNING APPLICATION 13/1559C), LAND EAST OF, SCHOOL LANE, SANDBACH FOR JEAN PIERPOINT, PAUL FERGUSON, AND GRANT AND HELEN DINSDALE

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, Town Councillor Andrew Wood, representing Sandbach Town Council and Russell Adams, the

agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

2. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (3 units) with 35% intermediate tenure (1 unit). The scheme shall include:

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

3. A £23,349.31 contribution to public open space.

And subject to the following conditions:-

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Plans
4. Tree and hedgerow protection measures
5. Boundary treatment to be submitted with reserved matters
6. Submission of method statement for any piling operations
7. Hours of construction (8am to 6pm Mon-Fri, 9am to 2pm Saturday, no working Sunday or Public Holidays)
8. Noise mitigation scheme to be submitted with reserved matters application
9. Construction management plan including a compound within the site
10. Breeding bird survey for works in nesting season
11. Bat and bird boxes
12. Submission of a scheme to limit surface water run-off
13. Reserved matters to include details of bin storage
14. Reserved matters to include existing and proposed levels
15. Reserved matters to include frontage footpaths
16. Reserved matters to include a detailed suite of design construction plans for the adoptable highways

17. Notwithstanding the details shown on the indicative layout plan, the development shall be served only by a single access point shown with a red arrow on plan number 541-SL-01 Rev A.

142 13/4603N-OUTLINE APPLICATION FOR UP TO 40 DWELLINGS (RESUBMISSION OF 13/1223N), LAND TO REAR OF 144, AUDLEM ROAD, NANTWICH, CHESHIRE FOR WAINHOMES (NORTHWEST) LTD

Consideration was given to the above application.

(Councillor P Groves, the Ward Councillor, A Marin, the Ward Councillor and Pat Cullen, representing Protect Stapeley attended the meeting and spoke in respect of the application).

RESOLVED

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

In the opinion of the Local Planning Authority, visibility at the proposed access to the site from the A529 is substandard and would result in a severe and unacceptable impact in terms of road safety. This severe adverse impact coupled with the location of the site within the Open Countryside, would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies NE2 and BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraphs 17 and 32 of the National Planning Policy Framework, which recognise the intrinsic character and beauty of the countryside as a core planning principle and states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

In the event of any Appeal against the decision, and in respect of the existing Appeal against the non-determination of application 13/1223N DELEGATE authority to the Interim Planning and Place Shaping Manager and Borough Solicitor to enter into a Section 106 Agreement to secure:-

- Affordable housing:
 - 12 units (8 rented and 4 intermediate)
 - A mix of 2 and 3 bedroom properties
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should

achieve at least Level 3 of the Code for Sustainable Homes (2007).

- no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of peppercotting and the development is phased.
- developer undertakes to provide the social or affordable and shared ownership rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £75,924 towards primary education. This contribution will be required to be paid on occupation of the site.
- £30,000 towards improvement works to footpath 28 in relation to the proposed development payable trigger of commencement of development.
- £20,000 for the purposes of resurfacing the car park at the Shrewbridge Lake
- £1500 per dwelling towards level crossing improvements in Nantwich
- £11,122 towards off-site habitat creation / enhancement

(The meeting adjourned for a short break).

143 13/4635N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT 30 DWELLINGS PER HECTARE NET WITH PRIMARY ACCESS OFF BRIDGE STREET AND SOME OTHER MATTERS RESERVED. RESUBMISSION OF 13/1421N, LAND TO REAR OF WOODLANDS VIEW, 20, BRIDGE STREET, WYBUNBURY FOR MR & MRS GRAHAM POOLE

Consideration was given to the above application.

(Mr Clark, an objector and Colin Bowen, the agent for the applicant attended the meeting and spoke in respect of the application.

RESOLVED

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units). The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Public Open Space contribution of £20,000
 3. Education contribution of Primary £43,385 and Secondary £49,028

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
7. Reserved Matters application to include a noise survey and noise mitigation measures
8. Dust control measures
9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. Prior to the commencement of development details of drainage to be submitted to the LPA for approval in writing.
11. The proposed development to proceed in strict accordance with the recommendations of the submitted Badgers: addendum to protected species survey and site assessment report number 2013 (14)/VC/01ADD unless varied by a subsequent Natural England license.
12. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
13. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
14. The first reserved matters application to be supported by a plan to show the existing and proposed land levels on the site
15. The Reserved Matters application to include a off-street parking for the properties which adjoin the site fronting Bridge Street

In addition the following informative was included:-

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

Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales

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

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

(Prior to consideration of the following item, Councillors B Brickhill and B Murphy left the meeting and did not return).

**144 REVOCATION OF CERTIFICATE OF EXISTING LAWFUL USE
FOR THE PARKING AND STORAGE OF VEHICLES MACHINERY
AND EQUIPMENT, WHITE MOSS QUARRY, BARTHOMLEY**

Consideration was given to the above report.

RESOLVED

That confirmation be given to the revocation of the Certificate of Existing Lawful Use for the parking and storage of vehicles, machinery and equipment for White Moss Quarry, Bathomley which was issued in December 2011.

The meeting commenced at 10.30 am and concluded at 6.35 pm

Councillor H Davenport (Chairman)

Application No: 13/2661M

Location: LAND OFF, SPRINGWOOD WAY AND LARKWOOD WAY,
TYTHERINGTON, MACCLESFIELD

Proposal: Erection of 167 Dwellings

Applicant: P E Jones (Contractors) Limited

Expiry Date: 27-Sep-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of 30% affordable housing
- Impact on Cold Arbor Farm, a Grade 2 Listed Building
- Provision of open space
- Design considerations
- Impact on residential amenity
- Noise issues from the Silk Road
- Sustainability of the site
- Environmental issues
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety
- Land contamination
- Air quality
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the north of Macclesfield. The site is bounded by the A528 dual carriageway (Silk Road) to the east. To the west lies the business park. The site wraps around Cold Arbor Farm, to the northern part of the site, and residential development (on Tytherington Drive) lies to the south.

The site comprises an area of scrub land, which measures 8 hectares. It slopes from north to south. The northern part of the site is more visible from the Silk Road than the southern part. The western boundary is open to the business park. The north, south and eastern boundaries are marked by old field boundaries and footpaths with post and rail fences. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policies E3 and E4. These policies allow for both business and industrial uses. The southern most part of the site falls within MBLP policy RT6, which seeks to retain an area for informal recreational and amenity open space purposes.

DETAILS OF PROPOSAL

This application is a Full Application. It follows the granting of Outline permission (11/3738M), which related to development on a smaller area of land (5.2ha) for 111 dwellings. Application 11/3738M was approved, subject to a S106 Agreement, on 11th October 2013. Under the Outline application, the developer was granted permission for the principle of development, whilst matters of access, appearance, landscaping, layout and scale were reserved for subsequent approval.

Revised plans have been submitted increasing the number of dwellings to 175 dwellings.

The dwellings comprise the following mix of house types/sizes: -

- 22 no. 3 storey Town houses
- 68 no. 2 storey mews
- 9 no. 2.5 storey detached dwellings
- 76 no. 2 storey detached

Following discussions with officers, revised plans were submitted, which provided more space around the Listed Building, seeks to address the size of the public open space, improve the landscaping and green links overall (including widening footpaths) and strengthen the overall design.

RELEVANT HISTORY

11/3738M - Outline Planning Application for Approximately 111 Dwellings – Approved 11.10.13

In addition, many applications have been received in relation to the business park site over the years. However, it should be noted that these relate to the applications for development

as part of the business park. The most relevant/ recent are listed below and all the following planning permissions have been implemented.

- 06/2974P - PLOTS B I-L & Q Variation of 19 conditions on approval 05/0740P to allow them to be discharged on a phased basis – Approved 08.01.07
- 05/0740P - PLOTS B I-L & Q Development of 3 no. three storey, 8 no. two storey and 1 no. single storey buildings for office and ancillary purposes, with associated car parking, cycle / bin stores and boundary fencing – Approved 20.06.2005
- 02/2021P Erection of three-storey B1 office building - Approved 21.10.2004
- 02/1075P - Renewal of 97/2125P, for erection of industrial building with ancillary offices – Approved 24.06.02
- 97/2125P - General industrial building (B2) with ancillary offices – Approved 12.01.98
- 97/0237P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Withdrawn 29.04.97
- 83318P - Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing – Refused 01.02.96
Appeal Allowed 18.07.97

POLICIES

Local Plan Policy

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build

DC3 –Amenity

DC5- Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC35 Materials and Finishes

DC36- Road Layouts and Circulation

DC37- Landscaping

DC38- Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests

NE17 - Nature Conservation in Major Developments

Housing

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

Recreation and Tourism

RT5- Open Space

Implementation

IMP1- Development Sites

IMP2- Transport Measures

Other Material Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SMHA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats) Regulations 1994

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

Ministerial Statement – Planning for Growth (March 2011)

Tytherington Business Park ... A Development Brief – MBC April 1989

National Policy

National Planning Policy Framework 2012

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no objections to the application.

The site has a previous approval for office employment for a considerable amount of floorspace (25,764 Sq.m) and this development traffic was tested on the road network at the time of the application.

It is clear that the additional 64 units will not produce anywhere near the impact that the B1 office would have generated. The office permission was granted some time ago but assessments on background traffic flows show that AADT flows have not increased and have remained at similar levels up to 2013. Therefore, although there is a difference in distribution with residential development as opposed to the office development, the additional housing proposed will still not reach the traffic generation levels approved previously for the office and so this proposal does have a reduced impact on the road network.

The **Environmental Health Officer** has assessed the application in relation to noise, pile foundations, hours of operation, air quality and contaminated land.

Environmental Noise Assessment -

The Environmental Noise Assessment has been considered. A scheme of acoustic insulation has been included. The report recommends mitigation designed to ensure that occupants of the proposed properties are not adversely affected by noise from the nearby Silk Road and also treatment of certain properties which would be affected by noise from condenser units of the Subway sandwich shop.

Whilst in general, the contents of the report are acceptable to the Environmental Health Officer, the report mentions the achievement of 'reasonable' standards in certain properties in terms of BS8233:1999. The Environmental Health Officer recommends that due to the fact that BS8233:1999 is over ten years old and considerable advances have been made in terms of constructional design, acoustic insulation, materials and methods, that the development achieves the internal noise levels defined within the "good" standard within BS8233:1999 wherever possible.

Construction phase of development -

It is recommended that conditions are attached in relation to the hours of construction, the hours of pile foundations (should they be required). If piling work was found to be necessary on the site as part of the development, then the contractors should select a piling system which would result in the least disturbance to nearby residents in terms of both levels of noise and vibrational effects on neighbouring sensitive properties.

Air Quality –

The application is accompanied by an Air Quality Assessment, and the conclusions of the report are accepted.

It is noted that air pollution from road traffic drops off rapidly as distance from the source increases. As such, the conclusions of the report depend on the distance of the properties from the road. It is therefore important that a condition is attached which ensures that the distances between residential properties on the North of the development and the A523

Carriageway are not reduced from that shown on Site Plan A and Site Plan B, submitted with the application.

In addition, the cumulative impact of developments in the Macclesfield area is likely to increase air pollution in other sensitive areas. As such, it is considered, given the scale of this development, it is necessary to condition a number of measures which aim to incentivise low carbon transport options, which contribute to the overall aim of the Council's Air Quality Action Plan.

Travel Planning

Individual Travel Plans should be developed for all residential occupants with the aim of promoting alternative / low carbon transport options.

Electric Vehicle Infrastructure

The developer shall provide Electric Vehicle Recharging Points in 50% of residential properties. The provision of the EV points shall be highlighted to occupants in the travel plan.

Dust Control

The Air Quality Impact Assessment predicts a Moderate Adverse impact from dust generated during the construction phase. It is therefore, considered that a condition is attached which minimises dust emissions arising from demolition / construction activities on the site.

Contaminated Land

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application recommends that further investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

The **Public Rights of Way Team** initially had concerns with regard to the scheme. However, following discussions with the applicant, the objections have been withdrawn.

The Countryside Access Development Officer from the Public Rights of Way Team comments that the proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026. These aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy.

As the application notes, the general principles of the design include ensuring the existing footpath network and cycle network is maintained and reinforced, and ensuring links by all modes of transport are convenient and accessible within the development and linking to the surrounding area. The transport statement refers to a link from the site to the National Cycle

Network on the Middlewood Way though the details of this are hard to glean from the application documents. Further detail as to the layout, specification and legal status of this route is required. The developer would be expected to maintain the route within the scope of the open space management plan. Legal order processes may be required to legitimise the use of this route by cyclists and the developer would be expected to cover the costs of this process. Further, to deliver the general principles of design referred to above, a contribution towards the improvement and maintenance of the Middlewood Way to accommodate the increased traffic arising as a result of the development would be required.

Appropriate and adequate destination signage and interpretation should be required to be provided by the developer on-site and off-site to inform local users about the availability of pedestrian and cyclist routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

The **Environment Agency** raise no objections, subject to conditions relating to the requirement for the discharge of surface water to mimic that which discharges from the existing site. A condition should be attached to limit the surface water run-off generated by the proposed development. During times of severe rainfall, overland flow of surface water could cause a flooding problem. The submitted FRA explains that the discharge of surface water from the proposed development is to be into an existing surface water attenuation basin, which then discharges to a public sewer at a 'greenfield' runoff rate. This attenuation basin being part of the surface water drainage strategy for the wider Business Park development area. This is acceptable in principle.

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 and that safe access and egress is provided. A condition should be attached to ensure that a scheme to manage the risk of flooding from overland flow of surface water is submitted.

Sustrans comment as follows: -

- 1) The Middlewood Way, NCN55, runs adjacent to the site. Sustrans would like to see a direct greenway connection to it for pedestrians/cyclists, from the new estate. Also, there is scope to create a simpler ramped solution up to the west side of the bridge over the Silk Road.
- 2) A site of this size should make a contribution to improvements on the adjacent pedestrian/cycle network to promote walking/cycling for short journeys to the town centre/station/schools.
- 3) The design of any smaller properties should include storage areas for buggies/bicycles.
- 4) The design of the estate should restrict vehicles speeds to 20mph.
- 5) We would like to see travel planning with targets and monitoring.

The **Greenspaces Officer** has commented in relation to the improvement of public rights of way, countryside access and active travel. The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East

Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The **Housing Strategy and Needs Manager** raises no objection, but the developer should provide social housing throughout.

United Utilities raise no objections to the proposal subject to the following conditions: -

Prior to the commencement of development, a foul and surface water drainage scheme shall be submitted to the local planning authority and approved in writing. Surface water must be attenuated to existing green field run off or 6.5l/s whichever is greater. The surface water drainage scheme to be submitted shall be in accordance with sustainable drainage principles and demonstrate how the scheme shall be maintained and managed. The development shall be implemented, maintained and managed in accordance with the approved details.

Foul and surface water shall drain on separate systems

United Utilities water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the Applicant's expense and all internal pipework must comply with current water supply (Water Fittings) Regulations 1999.

Comments are awaited from the **Parks Management Officer**.

The **School Organisation and Capital Strategy Manager** has confirmed that this development is expected to generate some 27 primary places and forecasts indicate that by 2018 the primary schools within 2 miles will have 17 places available. On this basis, a sum of £108,463 is required towards primary education.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council is very supportive of this Heads of Terms action to allow a through route to traffic

OTHER REPRESENTATIONS

A letter of support has been received on behalf of The Dumbah Association. The Dumbah Associations support will be fully consistent with their support for ASL's housing scheme (12/4390M) at the Pool End section of the Business Park viz.,

- The Dumbah Associations paramount desire to get the end-to-end connection of Springwood Way underway
- Houses, compared to offices, significantly reduce traffic
- Much of the Business Park remains moribund with little uptake for offices
- The above factors were formally communicated in detail on application 12/4390M (see CE's website)

As the Emerson Group is in control of both the existing commercial development (Orbit) and the proposed housing scheme (Jones Homes) then the outcome is likely to be particularly pleasing in terms of design and style i.e., as can be seen throughout the neighbourhood.

4 representations have been received from local residents in respect of the original proposals. A full copy of the representations is available for inspection on the application file, but the following is a summary of the concerns raised: -

- Loss of employment growth opportunities
- The application should not be considered in isolation but as a package that could feasibly consist of 329 dwellings (due to the scheme approved under application 12/4390M)
- Increase in traffic
- Tytherington Lane and Manchester road, already experience high volumes of traffic, the increase in dwellings can only exasperate the existing problems.
- There has been a reduction in water pressure since Tytherington Business Park was constructed
- Allocation of space for community use is limited
- 3 storey properties in an elevated position is detrimental to the areas amenity and will impact on privacy and character
- The plans indicate over development and insufficient environmental enhancement
- The social housing units should be pepper potted and not built in a stand alone 'estate' in a less desirable area of the plot
- The local primary school is at full occupancy and has a waiting list, Tytherington High school is at a similar occupancy rate.
- A contribution to the wider community, such as the Tytherington rugby/football fields, should be made a pre-commencement condition
- Proposal is not sustainable on the existing infrastructure

APPLICANT'S SUPPORTING INFORMATION

The following additional information has been submitted in support of the application: -

- A Planning Statement
- A Design and Access Statement
- An Employment Land and Premises Report
- A Transport Statement
- A Protected Species Report
- A Bat Survey Report
- A Site Waste Management Plan
- An Arboricultural Report
- A Preliminary Tree Survey
- An Air Quality Report
- A Noise Assessment
- An Environmental Noise Assessment
- A Statement of Community Involvement
- A Flood Risk Assessment
- A Preliminary Risk Assessment
- A Climate Change and Sustainability Report
- Head's of Terms for a Section 106 Agreement

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Principle of Development

Residential development on the majority of the site was secured by the developer by way of an outline application for up to 111 dwellings on 11th October 2013. The remainder of the site falls within the Business Park allocation and benefits from consent for two and three storey office buildings.

The principle for development on the majority of the site has previously been established and this application does not represent an opportunity to re-examine the appropriateness of the site for residential development for that part of the site. Consideration should be given to weighing up whether the rest of the proposed site should be developed for housing. The other key issues in question in this application, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to tree and hedges and the surrounding area and the impact on Cold Arbor Farm (a Grade 2 Listed Building).

NPPF Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF. Paragraph 11 states that:

“applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.

At paragraph 14 it advises that decision takers should approve development, unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted”

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187, it advises that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.

Therefore the key consideration in the determination of this application is whether the loss of employment land significantly and demonstrably outweighs the benefits of additional housing coming forward.

There are a number of additional relevant material considerations:

- The site is located in Tytherington and is adjacent to a residential area.
- Take up on Tytherington Business Park has been very limited over the passed few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The site has been extensively marketed.
- The application site comprises previously allocated land in a sustainable location, with access to local services, including shops, schools and good public transport links.
- The proposal would bring environmental improvements.
- An on-site public open space would be provided.
- The proposed development comprises 175 dwellings 30% of which would be affordable. A good mix of house types and sizes are proposed and the development helps meet the Councils housing targets.
- The indicative layout and scale of the development would make efficient use of this previously allocated site and provide a residential scheme that would contribute to the housing needs of the area.
- An off site contribution for recreation / outdoor sports would be provided.
- £162 694 of contributions towards the local schools.

Loss of Employment land

The application site is allocated in the MBC Local Plan (2004) as an existing employment site (Business and Industry). Policies E1, E3 & E4 apply, which seek to retain the land for both existing and proposed employment uses. However, it should be noted that paragraph 22 of the NPPF suggests that employment land allocations should be regularly reviewed, and that long-term protection should be avoided. It advises:

“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable location communities”.

In March 2012, CEC appointed Ove Arup & Partners and Colliers International to produce an Employment Land Review for the Borough. The Employment Land Review considers the need for employment land (for B1, B2 and B8 uses) over the period from 2009 – 2030, and forms part of the evidence base for developing the new Local Plan.

The report suggests that the application site should be released. Appendix E1 (pages 41-42) advises:

“The slow rate of take-up of vacant property on Phase 1 (and Phase 2) would suggest that even in a stronger economic climate, this site would struggle to be developed over the plan period.

The key barrier to the delivery of the site is the lack of an identified office market in Macclesfield. There is also a high degree of vacancy in Phase One and it will take considerable effort to fill this space. Macclesfield is too far from Manchester to be considered part of the sub-regional market.

MA-02's frontage to the Silk Road gives it a good profile and would seemingly commercially attractive to occupiers. It seems that the issue is the size of the market that demands space in Macclesfield."

The application site is designated for employment uses within the Local Plan. Policy E1 seeks to retain employment land for employment purposes. 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.

In this case, there are a number of relevant material considerations.

- The site is located in Tytherington and is adjacent to a residential area.
- Take up on Tytherington Business Park has been very limited over the passed few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The site has been extensively marketed.
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable.
- An on-site public open space would be provided
- An off site contribution for recreation/outdoor sports would be provided.

The site is sited in a relatively sustainable location. The site has reasonable access to the major road network (The Silk Road) and a bus service. Shops and schools are in good walking distance. The developer has been struggling to attract new business for a lengthy period of time which goes back before the recession. There is currently an acknowledged shortage of housing land supply and a need for affordable housing. Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site could be acceptable. Consideration needs to be given as to whether the material considerations are such that the benefits of the proposal are sufficient to justify the development.

The provision of the affordable housing carries significant weight and the provision of a good quality housing development is a further important material consideration which would support the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

Sustainability

The site was considered under the outline application (11/3738M) to be in a relatively sustainable location. The site has decent access to the major road network (The Silk Road) and a bus service. Shops and schools are in good walking distance.

With regard to the economic role of sustainable development, the proposed development will help to maintain a supply of land for housing as well as bringing direct and indirect economic

benefits to Macclesfield, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

With regard to its social role, the proposal will provide 175 new family homes (including 53 affordable homes), public open space, footpath links from the Middlewood Way and financial contributions towards to improve sports facilities and schools.

Taking this into account, the site is considered to be in a sustainable location and therefore, accords with the NPPF's aims of fostering sustainable development.

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 October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core 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, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy "boost" to allow for an enhanced level of economic development once the downturn recedes.

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. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

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’

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

Conclusion

- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing land 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 moderate 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.

Need for additional affordable housing in the area

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 affordable housing requirements for this site based on the originally submitted scheme for 167 dwellings was therefore, 51 dwellings, with 33 provided as social or affordable rented and 18 provided as intermediate tenure.

The SHMA update 2013 shows that for the Macclesfield sub-area there is a net annual requirement for 180 new affordable units per year, these are made up of a need for 103 x 2 beds, 116 x 3 beds and 80 x 1bed older persons units. The SHMA has identified a surplus for 1 and 4 bed units and a surplus of 2 bed older persons units, which has been deducted from the shortfall to give the net annual requirement of 180 new units.

In addition to this information, taken from the SHMA update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 1272 active applicants who require properties in Macclesfield, these applicants require 543 x 1 bed, 477 x 2 bed, 181 x 3 bed & 28 x 4 bed (40 haven't stated how many bedrooms they require).

The applicants planning statement (based on the original proposed number of dwellings being 167) indicates an affordable housing offer of 51 dwellings, according to both the original application form and the Planning Statement the applicants affordable housing offer is 51 units, with 38 provided as rented affordable dwellings and 13 intermediate units, which represents a tenure split of 75% rented and 25% intermediate affordable dwellings, after seeking clarification from the applicant they advised the affordable housing offer should have been 51 units with 33 of the dwellings provided as rented and 18 as intermediate tenure affordable homes. This represents 30% of the total dwellings and the tenure split is 65% rented and 35% intermediate, this is acceptable.

The type of dwellings being proposed as affordable housing are 31 x 2 bed and 2 x 3 bed properties as social/affordable rented dwellings and 14 x 2 bed and 4 x 3 bed properties as intermediate dwellings. A wider range and type of properties highlighted as affordable rented dwellings would have been preferable.

However, the number of proposed dwellings has increased to 175 units, however, no detail has been provided with regard to the type, size and number of affordable units offered. It is assumed that the proposal will include the same provision of 30% affordable housing, including a tenure split of 65% rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development, thus achieving full visual integration. Not in discreet or peripheral parts of the site as per the IPS.

The plan submitted in August identifies 16 of the rented dwellings, plots 5 – 20 to be served by a separate access road – these are not fully integrated with the site. These units are discrete and peripheral to the rest of the site and this is not acceptable. Furthermore, the pepper-potting of the remaining affordable units is limited. As outlined in the IPS, one would expect to see pepper-potting of the affordable units across the site. On a site of this size, the

Housing Strategy and Needs Managers would like to see no more than 10 affordable units per cluster and to ensure full integration, the Strategic Housing Officer would like to see a mix of rented and intermediate tenure units within each cluster. It is the Housing Strategy and Needs Managers preference that the peripheral part of the site accessed via a separate road, includes a mix of tenures and that affordable housing should not constitute more than 30% of the total units within this area.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). This is a requirement for all of the affordable units, both rented and intermediate, to comply with these design and quality standards.

Finally, the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased. The Housing Strategy and Needs Managers would require a plan outlining the location of the affordable units and tenures to decide whether sufficient high degree of pepper-potting allows for an increase to 80% of open-market dwellings for delivery of the affordable units.

The draft Heads of Terms submitted to accompany the planning application, gives little detail about the affordable housing provision other than outlining 30% provision on site. It is the Housing Strategy and Needs Managers preference that the Heads of Terms includes provision for the applicant to submit an affordable housing scheme prior to commencement of development outlining:

- The tenure proposals for the intermediate units and provisions to ensure these are affordable in perpetuity.
- Timing/phasing of affordable housing
- Arrangements for transfer to a Registered Provider.

Paragraph 5.1 of the Interim Planning Statement: Affordable Housing states the following:

The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).

It is therefore, the Housing Strategy and Needs Managers preferred option that the developer undertakes to provide the affordable/social rented units through a Registered Provider, who are registered with the Homes and Communities Agency to provide social housing.

Design, layout, density and impact on residential amenity

Since the application was submitted in June 2013, there have been various alterations made to improve the scheme and create a place of distinctive character. The proposed layout reflects the character of the surrounding area, by proposing some terraced, detached and

semi-detached properties. The house designs and details of boundary treatments are generally acceptable.

The layout submitted illustrates that satisfactory distances can be achieved between the existing office developments in the vicinity of the site and the houses proposed within the new development.

The green ways proposed between the housing development and existing residential development off Tytherington Drive also provides adequate separation to secure the residential amenity of both existing residents and future ones.

At the time of report preparation, the heights and general sizes of dwellings proposed and layout of roads are acceptable.

However, there are a number of minor areas where the separation distances are a little tight. Officers are confident that there is sufficient scope within the site to comply with the requirements of Local Plan Policy DC38. An amended layout has been requested to deal with these matters. It should also be noted that any impacts are within the confines of the site. It is recommended that should the scheme be approved by Members, this should be subject to a condition in respect of the amended plan or that this matter or if need be delegated to the Interim Planning and Place Shaping Manager, in consultation with the Chairman of Strategic Planning Board and Local Ward Member.

Impact on Cold Arbor Farm

Cold Arbor Farm is a Grade II Listed Building, which lies to the west of the site. The farm falls within the ownership of the applicant. Strong concerns were raised to the originally submitted plan, as the curtilage around the farm had been drawn too tightly. It is considered that the revised plan establishes a far better setting, which respects the historic curtilage and a better relationship.

Highway Safety

It is noted that the Strategic Highways Engineer raises no highway objections. The indicative layout provided shows that the site would be accessed from Larkwood Way, which serves some of the existing business premises. The proposed site already has consent for a business park use and this existing permission has to be taken into account when considering the likely traffic impact of the development. If the business use and residential uses are compared, there is a substantial reduction in trips to and from the site for the residential development. Therefore, the change to residential use brings highway benefits as the number of trips on the road network would be much reduced. As such, no issues are raised concerning traffic impact.

With regard to sustainable travel, there are a number of bus services close to the site, the closest being a 30 minute service on Springwood Way. There are also other bus services running along Tytherington Lane. The site has links to the existing footpaths on Larkwood Way/Springwood Way and also will be connected to footpath and cycle routes serving the wider area surrounding the site.

The Strategic Highways Manager considers the internal road design to be acceptable.

It should be noted that under the outline application 11/3738M, the Strategic Highways Manager noted that since the original planning permissions for the office based redevelopment were granted, there have been other strategic highways schemes such as the Poynton by-pass and Semms, which need to be funded. This site is considered to further add traffic to the Macclesfield to Stockport corridor and add to congestion levels. The outline permission and previous consents on the site required a contribution of £70 000 to be made to the highway network to deal with the traffic generation and impact on the highway network. This amount is required towards improvements to the A523, north of the application site.

Members may recall that application 12/4390M (an outline application for up to 162 dwellings at Land of Manchester Road Tytherington), required a through link from that development to Larkwood Way to create a spine road through to Springwood Way in line with the Development Brief for the site. It is proposed to attach a condition to this application, which mirrors the condition attached to the adjacent development to deliver the spine road.

Environmental Issues

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to noise mitigation, hours of work during construction, air quality and contaminated land. Individual Travel Plans should be developed for all residential occupants with the aim of promoting alternative / low carbon transport options. It is also considered that the developer should provide Electric Vehicle Recharging Points in 50% of residential properties.

A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. A report submitted with the application identified potential contamination and recommends further investigation.

Landscape, Greenspaces and Trees

There have been several revisions to the layout plan in order to achieve a quality landscape environment. The submitted landscape plans are considered to be broadly acceptable.

There are a few detailed matters which can be addressed by way of a condition or revised plans as follows: -

The southern boundary and cycleway

It is recommended that this is widened to a minimum of 20 metres in accordance with the outline approval 11/3738M. The footpath should be a 3.0 metre wide combined footpath/cycleway and include a link to the proposed housing area, linking the Middlewood Way, Tewkesbury Drive and Malvern Road route. Details for the proposed cycleway links and boundary treatments/fencing are required at Tewkesbury Drive and the Middlewood Way, can be conditioned.

Public footpath routes

The pathway is only 4 to 5 metres in width and previous garden boundary fences have been shown on both sides. Care is required to ensure that this route is not too narrow and oppressive.

Planting

Various improvements are required to the planting, however, these details can be conditioned. The revised plan, which is awaited at the time of report preparation should address the concerns raised above.

Trees

The Arboricultural Officer notes that the application is supported by an Arboricultural Statement by Cheshire Woodlands 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.

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. An Arboricultural Impact Assessment has been requested, the details of which, and assessment of, shall follow in an update report to Members prior to committee.

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 development proposals have been subject of extensive detailed pre-application discussions, including a pre-application site visit. The original layout has been modified to accommodate the retention of the identified and accepted high value trees and retained moderate value specimens.

The submitted plans and particulars illustrate which trees are suggested for retention and cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan.

The majority of the trees either as individual specimens or forming groups identified for removal are low value category C specimens. The category B specimens identified for removal as part of both G5 and G6 were agreed and accepted as part of pre-application discussion.

The proposed layout is broadly reflective of the requirements of BS5837:2012 with only a limited number of minor incursions within the identified RPA's. It is accepted that the impact of the incursions and minor changes will have a limited and insignificant impact on the retained trees.

Details of all existing hedgerows within the application site appear not to have been assessed for their importance under the Hedgerow Regulations 1997. This is particularly important in respect of the hedgerows located either side of the green lane associated with Cold Arbor Farm, which is depicted on historic Tithe maps.

The above details have been requested and final comments will be provided in an update report prior to the committee meeting.

Open Space

Discussions have taken place between the Parks Management Officer and applicant with regard to the quality of and amount of Public Open Space to be provided.

It is understood that the revised plan awaited will address many of the concerns previously raised.

On the basis of 167 dwellings, a payment of £167 000 was required towards Recreation and Outdoor Sport provision. The commuted sum will be used to make additions, enhancements and improvements at Rugby Drive sports facility in line with the Supplementary Planning Guidance.

Further comments will be requested from the Parks Management Officer and these will be reported to Members in an update report.

The developer would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and would be based on guidance in the Section 106 SPG.

Ecology

The Nature Conservation Officer has commented on the application. It is noted that an ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The surveys undertaken included a revised extended phase one habitat survey and updated bat and badger surveys, the contents of which were considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

The comments provided by consultees and neighbours in relation to the strategic planning implications and the loss of allocated employment land, sustainability impact on amenity, transport and traffic are noted. It is considered that the majority of issues are addressed in the report above. One specific matter which has been raised is the relationship with neighbouring

site (Pool End). Whilst Officers note the adjacent site to the west (known as Pool End) has been granted consent for residential development, each application needs to be assessed on its own merits.

CONCLUSIONS AND REASON(S) FOR THE DECISION

As mentioned above, a revised plan is awaited at the time of report preparation, which should address the minor issues raised in relation to amenity, open space and design of pedestrian routes/cycleways crossing the site.

The affordable housing needs to follow best practice guidance to integrate it with private housing. Whilst this may be more convenient for management purposes, it does not encourage integration.

Whilst the application site is allocated for employment uses, the Arup Employment Land review acknowledges that there is an over-supply of employment land, and recommends that the site is released from employment use. During the determination of application 11/3738M – Land to the East of Larkwood Way, Members concluded that as there were a number of vacant office buildings on Tytherington Business Park, and take-up rates were low the site was not required for employment uses. The same argument can be made in respect of the rest of the site the subject of this application.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

The proposal will bring a number of redevelopment benefits namely:

- 175 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% will be affordable housing;
- green links and footpaths, which will provide a pedestrian/cycle link between the Middlewood Way, residential development, and adjacent existing residential areas;
- on-site Public Open Space containing play provision;
- Highways improvements;
- £167 000 for Recreation and outdoor sports (based on 167 dwellings – to be recalculated for the number of dwellings actually approved);
- £108,463 towards primary education.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment

land and the current lack of housing land supply which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing = 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £70 000 towards highway improvements to be made to the A523, north of the application site.
- A detailed scheme for the design and layout of the open space to be approved prior to commencement. A NEAP is also required.
- A commuted sum would be required for Recreation / Outdoor Sport of £167 000 (which includes discount for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

It is noted that the commuted sums required for open space and outdoor recreation, art work, and affordable housing provision would form part of a S106 agreement.

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 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 175 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The payment towards highways improvements to the A523 are considered necessary in order to deal with traffic generation on the highway network, and address congestion issues at the

southern end of the Macclesfield to Stockport route, which ties in with the Poytnon by-pass and Semms scheme.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

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

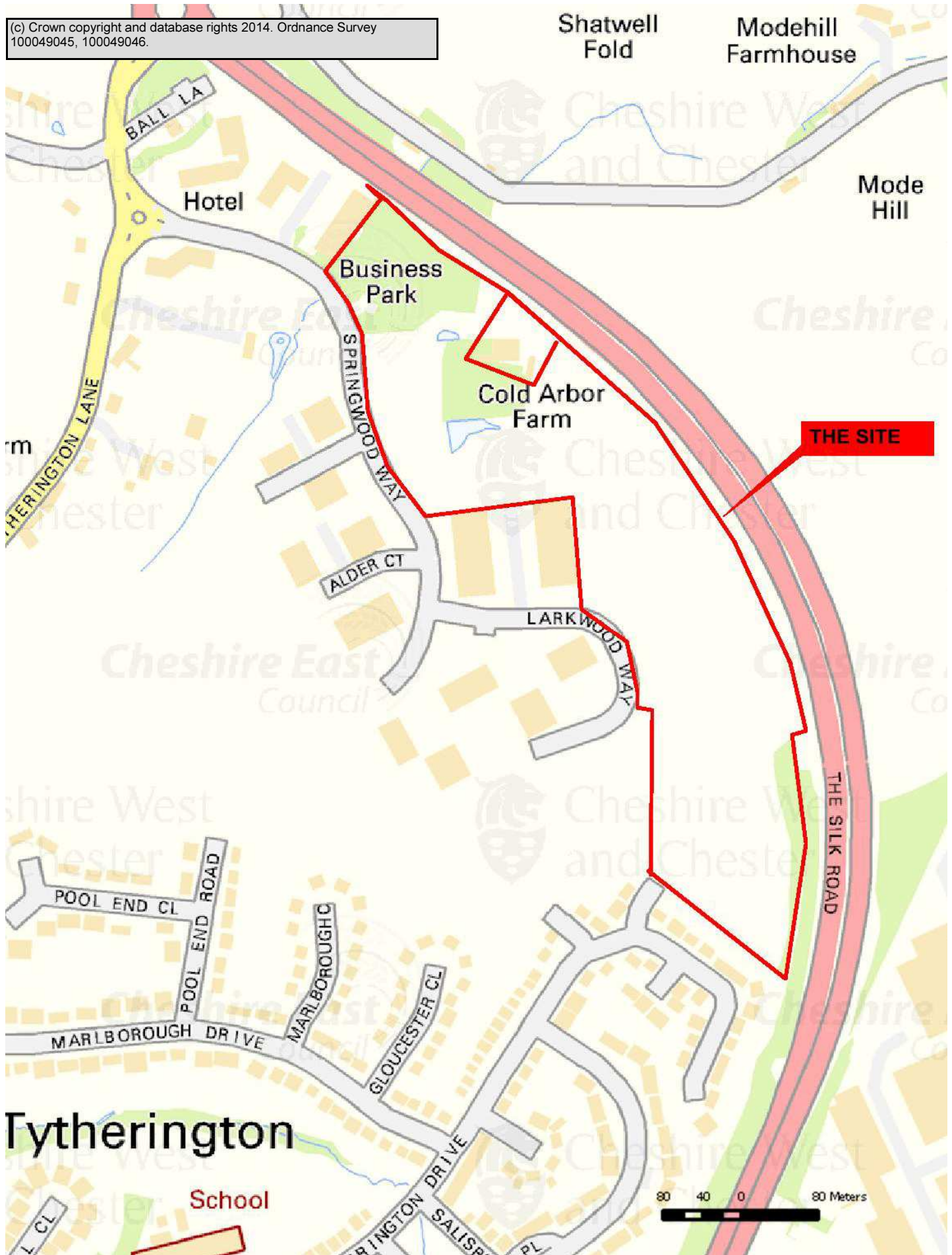
Application for Full Planning

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

1. A07EX - Sample panel of brickwork to be made available
2. A03FP - Commencement of development (3 years)
3. A03AP - Development in accord with revised plans (unnumbered)
4. A01GR - Removal of permitted development rights
5. A05EX - Details of materials to be submitted
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A15LS - Submission of additional landscape details
10. A06NC - Protection for breeding birds
11. A04NC - Details of drainage
12. A22GR - Protection from noise during construction (hours of construction)
13. A23GR - Pile Driving
14. A19MC - Refuse storage facilities to be approved
15. Tree - Arboricultural Impact Assessment
16. Existing and proposed site levels, contours and cross-sections
17. A Greenway / Green link of a minimum width of 20m in accordance with the outline application 11/3738M
18. A programme for the implementation of the southern cycleway, public open space and footpath routes

19. Floor floating (polishing large surface of wet concrete floors)
20. Dust Control
21. Bin and Cycle Store in accordance with approved details
22. Compliance with noise mitigation scheme
23. Contaminated land
24. To accord with Arboricultural Statement
25. Details of provision of access to Poole End site to be provided Manchester Road
26. Phasing plan
27. Incorporation of features to house birds and bats to be submitted with reserved matters application
28. Construction Method Statement
29. Information on walking, cycling and public transport to be provided and electrical hook up points
30. Submission of lighting scheme with reserved matters application
31. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
32. Submission of a foul/surface water drainage scheme
33. Submission of SUDS
34. Verification of the remediation works, if required
35. Remediation strategy if contaminants are found during development phase
36. Compliance with Waste Management Plan

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Application No: 13/2954C

Location: HAWTHORN COTTAGE, HARVEY ROAD, CONGLETON, CW12 2PS

Proposal: Proposed outline application for the demolition of Hawthorne Cottage, Canal Side Farm, and gaining the consent for the principle of up to 49 no. dwellings. The formation of a new vehicle and pedestrian access from the existing Goredale Close carriageway

Applicant: Dr David Poyner, Davico properties UK Ltd

Expiry Date: 30-Dec-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Green Belt - Whether the proposal represents “inappropriate development”, and if so, whether there are any “Very Special Circumstances” which clearly outweigh the harm caused by inappropriateness, and any other harm identified

Planning Policy and Housing Land Supply- is the lack of a 5 year housing land supply sufficient to be the ‘very special circumstances’ necessary

Sustainability of the proposals

Affordable Housing Provision – level of contribution

Design, Scale and Impact upon the Canal Conservation Area – Impact upon setting of the Conservation Area

Highway Implications – Design of access and general highways matters in the area

Loss of Agricultural Land – lack of information

Amenity Open Space and Childrens Play Space Provision on site – level of provision necessary and required commuted sums

Trees and Hedgerows – impact upon protected trees at access point, impact upon Ancient Woodland Adjoining site and adequacy of information submitted with respect to trees and hedgerows

Landscape Impact – Impact upon sensitive viewpoints

Ecology - Impact upon protected species

Residential Amenity

Flood Risk and Drainage

Education – required mitigation

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

This 2.6 ha site is located circa 2 miles from the town centre of Congleton and is currently laid to pasture, with a dwelling and agricultural buildings to the south east boundary. These buildings comprise a two storey detached dwelling (Hawthorn Cottage, an inhabited dwelling occupied by people who are not associated with this application) and a variety of separate agricultural buildings which are presently unused.

The site is bordered by mature vegetation with trees and hedgerows forming a strong boundary edge to the site's northern curtilage, hedgerows and trees on the southern boundary (part of which borders properties in Swaledale Avenue and Gordale Close), hedgerows along the eastern boundary (adjoining the canal towpath), and extensive tree cover to the west (sloping down to the River Dane). The vegetation makes a significant contribution to the character of the site.

Four trees to the south western boundary of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983.

The application site abuts the Macclesfield Canal Conservation Area, one of the earliest linear conservation areas in the country. The eastern side of Congleton is located at the Peak fringe resulting in the sloping topography within the application site. The canal forms the eastern boundary of the site, occupying the high point in relation to the site, which slopes steeply away to the west and north. The canal is set higher above the site in its south eastern corner where the land slopes down to the public right of way to the south of the site. An overhead power line traverses the centre of the site.

The site is wholly contained within the designated Green Belt. A bridleway linking Swaledale Avenue and the canal towpath adjoins the southern boundary of the site.

1. DETAILS OF PROPOSAL

This is an outline planning application for 49 dwellings as originally submitted. This was then revised to a description of 'up to 49 units' and an indicative layout provided with 42 units. Access is to be determined at this stage, with all other matters reserved. The proposal also includes the demolition of the existing Hawthorn Cottage and other buildings associated with the former agricultural use of the site.

The site is intended to be accessed via Goredale Drive. Two grade B TPO Ash trees would be removed to accommodate the access point at Gordale Drive.

The revised layout plan has been provided which indicates no build buffer zones to the boundaries with the canal of 10.5 m depth, and to the ancient woodland area to the north and western boundaries of the site of 15m depth.

2. RELEVANT HISTORY

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

3. POLICIES

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

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

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy
PS4 - Towns
PS7 - Green Belt
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
Congleton 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 conditions

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Canal and River Trust : The application site lies below the level of the adjacent Macclesfield Canal and its towpath, which is retained by a small embankment on the edge of the site. The Trust is keen to ensure that the development does not result in any risk of damage to the embankment, which could result in a collapse of the towpath or, in the worst case scenario, cause a breach of the canal itself. Such a breach would clearly result in extensive damage to the canal infrastructure and cause significant flooding of the development site and the wider area. In addition to the risk to the embankment during the construction works, future occupiers of the dwellings could inadvertently cause damage to the embankment by carrying out building or landscaping works within their gardens. The erection of boundary fencing could also impede access to inspect and maintain the embankment.

The Trust would therefore advise that no built development should take place on the sections of embankment on the eastern boundary of the site, and these areas should be excluded from the garden areas of the proposed dwellings.

Cheshire Fire and Rescue: Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000

The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided. If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with

current Building Regulations. Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Strategic Highways Manager: The layout does not comply with Manual for Streets principals and the access point is over-engineered. Scheme is of poor design quality in highways terms and information within application is contradictory. Information is lacking in terms of sustainable links in terms of the submitted Transport assessment. Recommends refusal on grounds of insufficient information.

Strategic Housing Manager: No objection subject to a provision of 30% affordable housing in a 65% (affordable or social rent) : 35 % (intermediate) split.

Environmental Health: No objection subject to conditions relating to construction hours, piling hours, dust mitigation, noise mitigation and a residential travel plan, scheme for car charging points.

Public Open Space (Amenity Greenspace) and Children's Play Space – The proposal will result in deficiency in provision locally. On site provision for both open space and play space to an adoptable standard will be required with associated commuted sum payments for future maintenance.

Public Rights of Way (Countryside Access Team): A Public Right of Way, namely Public Footpath No. 58 and Public Bridleway Congleton No. 34 adjoin the site.

The proposal to repair, resurface and improve Congleton Bridleway No. 34 between the canal and Harvey Road is welcomed as the current surface of the route may not be considered fully accessible to all users.

The revised application detail refers to the south east edge of the site including an 'improved pedestrian connection with bridleway and canal side pathway. It should be noted that the Public Bridleway and the canal towpath to which it links are both available to and used by cyclists. Therefore the proposed link to the development site could also be anticipated to be used by cyclists and designed accordingly.

Education: The development of 49 units would generate 9 primary aged pupils and 6 secondary aged pupils. There is sufficient capacity within the secondary school sector however local primary schools will be over subscribed. The 5 primary schools within a 2 mile radius have 157 unfilled places, though this falls as low as 91 by 2016. On the basis of the applications approved or with resolutions to approve in Congleton then the forecast surplus has been considered as used by these approved applications. 9 pupils equates to a sum of £97,617 (9 x 11919 x 0.91). There would be a pro-rata reduction in the numbers of places required should the number of housing units be reduced.

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council: Object to the proposal on the following grounds:

- Proposal is not in accordance with policy PS7 or H6 of the development plan

- Contrary to the Emerging Strategy – no land is allocated in this area for residential development

6. OTHER REPRESENTATIONS

The Woodland Trust have commented that there should be a 15m buffer with no development between ancient woodland and any development.

Over of 170 letters have been received in response to the original and the revised application. The grounds for objection are summarised as follows:

- This is a Green Belt site
- Proposal is contrary to local policy and the NPPF
- Proposal is contrary to the Congleton Town Strategy
- There are no special circumstances to justify the development and is therefore inappropriate
- Proposal would not make a substantial contribution to the Council's housing shortfall
- Other Brownfield sites should be used
- The development appears to be much higher density and not in keeping with the existing estate
- There are already vacant properties which cannot be sold in the area
- Would result in the loss of a green space
- Loss of protected trees
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology
- Swallows, bats, badgers and other wildlife regularly use the site
- The site is prominent from the adjacent canal
- Disturbance to neighbouring amenity during building
- Site is elevated above adjoining properties on Swaledale Close and will look directly into those properties
- Schools in the locality are oversubscribed
- Doctors and dentists are full
- Loss of trees and hedgerows
- Lack of local amenities and infrastructure
- The site is overlooked by public footpaths
- Loss of privacy, overshadowing and extreme overlooking from potential dwellings on higher ground in relation to existing properties
- Swaledale and Goredale Close are steeply sloping junctions – ignored by the Transport Statement
- Information regarding bus service is incorrect. Bus 99 (Appendix C of Transport Statement) was withdrawn in September 2013. Services to Congleton centre, Biddulph, and Macclesfield, are now scheduled hourly, and Service 39 is proving unreliable. There are no bus services outside of office hours.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement inc Landscape and Visual Assessment
- Arboricultural Assessment
- Transport Assessment

- Extended Phase 1 Habitat Survey
- Planning Statement
- Flood Risk Assessment
- Design and Access Statement
- A indicative Layout showing an indicative layout of 42 units with access via Goredale Close, buffer zones to the Canal and woodland boundaries of the site
- Planning Application forms describing the development as 'up to 49 units'

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The site lies in the Green Belt, as designated in the Local Plan, where policy PS7 states 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*".

Green Belt Issues

The proposed site is located within the Green Belt. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the green belt are their openness and their permanence.

Paragraph 89 of the NPPF echoes the advice contained within PS7 of the Congleton Local Plan First Review. Para 89 advises:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which*

would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The proposed development does not fall into any of these exceptions, and therefore has to be regarded as “inappropriate” development in principle.

Paragraph 87 advises:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 88 goes on to state:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Policy PS7 of the Local Plan, which restricts inappropriate buildings accords with paragraph 89 of the NPPF, and therefore should be given full weight in accordance with Para 215 of the Framework, which states;

“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”

The planning policy is up to date and in line with the NPPF. Policy PS7 therefore can be accorded very considerable weight in this determination.

PS7 does consider ‘limited infilling’ of brownfield land (excluding residential garden areas) which does not have any greater impact upon the openness of the green belt as being appropriate development, as the NPPF does. However, this development would not constitute limited infilling and would materially impact upon the openness of the green belt in this location. This proposal cannot therefore be regarded as ‘limited infilling’.

The supporting information submitted with the application contains no analysis of the ‘very special circumstances’ that the applicant considers would justify a departure from the normal planning policy pertaining to the green belt in this case. The Applicant’s justification appears to rely entirely upon the site’s inclusion in the SHLAA as the reason for the proposal.

Accordingly, in order to consider whether very special circumstances exist to justify development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other considerations. These are considered below.

Planning Policy and Supply of New Housing

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. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base

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)

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.”*

To assess the contribution to housing land supply, it is therefore necessary to assess if this development could be regarded as being a sustainable form of development in order to engage Paragraph 14, and if this is so; within the overall planning balance, would the engagement of Paragraph 14 outweigh the fact that specific Green Belt policy within the Framework indicates that the development should be restricted.

Sustainable Development

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

The site is considered by the SHLAA to be ‘suitable with a policy change’ for the development of 59 units, within years **6-10**. The site is therefore not considered to contribute to housing land supply within years 1 – 5 of the SHLAA. The policy change necessary would be the alteration to the green belt boundary in this location by removing the site from the green belt, which is not proposed within emerging policy or Development Strategy. The SHLAA does not define this development as being sustainable.

Clearly therefore the site is not relied upon to deliver the 5 year housing land supply and that position in policy terms is unlikely to change in emerging policy.

The applicant has put this site forward for inclusion within the SHLAA in the first instance and holds great faith in the reference of the site to being ‘suitable’ within the SHLAA, indeed this seems to be the whole basis for this application. However, this is not the same as being sustainable.

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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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:

- a local shop - Co-op St Johns/ Wharfdale Rd junction(500m),
- post box - opposite Co-op St Johns/ Wharfdale Rd junction(500m),
- bus stop – St Johns Road/ Wharfdale Rd - outside Co-op (bus 99 hourly , no Sunday service to Macclesfield and Biddulph) (500m) – limited hourly service 09:35 to 16.15 daily with additional bus at 07.35, 17.45 and 19.00

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

- primary school – Havannah Primary School Malhamadale Road (840m)
- playground / amenity area - childrens play ground Llttondale Road(600m),
- post office / bank / cash point - counter/bank machine inside Havannah Street Londis convenience store (1200m)
- pharmacy Havannah Street (1200m)

- medical centre – Lawton House surgery Bromley Road (1868m)
- leisure facilities – Leisure Centre Worrall St (2170m)
- public house – Church House Buxton Road (1200m)
- public park – Congleton Park (2300m)
- child care facility – Old Hall Private nursery, Spragg Street (2000m)
- railway station (2900m)

Clearly, this site is located on the urban fringe so the same distances would apply to the existing residents in the area. However, public transport accessibility to the site is rather poor with the bus service being hourly but none on Sundays at all. Even this limited analysis demonstrates, for day to day services and facilities that any resident would need, the site fails more criteria than it passes and locationally must be regarded as being generally unsustainable. However, it is acknowledged that these facilities are available within the town and Congleton is a principal town in Core Strategy where we can expect development to occur 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 the north of Congleton.

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

an 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

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy

consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus

The Design and Access Statement and the Transport Statement do not provide any indication as to how principles of sustainable development / energy reduction would be met within the development. The Transport Assessment provides no indication as to how the development would contribute to sustainable transport options. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions, although it is less clear how this scheme would be designed to, or what commitment the Applicant has to encourage sustainable transport options. The Strategic Highways Manager has commented upon this failure separately, however, this is a significant failing within the context of whether this is a sustainable development.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to local shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new residents spending money in the area and using local services and as a result of the New Homes Bonus.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, however, these do not outweigh the harm to the local environment by virtue of the loss of important protected trees, without justification and the unknown impact upon protected species by virtue of the general paucity of information submitted in support of this application.

Further, it is considered that the harm caused outweighs any benefits of the scheme that might accrue by virtue of the delivery of housing supply including affordable housing, at 30%, of the total housing numbers and the economic benefits that the development and new residents would bring.

Affordable Housing

This application is for up to 49 dwellings, the affordable housing requirement would be 30% which equates to 15 units of affordable housing in a 35%:65% split between affordable or social rent and intermediate properties.

Congleton is located in the Congleton sub-area for the Strategic Housing Market Assessment 2010 (SHMA) and the SHMA Update 2013, which shows that for the sub-area there is a net requirement for 290 new affordable units between 2013/14 and 2017/18, this equates to a net requirement for 58 new affordable units per year made up of 27 x 1bed, 10 x 3bed, 46 x 4/5bed and 37 x 1 bed older persons units. (There is an oversupply of 2 bed accommodation).

There are currently 610 active applicants on the Cheshire Homechoice housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 207 x 1 beds, 227 x 2 bed, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants have not specified how many bedrooms they require).

The Interim Planning Statement on Affordable Housing (IPS) states that the tenure split the Council would expect is 65% rented affordable units (either social rented dwellings let at target

rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. This would equate to 10 rented units and 5 intermediate units on this site on a total of 49 units. A lesser number of units would result in a pro-rata reduction in the affordable provision at 30%.

The Applicant has confirmed that his expectation is for any planning consent to include an appropriate condition setting out the Local Authority's requirement regarding affordable housing and low cost housing provision.

As well as the tenure split required as highlighted above the affordable housing will need to be delivered in accordance with the Council's Interim Planning Statement on Affordable Housing. This will include a requirement to provide the following: -

- Pepper-potting the affordable units.
- The tenure proposals for the affordable units including social or affordable rent and which intermediate tenure. As well as demonstrating how the affordable units for sale will be at affordable levels in perpetuity.
- Confirmation that the affordable units are tenure blind and the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- Confirmation that the affordable units are constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- The IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

As this is an outline application with only the principle of 'up to 49 units' being applied for, and the applicant has confirmed that he would accept a planning condition for 30 % affordable housing provision this matter could be dealt with by condition as requested by the Applicant, although it is generally the preference of the Council to enter into a S106 Agreement.

Design – Scale of development and Impact upon the Canal Conservation Area

The application is outline form with details of scale, layout, appearance and landscaping to be determined at a later date. In effect, only access is being applied for in conjunction with the principle of development.

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.”

This is also important within the context of the sloping nature of the site and the relationship of the site with the Canal Conservation Area.

An originally submitted indicative layout indicated a modern estate layout to all corners of the site, in a plot ratio similar to the surrounding estate.

However, the applicant, to address issues raised by Officers regarding trees, ecology and impact upon the Canal Conservation area, has revised their indicative plan to introduce areas of buffer zones to the outer boundaries of the site where they state that no 'buildings will be developed'. This is insufficient. For ecological and tree reasons these buffer zones should also be outside of garden areas. Indicatively, on the revised plan received on 9 January 2014, there are a number of plots to the northern boundary (plots 10 -17) which fail this criteria. Conditions could be imposed that could ensure the buffer zones are outside gardens, however, given the site constraints it is not considered that the scale of development as applied can be achieved without adverse impact upon the Conservation Area or the ecological buffer zone has sufficient information to demonstrate that the scheme would deliver a design of sufficient quality to justify approval.

In addition, throughout the application supporting information, the Applicant refers to a development 'up to 49 units' and has removed reference to the numbers of bedrooms each unit would have, however, the revised indicative layout indicates 42 units which, in itself, is not considered appropriate to deliver the necessary buffer to the important boundaries. A condition could be imposed to impose the necessary buffers to contain no development whatsoever. This would impact upon the scale of the development achievable.

Whilst an indicative layout has been provided, some practical issues with that indicative design are noted, not least the housing fronting onto the rear gardens of neighbouring housing (and the associated exposed rear gardens with the access road behind) and impact on plot sizes. It is accepted that the revised layout is illustrative, however, this is the basis on which the number of houses being proposed 'in principle' is being evidenced as a testing layout in meeting the site's constraints and opportunities.

Overall, the indicative design is over-engineered, fails to properly address the sites constraints and is of insufficient quality to justify approval. Furthermore, given the site constraints identified the proposed density and indicative layout is considered to be unacceptable.

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 bounded by the canal and towpath, which are elevated above the site. The site levels generally fall from a high area adjacent to the canal boundary towards the western, southern and northern boundaries. The gradient shelves steeply towards the northern boundary where there's an area of unimproved grassland. The site is accessed via a narrow, unmade private road to the south which is a bridleway that joins the canal tow path via a flight of steps. The canal towpath is a public right of way

The vegetation on and around the boundaries encloses and screens the site. There is a hedge with protected trees on the boundary with Gordale Close, the Dane Valley woodland, a hedgerow with trees to the north and a tall hawthorn hedgerow along the entire eastern Canal boundary.

The application includes a Landscape Appraisal and with regard to the existing landscape character of the site it states:

The site is in an urban fringe location but has the character of an attractive, self contained and discrete site, well contained by the existing landform and by hedgerows and trees. Because of this the effect is to have a limited effect on the overall wider landscape.

The Councils Landscape Architect would broadly agree with this statement. The development site is largely contained and would have little impact on the character of the wider landscape but it would have an adverse impact on the rural, tranquil character of the adjacent Canal Conservation Area. This would be particularly relevant should housing back onto the Canal tow path and future occupiers punch access through the hedgerow, as has happened on Harvey Road and over which there would be no planning control.

Public views of the site are limited. There are filtered views from Gordale Close and some views from other residential properties in the vicinity. The site is visible from a short section of the bridleway to the south. It is not visible from the canal towpath during the summer months but in winter there are some filtered views through the hedge. There are unlikely to be longer distance views from the A54 to the east or from the A 536 Macclesfield road to the west due to the undulating landform and the Dane Valley woodland.

The visual impact on the existing residential areas and the short section of bridleway would be fairly minor. However, it is likely that any proposed houses located on the higher, eastern side of site would be visible above the hedge from tow path which could adversely affect views from the tow path.

This would be a sensitive viewpoint which would urbanise an essentially rural aspect presently. It would also be difficult to control the height and retention of the boundary hedge in the longer term if it was owned by numerous potential dwellings backing on to the canal. It would therefore be important that any dwellings should not back onto the canal frontage of the site.

A series of existing and proposed cross sections through the site and canal bank would have assisted to assess the visual impact on the canal tow path. Cross sections would also help to assess the impact of levels changes (i.e. cut and fill across the site to accommodate the development) on the boundary woodland, trees, hedgerows and areas of ecological importance. No such details have been submitted. The applicant has been given extensive feedback during the application stage, their firm view is that this application seeks only the principle of development for up to 49 units and the Council could impose conditions.

With regard to the revised site layout, the drawing notes state that there would be no buildings within the proposed buffer areas but it is not clear whether these areas would remain unchanged in terms of levels.

These buffers could be subject to levels changes up to the boundaries and some areas could potentially be within private gardens, as indicated in the revised plans. The proposed additional planting to reinforce the canal boundary hedge would be beneficial but, there could be issues with long-term retention if the hedge and additional planting were within private gardens. The indicative revised plan denotes a buffer zone adjoining the sensitive Canal hedge boundary but only refers to 'no buildings'. This does not address gardens associated with dwellings which may be developed to the detriment of the rural character of this landscape. In landscape terms the proposed 15m buffer along the SBI woodland, in the revised scheme is too narrow to be a useful POS/play area.

Overall, it is considered that the landscape impact could be controlled by condition and further considered as part of any reserved matters however, this is likely to further limit the area of the site which would be suitable for the residential development, including residential garden areas without having a detrimental impact upon the landscape from the most sensitive receptor, the towpath.

Impact Upon Trees

Four trees to the south western of the site on the boundary with Gordale Close are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983.

The submission is supported by a Tree survey and Arboricultural constraint report dated August 2013. Tree constraints are illustrated on a copy of the topographic survey. The report identifies a grade A Oak tree on the site boundary at the end of Gordale Close, 7 grade B trees, distributed between the south west and the northern boundaries, 3 Grade C trees and one Grade U tree.

The report indicates that for the new entrance to the proposed development, trees T 1 & 2 in the survey, (grade B trees) and T3 in the survey (a grade A Oak) may have to be removed. The report then recommends that the grade A Oak be retained, together with Grade B trees where possible, and that protective measures be provided for all retained trees.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection.

The tree survey and constraints report/plan does not encompass all the tree cover on /adjacent to the site. In particular it excludes trees around Hawthorn Cottage and Canalside Farm, and trees to the north and west, all of which could influence or be impacted by the development.

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.

At Gordale Close, two grade B TPO Ash trees would be removed to accommodate the proposed access. These are high quality trees. This is a material consideration.

Further, taking into account levels changes on site and likely associated engineering works, without detailed information it is not possible for the Tree Officer to ascertain from the submission if there would be impact on any retained TPO tree in the vicinity of the access.

Whilst it is noted indicative buffer zones are shown on the proposed site layout Rev A, this is not an indicative site layout. The applicant has not provided (despite this being requested):

- Tree and site survey extended to cover all trees.
- Tree constraints shown on an indicative site layout for the whole site.

The Woodland Trust have indicated the presence of Ancient Woodland to the west of the site and recommend a 15m undeveloped buffer (including this being outside garden area). The Tree Officer would support this principle and it should be noted this would have significant impact on the site's ability to accommodate 49 units as applied for in this application.

Overall the Tree Officer considers inadequate information has been provided that would demonstrate that the scale of development proposed could be accommodated without harm to trees.

It is also considered that the removal of the 2 TPO trees at Gordale Close to accommodate the access is not justified in the planning balance and would be detrimental to the visual amenity and landscape character of the area.

This is reason to refuse this application.

Highways Implications

A Transport Assessment (TA) has been provided and has been considered by the Strategic Highways Manager. This is over analysis for this scale of development and in fact national guidance does not require technical assessment for developments below 50 units.

Nonetheless the TA is acceptable in terms of: trip rates and traffic impact. The TA recognises that the existing roads on the approach to the site are of sufficient standard to serve the proposed number of units and this agreed by the Highways Manager. It also quotes the NPPF with regard to the definition of severe impact and the S.H.M. agrees that this is also correct.

In terms of sustainable modal choice the TA does not offer any specific proposals to enhance or improve local options and bus facilities are at or just beyond the preferred maximum walking distance from the centre of the site. The national document: Guidance on Transport Assessments requires developers to provide for and encourage the use of sustainable transport options and this proposal does not do that.

Indeed the access to bus services in particular is highlighted as an issue locally as the nearest bus stops are located outside the desirable maximum walking distances from the site (400 metres), at over 600 metres. In addition the elevated nature of the site and sloping topography to

and from the shelters is not flat and involves a number of significant inclines which is therefore less attractive to pedestrian access.

The proposed development does not offer any incentives to sustainable transport options.

The TA states that the internal layout will be designed to Manual for Streets (MfS). The revised plan shows a 5.5m wide carriageway which is over-designed for the number of units and the Highways Manager would want that reducing in accordance with Manual for Streets guidance.

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 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.

In summary, the level of development trips generated is not considered a severe impact as set out in the NPPF policy test) to mitigate for the impacts of the proposal on the local highways network, the Strategic Highways Manager, whilst he considers the indicative access to be over-engineered and not in compliance with Manual for Streets principles, raises no safety or capacity objections to the application. The Strategic Highways Manager also raises concern that the indicative layout is of poor design quality in Manual for Streets terms.

Whilst the highways impact is not severe in NPPF terms, so as to justify refusal in highway safety terms, the indicative layout's failure to comply with Manual for Streets principles is another indication of the poor design quality of this scheme. Additionally the lack of any assessment of sustainable transport options results in the Strategic Highways Manager recommending refusal on the grounds of insufficient information.

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, whilst no information has been submitted in the form of any assessment of the agricultural land quality, the land was last used as horse grazing, indeed some of the buildings on site are stables, it is not known whether the quality of the land is the best and most versatile agricultural land. The size of the site is very small, steeply sloping and is constrained in any ability to extend by the canal, the houses and the woodland.

It is therefore considered that the proposal would not break up a viable agricultural holding or holdings, and given that only a very limited amount of 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.

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.

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.

Incomplete Ecological Assessment

Part of this site, located near the south-west boundary has not been surveyed as part of the submitted ecological assessment. This part of the site includes buildings which may have potential to support roosting bats and barn owls. To enable the Council to make a fully informed assessment of the potential impact of the proposed development the Council's ecologist advises that the entirety of the site must be subject to a detailed ecological survey. Further, in the light of legal judgements, this should be before the determination of the application, not, as requested by the applicant dealt with by condition.

Local Wildlife Sites /Sites of Biological Importance(SBI)

The proposed development is adjacent to the River Dane SBI on its north-west boundary. The SBI supports ancient woodland habitats. The proposed development will not result in the direct loss of habitat within the ancient woodland or SBI. However the proposed development has the potential to have an adverse impact upon the ancient woodland in a number of ways, including:

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

The applicant has submitted a revised plan which refers to there being '**no buildings**' within a 15m buffer adjoining the woodland. Based on current best practice and Natural England guidance, an entirely undeveloped buffer zone of 15m, consisting of semi natural habitats/informal open space is required between the woodland and the development. Additionally, the layout must avoid any residential properties backing onto the wildlife corridor. The indicative layout as revised fails to accomplish this.

The indicative layout plan could be further amended to reflect the required undeveloped buffer and that the provision of the buffer be secured by means of a planning condition , but this would have considerable implication for the potential density of the site and further demonstrates that this site would struggle to accommodate the 42 units indicatively shown on the revised layout received 9 January 2014 whilst also ensuring the buffer zones are left clear of any residential development, including garden space.

Habitats

Unimproved grassland

This habitat, which is a UK biodiversity action plan priority habitat and hence a material consideration has been identified in the north eastern corner of the proposed development site. It is highly likely that this proportion of the site would qualify for designation as a Local Wildlife Sites. I advise that the loss of this habitat to development would represent a significant loss of biodiversity interest from the site.

The submitted ecological assessment acknowledges the value of this habitat and recommends that the area of unimproved grassland be retained and enhanced as part of the proposed development.

The revised plan refers to there being 'no buildings' within an area along the north section of the site which possibly includes the identified area of unimproved grassland. The Council's Ecologist advises that simply avoiding any buildings within this area would fail to safeguard the nature conservation value of unimproved grassland as this habitat would be lost if gardens, open space, play areas associated with a modern estate etc. were to be constructed in this area.

Semi-improved neutral grassland

This habitat covers much of the remainder of the application site. Based upon the species recorded it is possible that this habitat could also qualify for designation as a Local Wildlife site. However, no information has been provided as to the abundance of the various plant species recorded from this habitat which makes an accurate assessment of its nature conservation value difficult.

Clarification has been sought as to which species were recorded from both the unimproved and semi-improved grassland habitats and whether they hold any additional information on the abundance of the various plant species recorded. Any further information will be presented in an update report.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. Based upon the submitted illustrative layout it appears likely that much of the existing hedgerows can be retained as part of the proposed development. The Ecologist advises that any losses of hedgerow must be compensated for through the creation of additional native species hedgerows as part of any detailed landscaping scheme for the site. This could be resolved by condition.

Protected Species

Great Crested Newts

A pond which has potential to support great crested newts has been recorded at a distance of 300m from the proposed development. The submitted ecological assessment recommends that this pond be subject to a detailed great crested newt survey. No such survey has been submitted. The applicant has failed to provide the information as recommended by his own Consultant.

Common Toad

This UK BAP priority species has been recorded just outside the application site boundary. Considering the distance from the nearest pond it is unlikely that the proposed development would have a significant adverse impact upon this species.

Bats

Trees identified by target notes 6 and 13 on the submitted habitat plan have been identified as having potential to support roosting bats. Whilst a number of trees appear to be retained under the submitted illustrative layout the submitted ecological assessment states that some trees would require removal.

Trees identified on the submitted Habitat Plan by target notes 6 (over mature ash) and target note 13 (mature oak and ash) have been identified by the submitted ecological appraisal as having potential to support roosting bats. The submitted ecological appraisal recommends that any trees to be lost or pruned as a result of the development must be subject to a detailed bat survey. No such survey has been provided

It is likely that the tree at target note 6 will be retained as part of the development however two trees at target note 13 (T1 and T2 on the tree report) will be lost as a result of the proposed access.

In law in order for the Council to determine this application in accordance with its policy and statutory obligations in respect of protected species a detailed bat survey of these trees is required prior to the determination of this application. The lack of such information is a reason to refuse this application.

Breeding birds

If planning consent was granted standard conditions would be required to safeguard breeding birds.

Badgers

A number of badger setts have been recorded around the site. The submitted report recommends the incorporation of wildlife corridors and buffer zones around the boundary of the site to mitigate any direct impact on the setts and also to ensure badgers are able to move freely between the setts. A license from Natural England would need to be obtained if any works are undertaken within 10m of the identified setts.

Overall, the proposed mitigation is broadly acceptable to address the potential impacts of the development upon badgers however to ensure that the proposed mitigation is enforceable the ecological report would need to be amended to include a specification for the width of the proposed wildlife corridors. In addition, whilst the revised plan refers to there being “no buildings” within the 15m “protection area” on the western boundary and “no buildings” on the steep embankment at the northern end of the site. The Ecologist advises that merely avoiding the construction of any buildings in these areas (as indicated by the indicative layout plan) would be inadequate to ensure that there is no disturbance of the setts and to ensure the continued free movement of badgers around the site.

The badger corridor must be free of any form of development, such as garden fences, access roads etc. and must include additional screening planting to act as a deterrent to any potential interference with the setts.

A condition could be imposed to ensure that the buffer does not include garden areas, however, this has implications for the layout of the site and further reduces the area of development and limits density. This has knock on effects for the design and setting out of development within this constrained site.

Education

Primary schools within a 2 mile radius of the centre of the site and secondary schools within a 3 mile radius of the centre of the site have been considered for capacity.

The schools considered are Buglawton, Daven, Havannah, Marlfields, Mossley, St Marys, Congleton High, Eaton Bank. A development of 49 dwellings will generate 9 primary aged pupils and 6 secondary aged pupils.

Based on current forecasts and taking into account development in Congleton the education service will require a contribution towards primary education within a 2 mile radius of the site, however a secondary contribution will not be required.

9 pupils equates to a sum of £97,617 ($9 \times 11919 \times 0.91$) as mitigation for the impacts of the development.

This sum would need to be secured via a S106 Legal Agreement, this would be pro-rata.

Amenity Open Space and Childrens Play Space Provision on site

Amenity Open Space

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development was for 49 units there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required would be 1910m². This could be required by condition to be detailed as part of reserved matters .

However, in addition to the on site provision of public open space, that open space will need to be adopted by the Council. Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions for maintenance of the open amenity space sought would be £14,071.75 via S106 Agreement.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons play Provision accessible to the proposed development, if the development were to be 49 units were to proceed there would be a deficiency in the quantity of play 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. This could be controlled by condition.

A buffer zone of at least 20m from residential properties facing the play area should be allowed for, within any design with low level planting to assist in the safety of the site. A zone adjoining the woodland to the Goredale Road part of the site has been submitted.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions for the maintenance of the play space sought from the developer would be £35,521.50 via S106 Agreement based on 49 units.

The revised indicative layout includes reference to a play area within the western buffer zone. The financial contributions necessary for future maintenance of the public amenity space and childrens play space would be pro rata based on the numbers of units/bedrooms contained within each unit. The views of the Greenspace Manager concerning the appropriateness of the steeply sloping area of the site as public open space will be reported via the update report.

Any legal agreement would need to be formula based in line with the SPD for Open Space and Childrens Play Space

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters but will need to take account of the buffer zones that have been incorporated and the elevated nature of the site above the adjoining dwellings.

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 for a layout of 42 units, however, significant concern is raised should the density increase. Care would also be needed with regard to levels differences within the site and the adjoining dwellings. However, this could be conditioned.

It is therefore concluded that the although the proposal seeks only the principle for development, a reserved matters layout could demonstrate that the proposed development could be accommodated in amenity terms to satisfy Policy GR1 of the Local Plan.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Environment Agency and United Utilities recommends standard conditions and on this basis there are no objections.

LEVY (CIL) REGULATIONS

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

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

The development would result in increased demand for primary school places in Congleton where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The future maintenance of public amenity space and play space within the site as required and the required mitigation is directly related to the development and is fair and reasonable.

On this basis and for the purpose of any appeal, the S106 for the scheme is compliant with the CIL Regulations 2010.

HEADS OF TERMS FOR APPEAL PURPOSES OR IF PERMISSION IS TO BE GRANTED

The applicant has submitted no draft head of terms for a s106 legal agreement. The applicant has suggested that he would be willing to accept a planning condition to provide the appropriate level of affordable and low cost housing.

The following matters would also need to be incorporated if permission is to be granted

A financial contribution of £35,521.50 for maintenance of a LEAP (5 pieces of equipment on site) and £14,071.75 for the maintenance of amenity space (public open space) to be provided on site for the development of 49 units or in accordance with the formulae as defined by the Congleton Borough Council Supplementary Planning Document for Public Open Space Requirements for New Residential Development 2008

The payment of £97,617 in lieu of primary education provision based on 49 units or (for a reduced number of units) in accordance with the formula for calculating education contributions

Payment of the commuted sums in full would be required prior to first occupation of the proposed development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Green Belt policy within NPPF strongly indicates that permission should be resisted in principle. It is considered that the NPPF and Local Planning policy are consistent with each other and the green belt policy within the Local Plan can be afforded very significant weight.

It is considered that the harm caused to the Green Belt by this development is not outweighed by other considerations in the form of any benefit to the housing land supply and therefore there are no very special circumstances to justify this development.

Whilst the site does meet some of the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, the other distances do not, in the main, constitute significant failures as expressed in the Checklist. However, the locational accessibility is but one element of sustainability and the Applicant has provided no details about the economic benefits or energy efficiency measures/contribution to sustainable transport choices to be utilized to contribute to the reduction in carbon emissions.

The proposal would be environmentally harmful to protect species and result in the un-necessary removal of important protected trees. Any benefit in the form of additional housing would be outweighed by that environmental harm. Overall, the proposal is not considered to constitute a sustainable form of development. The benefits to the housing land supply, including affordable housing does not outweigh the harm caused.

This proposal will result in the direct loss and the threat to the continued well being of trees protected by a Tree Preservation Order that contribute to the amenity of the area and are designated heritage assets. The scheme fails to demonstrate that there would be adequate mitigation for the loss of trees, how the rooting and soil environment of retained trees can be adequately protected from damage, and that the health, long term viability and safe well being of these trees can be maintained. In addition, the loss of protected trees adds to the environmental harm caused by the proposal.

It considered that insufficient information has been submitted to demonstrate that the development of the site would not be harmful to the character and appearance of the area and given the need for significant areas of the site to be free from any form of development, including gardens, there is no indication that the development of site could realistically be achieved without adverse impact upon the adjoining Canal Conservation Area and the wider area. The indicative layout as submitted is over engineered in terms of site access and design, is an over-development of a highly constrained site, and provides insufficient assessment of the impact upon protected species.

There is insufficient information submitted in respect of protected species. Information that is required in law prior to determination of any application which effects European Protected Species.

There is insufficient information with regard to sustainable transport choices and how any development would contribute to sustainable transport choices

It is acknowledged that the Council cannot demonstrate a 5 year supply of housing, however, for the reasons previously identified the use of the site is not considered appropriate in terms of the NPPF, nor in Local Planning policy terms and there are no interests of acknowledged importance which would outweigh the presumption against the inappropriate development in the green belt. Accordingly, a recommendation of refusal is made.

11. RECOMMENDATIONS

Refuse for the following reasons:

1 The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

2 The proposed development, notwithstanding the contribution to economic and social activity associated with new residents, by virtue of its locational characteristics, impact upon trees and lack of information concerning protected species will cause environmental harm and thereby comprises unsustainable development contrary to the NPPF.

3 The proposed development by virtue of its size and siting of the proposed access would result in the direct loss of existing trees which are the subject of the Gordale Close are subject to TPO protection; The Congleton Borough Council (Goredale Close) TPO 1983. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NR1 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

4 The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework

5 Insufficient information has been provided to demonstrate that the proposed development can achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the indicative design and layout including the width of access and the characteristics of the site, contrary to the Policy GR1, GR2, GR3 and GR9 of the Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework.

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning

Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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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.

Members will recall deferring this application at Committee on 9 December 2013 for further information concerning electricity pylons, noise, dust and the highways issues/contributions. Information concerning noise, dust and the highways contributions are considered below which

now include additional conditions and Heads of Terms. Information relating to the pylons will be presented via the update report.

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 £189,794 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.

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. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

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'

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate 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 moderate 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.

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;

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 best and most versatile quality land is not significant, measuring 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.

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.

Air Quality

At Committee on 7 December, Members were concerned about the impact of dust upon future residents from the Quarry activities and required further information. The Environmental Health Officer has considered this matter and advises that there is currently an agreed 'dust control plan' on the planning permission for the aggregate recycling facility granted permission by the former County Council in 2008, 7/2008/CCC/8 which includes the control of dust beyond the White Moss site boundary. Accordingly, the Environmental Health Officer advises that dust impacts from the Quarry are already controlled in this area.

An Air Quality Assessment has been submitted which concentrates on traffic impacts. 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.

The assessment uses DMRB to model nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments.

The report predicts that the sensitive receptor on the Crewe Road frontage is the worst case scenario and that is why the location has been selected. 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.

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.

Members previously expressed concern and required an update on the current situation in respect of highway issues and contributions in the area – particularly due to the cumulative impact of developments.

The Hall Drive development has provided contributions for two identified junction capacity improvements at Sandbach Road North/Crewe Road and Hassall Road/Crewe Road – which have been calculated as being £448,604. The advice previously given by the Strategic Highways Manager was on the basis of 3 developments locally, Hall Drive, Sandbach Road North and this application, however, since the appeal decision at Sandbach Road North was dismissed, the financial contribution required to mitigate the traffic impact upon local junctions by virtue of this development will have to increase. Accordingly and based upon the number of units in the development this would now equate to a contribution of $\text{£}448,604/260 \times 110 = \text{£}189,794$. (For reference the previous contribution was £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 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.

Noise Impact

The Strategic Planning Board required further information with regard to noise from the Quarry and Radway Green with respect to noise for future occupiers.

Members were concerned about noise impact upon future residents by virtue of the sites location close to White Moss Quarry and BAE.

The Environmental Health Officer advises that there is sufficient control upon noise activities imposed upon the 2008 planning permission for the aggregate building at the quarry and that they have recently investigated an alleged noise nuisance from White Moss Quarry and which has since been resolved and there have been no complaints with regards to noise from BAE from residents in the vicinity of the application site. Any noise nuisance from either site would be investigated under the statutory nuisance provisions of the Environmental Protection Act 1990 if they did ever present concern as a result of any future residential use of this site.

The Environmental Health Officer considers that a scheme of mitigation for glazing and ventilation in accordance with BS6871:1999 can be achieved and subject to the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq. This can be controlled by condition and the Environmental Health Officer is satisfied that this would maintain an adequate standard of noise environment for future residents on the site.

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**
- **Highways contributions of £179,794 towards highways improvements in Alsager**

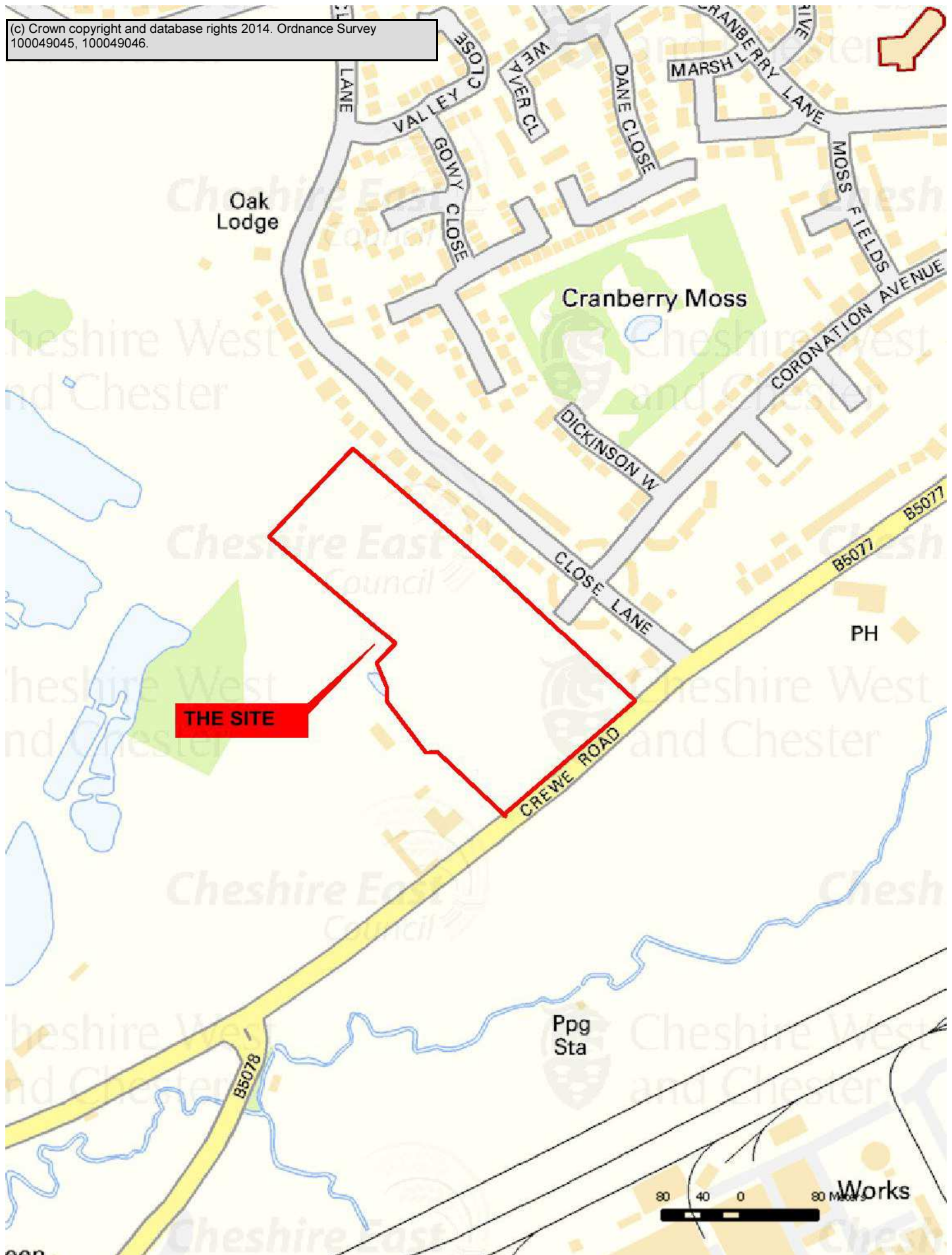
And the following conditions

- 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. Scheme of noise mitigation for glazing and ventilation in accordance with 8233:1999 can be achieved and subject to the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq**
- 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: 13/5037W

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

Proposal: Retrospective planning permission for the importation of inert material to install cover system to former tip and restoration scheme to allow change of use to informal recreational open space with ancillary car park.

Applicant: Professor Hays Plc

Expiry Date: 13-Mar-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Land and groundwater contamination
- Geotechnical stability
- Landscape and Nature Conservation
- Local Amenity and Highways

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

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

The application site comprises the former Hassall Green landfill which was used for the deposit of industrial waste until the 1980's including the deposit of waste sludge and demolition rubble. The northern site boundary is defined by a large earth embankment. The existing vehicular access point off Betchton Lane lies on the southeast corner of the site.

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

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

RELEVANT HISTORY AND DETAILS OF PROPOSAL

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

The former tip was used for the deposit of salt plant sludge and effluent sludge contaminated with mercury. Placed on top of this was demolition rubble from the old Caustic Plant and boiler house which is believed to have been contaminated with asbestos. The rubble is believed to have been capped with soil and the land has since been left with no formal remediation.

Planning permission was granted in September 2013 (Ref: 12/1799C) for the remediation of the site to enable the land to be used for informal recreation and open space. The approved site remediation strategy included for a cover system on the central section of the site (an area of approximately 4500m²). This comprised of a porous geo-textile material laid over the contaminant layer; followed by a 350mm granular fill sub base overlain by a 150mm low nutrient growth layer.

The permission also included for the following:

- Slight slope amelioration to reduce the gradients across the eastern and central sections of the site, and the provision of an access ramp for the duration of the works to be retained in part on its completion;
- A large area of low lying dense evergreen planting to be used as defensive planting over the western section of the site;
- Slope re-grading works to stabilise the northern embankment comprising of the removal of all current vegetation along the bank, placing and compacting approximately 700m³ of inert material across the area to create a slope incline of 1:2 which is then finished with a geo-textile layer and a layer of seeded topsoil. The slope re-grading works also included for a new permanent fence approximately 1m from the toe of the proposed new slope;
- Various other temporary works including a temporary site compound and access tracks;
- Creation of an informal visitor car park.

On completion of the remediation works, the applicant proposes to transfer land ownership to the Land Trust charity, who would manage the site as a wildlife conservation area with public access for nature conservation education and informal recreation. Initially the Land Trust propose that the site would be open to the public on a request only basis, which, subject to interest and resources may increase in frequency. The existing access to the site will be retained and the former construction site compound area used to provide a small informal car park to accommodate visitor parking.

The planning permission included a number of pre-commencement conditions in respect of agreeing the final remediation strategy and slope stabilisation works. The applicant completed the development before discharging any of the pre-commencement conditions. As the conditions went to the heart of the permission, the advice of Legal Services was that this course of action invalidated the planning permission and thus the development which occurred is unauthorised, albeit in line with the previously approved scheme (12/1799C). As such, the applicant has submitted a further retrospective planning application to regularise this position. The retrospective application seeks approval for the same scheme as that approved under 12/1799C.

POLICIES

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

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

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

Congleton Borough Local Plan (CBLP)

- Policy GR1: New Development
- Policy GR4 and GR5: Landscaping
- Policy GR6, GR7 and GR8: Amenity and Health
- Policy GR9: Accessibility, Servicing and Parking
- Policy GR17: Traffic Generation
- Policy NR1: Trees and Woodlands
- Policy NR5: Wildlife and Nature Conservation
- Policy NR6: Reclamation of Land
- Policy BH4: Effect of Proposals on Listed Building
- Policy RC1 and RC4: Recreation and Community Facilities
- Policy PS8: Open Countryside

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

National Planning Policy and Guidance

National Planning Policy Framework (2012)

PPS 10: Planning for Sustainable Waste Management

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Consultation on PPS10: Planning for Sustainable Waste Management
Government Review of Waste Policy in England 2011 (WPR)
Government Waste Management Plan for England 2013
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

CONSULTATIONS (External to Planning)

Environmental Health Officer: raises no objection and makes the following comments with regards to contaminated land:

- The application area has a history of quarry and waste tip use and various stages of site investigation have shown that contamination is present on the site.
- The application is for a new recreational area which is a sensitive end use and could be affected by any contamination present.
- The applicant supported the application with various contaminated land assessments including a detailed quantitative risk assessment for human health. This has shown that the proposed remedial strategy will mitigate against risks to human health for the proposed worst-case scenario of the site's future use as an open recreational area.
- The applicant has undertaken remedial works on site to address the risks from contamination and has also submitted a remediation validation report and further information for the site to demonstrate that these necessary remedial works were undertaken.

Conditions are recommended in respect of securing the retention of the defensive planting and seeking the Council approval prior to its removal.

Nature Conservation Officer: does not anticipate there being any significant adverse ecological issues associated with the grant of this retrospective application.

The Environment Agency:

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

We have reviewed the following reports with respect to potential risks to controlled waters from land contamination:

- Works Information Notice. Hassall Green. WSP. Report Ref: 2834.008. Date: July 2013.
- Remediation Completion Report. Hassall Green. Chandos Remediation Services. Report Ref: 320.04. Date: October 2013.
- Remediation Works Validation Report. Hassall Green. WSP. Report Ref: 2834.11. Revision 2. Date: November 2013.

Based on the information provided we understand that the remedial objectives set out within

section 2.2 of the Works Information Notice have been achieved as set out within the Remediation Completion Report and Remediation Works Validation Report.

We note that a number of minor exceedances were recorded within the samples taken from the imported aggregate and soils as detailed within section 4.3 of the Remediation Completion Report. However, given the minor nature of these exceedances these are unlikely to pose a risk to controlled waters therefore we have no further requirements for works at this time in respect of controlled waters.

VIEWS OF THE PARISH / TOWN COUNCIL

None received

OTHER REPRESENTATIONS

One letter of representation has been received raising issues concerning the suitability of creating a recreational open area with associated car parking in an isolated rural area used by non motorised users. Concern is raised over the additional traffic generated and potential for the site to be used for anti-social behaviour and fly tipping.

OFFICER APPRAISAL

Principle of Development

The principle of remediating the site by means of a cover system and the use of the site for informal recreation has already been accepted by virtue of permission 12/1799C. No amendments are proposed to the original scheme as this application purely seeks to regularise the current unauthorised development which has occurred on the site.

Land and Groundwater Contamination

A range of contaminated land investigations were supplied with the previous application (12/1799C) which identified that a variety of wastes have been deposited at the site, namely:

- Deposit of salt plant sludge and effluent sludge, both contaminated with mercury;
- Deposit of demolition rubble from the old Caustic Plant placed on top of the sludge and deposit of concrete bases from Hooker Cells;
- Deposit of demolition waste from the boiler house placed on top of the sludge which is understood to be contaminated with asbestos.

The results of the contaminated land investigations demonstrated that the proposed cover system would adequately mitigate any risk to human health or groundwater arising from the previous deposit of industrial wastes on the site.

The assessments recommended further investigations to establish the full geographical extent of asbestos on the site and the condition of the soils beneath the concrete blocks on the western side of the site. The Environmental Health Officer also required planning conditions to secure the approval and completion of all remedial/protection measures identified in the Phase II Geo-Environmental Assessment; the provision of Site Completion Statement; and the provision of defensive planting and fencing around areas subject to asbestos.

Whilst the remediation works were subsequently undertaken on site without this detail being approved, the applicant has submitted sufficient information in this application to satisfy the

recommendations of the contaminated land investigations and the specific requirements of the Environmental Health Officer. This includes a detailed quantitative risk assessment for human health and a remediation validation report which demonstrates that the remediation strategy undertaken will mitigate against risks to human health. The results of the chemical analysis of samples taken from the granular fill and imported soils have also been provided, along with information to confirm the thickness of the material placed on the site.

Furthermore, information obtained from site investigations including trial pits undertaken with the Environmental Health Officer in attendance has provided sufficient evidence to demonstrate that the engineering works undertaken are acceptable in respect of the risks of ground contamination. Likewise in respect of risks to controlled waters the Environment Agency has assessed the laboratory results and notes that whilst a number of minor exceedances were recorded within the samples taken from site, given the minor nature of these exceedances, they are unlikely to pose a risk to controlled waters and the Environment Agency has no further requirements in respect of these works and raises no objection.

On the basis of the information submitted by the applicant, the evidence collected on site and the views of the Environmental Health Officer and Environment Agency; it is considered that the scheme will not present any risks to human health or the environment and would accord with policies 12 and 18 of CRWLP, policies GR1, GR6, GR7 and GR8 of CBLP, and the approach of NPPF and PPS10.

Geotechnical Stability

The northern site boundary was originally defined by a 5m high sand/gravel embankment which sloped down to the adjacent land at an angle of 1:1.5. The embankment held the contaminated waste mass in situ on the site. Previous investigations identified that the embankment did not have sufficient engineering properties and there was evidence of historical movement along its length at various locations. Advice provided by an independent geotechnical engineer in the consideration of the original application (12/1799C) was that the slope was potentially unstable and lacking an adequate factor of safety against sliding. As such, a scheme of slope stabilisation works were secured as part of the previous planning permission, which included for the construction of a supporting 'wedge' of crushed stone/hardcore to achieve a more gradual 1:2 slope; to be overlain by erosion matting and a low nutrient soil which would be allowed to colonise naturally.

A planning condition was imposed on the planning permission which required the final engineering works to be visually inspected by the geotechnical engineer and written approval sought from the Planning Authority prior to the remainder of the remediation works being undertaken to ensure that the works had been undertaken in accordance with the agreed specification. As the works were carried out before any planning conditions were discharged, the opportunity for a visual inspection of the stabilisation works was not presented. The applicant has however provided sufficient detail within the application on the engineering works undertaken, including the method adopted, specification of the erosion matting and material used for the slope engineering works, cross sections of the achieved slope profile and topographical information. In addition, visual inspections of the engineering works have been undertaken by the consultant geotechnical engineer and the advice provided to the Council is that the works undertaken have been completed to a good standard and are considered acceptable.

As such, on the basis of the advice provided by the geotechnical engineer it is considered that the scheme is acceptable and will achieve the stabilisation required, and therefore complies with policy 12 of CRWLP, policy GR7 of CBLP and the provisions of PPS10 and NPPF.

Landscape and Nature Conservation

The remediation works undertaken on site include the placement of 150mm layer of soil which has been seeded with a wildflower mix, in accordance with the advice of the Nature Conservation Officer on the previous application who recommended the use of a low nutrient status soil for the capping layer, and the natural colonisation of the site as mitigation against any loss/damage to existing ecological habitats.

In order to provide a sensitive balance between any ecological and landscape value created as part of the final site restoration, and to ensure such features are adequately established, the previous permission provided for the submission of a scheme of landscape and ecological enhancement measures to be secured by planning condition. This requirement would be replicated on any planning permission and would include for the provision of detailed habitat and aftercare plans for the site.

Subject to securing these provisions, it is considered that the scheme would have an acceptable impact on landscape and nature conservation interests and would accords with policies 12, 14 and 17 of CRWLP, and policies GR1, GR2, GR5, NR1, NR4 and NR5 of CBLP, along with the approach of PPS10 and NPPF.

Impact on Local Amenity and Highways

Concerns have been raised by a local resident over the use of the site for recreational open space and provision of an informal car park in this location due to the additional traffic generated and potential for an increase in anti-social behaviour and fly tipping. These issues were previously deemed acceptable by Strategic Planning Board and no amendments have been made to the previous scheme with this application.

The scheme will bring the land back into use and will therefore increase the amount of informal surveillance in the area. New Paladin fencing has been installed which will act as a deterrent to any trespassers and fly-tipping. The informal car park which has been created on the former construction compound will remain locked unless in use by the Land Trust and would be open on an infrequent basis by invitation only; primarily for small minibus parties subject to agreement with the Land Trust. The car park is only large enough to allow a minibus to enter, turn around and exit in a forward gear and does not have any formal designated spaces. It is noted that neither the Highways Officer nor Environmental Health Officer raised any concerns over impacts on local amenity or the local highway network arising from the long term use of the site by the Land Trust in the assessment of the previous application. As such, it is considered that the scheme would not have an unacceptable impact on local amenity or the local highway network and would accord with policies 12 and 28 of CRWLP; policies GR1, GR6, and GR18 of CBLP along with the provisions of PPS10 and NPPF.

Conclusion

Whilst the Council cannot endorse the unauthorised works which have been carried out at this site, the works undertaken reflect the scheme which was previously approved under 12/1799C albeit this permission is now invalid. For the reasons given above and subject to

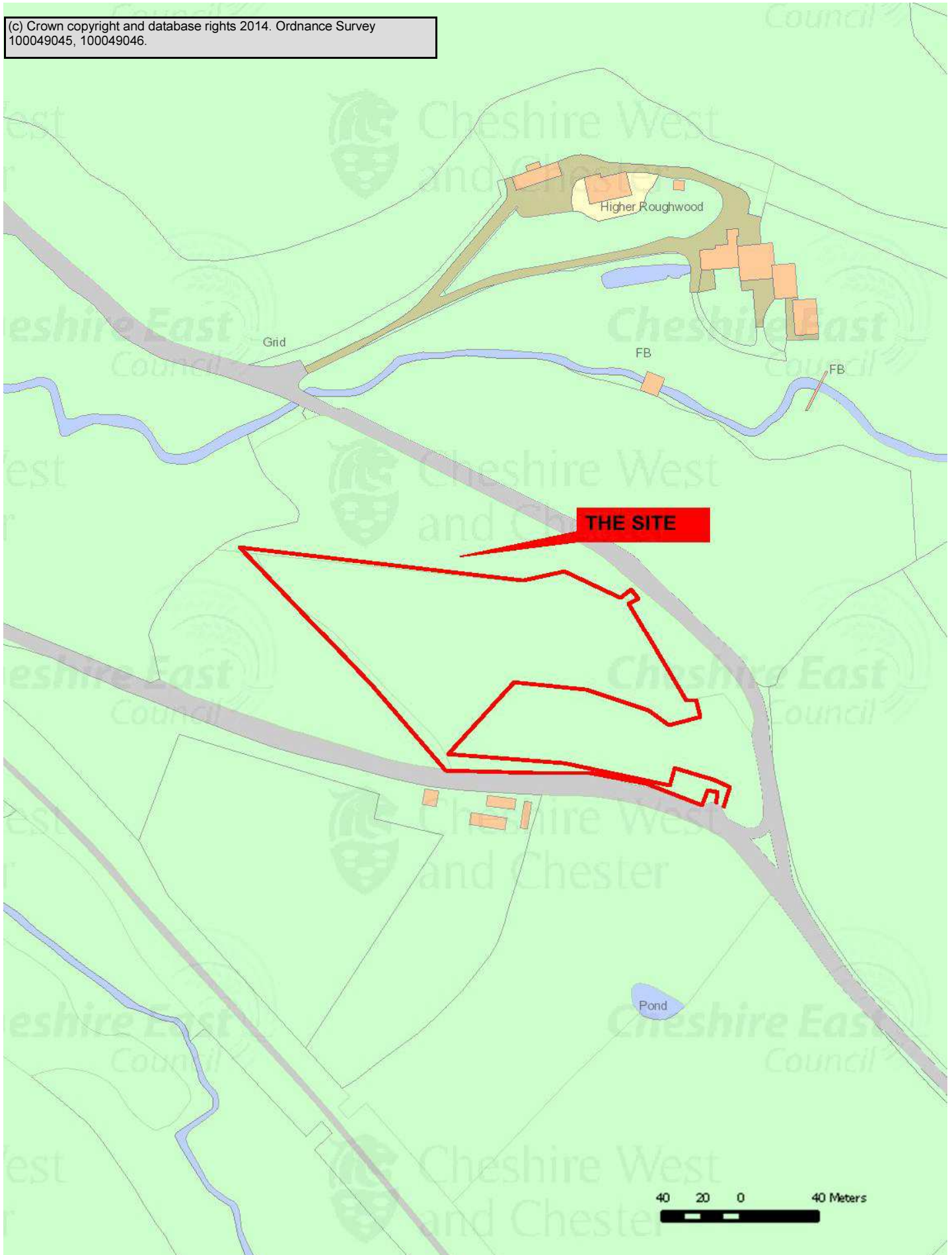
compliance with the recommended conditions, it is considered that this development, which is the subject of this application, is acceptable and in accordance with the relevant local plan policies and the provisions of the PPS10.

RECOMMENDED:

That the application be APPROVED subject to the following:

- 1. Standard conditions**
- 2. Entrance gate to remain locked aside from when in use by visiting parties**
- 3. No external lighting**
- 4. Retention of defensive planting fencing**
- 5. Submission of final landscape/nature conservation enhancement scheme.**

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