

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Tuesday, 18th March, 2014</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 26 February 2014 as a correct record.

4. **Public Speaking**

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**Please Contact:** Sarah Baxter on 01270 686462

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

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

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

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

5. **13/3455M-**

**Construction of the A6 to Manchester Airport Relief Road (whole route), incorporating:**

- " **Seven new road junctions;**
- " **Modification to four existing road junctions;**
- " **Four new rail bridge crossings;**
- " **Three new public rights of way/accommodation bridges;**
- " **Four new road bridges;**
- " **A pedestrian & cycle route;**
- " **Six balancing ponds; and**
- " **Associated landscaping, lighting and infrastructure works.**

**Within Cheshire East:**

- " **modifications to one existing road junction;**
- " **two new public rights of way/accommodation bridges;**
- " **one new road bridge;**
- " **a pedestrian and cycle route for the whole length of the relief road, including retrofitting it to the existing section of the A555;**
- " **one balancing pond for drainage purposes; and "associated landscaping, lighting, engineering and infrastructure works, Land to the south of Stockport, adjacent to and between the A6 (Buxton Road) and land to the east of the Styal railway line, for Stockport Metropolitan Borough Council, Cheshire East Borough Council & Manchester City Council (Pages 7 - 108)**

To consider the above application.

6. **12/3948C-Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access, Land Bounded By Old Mill Road & M6 Northbound Slip Road, Sandbach for David Brislen, W and S (Sandbach) Ltd (Pages 109 - 144)**

To consider the above application.

7. **14/0043C-Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road, Northbound Slip Road, Junction 17 of the M6, and Old Mill Road, Sandbach for W and S Sandbach Ltd (Pages 145 - 154)**

To consider the above application.

8. **13/4633N-Reserved matters application for approval of access, appearance, landscape, layout and scale of 72 dwellings with associated landscape, access and parking, in relation to approved outline application 12/0831N - for the erection of 165 dwellings on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road, Land to the South of, Maw Green Road, Crewe for Mark Lucy, David Wilson Homes North West (Pages 155 - 166)**

To consider the above application.

9. **11/1122M-Restoration of Gawsworth Quarry Using Inert Excavation and Construction/Demolition Wastes, Gawsworth Quarry, Gawsworth, Macclesfield for Mr Martin O'Gara, O'Gara Developments (Pages 167 - 190)**

To consider the above application.

10. **13/4150N-Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms). Re-submission of 13/1305N, Land to West of, Close Lane and North of Crewe Road, Alsager for Muller Property Group (Pages 191 - 222)**

To consider the above application.

11. **13/1305N - Land to the west of Close Lane, Alsager (Pages 223 - 228)**

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th February, 2014 at The Assembly Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors Rachel Bailey, D Brickhill, D Brown, J Hammond, P Hoyland,  
P Mason, B Murphy, D Newton, C G Thorley, A Thwaite, G M Walton and  
J Wray

### **OFFICERS IN ATTENDANCE**

Mrs A Bradley (Head of Legal Services and Monitoring Officer), Ms S Dillon  
(Planning Solicitor), Mr T Evans (Planning Officer), Mr A Fisher (Head of  
Strategic & Economic Planning), Mr S House (Principal Planning Officer -  
Spatial Plans), Mr S Penny (Northern Area Manager – Spatial Planning), Mr A  
Ross (Strategic Highways and Transport Manager), Ms C Rous (Planning  
Officer) and Mr A Sellors (Strategic Highways and Transportation)

### 166 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Edwards, Mrs J  
Jackson and S Wilkinson.

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

Prior to Members declaring their interests, the Head of Legal Services and  
Monitoring Officer advised regarding the declaration of financial interests  
and pre determination. Members with landownership interests in current  
or prospective strategic sites or locations should declare their interests and  
not participate in the decision-making. Aside from any such specific  
declarations, Members` interests in property in the administrative area of  
the Council are recorded on the Register of Interest.

If any Member approaches a decision with a closed mind, they should  
declare such predetermination, leave the room and not participate in the  
decision-making.

In the interests of openness, in respect of agenda item 5, "Cheshire East  
Local Plan Strategy-Submission Version", Councillor J Hammond declared  
that in relation to the Basford sites he had attended briefings with Agents,  
Officers, Local Ward Members and Parish Councillors however he had  
always kept an open mind about the proposals.

In addition he also declared he was a Member of Haslington Parish Council which had been consulted at various stages of the Local Plan process. He also declared that he was the Chairman of Ansa Environmental Services Limited who will be delivering Waste Management Services on behalf of the Authority. In all these connections, he had expressed no fixed view regarding the Strategy and retained an open mind.

In respect of the same item, in the interest of openness, Councillor A Thwaite declared that he was Chairman of East Cheshire Engine of the North, which was the Council's development Company.

In respect of the same item, in the interest of openness, Councillor D Newton declared he was a member of East Cheshire Engine of the North, which was the Council's development Company.

In respect of the same item, in the interest of openness, Councillor D Brown declared that he was a Member of Congleton Town Council and, as Portfolio Holder, had met with various developers but had not predetermined the Strategy.

In respect of the same item, in the interest of openness, Councillor D Hough declared that he was a Member of Alsager Town Council but had not met with any developers and had not made up his mind completely regarding the Strategy.

168        **MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting which took place on 23 January 2014 be approved as a correct record and signed by the Chairman.

169        **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

170        **CHESHIRE EAST LOCAL PLAN STRATEGY-SUBMISSION  
VERSION**

(During consideration of the item, Councillor J Wray arrived to the meeting. As a result he did not take part in the debate or vote on the item).

Consideration was given to the above report.

The following people attended the meeting and spoke in respect of the item:-

Councillor Miss Andrew  
Peter Yates  
Eileen Furr (Representing LEFA (Land East of Fence Avenue)  
Parish Councillor John Cornell (Vice Chairman Weston & Basford Parish  
Council)  
Gary Halman (Representing HOW Planning)  
Mr Brooks (Representing the Tatton Estate)  
Councillor Mrs Gaddum  
Keith Williams  
Town Councillor Mike Benson (Town Mayor, Sandbach Town Council)  
Stuart Kinsey  
Roger Bagguley  
Terry Reeves (Representing Friends of Dean Row)  
Parish Councillor Mrs Eyre (Representing Sutton Parish Council)  
Councillor K Edwards  
Brian Chaplin (Representing the Knutsford Aligned Community Groups)  
Manuel Golding  
Lillian Burns (Representing the Cheshire Association of Local Councils  
and Prestbury Parish Council)  
Councillor R Fletcher  
Celia Davies  
Stuart Redgard  
David Lewis  
Dr Julie Ann Brown (Representing Somerford Parish Resident's Action  
Group (SPRAG)  
Debbie Jamison  
Councillor L Brown  
Councillor B Burkhill  
Jenny Unsworth (Protect Congleton-Civic Society)

The Chairman thanked the public for their contributions and assured them that the points made would be taken into consideration.

An addition two statements were read out by the Head of Strategic and Economic Planning on behalf of Councillor Mrs L Smetham and Councillor R Menlove.

In response to comments made by Dr Julie Ann Brown, Mrs Bradley stated that, as Monitoring Officer, she knew of no instance of maladministration, underhand dealings or predetermination in relation to the strategic location LS6 Back Lane/Radnor Park, Congleton. In response to comments attributed by Councillor B Burkhill to the Leader of the Council, Councillor M. Jones, Mrs Bradley stated that, as Monitoring Officer, that Councillor Jones had not taken nor was he taking any part in the Board Meeting and had no influence over the conduct of it.

(The meeting adjourned for lunch at 12.35pm and reconvened at 1.20pm).

Prior to the start of the debate, Councillor B Murphy moved a recommendation that Council defer consideration of the item on the

grounds that the item did not include a Memorandum of Understanding recently signed between the Council and Stockport MBC in connection with the Council's duty to co-operate, that Members therefore lacked document essential to forming a reasonable judgement regarding the Strategy, and objections put forward by a number of the speakers had not been properly and adequately resolved.

Ms Dillon (Planning Solicitor) (whilst not having read the Memorandum), advised that the purpose of the Board meeting was to consider Local Plan Policy, that the Memorandum itself was not an expression of policy document and the Board had sufficient information before it, without considering the Memorandum, for it to make a recommendation to Council. Upon being put to the vote, the motion was lost.

(The meeting adjourned again at 3.30pm for a short break).

A number of comments were made by Members of the Board in respect of the Cheshire East Local Plan Strategy - Submission Version

Upon being put to the vote, motions to –

- delete strategic sites CS11, CS9 and CS31 at Gaw End Lane, Fence Avenue and Lyme Green
- redraw the strategic location SL6 at Back Lane/Radnor Park, Congleton
- delete strategic sites CS25, CS26 and CS27 in Wilmslow
- fund the proposed Poynton Relief Road by enabling development within Poynton
- delete strategic site CS30, North Cheshire Growth Village at Handforth East
- expand the fifth recommendation by reference to reduced weight being applied to strategic sites which are the subject of substantial objection

were defeated.

## **RESOLVED**

A. Strategic Planning Board recommends:-

1. That Council endorse the evidence base, including the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA), which has informed the *Cheshire East Local Plan Strategy - Submission Version*



2. That Council endorse the Officer responses to the consultations on the Cheshire East Local Plan *Pre-Submission Core Strategy* documents published in November, 2013;
3. (i) That Council approve the attached *Cheshire East Local Plan Strategy - Submission Version* (Appendix A) for publication and submission to the Secretary of State;  
  
(ii) That Council agree the amendments as outlined in the written update and circulated at the meeting subject to the inclusion of the following further amendments:-
  - (a) Your Views and How to Comment Section, document page iii - Add 5.00pm to the end of the period for representations.
  - (b) Paragraph 16.10, document page 345-Insert the words "Cheshire Brine Compensation Board" to the list.
  - (c) Policy EG4, document page 104, Point 1 (ii) – Delete the words "unless it can be proven that the use is no longer economically viable".
  - (d) Policy EG4, document page 104- Add additional bullet point to the list "improving access to our natural and historic landscapes through enhancing our vital public rights of way network".
  - (e) In relation to site CS30, document page 395-Point e within the Site Specific Principles of Development should be amended to state that "Public Rights of Way footpaths should be retained and/or diverted".
  - (f) In relation to site CS30, document page 395-Point i within the Site Specific Principles of Development should be amended to state that "Development should aim to deliver the preservation and refurbishment of the Grade II listed Dairy House Farm.
  - (g) Paragraph 16.2, document page 344 – Insert the word "annually" after "a monitoring report which will be published"
4. That Council delegate authority to the Head of Strategic and Economic Planning, in consultation with the Portfolio Holder for Strategic Communities, to agree any minor modifications to the *Cheshire East Local Plan Strategy - Submission Version* during the publication phase and during its subsequent Examination; and

5. That Council resolve that the *Cheshire East Local Plan Strategy - Submission Version* be given weight as a material consideration for Development Management purposes with.
- B) In the interests of consensus, Strategic Planning Board encouraged the Head of - *Submission Version* during the publication phase and during its subsequent Examination.

The meeting commenced at 10.30 am and concluded at 5.20 pm

Councillor H Davenport (Chairman)

- Application No:** 13/3455M
- Location:** Land to the south of Stockport, adjacent to and between the A6 (Buxton Road) and land to the east of the Styal railway line, north of Styal Golf Course.
- Proposal:** Construction of the A6 to Manchester Airport Relief Road (whole route), incorporating:
- Seven new road junctions;
  - Modification to four existing road junctions;
  - Four new rail bridge crossings;
  - Three new public rights of way/accommodation bridges;
  - Four new road bridges;
  - A pedestrian & cycle route;
  - Six balancing ponds; and
  - Associated landscaping, lighting and infrastructure works.
- Within Cheshire East:
- modifications to one existing road junction;
  - two new public rights of way/accommodation bridges;
  - one new road bridge;
  - a pedestrian and cycle route for the whole length of the relief road, including retrofitting it to the existing section of the A555;
  - one balancing pond for drainage purposes; and
  - associated landscaping, lighting, engineering and infrastructure works.
- Applicant:** Stockport Metropolitan Borough Council, Cheshire East Borough Council & Manchester City Council
- Expiry Date:** 24/02/2014

## **EXECUTIVE SUMMARY**

Planning permission is sought to construct a new dual carriageway from the A6 near to Hazel Grove (south east Stockport) to Manchester Airport and the link road to the M56. The application spans three Authority boundaries, namely Stockport MBC, Cheshire East Council and Manchester City Council, and as such, a detailed planning application has been submitted to the three authorities for determination of the scheme which falls within each of the Authority boundaries.

This report covers in detail the proposed scheme which falls within Cheshire East. It is considered important that all decision makers are fully furnished with the whole proposed scheme and relevant facts pertaining to it, the report therefore also covers details outside of the Cheshire East boundary. Each local planning authority is responsible for the recommendation and determination of the scheme within their Authorities jurisdiction.

The report sets out that the proposal is inappropriate development in the Green Belt, for which there is a presumption against. It is also concluded that additional harm will result from the proposal in terms of landscape and visual impact, noise, localised air quality and traffic congestion, ecology and loss of agricultural land.

However, subject to an enhanced package of mitigation and conditions set out in the report, the harmful impacts of the development can be reduced to acceptable levels.

The report concludes that the proposal will result in significant benefits through the provision of much needed strategic transport infrastructure. The improved connectivity and reduction in traffic congestion will bring significant sub-regional economic, social and environmental advantages. Overall it is concluded that very special circumstances exist to allow the development and that the proposal is in general conformity with Development Plan policy and the National Planning Policy Framework.

It is recommended that planning permission is granted subject to conditions.

## **REASON FOR REPORT**

The application is to be determined by Strategic Planning Board as set out in the Council's constitution and Scheme of Delegation. The proposal is also a departure from the Development Plan.

Members are advised that following the recommendation of the Strategic Planning Board the scheme will need to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009.

## **DETAILS OF THE PROPOSAL**

The planning applications submitted to Cheshire East Council (CEC), Manchester City Council (MCC) and Stockport Metropolitan Borough Council (SMBC) seek full planning permission for the construction of a relief road orientated east west between the A6 near Hazel Grove via the existing A555 to Manchester Airport. The proposed relief road comprises two new sections of dual carriageway, the first section is approximately 5.1km in length, starting from a new realigned section of the A6 at Hazel Grove(Stockport) extending west to the existing A555 at Woodford Road, Bramhall. The second section is approximately 3.2km in length and is an extension to the existing A555 which currently terminates at Wilmslow Road. The route continues in a westerly direction crossing Styal Road and heads towards Manchester Airport along the line of Ringway Road West.

The scheme would connect the A6 at Hazel Grove to Manchester Airport, travelling adjacent to Handforth, Poynton, Hazel Grove, Bramhall, Cheadle Hulme, Wythenshawe District Centres and Gatley and Heald Green Local Centres.

Each of the proposed carriageways would measure 7.3m wide. The east and west bound traffic would be separated by a hard standing central reservation measuring between 1.8m and 3.9m across with a concrete central barrier. The Scheme speed limit is proposed mainly to be 50mph, however in Manchester, between Styal Road and the tie in to Ringway Road West, the central reservation is proposed to be kerbed and vary in width between 3.0m and 5.4m. At this point it is not proposed to have a central barrier due to the proposed speed restriction in this location being 40mph.

Between the A6 and Styal Road there is proposed to be a soft verge on either side of the carriageway with a shared use cycleway and footway to the north of the relief road, separated from the carriageway by a soft verge.

Between Styal Road and the tie in to Ringway Road, the shared cycleway and footway would be adjacent to the highway. A soft verge is proposed on the outside of the shared cycleway and footway with soft verge present on the opposite side of the road.

### **Detailed alignment of the proposed relief road**

The eastern end of the proposed new road starts within the Stockport boundary, to the east of Hazel Grove with a traffic signalled T-Junction located on a realigned section of the A6. From this junction the relief road moves west and passes under the existing A6 (Buxton Road) which is taken over the main alignment on a new bridge for the use of buses, cycles and pedestrians. The route continues under the Hazel Grove to Buxton railway line and continues west passing properties on Old Mill Lane to the north.

It is proposed that a Bridleway quality bridge would be provided to divert the Public Right of Way (PRoW) and farm vehicles across the relief road near Old Mill Lane.

The proposal continues west passing between Norbury Brook and to the rear of residential properties on Darley Road and Ashbourne Road. At Macclesfield Road an at-grade signalised cross roads arrangement is proposed allowing all traffic movements with facilities for cyclists and pedestrians.

From the A523 Macclesfield Road the route continues west and runs to the north of Norbury Brook and associated woods and south of the residential streets of Sheldon Road and Longnor Road. The scheme then crosses authority boundaries into Cheshire East where the scheme crosses Norbury Brook via a bridge at Mill Hill Hollow. A bridleway quality bridge is proposed to divert the PRoW and farm vehicle access across the scheme at Hill Green. The route then passes in cutting under Woodford Road, which is proposed to be raised in the vicinity of the relief road, crossing back into Stockport where the road is proposed to climb on embankment over the West Coast Main Line.

A new at-grade signalised roundabout junction would provide access to the Bramhall Oil Storage Depot and a new link providing access to Chester Road is proposed. The junction is proposed to incorporate Pegasus facilities for equestrians, pedestrians and cyclists.

At the A5102 Woodford Road the existing roundabout joining with the A555 is proposed to be replaced by a new grade separated junction with the main route passing through cutting under Woodford Road. The junction configuration is proposed to be signalised to incorporate crossing facilities for pedestrians and cyclists.

A shared cycleway and footway is proposed to be constructed adjacent to the existing A555, for its entire length, within Stockport and Cheshire East. Where the A555 crosses over the A34 in Stockport it is proposed that junction adaptations be implemented to facilitate and manage the anticipated traffic flows. The junction is proposed to be signalised and provide crossing facilities for pedestrians and cyclists.

The A555/A34 is proposed to be upgraded with widened carriageways and traffic signal controls, including the introduction of controlled crossing facilities for pedestrian and cyclists. North of this junction, at the junction of the A34 and Stanley Road the roundabout is proposed to be upgraded to traffic signal control and increased lane capacity. Toucan crossing facilities for pedestrian and cyclists are proposed to be integrated into the signal controls for both junctions.

The existing A555 alignment continues west out of Stockport into Cheshire East under the existing at-grade separated dumb-bell junction linking to the B5358 (Wilmslow Road), where new west facing slip roads are proposed.

Between the B5358 Wilmslow Road, and the B5186 Styal Road, the proposal continues through Cheshire East passing through Styal Golf Course and agricultural land into Stockport. A bridleway quality bridge is proposed to divert the PRoW across the road at Yew Tree Farm. The proposal would then pass over Styal Railway Line in Stockport which

is located in a deep cutting, and head into Manchester between the airport southern rail spur and Moss Nook electricity station.

At Styal Road, it is proposed that an at-grade signalised cross road arrangement incorporating Toucan facilities, for pedestrians and cyclists would be constructed requiring extensions to the existing road over rail bridge over the northern airport spur. From Styal Road, the proposal runs parallel to the airport rail spur where it is proposed to terminate as it merges at the existing Ringway Road/Ringway Road West junction west of Shadowmoss road. Between Shadowmoss road and the proposed main alignment, Ringway road would be stopped up and a new layout arrangement with Shadowmoss Road constructed.

Overall, the proposal incorporates:

- Seven new road junction (six of which are proposed in Stockport and one in Manchester);
- Modifications to four existing road junctions (three in Stockport and one in Cheshire East);
- Four new rail bridge crossings (three in Stockport and one in Manchester);
- Three new public right of way/accommodation bridges (two in Cheshire East and one in Stockport);
- Four new road bridges (three in Stockport and one in Cheshire East)
- A pedestrian and cycle route for the whole length of the relief road, including retrofitting it to the existing A555(Cheshire East and Stockport);
- Six balancing ponds for drainage purposes (four in Stockport, one in Cheshire East and one in Manchester); and
- Associated landscaping, lighting, engineering and infrastructure works.

## **PLANNING HISTORY AND BACKGROUND**

Whilst there have been no previous planning applications for the A6MARR, the general route of the proposed relief road is well established and has been defined and safeguarded for road construction purposes since the 1930's.

In 2001 the South East Manchester Multi-Modal Strategy study (SEMMMS) was published which identified the problems with the transport system in the area and made recommendations for improvements. Amongst a package of investment in the public transport network, the study proposed that the local authorities develop roads of an appropriate scale designed to provide relief to the problems in the study area communities, but not to provide a new strategic route of regional and potentially national significance.

The content and objectives of the SEMMMS Study were endorsed across the North West at all political levels. The A6MARR was seen as a major part in delivering the

recommendations of the SEMMMS study with the scheme being prioritised by the Greater Manchester Combined Authority and Transport for Greater Manchester.

In its Autumn Statement 2011 and National Infrastructure Plan 2011, the Government presented its vision for the UK transport system, and later identified the A6MARR as one of 70+ major infrastructure projects aimed at addressing congestion and improving performance on the highway network.

Stockport Metropolitan Borough Council and Manchester City Council have recently passed resolutions to approve the development within their respective boundaries.

## **ENVIRONMENTAL STATEMENT**

The applications as submitted to the three Local Planning Authorities are accompanied by an Environmental Statement (ES) which is considered to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Environmental Statement covers the scheme in its entirety ensuring that each of the three Local Planning Authorities is aware of constraints outside of their authority boundaries.

The ES sets out the results/findings of the EIA, including proposals of a number of mitigation measures that would be implemented to prevent and/or minimise any adverse effects. These are set out under a series of separate chapters which are as summarised as follows:

Chapter 1 provides a general introduction and description of the scheme, the methodology and approach taken in preparing the Environmental Impact Assessment (EIA) and explains the format and structure of the ES and each of its chapters.

Chapter 2 explains the need for the scheme. This chapter states that the A6MARR is one element of the wider South East Manchester Multi Modal Strategy (SEMMMS) with the proposal intending to provide strategic connectivity to Manchester Airport and the south Manchester corridor and highlights the current transport related problems and issues within the area and the role that the proposal would make in addressing these problems.

The chapter further explains that the scheme is supported and promoted by the three local authorities: Stockport Metropolitan Borough Council, Cheshire East Council and Manchester City Council with all partners and supporters committed to the efficient delivery of the scheme to ensure that the North West economy can thrive in the future.

As a key part of the wider SEMMMS strategy, the A6MARR is identified as providing much-needed congestion relief to local and strategic routes in the area, congestion that currently constrains the growth potential of the Cheshire East, Manchester and Stockport economies to the detriment of local communities.



The chapter states the underlying philosophy of the A6MARR scheme in providing priority for public transport and non-motorised modes of transport, providing a step change in the allocation of existing road space in favour of sustainable modes of transport - improving access for public transport, pedestrians and cyclists, and improving quality of life in residential areas along the south Manchester corridor.

Chapter 3 describes the principal alternatives considered for the scheme and provides an overview of development of the scheme. The alternatives considered relate to ten junction arrangements along the route, and arrangements for the proposed crossing of the West Coast Main Line.

Chapter 4 gives a general description of the existing environment, land uses and site setting for the A6MARR, along with an overview description and summary of key features/aspects of the scheme along sections of the route.

Chapter 5 details the key design components and construction activities which constitute the proposed scheme and associated operational characteristics. The chapter includes a description of the proposed route, topography, junctions, structures, cycletracks, footpaths and bridleways, lighting, drainage, watercourse diversions, earthworks and how the scheme integrates into the current network.

Chapter 6 outlines the approach to consultation prior to the submission of the planning applications. The chapter explains the history of the scheme, and the consultation with statutory and non-statutory bodies since 2009.

Chapter 7 explains the scope of the studies and assessments which have been undertaken and any modifications that have been made to the scope as the studies and assessments have progressed. It further describes the relationship between environmental impacts and their effects and terms referred to in various assessments and sets out a common format for the assessment reported to in chapters 8 – 17. The chapter identifies that The Design Manual for Roads and Bridges, Volume 11, Section 3 (DMRB) provides a framework for identifying and considering potential impacts with major road projects. The topics assessed by the EIA are as follows:

- Air Quality
- Cultural Heritage
- Landscape and Visual Effects
- Nature Conservation
- Geology and Soils
- Noise and Vibration
- Effects on All Travellers
- Community and Private Assets
- Road Drainage and the Water Environment

- Cumulative Effects

Chapters 8-17 report the findings of the studies and assessments undertaken and identify any likely significant environmental effects including cumulative effects. A common format has been adopted for the reporting of the assessments undertaken for each of the environmental aspects investigated.

Chapter 8: Air Quality – this chapters contains an assessment of the potential impacts of the scheme on air quality including impacts associated with dust generated during construction activities and associated with working areas, additional emissions from construction traffic. The assessment for air quality has focussed on:

- Local air quality with parts of the road network where volumes of traffic would be affected by the introduction of the scheme into the network;
- Changes in concentrations of oxides of nitrogen (NOx) and levels of nitrogen deposition where changes in volumes of traffic within the road network affected by the introduction of the proposed scheme into the network could potentially affect sites designated for ecological value;
- Changes in greenhouse gas emissions (regional emissions) attributable to the introduction of the proposed scheme into the local road network;
- Nuisance associated within construction related dust; and
- Impact on local air quality associated with construction traffic.

The air quality assessment has considered the effects of the proposed development upon a total of 11,036 receptors including residential properties, care homes, hospitals, schools, nurseries and businesses.

The Environmental Impact Assessment has demonstrated that Nitrogen Dioxide (NO<sub>2</sub>) concentrations would fall at approximately 79% of receptors whilst 2% would be unchanged and 19% would experience an increase.

The ES further identifies that Particulate Matter (PM<sub>10</sub>) concentrations are predicted to fall at approximately 61% of receptors whilst 22% would be unchanged and 17% would experience and increase.

The EIA demonstrates that implementation of the proposed scheme is expected to result in a small increase in regional emissions associated with increased vehicular usage of the road network.

Chapter 9: Cultural Heritage – this chapter contains assessments of cultural heritage assets with the EIA focussing on:

- Archaeological assets and their setting;

- Built heritage assets and their setting; and
- Historic landscape.

The assessments have generally been focussed on known heritage assets and areas identified as having archaeological potential within 600m wide study area centred on the proposed scheme alignment. Known sites and monuments beyond this margin have also been assessed where it has been recognised that the proposed scheme may have a discernible impact on their setting, the Zone of Theoretical Visibility for the proposed scheme being adopted as a basis for determining such potential.

The EIA has identified the 29 known archaeological assets of low value will be damaged, destroyed or removed during the construction of the proposed scheme.

The assessments have demonstrated that all but one of the known and potential assets of archaeological interest would be subject to impacts which would be no greater than slight and adverse. The assessment further demonstrates that the impact on the one other asset, Norbury Mill, would be moderate and adverse.

The assessments have concluded that the proposed scheme does not involve direct impact on any listed buildings or buildings identified as being of historic or architectural importance. The loss of some of the agricultural land to the south of Norbury Hall which contributes to the setting of the farmhouse and encroachment into the curtilage of the buildings has been identified as having a moderate and adverse impact of the setting of the asset. The relationship of the site and building to its surroundings are however not proposed to be altered to an extent which would compromise the value of its cultural heritage. As such, the applicant has concluded that the impact does not constitute a significant effect.

The impacts related to historic landscapes has fully been assessed within the ES and concludes that that impacts related to historic landscape types would be no greater than slight and adverse, and as such, concluded that such impacts do not constitute a significant effect.

The overall conclusion of the assessments is that the impacts identified do not constitute a significant effect collectively either in part or in their entirety.

Chapter 10: Landscape and Visual Effects – this chapter investigates the likely impacts on the landscape character of the urban areas, urban fringe and countryside associated with the proposed scheme corridor between the A6 and Manchester Airport and assesses the visual impacts on sensitive receptors associated with the proposed scheme corridor.

The assessments have identified that whilst the proposed scheme generally integrates into the receiving landscape, there would be localised impacts to landscape character that would be significant in the long term.

Four such locations are identified:

- North of Norbury Brook
- Where the proposed scheme crosses the Ladybrook Valley
- At the Bramhall Oil terminal; and
- At the crossing of the West Coast Main Line.

Moderate and adverse effects would occur at the western end of the scheme in the short term reducing to slight/moderate in the design year (2032).

The assessment has identified that two locations would have large adverse and long term visual impacts. These locations are identified as being two receptors at the southern end of Old Mill Lane in the winter of the design year. Moderate to large adverse impacts are also identified at 13 residential receptors along the route of the proposed development in the long term during winter months, reducing to six in the summer months.

Chapter 11: Nature Conservation – the chapter assesses in detail potential impacts of the scheme on Norbury Brook Site Biological Interest, habitats and fauna. The study areas adopted for each species are as follows:

- Norbury Brook SBI – the boundary of the designated site
- Habitats – the proposed permanent land take and temporary working areas and contiguous habitat where they are extending beyond land take
- Great Crested Newts – 500m either side of the proposed permanent land take
- Badgers – 50m either side of the proposed permanent land take
- Otter – along Lady brook and Norbury Brook where two watercourses cross and land take and a further 100m along both water courses either side of the land take
- Bats – a corridor comprising the proposed land take and extending 100m either side of land take
- Bats (roost potential) – proposed land take and any temporary working areas.

The chapter identifies that the scheme would have an impact on a badger sett, 6 outlier setts, Great Crested Newt ponds, loss of ancient woodland, bat habitats and a kingfisher habitat and proposed mitigation measures to reduce potential impacts.

The ES demonstrates whilst the majority of impacts can be mitigated, the loss of the ancient woodland, as a resource, cannot be mitigated against, and as such, would constitute a significant effect at a local level. In the context of Norbury Brook SBI, it has been concluded that the scheme would not have a significant effect.

The assessment has further demonstrated that there will be a net addition of habitat types as a result of proposed planting, and whilst of benefit, could not constitute a significant benefit.

The assessment relative to fauna and protected species has demonstrated that with the proposed mitigation measures in place, there will be no significant effects.

Chapter 12: Geology and Soils – the chapter provides a description of the solid and drift geology and soils associated with the proposed scheme corridor and the assessment of potentially contaminated site where construction could involve disturbance and potential release of contaminants.

The assessment established that there were potentially ten contaminated sites within a 1km wide corridor centred on the alignment for the proposed scheme. On further investigation only one of these falls within the land take of the proposal, and lying within Manchester City Council Authority Boundary.

The applicant has identified mitigation measures for the site and identified further investigation works required.

Looking at the geology of the area, it has been concluded that it is unlikely that the proposed scheme would have any significant effects on the geology and soils of the area.

The ES further advises that there may be unknown contaminants, and therefore mitigation may be required if contamination is found.

Chapter 13: Noise and vibration – this chapter focuses on:

- A qualitative assessment of potential noise impacts in relation to sensitive receptors during construction;
- Assessment of potential traffic related noise impacts and nuisance relative to sensitive receptors following the opening of the proposal;
- Assessment of potential impacts on sensitive receptors as a result of vibration associated with construction; and
- Assessment of potential impact on sensitive receptors as a result of vibration associated with the future use.

Sensitive receptors relative to all four assessments include:

- Residential dwellings;
- Schools, colleges and childrens nurseries;
- Community facilities including sports centres;
- Places of worship;
- Hospitals, care/nursing homes, health centres and clinics;
- Laboratories containing sensitive equipment; and
- Heritage buildings.

Consideration was also given to outdoor areas commonly used by people where the ambient noise level are currently below 50dB(A).

The ES has demonstrated that there would be an increase in traffic related noise at the majority of sensitive receptors. In the short term, of the 26,034 residential receptors and 123 non residential receptors, 9,575 are likely to experience and increase in noise, whilst 6,489 are likely to experience a decrease.

Road noise has been identified as being mitigated through the use of low noise surface and acoustic barriers.

There are 55 residential properties that would potentially experience levels equal to or in excess of 68 dB(A) and a 1dB(A) increase as a result of the scheme, and thus, it may be necessary to provide noise insulation to properties.

The ES further identifies potential noise mitigation, and identifies that construction activities and noise limits should be agreed and specific contractors' method statements would be required prior to construction activities such as piling or blasting. The recommended mitigation would satisfactorily reduce the impact of such a development.

Chapter 14: Effects on All travellers – this chapter assesses the anticipated impacts on non-motorised users of the existing footpaths, PRoW and road network relative to the impacts on accessibility and the amenity value on the network affected and, assess the impact on motorists using the existing network and the proposed scheme relative to driver stress.

The assessments have identified that the proposed scheme would be beneficial to non-motorised users of the public rights of way network due to the new east west footpath and cycleway connecting various local centres and existing footpaths. It does however further identify that there may be some amenity loss due to proposed diversions of footpaths.

Driver stress would generally decrease in the locality particularly for strategic traffic using the proposed scheme, however, there would be instances where driver stress would increase along specific sections.

Chapter 15: Community and Private Assets – the chapter assesses the impact of the scheme on private land take, loss of land used by the community, effects on land take on agricultural resources, and effects on development land.

The ES identifies that the proposed scheme would involve the loss of agricultural and recreational land together with residential, industrial and commercial land.

The scheme has been identified as severing and fragmenting up to 23 agricultural holdings with potential impacts for future operation.

Land take from Woodford Receptions Ground would result in approximately 12.5% of the total area being lost, the majority of which is currently scrub land with intermittent trees which bounds with the existing A555.

16 locations have been identified where residential land would be required for the scheme with the ES providing full commentary on each property and its likely impact.

Chapter 16: Road Drainage and the Water Environment – this chapter examines in full the potential impacts on the water environment focussing on surface waters, ground water and flood plains. A full flood risk assessment has been submitted with the planning application which supports the application and informs the ES.

The ES proposes mitigation both during construction and in the design of the scheme to minimise impacts.

The assessment has identified two areas of notable flood risk, one being the confluence of the Norbury Brook, Poynton Brook and Lady Brook and the second being the area related to Spath Brook in the vicinity of Stanley Green Trading Estate.

All potential impacts of the scheme have been investigated and it has been concluded that with the inclusion of the mitigation, impacts on the geomorphology, hydrology and flood risk of surface waters and on water quality, flows and levels of groundwater will be no greater than slight at specific locations, and as such, slight overall.

The scheme would not have significant effects on water quality and biodiversity at four out of five local watercourses. Mitigation is proposed on Baguley Brook.

Chapter 17: Cumulative Effects – this chapter identifies potential cumulative effects including:

- Those which arise from changes caused by a combination of impacts from existing or planned development and the proposed scheme; and
- Those which arise from a combination of impacts identified by different environmental disciplines within the ES.

The chapter identifies that separate developments or environmental disciplines and associated impacts may not be significant, however, when considered together may become significant.

In order to assess the impacts, the applicant undertook an assessment to identify potential developments looking at proximity to the proposed scheme, type and size of development and proximity to known environmental receptors.

Those considered to be of note all relate to the application submitted to Manchester City Council, and identifies Airport City, Manchester Airport Metro Link extension and a car park to the north of Ringway Road West with the ES identifying that there would be cumulative impacts upon landscape and visual impacts in these areas.

Members should be aware that the proposed strategic site, Handforth East, in the emerging Cheshire East Local Plan has not formed part of the cumulative assessment. There is no requirement for this to take place as it is not “committed development”. The infrastructural requirements for Handforth East would need to be considered separately in the future.

The ES further identifies that for a number of properties adjacent to the proposed scheme, and in some areas distant from the application site, there will be significant and adverse cumulative impacts, however, the proposed scheme would also result in significant beneficial effects in areas outside of the immediate scheme corridor in relation to air quality and traffic related noise. Mitigation measures relating to individual impacts have been proposed.

Chapter 18: Schedule of Environmental Commitments – this chapter identifies the key mitigation measures reported throughout the ES and which form the mandatory schedule of commitments under the contracts for construction. The commitments and mitigation are best appreciated through the submission.

Overall, it is concluded that no significant cumulative impacts are anticipated for the scheme provided all the mitigation measures and commitments detailed within the ES are adopted and implemented.

**Non-technical summary** – this document gives a brief overview of the main findings of the ES in an easily understandable and accessible format.

## **SITE AND SURROUNDINGS**

The proposed alignment of the scheme traces the southern fringe of the Greater Manchester conurbation from the A6 in the east to Manchester International Airport. The corridor of the scheme comprises a sequence of open space and countryside, much of which is designated as Green Belt and identified as a Landscape Character Areas of Lady Brook Valley and Woodford. The route of the scheme has been protected from development that would prejudice a road scheme within the corridor since the 1930's.

The land use pattern along the route is predominantly agricultural, however there is recreational and sports areas, institutional grounds and residential properties together with industrial and commercial uses.

From the A6 to the A555/Woodford Road Junction the corridor is characterised by open agricultural land used for grazing, the wooded valleys of Norbury Brook and Lady Brook



and the urban areas of Hazel Grove to the north, Poynton to the south and Bramhall to the west.

The development is proposed to occupy the southern extent of Hazel Grove Golf Course (land outside of the operational golf course but within its ownership) and crossing Ox Hey Brook. The highway boundary and landscaping areas are proposed to abut a number of residential properties adjacent to the existing A6. From the A6, the alignment crosses the Hazel Grove Railway Line and runs through open fields passing between Norbury Brook and the southern extent of Old Mill Lane where it would pass in close proximity to residential dwellings. The proposed cycle path would abut with the boundary of the southern most residential property on Old Mill Lane. The scheme would pass to the south of residential properties on Darley Road and Ashbourne Road and would cross Macclesfield Road abutting with Brookside Garden Centre. The topography along this part of the route is gently undulating and at Norbury Brook the land is incised and slopes steeply downwards. A section of the wooded valley created by Norbury Brook is classified as ancient woodland.

The development would continue west through open pasture in parallel with the Ladybrook Valley Interest Trail and Norbury Brook and in close proximity to residential properties on Longnor Road, Sheldon Road, Norbury Hall, Mill Hill Hollow and Barlowfold Farm.

Ladybrook Valley is characterised by relatively steep sides. The scheme continues through open countryside and agricultural land of undulating topography, passing several public footpaths to the north and south before crossing Woodford Road and the West Coast Main Line. The scheme passes Hill Green Farm and Bramhall Golf Club to the north and Distaff Farm to the south.

The scheme continues south west through open agricultural land crossing several footpaths and the access road to Bramhall Oil Terminal and Ashmead Farm. The aforementioned are immediately to the north of the proposal with the settlement of Bramhall beyond the depot.

The proposal seeks consent to cross the northern extent of Moorend Golf Course before joining with the existing A555. There are residential properties to the north and south of Woodford Road and on Albany Road in close proximity with the scheme together with Queensgate School lying immediately to the north of the site.

The route continues along the existing A555 passing through relatively flat pasture with urban areas of Bramhall and Cheadle Hulme to the north. The scheme abuts with Woodford Recreational Ground to the north and Londfield Poultry Farm and Andertons Nurseries to the south. The existing A555 crosses closely with residential properties associated with Hall Moss Lane. Between Hall Moss Lane and the A34 the A555 is mainly surrounded by open fields and Chester's Park Croft, a residential caravan park.

The scheme continues past the Stanley Green Trading Estate, the community of Handforth and residential properties on Stanley Road and Stanley Road Farm before passing under Wilmslow Road and approaching land currently occupied as Styal Golf Club. In the location is outlying infrastructure associated with Manchester Airport, areas of pasture and the settlements of Handforth, Heald Green and Moss Nook.

Immediately to the west of Wilmslow Road the proposed alignment crosses an existing airport storage facility and passes immediately to the south of Little Acorns Day Nursery. The proposal then continues back into open fields currently used for grazing livestock and the residential properties of Bolshaw farm.

A large residential dwelling known as 'The Grange' sits to the south of the proposed alignment with a large commercial nursery and two farms: Yew Tree Farm and Outwood Farm. Continuing west the proposal crosses a footpath before crossing the northern extent of Styal Gold Club. The scheme emerges to the west of the golf course into open fields used for grazing. The final section of the scheme within Stockport is where the scheme crosses the Styal Railway line. All land to the west of the Styal Railway Line falls within MCC jurisdiction, with the scheme predominantly tracing the Manchester Airport Railway line spurs through open fields near to residential and commercial properties in Moss Nook. The scheme terminates at the Junction of Ringway Road/Ringway Road West.

Members will appreciate that whilst their remit is to determine the element within Cheshire East, the proposal weaves in and out of SMBC, CEC and MCC and it therefore important to appreciate the siting of the whole scheme and not just that within its own boundary.

The full details of the proposed route alignment and location of existing structures is best appreciated from the plans submitted with the planning application.

### **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development plan for Cheshire East comprises:

- Policies set out in the Macclesfield Borough Local Plan 2004 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004;

*(note: the development plan also comprises saved policies of Congleton Borough Local Plan and Crewe & Nantwich Borough Local Plan which are not relevant to this proposal)*

Paragraph 215 of the National Planning Policy Framework (NPPF) stipulates that the degree of weight given to the relevant Development Plan policies should be based on the

degree to which they are consistent with the NPPF, with those policies closest to the framework given the greatest weight.

Paragraph 216 of the NPPF then states that weight may be given to emerging plans from the day of publication, with the weight to be given dependant on the stage of preparation, the extent to which there are unresolved objections to relevant policies and according to the degree of consistency with the NPPF.

Macclesfield Borough Local Plan 2004 (saved policies)

NE2 The Borough Council will seek to conserve and enhance the diversity of landscape character areas and ensure that any development respects local landscape character.

NE7 The Borough Council will seek to retain and enhance existing woodlands by woodland management. Development which would adversely affect woodlands will not normally be permitted.

NE11 The Borough Council will seek to conserve, enhance and interpret nature conservation interests. Development which would adversely affect nature conservation interests will not normally be permitted.

NE14 Development proposals which involve the loss of ponds, wetlands, heathlands, ancient woodlands or ancient grassland together with newly created habitats will not normally be allowed and their conservation will be encouraged.

NE17 In major developments in the countryside, the borough council will seek improvements for nature conservation, tree planting and landscaping

BE1 Sets out the design principles and standards for new development.

BE2 The Borough Council will seek to preserve, enhance and interpret the historic fabric of the environment. Development which would adversely affect the historic fabric will not normally be permitted.

BE16 Development which would adversely affect the setting of a listed building will not normally be approved.

BE21 The Borough Council will promote the conservation enhancement and interpretation of sites of archaeological importance and their settings. Development which would adversely affect archaeological interests will not normally be permitted.

GC1 Green Belt – new buildings.

RT7 The Borough Council will seek to create a network of cycleways, bridleways and footpaths.

T1 Sets criteria to judge new transportation schemes

T3 Improve conditions for pedestrians

T5 Development proposals will make provision for cyclists in accordance with policy IMP2

T6 The Borough Council will support other highway improvement schemes which reduce accidents and traffic hazards.

T7 Land along the routes of the following road schemes will be safeguarded from other development (includes a safeguarded route for the airport link road - MAELR).

T8 The council will seek to introduce traffic management measures and environmental improvements on and adjacent to the roads which will be relieved of heavy traffic as a result of the new road schemes referred to in policies T7

IMP2 Infrastructure requirements from new developments

DC1 The overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

DC3 Development, including changes of use, should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses

DC6 – Circulation and access

DC8 where appropriate, applications for new development must include a landscape scheme which should meet the following criteria:

DC9 – Tree protection

DC13 Noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.

DC15 In cases where new infrastructure is required before development can proceed, a condition will be imposed to ensure that the development proceeds in accordance with the provision of new infrastructure and facilities.

DC17 Water Resources

DC18 Sustainable Urban drainage systems

DC63 Contaminated Land

Emerging Cheshire East Local Plan

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The proposal is fully in line with Strategic Priority 1 of the pre-submission Core Strategy. This priority seeks to promote economic prosperity by creating the conditions for business growth. The objective is to be delivered in part by capitalising on the accessibility of the Borough, including improved transport links with the Manchester City Region and Manchester Airport.

Strategic priorities 2, 3 and 4 seek to create sustainable communities, protect and enhance environmental quality, reducing the need to travel, promoting more sustainable modes of transport and improving the road network.

Policy CO2 - Enabling Business Growth Through Transport Infrastructure – specifies that support will be given for schemes identified within the current Infrastructure Delivery Plan. The airport relief road is included in the current Infrastructure Delivery Plan.

National planning guidance

National Planning Policy Framework (the Framework) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- approving development proposals that accord with the Development Plan without delay; and
- 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 as a whole; or
  - specific policies in the Framework indicate development should be restricted.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 31 states that Local Authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The applicant in this case SMBC, CEC and MCC have worked positively together and with neighbouring authorities to ensure the proposal is viable and meets the aims of the paragraph. The scheme would promote economic growth, relieve existing congestion on the highway network and promote sustainable transport.

Paragraph 32 states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Assessment.

Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, 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 proposed development has been supported by a Transport Assessment (TA )which identifies the impacts of the development. The TA includes mitigation measures, and complementary mitigation measures which are proposed to mitigate impacts of the development and increase sustainable transport choices.

Paragraph 41 – Local Planning Authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to wide transport choice. The proposed development runs along a route protected within CEC under Policy T7. The route deviates slightly from the safeguarded route at the western end of the proposed road within Cheshire East. The proposed route is further South at the approach point to the railway line crossing at Styal than the safeguarded route shown on the proposals map under policy T7. However, the principle of the scheme clearly accords with para 41.

Paragraph 79 – The Government attaches great importance to Green Belt, The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 80 – Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up area;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To reserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 – States that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This policy reiterates previous Green Belt policy and continues in Paragraph 88 which states that when considering planning applications, LPAs should ensure that substantial weight is given to any harm to the Green Belt, and that 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.

Paragraph 90 further states that development may not be inappropriate development in the Green Belt and includes 'engineering operations' and 'local transport infrastructure' which

can demonstrate a requirement for a Green Belt location, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The applicant has given considerations to paragraphs 87, 88 and 90 of the NPPF, and the purposes of the Green Belt and considers that the proposed development would be harmful to openness and would not safeguard existing areas of the countryside located within the application site, and as such, considers that the proposed development would represent inappropriate development within the Green Belt. The applicant has therefore submitted very special circumstance which they believe clearly outweighs any harm to the Green Belt. To avoid repetition, full discussion on the Green Belt can be found later in the report.

Paragraph 103 advises that determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

As part of the planning submission the applicant has provided a Flood Risk Assessment prepared in accordance with the NPPF technical guidance. Full commentary and responses from statutory bodies can be found in the body of the report.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.



Full discussion on the natural and local environment can be found within the report, however, on balance it is considered that the scheme accords with the general principles of para 109.

Paragraph 112 – Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality land. Full discussion can be found within the analysis section, however, in summary, the scheme does not result in the loss of best and most versatile land, although a significant amount of agricultural land would be lost and severed. The benefits and need for the scheme are considered to outweigh the potential harm.

Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the sites notified special interest features is likely, an exception should only be made where the benefits of the development, clearly outweigh both the impacts that it is likely to have on the features of the site and any broader impacts;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Opportunities for mitigation and biodiversity have been taken where possible to ensure that the impacts of the development are acceptable. It is considered that the ES fully assesses the impacts, and with mitigation the scheme will ensure compliance with para 118.

Paragraph 120 – To prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 123 – Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and

- quality of life arising from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
  - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 124 – Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Paragraph 128 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site includes or has the potential to include heritage assets within archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant has provided in full an assessment of the potential impacts, which is considered to be sufficient to determine the proposal.

Paragraph 132 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important and asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a grade II listed building, park or garden should be exceptional. Within Cheshire East, no such harm is identified as a result of the proposed development.

Paragraph 135 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 139 – Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and 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 in the area.

Paragraph 215 – states that 12 months after the publication of the NPPF (March 2012) 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 policies in the framework the greater the weight that may be given).

### **PRE-APPLICATION PUBLIC CONSULTATION BY THE APPLICANT**

The planning application has been supported by a Statement of Community Involvement which identifies the full history and engagement of the public and stakeholders throughout the process.

The applicant has undertaken the following consultation prior to the submission of the application:

- Statutory and non-statutory consultees were engaged in 2009;
- Views and opinions from statutory and non-statutory consultees were sought in February 2010 on the revised scope of the Environmental Statement (ES)
- A series of forums for statutory and non-statutory consultees and interest groups were held between February 2012 and June 2012.
- Phase One Consultation - 18 public exhibitions were held throughout October, November and December 2012 across the length of the scheme. Exhibitions lasted for 2 days at each location, and were advertised via local radio, newspaper adverts, notifications on the website and leaflet drops to local residents. The purpose of the exhibitions was to engage with local residents and interested members of the public. Phase One asked broader questions about the proposed development in order to gauge overall support and preferences on the layout of six junctions along the proposed route.
- Specific consultation with affected land owners was undertaken throughout the summer of 2012.
- Phase Two Consultation - Following the first phase of public consultation, a revised scheme was prepared, taking into account the feedback received from the first phase of consultation, in particular in relation to the various junction options that had been previously consulted on. This was the subject of a further public consultation in June 2013. This phase provided feedback on the results of Phase One and sought views on the proposed development after taking on board the comments given in Phase One. Phase Two also

provided feedback on proposed mitigation measures and highlighted the interventions that have taken place to amend the Scheme in response to the feedback received, or where a change has not been possible, why this is the case.

The information and data captured by the applicant as part of the consultation process demonstrates that there was overall support for the proposed A6MARR. 69% of overall respondents supported the proposals with approximately 50% of respondents specifying that they are strongly in favour of the proposals. 13% of overall respondents specified that they were not in favour or definitely not in favour of the proposed development.

### **PUBLIC CONSULTATION**

The planning application was advertised by the direct notification of 548 properties, the display of 13 site notices and publication of 2 local press notices on the 13<sup>th</sup> and 14<sup>th</sup> November 2013. The application was advertised as a departure from the development plan due to the location of the development within the Green Belt, a major development, development affecting Public Rights of Way and development affecting the setting of a listed building.

In response to the consultation carried out by the Local Planning Authority, 67 individual responses were received from 60 properties. In addition to individual letters, a petition with 33 signatures against the scheme was received.

The responses are summarised in this report. All of the detailed comments are available to view on the application file online.

Of the 67 individual responses:

3 letters of support were received which raise the following points:

- 10 years ago SEMMMS reinforced the need for improved traffic flow through Poynton. The benefits far outweigh any shortcomings
- Recent residential development on Woodford BAE site will further impact on traffic problems. The A555 will significantly reduce east/west through traffic.
- Cycling should be promoted through good design of the cycling/walking path.
- Footpaths should be upgraded to cycleway or bridlepath status to improve linkages
- Please help get this project moving to improve the lives of children and adults in residential areas.

5 letters of general comment advising the following:

- Traffic congestion around Bramhall and Poynton means the road must be finished sooner rather than later, but concern about the raised embankment parallel to Woodford Road to cross the railway line which.
- The road surface should be of the best sound deadening as possible and there should be as much protection from noise pollution as possible.
- Field behind Clay Lane is waterlogged most years. The road will require the removal of one of the ponds in the field. Concern that properties need to be protected from flooding or subsidence in the future.
- Consideration be given to type and age of tree planting
- Acknowledged benefits of the scheme but critical that properties nearby are properly screened from the new road and junctions.
- Concern about Poynton Sharded Space scheme being unable to cope with increased traffic unless Poynton By-pass is implemented.

59 letters of objection from 52 properties have been received, raising the following matters (summarised):

- Insufficient time was given to the general public to make comment on the proposal;
- The proposed scheme would have a major impact on traffic congestion in Poynton, Disley, High Lane, New Mills and Furness Vale
- The application is based on unproven and incomplete data;
- The traffic modelling that has been used is flawed;
- Will result in greater congestion;
- Speed limit at Handforth near the new junction should be reduced to 30mph;
- Irreplaceable damage to precious countryside and wildlife habitat, including ancient woodland;
- Destruction of Kingfisher nesting site
- Damage to SBI's, bats, badgers, great crested newts;
- New roads always create extra traffic ;
- It is not a relief road, it is to support house building, and big business;
- Flooding;
- Increased noise pollution
- It will generate an unacceptable volume of traffic on the A6, which is the major route into the Peak District, one of the busiest roads in the country and which has many HGVs using it already.
- Increased pollution and serious harm to air quality, particularly in the Disley Air Quality Management Area. Damage to health of residents.
- You cannot trade off one person's air quality against another's.
- It does not fit with Cheshire East Council Air Quality Strategy and is a breach of European Air Quality law.
- Reduction in open countryside and impact on Green Belt;
- It is harming the precious and narrow band of Green Belt.

- Detrimental impact on visual amenity;
- The lighting of the scheme will have an adverse impact;
- Impact of new bridges and structures in the rural setting;
- The road bridges should be constructed underneath the railway line, it is a cost saving exercise only to the detriment of the landscape and amenity.
- The level of the road should be lowered and cut into the landscape to reduce the impact. The road and embankments are too high.
- Impact on property values;
- The scheme is not needed and will not benefit residents;
- Impact and uncertainty on the land required for the development to be implemented;
- It does not fulfil the SEMMMS objectives and is a waste of public money;
- It is a road to nowhere.
- The scheme cannot work in isolation and can only work with the Poynton By-pass
- No provision for the acquisition of land required for the Poynton Bypass;
- The scheme does not work without a link to the M60 at Bredbury.
- Traffic emissions;
- Loss of agricultural and recreation land;
- Consultation has not been listened to;
- Details of accommodation bridges, junctions and layouts not acceptable;
- Unacceptable diversion of footpaths;
- Money should be spent on sustainable transport measures;
- Object to the current location of noise mitigation;
- It should be determined through a public inquiry
- Breach of planning policy;
- Alternative scheme should have been considered;
- The scheme does not promote sustainable transport;
- Character of the area will be severely and adversely impacted;

With regard to the petitions:

One petition has been signed by 33 people and raises concern with regard to the erection of a bridge over the West Coast Main Line close to Woodford Road. The petition states that they are concerned about the impact on visual amenity and feel that the bridge is out of keeping in the rural area. They are concerned that the structure will detract from the current views. They wish to see the scheme go underneath the railway (*note this bridge is outside the Cheshire East boundary*).

It is stated that a number of residents purchased their properties following seeing plans showing the scheme going under the railway.

Of the 59 letters of objection, 12 are from landowners/businesses affected by the development. Most of these objections have been submitted by professional land agents or

legal firms representing their clients. The letters largely object over issues such as rights of way and access. A summary of the interested parties and issues is set out below (except where they have been covered by the objections noted above):

#### Beech Farm, Styal

- The proposal has not taken account of consultation and the preferred route has not been explained. It has been stated by the Councils that the line taken is to avoid woodland (further North) of local importance. However, this woodland is of no ecological value.
- It is unresolved how severed land will be accessed during and post construction period and how the Vodafone mast will be maintained.
- The bridge height is 3 metres higher than necessary resulting in unnecessary land take and increased harm the Green Belt.
- Natural drainage patterns will be altered resulting in potential for water-logging of grazing land.

#### Robinsons Nurseries Limited

- Construction of road will impact business operations on the site without accommodation works to provide mitigation;
- The construction of the road scheme and its subsequent use will have a detrimental effect on the tomato growing and bedding plant business by virtue of dust, pollution and detrimental air quality.

#### Little Acorns Nursery

- The proposed land take involves the loss of part of the playing field at the nursery, which is critical to the functioning of the business which employs 57 staff.

The other 9 representations, predominantly from agricultural holdings can be summarised as:

- Concern about position of accesses and rights of way resulting in potential safety issues and conflict with farm traffic;
- Unnecessary land take through road bridges, bunding, environmental mitigation, new foot/cycle/ equestrian routes;
- Compromises future use of land;
- Unsatisfactory access arrangement to the retained land;
- Impact on equestrian and agricultural business.

In addition to the individual responses identified above, letters have also been received from the following interested parties:

- Friends of the Earth Manchester;
- North West Transport Roundtable and the Campaign for Better Transport;
- Cheshire East Green Party;
- Stockport Friends of the Earth;
- Prestbury Parish Council;
- Poynton Against Unnecessary Link-roads to the Airport (PAULA) Residents Group;
- Cheshire Wildlife Trust
- Greater Manchester Ecology Unit
- Cheshire Badger Group
- Cheshire East Local Access Forum
- Manchester Airport

The grounds of response from the aforementioned interested parties include:

**Friends of the Earth Manchester:**

Does not support the scheme as they do not believe that the case has been made for the economic, environmental and transport benefit claims as put forward in the planning application.

They consider the scheme would have a wide range of detrimental environmental, economic and social impacts that contradict national objectives and legal obligations and believe that the three Local Planning Authorities have a legal obligation under European and UK air quality and climate change legislation to refuse planning permission for the scheme.

They question the scope of the proposed scheme and believe that it is unacceptable that alternative options including a public transport improvement and cycling and pedestrian infrastructure only option, without the A6MARR, have not been considered.

They consider that there are flaws in the traffic modelling and traffic generation forecasts and question why significant sums of public money should be spent on a scheme which they do not believe would contribute towards lowering carbon emissions, and would in their opinion lead to an increase.

Manchester Friends of the Earth raise concern with regards to air quality and air pollution in general, state the requirements of the UK as a whole and highlight areas of the scheme which are of concern. They highlight the PM2.5 have not been assessed in the EIA. Air quality impacts have been cited as a reason when the Highways Agency are not proposing to allow hard shoulder running on the M60 J8-18.



The response highlights the levels of traffic and states that 'the A6MARR scheme does little to reduce AM and PM peak congestions – in fact the scheme makes peak congestion worse and has major increases in some specific areas – which raise serious concerns in relation to air pollution'.

The response further identifies climate change legislation and questions the accuracy of traffic modelling and further state that they believe CEC, MCC and SMBC have a legal obligation under European and UK air quality and climate change legislation to refuse planning permission for the proposed road scheme.

### **North West Transport Roundtable and the Campaign for Better Transport-**

State that the plan to build this road runs contrary to all good sense and a mounting volume of evidence. They advise that the concept has no environmental credentials and will have any number of negative effects that will impinge on quality of life in south east Manchester/north east Cheshire. In their submission in objecting to the scheme they consider that they demonstrate:

- Traffic growth has been flattening out and falling both nationally and in the wider SEMMMS area for some years, cancelling out the argument for road building;
- There are flaws in many of the assumptions behind the transport forecasts;
- There are many questionable aspects to the modelling which did not examine a sufficiently wide geographical area and failed to model walking and cycling;
- Economic modelling has been overly optimistic and speculative and the economic case is still unproven;
- The health benefit assessment is wrong to assume there would be more benefits than disbenefits from the scheme based on assertions about economic opportunities;
- Properly conductive tests on alternative road building were not carried out
- The scheme will not meet its objectives;
- Modal spilt in the target area is already dominated by car and will not be helped;
- Insufficient attention has been paid to air pollution and knock-on health impacts;
- Overall, harmful emissions will rise, breaching EU standards;
- Building the road will, in effect, drive a horse and cart through sustainability and carbon reduction plans & policies the promoting authorities are signed up to;
- The impact of increased noise and pollution as well as air pollution is likely to have a real detrimental effect on people's health;
- The big population within easy access to rolling countryside would lose a precious and very convenient resource on the urban fridge;
- The Green Belt will be breached between Greater Manchester and Cheshire East.

### **Cheshire East Green Party:**

Objections are based on the premise that they don't believe that the proposal is compatible with the principles expressed in statutory local and national planning documents.

They point out in their objection that the benefits as identified are by no means certain and raise four objections:

1. Despite the relief road being included in SEMMMS, its proposed construction at this time is in contradiction to the SEMMMS recommendations given the onus on implementing these as a whole;
2. A planning application has been submitted despite the lack of specific mitigation measures having been put forward for the A6 in Disley and High Lane, which is predicted to experience a large increase in motor vehicle traffic, and hence congestion;
3. The proposed relief road is contrary to the NPPF principles in that it:
  - a. Does not jointly and simultaneously achieve economic, social and environmental gain;
  - b. Does not align with several NPPF core planning principles, in particular by effectively implementing the least sustainable SEMMMS recommendation before those which are sustainable transport modes; and damaging the natural environment including destruction of ancient woodland.
  - c. Does not secure reductions in greenhouse gas emissions;
  - d. Is not based on up to date and relevant evidence about the economic, social and environmental characteristics of the area and country.

**Stockport Friends of the Earth:**

Raise objection to the scheme and concern that the proposal could attract fracking into the area.

Concern that the scheme would increase air pollution and its impact on wildlife, especially pollinating insects.

Proposes that an alternative approach to the scheme would recognise the merits of local transport networks.

A public inquiry should be held.

**Prestbury Parish Council:**

Do not support the way in which road building is being carried out contrary to governmental guidance on how transport infrastructure should be appraised. The Parish Council raise concern with regards to the scheme and wish to understand what the full impact on the parish would be if:

- 1) The A6MARR is built
- 2) The A6MARR and Poynton Bypass is built
- 3) All the SEMMMS roads are built; and
- 4) All the SEMMMS roads and all the other strategic routes in the Cheshire East pre submission Core Strategy are built.

They raise concern with regards to the Local Enterprise Partnerships and the impacts that development could have on Prestbury. They advise that new roads invariably attract development along them, and state that all the SEMMMS schemes are within the Green Belt.

The state that it has been apparent for some time that if any part of the SEMMMS network is constructed, it would automatically trigger the building of the remainder of the network, part of which is scheduled to pass through Prestbury.

They raise concern that the SEMMMS Study endorsed the road schemes based on a very high growth rate in traffic which they advise has not materialised, and have in fact flattened out and since declined.

Concern is raised that no business case of traffic modelling is available for the remaining SEMMMS schemes or other schemes proposed in Cheshire East.

They consider that the Department for Communities and Local Government should call in the planning application for the A6MARR and hold a Public Inquiry in order that all issues surround this and the connecting roads and nearby settlements can be properly and exhaustively examined.

**PAULA Residents Group:**

State that:

The scheme needs to demonstrate that when the road opens air quality is not worsened in areas of poor air quality and pollution levels are within the Limits determined by the EU Air Directive.

PAULA questions the method that the applicant has used and identifies that they believe that there is contradictory evidence in their application.

They identify that the SEMMMS method involves counting the number of houses that see improved or worsened air quality and states that there are however other methods based on the EU Air Quality Directive which identifies representative locations near to source of the pollutant. PAULA state that although they may use the same limit values the SEMMMS method will always be less sensitive to rises in total air pollution and more people will be affected to a greater degree.

They state that there are contradictory conclusions in that in one report the houses flanking the existing A555 which sees a 100% increase in traffic shows an acceptable air quality whereas another SEMMMS report show exceedancies along the cycle track that runs parallel to the road.

They consider there are significant weaknesses in the SEMMMS method with less than 10% of the total number of houses being assessed.

They consider that the modest improvement on the A6 where terraces flank the road will overestimate the benefits compared to the significant worsening in Disley.

PAULA questions the locations of where the NO2 sensors were placed and which they believe lead to anomalies.

PAULA further express concern that the applicant has not followed the DfT advice note on assessment on air quality.

They further raise concern that the proposal is intended to go through Carr Wood, an ancient woodland and consider that they could of easily realigned the road to avoid the wood and at less cost. They state that contrary to the current assessment at least half the wood would be adversely affected.

They consider the scheme need to comply with the EU Air Quality Directive and that Carr Wood needs to be protected by diverting the road around the wood.

PAULA concludes by stating that the existing A555 should probably have been declared an air quality management area in 2009.

An email was sent to all members from a representative of PAULA covering these issues on 3<sup>rd</sup> March 2014.

**Cheshire Wildlife Trust (CWT)** – In general CWT does not wholly object to the proposal. However, there are certain elements about which the Trust has serious concerns and it is considered that these should be addressed by the applicant prior to the determination or in response to a planning condition, whichever is more appropriate. The comments of CWT set out, in relation to specific habitats and species, that they consider the applicant has undervalued the ecological impacts and that further compensatory and mitigation measures are required. Theses measure must be part of a long term 25 year Management Plan delivered by the applicant.

**Greater Manchester Ecology Unit** – Whilst acknowledging that significant information has been provided regarding ecological impacts and that some additional information on both the surveys carried and extent of proposed avoidance and mitigation has been provided, nevertheless we would advise further information is required.

NOTE: The applicant provided a full response and clarification on the comments received from GMEU. GMEU have confirmed that they are satisfied with the level of detail provided, however are concerned regarding when some of the surveys were carried out. They advise that some of the surveys were carried out when temperatures were regarded as too low, however do state that from ‘The implications from a planning perspective are probably not critical as we can cover any shortfalls in the survey through pre-cautionary measures’.

The applicant has since rebutted the comment of GMEU stating 'due to seasonal constraints in early 2013 some surveys were undertaken in sub-optimal temperatures, but yet within the accepted survey window, and it is therefore important for the ecologists who are undertaking the survey works to use their experience and judgement in whether the conditions are a constraint.

**Cheshire Badger Group** - A comprehensive wildlife survey must be undertaken in partnership with concerned wildlife groups and wildlife trusts for example Cheshire Wildlife trust and Cheshire Badger Group.

Tunnels should be incorporated into the road structure and banking in order to allow passage of wildlife for example foxes and badgers thus preventing the many road casualties killed in crossing the road.

**Cheshire East Local Access Forum** – The forum welcomes the inclusion of pedestrian/cycle lanes along the entire route of the new road.

The Forum welcomes the construction of new bridleways, particularly in Poynton where none existed before, but note that at present, these are stand alone and do not make sense as through routes unless adjoining footpaths are 'upgraded' into bridleways. If the situation remains as present then we would want barriers erected at each end of the proposed bridleways so that horse riders do not use the existing footpaths causing damage and potential danger to walkers.

They also raise an issue in relation to crossings at the Pegasus oil terminal. (note: this element is in Stockport and not for determination in this application).

### **Manchester Airport (not safeguarding)**

The Airport express their strong support for the scheme. They also make some recommendations in respect of the road alignment, but this relates to the section of road within Manchester City Council area only.

They state they were active participants in the South East Manchester Multi Modal Study which recommended a wide package of transport investment and interventions. They state that not only did they support this package but that they have been actively investing to deliver it, most notably with substantial investment in public transport improvements, the airport inter-change, third rail platform and a £50 million contribution to the extension of Metrolink to serve the airport. They state that the highway scheme is one of the missing pieces of that transport jigsaw and they are very pleased to see it coming forward.

At the root of this consistent support, it is their belief that safe, convenient and reliable access from all parts of the Airport's catchment area is a necessary pre-requisite to fully

exploiting the potential that the Airport brings. Those very substantial benefits already exist and further growth of the Airport will increase the scale of those benefits.

Manchester is the major international air gateway for the UK, outside London, and serves much of northern Britain: it is developing as a major regional public transport interchange (air, light and heavy rail, road, bus and coach) and it is a major employment site in its own right (circa 19,000 people on site) as well as being one of the most significant catalysts in the North West.

They state this road scheme will significantly improve access to the Airport from the east for all airport users. All users need high quality access and that is fundamental to the Airport's competitive position. It will also enable the economic benefits to be spread across a wider area.

They state that airport traffic is part of the problem that the road is designed to solve – namely congestion, pollution and disturbance caused by strategic traffic having to use unsuitable local roads.

They consider that this scheme can play an important part in securing economic growth in south Manchester, Stockport and North Cheshire. Given the current growth agenda they urge the LPA to grant planning permission.

The above is a summary of all the pertinent points of support and objection. Copies of all letters are available for viewing online.

### Overview

All objections have been evaluated to look at the main topics of concern:

57% of objections were concerned about increased traffic congestion;  
50% of objections were concerned about Green Belt and countryside;  
44% of objections were concerned about nature conservation;  
40% of objections were concerned about pollution;  
39% of objections were concerned about Air Quality;  
34% of objections considered the scheme unnecessary;  
31% of objections were concerned about noise;  
25% of objections were concerned about outlook and visual impact;  
17% of objections were concerned about accessibility and linkages;  
14% of objections were concerned about highway safety;  
10% of objections were concerned about emissions and climate change.

Of the responses received, the following is an indication of location of objections:

42% - Poynton

11% - Handforth / Wilmslow

8% - Disley

4% - Styal

35% - other (predominantly Stockport and Greater Manchester)

### **Consultee Responses**

**Highways Agency** - Having given the application due consideration the Agency can inform that it would not wish to raise any objections to the principle of the A6 to Manchester Airport Relief Road planning application being granted planning permission.

The Agency has now received further information from Stockport Council in relation to the proposed scheme and its impact on the strategic road network and can confirm that the Agency does not wish to make any further comments in relation to the application. A formal TR110 form under the Town and Country Planning (Development Management Procedure) Order 2010 confirming the Secretary of State for Transport TR1 offers no objection.

As you are aware the Secretary of State for Transport currently has made line orders under the Highway Act to construct the A6(M) Stockport North South Bypass. This made line order overlaps with the extent of the A6MARR planning application.

The A6(M) Stockport North South Bypass scheme was dropped from the strategic roads programme in 1998 and as such the Highways Agency on behalf of the Secretary of State for Transport (as set out in Article 26 (32)(B)) does not propose to issue any direction in respect of the proposed A6MARR application.

As it was agreed that the Agency would maintain its Highway orders along the line of the SEMMMS route to provide opportunity for a local scheme to be worked upon and it is now clear a local scheme is sufficiently advanced, the Agency will now formally start the Highway Order revocation process. The process will start with the publication of a draft revocation order (and associated revocation orders) on the 8<sup>th</sup> January 2014.

The line of the proposed A6MARR also overlaps with the current route in place under the Town and Country Planning Act 1990 for Poynton Bypass and Manchester Airport Eastern Link Road West.

Under article 26 b (iv) of the Town and Country Planning (Development Management Procedure) Order 2010 the Agency can confirm on behalf of the Secretary of State for Transport it does not propose to issue any direction with respects to this planning application. The agency will liaise with the relevant Planning Authorities to agree a mutually convenient date for these Route Protects to be formally removed.

**Network Rail** – No objection

**Canal and River Trust** – No comment

**Environment Agency** – No objection in principle and they set out a series of conditions required in respect of flood risk, contaminated land and biodiversity. Advice notes are also provided in respect of waste management and other matters.

**Manchester Airport (safeguarding)** - Despite making references to aerodrome safeguarding in the supporting documentation, it is not clear within the material how these matters have been addressed in the design of the scheme. Therefore a considerable amount of additional detailed information will be required to enable full aerodrome safeguarding assessments of the proposal. We therefore provide comments on the basis of what is currently presented. These are in relation to the whole route but where a particular feature is identified we have stated which section of the route is being referred to.

In the absence of fully detailed safeguarding assessments, we require conditions to be attached to any permission granted, as per the recommendations set out in our response. The informatives that we have provided, and details of the further information that is required will help the applicant understand which safeguarding aspects require further consideration, and the additional details that the Safeguarding Authority for Manchester Airport will require for assessment prior to the approval of certain aspects of the scheme.

**Coal Authority** – I have reviewed the proposals and confirm that the part of the proposed A6 Relief Road located within the Cheshire East Council area falls outside the defined Development High Risk Area. Accordingly, The Coal Authority has no specific comments or observations to make on this planning application.

**Health & Safety Executive** – No major hazard site in Cheshire East that impacts the development.

**Sport England** - No objection to the Cheshire East proposal

**United Utilities** – No objection subject to conditions. They make comment on the protection and diversion of their assets which must be met at the developer's expense and require conditions in respects of easements of sewers and service reservoirs, flood risk and drainage, landscaping and planting.

**National Grid** – No comment

**High Peak Borough Council** – No comment

**Manchester City Council** – No comment

**Stockport Metropolitan Borough Council** – No comment



**Cheshire Fire & Rescue Service** – No comments to make

**Peak District National Park** – The Peak District National Park has assessed the impact of the proposed road on the National Park and considered that it would not have a significant impact on the National Park.

**Natural England** - Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

**English Heritage** – Do not wish to comment in detail on the planning application but offer general observations in that the impact of the relief road on the setting and visual amenity of historic assets should be considered and in making a decision your authority establishes to its satisfaction the impacts of the proposed relief road upon the setting of listed buildings, schedule ancient monuments, registered landscapes and conservation areas. We do not believe that the relief road causes harm to the setting of highly graded listed buildings or registered parks or gardens or the site of schedules monuments within the zone of visual influence. Any harm should be weighed against the public benefits of the scheme.

The relief road is likely to have direct physical impacts along the proposed route. The county archaeologist should be consulted to assess the archaeological potential of the route and in the preparation of archaeological mitigation strategy.

We recommend that the application should be determined in accordance with national and local guidance, and on the basis of your specialist conservation advice.

### **Town and Parish Councils**

**Poynton Town Council** - Recommend no objection in principle, but wish to reaffirm long standing position that the Relief Road be built in conjunction with the Poynton/Woodford Relief Road. Members were also aware that the proposed underpasses could attract anti-social behaviour, and request that such potential trouble spots be designed out.

**Wilmslow Town Council** – The Town Council’s Planning Committee expressed concern that the junction of the A555 and A34, which is currently a serious bottleneck for traffic, should have sufficient capacity to accommodate the increased traffic flows, thus discouraging the use of ‘rat runs’ in the area.

**Handforth Parish Council** - Handforth Parish Council cannot support this application because the disadvantages to residents outweigh the advantages, primarily of better road links to Manchester Airport.

The impact of the proposed and approved developments in Handforth East have not been taken into consideration. Up to three thousand new homes are detailed in the CEC Local Plan for Handforth and Wilmslow, and if built will very significantly increase vehicle numbers in this area, causing serious congestion and delays for residents of Handforth Wilmslow and Alderley Edge. Should this application be approved Handforth Parish Council would like to see a 50 mph speed limit imposed to minimise noise and improve road safety.

**Styal Parish Council** – Styal Parish Council is concerned that the consultation and decision-making processes have been flawed.

There are two specific concerns regarding the plans which are currently to be put forward to the Strategic Planning Board.

*Location 1 – Styal Road Junction*

This is the only junction on the proposed road that affects land within Cheshire East, and therefore has been the subject of significant review by Styal Parish Council.

Two options were presented to the public as part of the initial consultation.

<b>Option 1 –Traffic lights controlled cross roads over airport spur rail lines</b>	<b>Option 2 – Traffic lights controlled cross roads to the north of the airport spur line</b>
Requires less land	Requires the use of more land than Option 1
Requires widening of existing bridge over the railway lines	Requires an additional bridge over the airport spur rail line
Has lower construction cost	Is simpler to construct than Option1
	Has a higher construction cost
	Has greater environmental impact in relation to nature conservation due to loss of locally-significant area of woodland

Option 1 was chosen by the SEMMS project team, and from the points made above that would appear to be reasonable decision. However, Styal Parish Council believes this decision to be flawed, for the following reasons:

- The woodland in question is not remotely locally-significant – it is scrappy woodland of no local importance or environmental benefit, indeed it was purchased in the 1950s explicitly in the knowledge that the road was planned to go through it

- Styal Parish Council established in December 2013 from the Chief Design Engineer that the costs of both schemes were not significantly different. The cost difference should not have been used as a differentiating factor
- Omitted from the factors presented above was the significantly greater incursion into greenbelt that Option1 represented. Option 2 would have a significantly smaller impact on the green belt
- Also omitted from the factors above was the impact of the junction siting on traffic flows to and from existing and future airport parking sites. Option 1 would have traffic exiting from current parking sites within yards of the junction, which would appear to be a recipe for chaos at busy times.

Option 2 is clearly the better solution, in terms of greenbelt impact, and traffic flows, and with no significant cost or environmental impact over Option 1. We believe that had these facts been presented at the time of the consultation, Option 2 would and should have been chosen.

We would respectfully request that this decision is reviewed in the light of these material errors in presentation.

#### *Height of road through greenbelt near Styal Road junction*

In the current design, the road is raised around 2m above ground level through the greenbelt in Styal, with the ensuing cost and environmental impact. We believe the road is at or below ground level for the rest of the scheme. Styal Parish Council understand that the design rationale for this is driven by a Network Rail requirement for clearance above track and catenary level where the road crosses the railway.

Styal Parish Council has made strenuous efforts to meet with Network Rail to understand this requirement but to no avail, all attempts to establish a meeting at the request of Styal Parish Council and the SEMMMS team have been rebuffed.

Our concern is that it would appear that previous bridges over the railway, at the same location, have not required such a significant clearance. Two bridges over the railway have been built by Network Rail over the past 20 years have had significantly lower clearances.

We would respectfully request that the design decision to have such a significant stretch of road above ground level, with the ensuing environmental and cost impact, is reviewed.

Please note, Styal Parish Council is not against the road but firmly believes that more time and consideration should be given to ensure the resultant road is the most appropriate for taxpayers, motorists, and the residents of Styal.

### **Disley Parish Council**

Disley Parish Council recognises that SEMMMS will improve the future economy, connectivity and employment opportunities across Cheshire East including Disley & Newtown. However, Disley and Newtown is dissected by an already heavily used major road which is projected to have a significant % increase in traffic flow as a result of the SEMMMS proposals. Given the geographical location of Disley, the A6 touches no other part of East Cheshire. From the outset of the consultation process, Disley Parish Council has consistently expressed serious concerns about the predicted increases in traffic through the village and its consequential impact on the quality of life for residents.

This increase is estimated to be in the region of 30%, resulting in 25,600 vehicles per day. Due to enhanced mitigation measures which have subsequently been factored in, this predicted increase has been reduced to between 11 and 16%. However, this figure still results in 22,900 vehicles per day, 3,100 more than the 2017 estimated increase without SEMMMS. It is vital therefore that enhanced mitigation is carried out to keep any increase in traffic to a minimum.

Disley Parish Council has been working with the Cheshire East SEMMMS team to ensure that adequate and approved mitigation measures for Disley & Newtown are identified. The overarching objectives are to slow vehicles travelling through the village, improve traffic flow and air quality. Some options for mitigation, which require further study and assessment have been put forward for discussion. These include:

- Removing the village centre traffic lights, creating a roundabout and enlarging the village centre space.
- Considering a shared space scheme to reduce vehicle speed and keep traffic flowing.
- Narrowing the width of the carriageway in both directions which could facilitate the provision of cycle routes, widening of footpaths or parking bays
- The introduction of village gateways
- Improving and encouraging the use of public transport in order to reduce the number of vehicles on the A6 corridor as part of the 'Multi Modal' element of the proposed scheme

We note that the Health Impact Assessment undertaken by the Parish Council is referred to in the Transport Assessment document 1007/6.15.2/186 sections 8.8, 8.9 and 8.10 and request that this information is used to inform mitigation measures. In particular, the Parish Council wishes to highlight Disley Primary School which is located on the A6 and accessed from the village centre in a designated air quality management area.

In commenting on this application therefore, Disley Parish Council makes the following proposals:

- That conditions be attached to any approval of this application requiring a comprehensive range of mitigation measures to be applied along the A6 road corridor and that these should be in place prior to the new road being open for traffic.
- That quantifiable mitigation measures are applied and designed to keep the percentage increase traffic flow levels along the A6 corridor to a level no greater than the projected increases in traffic without SEMMMS being in place as referred to in the Transport Assessment 1007/6.15.2/183.
- That mitigation measures are designed to reduce the use of cars accessing SEMMMS via the A6 through improved public transport and facilitating other alternatives to car use.
- That mitigation measures are well informed and designed to enhance the public realm both within the Disley village centre and for the communities along the A6 in general thereby improving quality of life for these communities.
- Appropriate funding is made available in advance of the SEMMMS project to enable a thorough assessment of mitigation measures and to implement the agreed measures in advance of the SEMMMS project completion.
- Appropriate traffic management systems and conditions are in place for Junction 6, Macclesfield Road to prevent traffic congestion for those travelling east bound along the A6 from Hazel Grove to Disley.

### **Internal Consultee Responses**

**Cheshire Archaeology Planning Advisory Service** – The application is supported by an Environmental Statement, Chapter 9 of which considers archaeological issues, including archaeology. This has been informed by data held within the Historic Environment Record and information gained from a study of the historic mapping, aerial photographs, and readily-available secondary sources. It also considers the material contained in the desk-based assessments and evaluation reports prepared in connection with earlier versions of the scheme.

Much of the scheme will affect land beyond the boundaries of Cheshire East and advice on this aspect of the project is being provided by the relevant local authority's specialist archaeological advisor. Within Cheshire East a number of sites and features will be affected by construction and will require further archaeological mitigation.

In the case of Site 148 (Area of Ancient Field Systems), geophysical survey prior to construction is recommended followed by targeted trial trenching and further mitigation where anomalies are detected. With regard to Sites 39, 88, 89, 144, 145, and 155 (post

medieval buildings, township boundary, ridge and furrow, agricultural earthworks) a variety of mitigation measures are proposed including a watching brief during construction, survey, and the recording of sections through boundaries. It is advised that the above programme outlines an appropriate scheme of archaeological mitigation, although it should be noted that where work is required prior to the start of construction, arrangements will need to be made to allow sufficient time for its completion before development starts. A report on the work will be required and the programme may be secured by condition.

**Public Rights of Way** – The proposals set out in the application documents are considered to adequately accommodate the existing Public Rights of Way affected by the proposed scheme.

The proposed pedestrian/cyclist facility alongside the road would appear to accommodate the request of those user groups, subject to their previous comments regarding multiple stage crossings of adjoining roads for non-motorised users. The proposed additional routes within the highway boundary would offer additional options for leisure and active travel.

The proposals relating to Public Rights of Way within the Complementary and Mitigation Measures Package described in the Transport Assessment include aspirations registered under the Council's statutory Rights of Way Improvement Plan 2011-2026.

The PRow team also set out the developers responsibilities in respect of the existing Public Rights of Way.

### **Strategic Highways & Transportation Manager -**

The A6 MARR is a 2 lane dual carriageway scheme, it is approximately 10 kilometres long and runs from the A6 near Havel Grove to Manchester Airport linking to the existing A555. The A6 MARR scheme will provide a bypass to local centres such as Bramhall, Cheadle Hulme, Hazel Grove, Handforth, Poynton, Wythenshawe and Heald Green. It will provide important connectivity to Manchester Airport and other strategic routes in the North West, Cheshire, Derbyshire and beyond.

The Poynton Bypass is not included in the scheme, the design of the A6 MARR will allow the Poynton Bypass to be linked to the scheme in the future. The tie-in would be at the proposed A6MARR/Bramhall Oil terminal/A5149 Chester Road Link Junction.

The A6 MARR scheme is effectively two new sections of road, the western section will connect to Ringway Road at its western end and then extend to the existing A555 Eastern Link Road. At the eastern end it will continue from the A5102 Woodford Road to the A6 Buxton Road at Hazel Grove. There are a number of junction improvements proposed along the length of A6 MARR scheme including improvements to the existing junctions on the A555 Manchester Airport Eastern Link Road. The scheme will have a number of speed limits along its length, the initial section from Ringway Road to the Styal Road junction will

be 40 mph and then 50 mph to the existing A555. The national speed limit will remain on the A555 but then reduce down to 50mph from the A5102 to the A6.

The scheme includes new cycle and pedestrian routes along its length and these will be integrated with the existing local cycle and pedestrian network to maximise access to the new route. A shared cycleway / footway is to be introduced adjacent to the existing A555 to provide a continuous route along the A6MARR.

The need for the road scheme has been identified by Central Government as a nationally important infrastructure project that is required to revitalise the economy and provide congestion relief to local communities. There is currently no direct transport link that runs east to west through south east Greater Manchester and Cheshire East, this lack of infrastructure contributes to congestion on the major and minor road network..

The A6 MARR scheme will seek to address the following issues:

- i) Relieve existing traffic congestion and address poor connectivity.
- ii) Address the poor access to Manchester Airport.
- iii) Improve transport links in communities throughout south Manchester.
- iv) Reduce traffic using residential streets and local town centres.
- v) Improve existing environmental conditions in local communities.
- vi) Relieving congested conditions for pedestrians and cyclists and improve safety.
- vii) Provide a suitable termination / link to the proposed Poynton Bypass.

### **Scheme Description**

At the eastern end the A6 will be realigned for approximately a kilometre to the north east of the existing A6 Buxton Road. Half way along this realigned road a new signal junction to provide access to the A6MARR would be constructed. From the new A6 junction the route will pass under the existing Buxton Road and then goes under the Manchester to Buxton railway line.

The A6MARR intersects the A523 Macclesfield Road at a new at grade signal junction. From the A523 the A6MARR runs to the north of Norbury Brook and south of the residential streets of Sheldon Road and Longnor Road before it crosses Norbury Brook at Mill Hill Hollow.

There is no junction at Woodford Road, Poynton as the A6MARR will pass under Woodford Road and then over the WCML via a new road bridge.

There will be a new at grade signalised junction gyratory at Bramhall Oil Terminal that includes a new link road to connect back to the A5149 Chester Road. Additionally, there will be a new signal T junction to the south of the new A6MARR to connect with a realigned A5149 Chester Road. This new junction arrangement will allow for the link to a future Poynton Bypass.

To the west of Bramhall Oil Terminal, the A6MARR crosses Moorend Golf Course that is located immediately east of the houses fronting A5102 Woodford Road.

A new road bridge is proposed for the A5012 Woodford Road with the A6MARR scheme passing underneath, there will be signalised junctions on the top of the slip roads with the A5102.

At the existing junction of the A555/A34 there is a major upgrade of the junction that includes additional lanes on all approaches, additional circulatory lanes and full signalisation of the roundabout. The nearby A34/ Stanley Road junction will also be improved by providing signalisation of the roundabout.

At Handforth, the existing A555/B5358 junction will be upgraded by the provision of west facing slip roads that will allow all movements to occur. Between the B5358 Wilmslow Road and the B5166 Styal Road, the A6MARR passes through Styal Golf Course before crossing the Styal railway line.

The A6MARR scheme intersects the B5166 Styal road by providing a new all movement at grade signal junction to be constructed over the Manchester Airport spur railway line. From the Styal Road the scheme will run parallel to the Manchester Airport rail spur and then tie in to a revised layout of Ringway Road and Ringway Road West.

### **Traffic Assessment and Modelling**

In order to assess the traffic implications of the A6MARR scheme a strategic transport Saturn model was constructed, the model represents all roads that carries traffic in Stockport, South Manchester, the north of Cheshire East and High peak area of Derbyshire and the remainder of Greater Manchester.

The Saturn model provides two levels of detail

**Simulation network**, which represents the operation of junctions in detail where capacity restraint is based on gap acceptance and the impact of traffic signal timings applied to the interaction between different movements at junctions;

**Buffer network**, which represents the road network in terms of links rather than junctions, and capacity restraint is based on flow-delay curves for each individual link.

There are three models created to represent the following time periods:

Morning peak (07.00 – 10.00)

Inter peak average hour (10.00 – 16.00)

Evening peak (16.00 – 19.00)



The A6MARR model has used a base year of 2009 and then modelled a predicted opening year of 2017 and then a future year of 2032 for use in preparation of the major scheme business case. The future year models were produced for the following scenarios:

Without the A6MARR in place but includes all committed developments and committed transport schemes across the study area to 2032.

With the A6MARR in place, but includes all committed developments and committed transport schemes across the study area to 2032.

Clearly, the A6MARR Saturn model is complex and the main issue is whether the model will accurately predict future traffic flows. In view of the fact that it has been calibrated and validated using observed traffic count and journey time data collected in 2009 and then passed the DfT criteria for model validation I have no reason to raise issues concerning the accuracy of the model predictions. A full model validation report was produced and submitted with the application.

One of the important factors to be considered is the amount of committed development that has been added into the traffic flow figures and although there are numerous schemes added I have concentrated specifically on schemes that have been included for Cheshire East.

#### ***Woodford Aerodrome Redevelopment***

This scheme has been included on the basis of 250 residential units constructed at 2017 at Woodford and a maximum of 950 units modelled in 2032.

#### ***Handforth East New Settlement***

The development of land to the east of the A34 has been identified for a potential residential development consisting circa 1,800 dwellings and also possible employment development. These proposals have not been included in the A6MARR traffic model. Clearly, the proposed improvements to the A34 have been based upon the absence of this development and should it come forward it would have a major impact on the A34 and the junction of the A34/A555 without alternative highway mitigation.

#### **A6MARR Scheme Mainline Traffic Flows**

The applicant has provided details of the predicted traffic flows using the A6MARR in 2017. The hourly capacity of roads is defined in the Design Manual for Road and Bridge Works (DMRB). The A6MARR scheme is categorised as a UAP1 road type (a high standard single or dual carriageway road carrying predominantly through traffic with limited access). The capacity thresholds for this road in terms of one-way hourly traffic are:

1,590 vehicles per hour for a single carriageway

3,600 vehicles per hour for a dual two lane carriageway.

The design year 2017 traffic flow forecasts from the model for the A6MARR are shown below:

**Highest Hourly Directional Flow**

Man Airport Styal Rd, Wilmslow Road, A34 Handforth Bypass, Woodford Rd, Bramhall Oil terminal, A5123 Macc Rd, Buxton rd

East	2250	2275	2275	3200	2400	1850	1150
West	2350	1825	2450	3025	2225	1525	1075

The above figures show that the predicted traffic flows are within the link capacity for a dual 2 lane carriageway and as such I raise no issues with the proposed standard of road for the A6MARR scheme.

**Junction Assessments and Performance**

As indicated in the scheme description there are a number of new junctions and improvements proposed with existing roads, the overall A6MARR strategy has been to provide at-grade signal controlled junctions and safe crossing facilities for non-motorised users wherever possible. The SEMMMS strategy has been to cater for traffic flow at opening year, rather than the usual ‘predict and provide’ approach to junction design.

The majority of the junctions proposed fall within Stockport MBC with the exception of the B5358 Wilmslow Road Handforth. The assessment and acceptability of the proposed junctions both in design terms and capacity will be undertaken by Stockport as they are the responsible Authority. The B5358 Wilmslow Road junction is considered an acceptable design and is forecast to operate within capacity in 2017 and I raise no concerns regarding this junction.

**Styal Road, Styal**

A new junction is proposed at A6MARR/B5166 Styal Road to be constructed over the existing railway line, the junction improvement will require additional structures either side of the existing bridge and also to span the existing railway. All left turn lanes have associated filter islands that act as safe pedestrian/cyclist reservoirs for the Toucan crossing facilities. The capacity assessment has been undertaken using a Linsig model the output is below:

Linsig Link	Lane Description	Morning Peak	Evening Peak
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		DoS	MMQ	DoS	MMQ
1/1	B5166 south all movements	92%	17	98%	15
1/2					
2/1	A6MARR west (left)	63%	23	79%	33
2/2	A6MARR west (Ahead)	89%		99%	
2/3	A6MARR west (Ahead)	84%	24	96%	38
2/4	A6MARR west (Right)	95%		98%	
3/1	B5166 north (Left)	97%	14	99%	22
3/2	B5166 north (Ahead)	97%		99%	
3/3	B5166 north (Ahead & Right)	95%	12	92%	11
3/4	B5166 north (Right)	95%		92%	
4/1	A6MARR east (left)	96%	35	91%	21
4/2	A6MARR east (Ahead)	96%		91%	
4/3	A6MARR east (Ahead)	96%	32	94%	26
4/4	A6MARR east (Right)	77%		98%	

The above capacity assessments indicate that the junction will be operating at capacity levels at the opening of the new road with no headroom for additional traffic growth.

The traffic modelling does however predict that the B5166 Styal Road will experience a reduction in flow as a result of the scheme. The Styal Road does currently provide a popular route to Manchester Airport from Handforth, Wilmslow and other areas, but with the scheme in place traffic is reassigned onto the A34 through Handforth.

### **B5358 Wilmslow Road Handforth**

The existing A555/B5358 dumb-bell junction arrangement will be upgraded to cater for all movements through the provision of west-facing slip roads. Minor works will be carried out to the existing east facing slips.

	Morning Peak		Evening Peak	
	RFC	Max Queue	RFC	Max Queue
<b>Northern dumb-bell roundabout</b>				
B5358 north	0.47	1	0.55	2
B5358 south	0.71	3	0.63	2
A6MARR off-slip west	0.49	1	0.43	1
<b>Southern dumb-bell roundabout</b>				
B5358 north	0.82	5	0.81	5
A6MARR off-slip east	0.45	1	0.25	1
B5358 south	0.67	3	0.74	3
Clay lane (from A6MARR on-slip)	0.07	1	0.03	0

The above table indicates that the junction will operate within capacity in 2017.

### **A34 Handforth Bypass / A555 Junction Handforth**

The existing junction is grade separated with a roundabout at the lower level and the mainline for the A555 crossing over on two highway bridges. The western bridge currently spans two lanes of traffic and the eastern bridge spans three lanes. The western bridge has sufficient space available to facilitate an additional third lane. The A6MARR scheme proposes significant upgrades to the junction as follows:

**A34 north (southbound)**

- § Approach widened to four lanes on entry
- § Dedicated 3.7m wide left turn lane onto the A555 approx 100m in length
- § Remaining three 4m wide running lanes extended back to the upstream Stanley Green junction and separated from the left turn by a 3.0m wide island that provides a safe reservoir for a Toucan crossing.

**A555 east (westbound)**

- § Approach widened to four lanes on entry
- § Two 4.6m wide left turn lanes for the A34 southbound movement
- § Two 3.65m wide right turn lanes for the A34 northbound movement

**A34 south (northbound)**

- § Widening to incorporate four 3.65m wide lanes, comprising dedicated left turn for the A6MARR eastbound merge and three ahead lanes for movements onto the roundabout circulatory
- § Gantry with signals and signage will span this location

**A555 west (eastbound) diverge**

- § Widened from two to three lanes each 4.0m wide
- § Flared nearside lane is a dedicated left turn onto the A34 approx 30m in length.

The assessment of the junction has been carried out using Linsig and the capacity assessments are as follows:

Linsig Link	Lane Description	Morning Peak		Evening Peak	
		DoS	MMQ	DoS	MMQ
J1: 1/1	A555 off slip west (left)	65%	5	69%	4
J1: 1/2	A555 off slip west (left & ahead)				
J1: 1/3	A555 off slip west (right)	41%	3	41%	3
J1: 2/1	Gyratory at A555 west (ahead)	73%	8	77%	9
J1: 2/2	Gyratory at A555 west (ahead)	61%	4	65%	5
J1: 2/3	Gyratory at A555 west (ahead & right)	67%	6	66%	5
J2: 1/1	A34 north (left)	66%	9	92%	19
J2: 1/2	A34 north (ahead)	78%	10	71%	10
J2: 1/3	A34 north (ahead & right)				
J2: 1/4	A34 north (right)	62%	9	71%	10
J2: 2/1	Gyratory at A34 north (ahead)	32%	3	34%	3
J2: 2/2	Gyratory at A34 north (ahead & right)	32%	2	51%	5
J2: 2/3	Gyratory at A34 north (right)	32%	1	17%	1
J3: 1/1	Gyratory at A555 east (ahead)	68%	4	71%	5
J3: 1/2	Gyratory at A555 east (ahead)	68%	5	65%	2
J3: 1/3	Gyratory at A555 east (ahead & right)	70%	5	66%	2
J3: 2/1	A555 off slip east (left)	53%	4	33%	2
J3: 2/2	A555 off slip east (left)	53%		32%	
J3: 2/3	A555 off slip east (ahead)	64%	6	64%	6
J3: 2/4	A555 off slip east (ahead)	71%	7	60%	6

J4: 1/1	Gyratory at A34 south (ahead)	21%	3	14%	2
J4: 1/2	Gyratory at A34 south (ahead & right)	56%	3	60%	3
J4: 1/3	Gyratory at A34 south (right)	47%	1	48%	1
J4: 2/1	A34 south (left)	33%	4	28%	3
J4: 2/2	A34 south (ahead)	80%	13	78%	13
J4: 2/3	A34 south (Ahead)	80%	13	79%	13
J4: 2/4	A34 south (ahead)	80%	13	78%	13

The operational assessment of the junction will for the majority of links operate within capacity although importantly for Cheshire East it can be seen that the northbound A34 towards the A555 is approaching capacity levels. There is an interaction between the A555 and the Stanley Road roundabout as both junctions are situated close together, the assessment of the Stanley Road junction indicates that queues northbound are not predicted to block back to the A555 junction.

Although the applicant has dealt with Departures from Standard in the Transport Assessment it has not considered the weave between the northbound merge from Long Marl Drive onto the A34 as it approaches the A34/A555 junction. It is proposed to provide a four lane approach to the A555 junction, traffic merging from the slip would have to cross three lanes in order to turn right, this manoeuvre is particularly difficult given the very limited length of carriageway between the slip road and the A555 stop lines. In addition to potential Safety issues, this arrangement will be likely to reduce the predicted capacity of the junction.

It has been recognised in the analysis that Coppice Way Roundabout that provided access to the Handforth Dean retail park may be impacted by the scheme although no analysis of the junction has been undertaken in the TA. Given that this junction is currently operating at capacity levels and that the predicted increases in traffic flow from the A6MARR scheme are between 11% to 19% on the A34 between Dean Row Road and the A555 junction, I am concerned that the Coppice Way roundabout junction will be materially impacted upon by the scheme.

With regard to mitigation, it is recognised by the applicant that the A34 will be an attractive route and that that some traffic would travel through Handforth town centre and they are proposing that traffic management and traffic calming be introduced along the B5358 Station Road / Dean Road. There are no specific details of the measures proposed but that the scheme is provided by Cheshire East.

### **A6MARR / A5102 Woodford Road Junction**

A new junction arrangement is proposed where the A6MARR intersects the A5102 Woodford Road, as this junction falls within Stockport the assessment of the junction will be undertaken by Stockport MBC in their report of the application.

### **A6MARR/Bramhall Oil Terminal Gyratory Junction and A6MARR Link Road/ A5149 Chester Road Junction**

The A6MARR scheme incorporates a new at grade signalised gyratory at Bramhall Oil Terminal, including a new signalised link road connection to the A5149 Chester Road and a signalised on demand link to Bramhall Oil Terminal. The operational assessment of the junction has been carried out using Linsig and the results indicate that it would operate within capacity at 2017. The design does allow for a future Poynton Bypass to be linked into junction.

### **A6MARR/A523 Macclesfield Road Junction**

The A6MARR scheme will intersect the A523 Macclesfield Road via an at-grade all movement signalised cross roads junction. The access arrangements to the Brookside Garden centre and Miniature Railway has been combined into one single access instead of the current two accesses. A right turn lane is to be provided for vehicles wishing to enter the site from the south. Access to Norbury Hall and Norbury Court will remain unchanged by the scheme proposals. The operational assessment of the junction has been carried out using Linsig and includes the nearby junction with the A5143 Dean Lane 'Fiveways junction' to assess the potential for blocking back between the two junctions. The results indicate that the A6MARR junction is approached capacity in 2017 with queues forming, the Fiveways junction operates with capacity and there is predicted queuing interaction between the two junctions.

### **Realigned A6/Buxton Road (Western Tie-in Junction)**

The western tie-in of the realigned A6 is to be constructed west of Yew Tree Avenue. Access to the realigned A6 from Yew Tree Avenue and Occupiers Lane will be via priority junctions. Each priority junction will have right turn lanes and refuge islands and between the junctions a new Toucan crossing will be provided to replace the existing facility.

### **Realigned A6/Buxton Road (Eastern Tie-in Junction)**

At the eastern tie-in there is a new signal junction that is approximately 500m from the A6MARR junction, Norbury Hollow Road will tie-in to the existing A6 via a remodelled priority junction. The operational assessment of the junction has been carried out using Linsig and the output is shown below:

Linsig Link	Lane Description	Morning Peak		Evening Peak	
		DoS	MMQ	DoS	MMQ
1/1	A6 north (ahead)	81%	23	93%	43
1/2	A6 north (right)				
2/1	A6 south (Ahead & left)	85%	31	70%	19
3/1	Buxton Road	82%	7	52%	3

The above table indicates that the junction does operate within its theoretical capacity in 2017 although there are queues being formed on the A6. The co-ordination of signal timings between this junction and the A6MARR junction will be explored during the design process to create 'green-wave through the junctions for the dominant traffic flows.

## A6MARR Realigned A6 Junction

This junction is situated approximately half way along the realigned A6 and is a signalised T junction arrangement and will incorporate a free flow left turn lane into the A6MARR from the A6. The operational assessment of the junction has been carried out using Linsig and the output is shown below:

Linsig Link	Lane Description	Morning Peak		Evening Peak	
		DoS	MMQ	DoS	MMQ
1/1	A6 north (ahead)	81%	23	93%	43
1/2	A6 north (right)				
2/1	A6 south (left)	64%	7	54%	7
2/2	A6 south (ahead)				
3/1	A6MARR (left)	8%	1	10%	1
3/2	A6MARR (right)	74%	23	87%	33

The above table indicates that the junction does operate within capacity in 2017 but the right turn lane from the A6MARR to the A6 is becoming under pressure during the evening peak period.

## Overall Scheme Benefits

As a result of the A6MARR scheme there will be changes to traffic flow patterns with traffic that currently uses local roads transferring onto the new A6MARR. Future year traffic flows are forecast to reduce on local roads namely, Heald Green, Bramhall, Hazel Grove, Cheadle and Cheadle Hulme to the north of the A6MARR and Styal, Wilmslow, Woodford and Poynton town centre to the south. With regard to traffic using the primary routes and strategic roads traffic is forecast to reduce on:

- ⊗ A6 between the eastern terminus of the A6MARR and the M60 motorway
- ⊗ A532 between the A6 Rising Sun and Poynton cross roads
- ⊗ A538 between the M56 motorway and Wilmslow and between Wilmslow and Prestbury
- ⊗ A560 between Gatley and Cheadle
- ⊗ A5102 between junctions 1 and 2
- ⊗ M56 between junctions 1 and 2 and between junctions 4 and 5

However, there are primary routes and strategic that will see traffic increase as a result of the A6MARR scheme, these are:

- ⊗ A6 between through High Lane and Disley
- ⊗ A34 between the A555 and Dean Row Road
- ⊗ A555 between the B5358 (at Handforth) A5102 (at Woodford/ Bramhall)
- ⊗ M56 between junctions 5 and 7

There will be some local routing increases on Gillbent Road, Cheadle Hulme, Torkington Road and Threaphurst Lane, Hazel Grove and potentially Clifford Road, Poynton.

In regards to actual numbers, the following table indicates flows in terms of AADT (Annual Average Daily Traffic) at 2017. I have only provided details of roads that are in or affect Cheshire East.

A6MARR Forecast AADT Base Year, 2017 Without A6MARR, 2017 With A6MARR plus Mitigation

Site	Description	Forecast AADT				
		2009 Base	2017 Without A6MARR	2017 With A6MARR	2017 impact of A6MARR	2017% impact of A6MARR
1	A6MARR (west of Styal Rd)	n/a	n/a	51000	n/a	n/a
2	A6MARR (between Styal Rd and Handforth)	n/a	n/a	37700	n/a	n/a
3	A555 between A34 Woodford Rd and A5103	23800	28800	57100	28300	98%
4	A6MARR between Oil terminal and A523	n/a	n/a	31400	n/a	n/a
5	A6MARR between A523 Macc Rd and A6	n/a	n/a	22400	n/a	n/a
6	A6 Buxton Rd (east of A523 Macc rd)	26800	28000	12200	-15800	-56%
7	A6 Buxton Rd between (Threaphurst rd and Windlehurst rd)	24500	25900	29300	3400	13%
8	A6 Buxton Rd between (Windlehurst Rd and Andrew Lane)	20900	22100	24500	2400	11%
9	A6 Buxton Rd between Andrew Ln and Jacksons edge rd	18700	19800	22400	2600	13%
10	A6 Buxton West between Buxton Old Rd and Redhouse Ln	18700	19800	22900	3100	16%
11	A6 Buxton Rd between Greenshall Ln and A6015 Albion Rd	18300	20700	22700	2000	10%
12	A34 (south of A555)	53600	58600	69600	11000	19%
13	A34 (between Coppice Way and Dean Row Rd)	52900	58400	64900	6500	11%
14	A34 (between Dean Row Rd and A538 Manchester Rd)	43400	50500	53000	2500	5%
15	A34 (south of A538 Prestbury Rd)	29600	38200	36800	-1400	-4%
16	A34 Alderley Edge bypass south west of A535	n/a	21200	20800	-400	-2%
17	A523 Macclesfield Road (south of A6MARR)	22100	20500	16700	-3800	-19%
18	A523 London Road (Adlington Park south of Poynton	18100	18400	20300	1900	10%
19	A523 London Road (south of Bonnis Hall Ln	28500	30900	31700	800	3%
20	B5166 Styal road (north of Ringway Rd)	17000	22200	18300	-3900	-18%
21	B5166 Styal road (South of Holly Ln)	16100	17900	16400	-1500	-8%
22	B5166 Styal road (west of Cliff Rd)	11600	14300	13100	-1200	-8%
23	B5358 Wilmslow Rd (between station and spath lane	13400	15800	14200	-1600	-11%
24	B5358 handforth rd (north of Dean Row Rd)	6800	7200	6600	-600	-8%
25	B5358 Bonnis Hall Ln (south of Mill Ln)	12700	14700	14700	0	0%
26	Poynton Clifford Rd	4300	7100	7500	400	6%
27	Poynton Park Ln (east of A523 London Road)	9000	8100	8300	200	2%
28	Poynton Woodford A5143 Dean Lane and Meadway	7600	8800	5100	-3700	-42%
29	Wilmslow – Alderley Road North of A34	17200	19400	18100	-1300	-7%
30	Wilmslow Dean Row Rd east of A34	9000	9000	8800	-200	-2%
31	Wilmslow Dean Row Rd east of Manchester Rd	8800	8900	7200	-1700	-19%
32	Wilmslow Manchester Rd north of Dean Row Rd	6700	8300	6700	-1600	-19%
33	Wilmslow Stanneylands Rd	3300	2900	1100	-1800	-62%

## Scheme Impact

It is clear that the A6MARR scheme impacts are predominately on the A6 through Disley and on the A34 Handforth with smaller impacts in Poynton.

## A6 through High Lane and Disley

There is a predicted significant increase in traffic flow on the A6 through High Lane and Disley, this is a result of both traffic growth and the reassignment of longer distance traffic as a result of the introduction of the A6MARR scheme. The applicant states that the nature of the A6 through High Land and Disley means that it is neither possible or desirable to significantly increase network capacity through along the A6 corridor and a enhanced package of mitigation measures is proposed to manage the predicted level of traffic on the A6.



The predicted level of impact of the A6MARR scheme without enhanced mitigation measures was for traffic to increase by up to 30% on the A6 through High Land and Disley. Although it is now predicted through the introduction of enhanced mitigation measures that the increases will be between 11% and 16%. The reduction in flows have been based upon the introduction of the following measures:

- Better managing traffic flows for local residents at the A6 Buxton Road/Windlehurst Road junction through a local junction improvement scheme.
- Enhancing the local district centre environment in Disley village through the introduction of a shared space scheme.
- Limiting the attractiveness of the A6 to longer distance traffic which would otherwise switch from other cross country routes with the A6MARR in place. This is to be achieved through a combination of gateway treatments and reduced speed limits.

There are also a number of traffic management measures that improve facilities for pedestrians and cyclists on sections of the A6.

### **Clifford Road, Poynton**

There is a predicted increased traffic levels on Clifford Road as a result of the A6MARR, Clifford Road could act as an alternative route for through traffic between the A5149 Chester Road and the A523 London Road South. It is proposed that prior to and following the completion of the A6MARR that the traffic flows are monitored to assess whether additional material traffic is attracted to Clifford Road.

In the event that traffic does increase traffic management measures are proposed to be implemented to discourage rat running traffic, the design of the measures would be undertaken by CEC.

### **A34 Handforth**

As indicated earlier, the traffic model predicts a significant increase in traffic flows along the A34 Handforth Bypass following completion of the A6MARR. The predicted level of increase is between 11% to 19% on the A34 and due to existing capacity issues it is predicted that some traffic will route through Handforth Town Centre on the B5358 Wilmslow Road.

In order to discourage inappropriate routing through Handforth town centre, whilst retaining the proposed west facing slip roads at the B5358 Wilmslow Road/A6MARR junction. It is proposed that district traffic management and traffic calming along the B5358 Station Road/Dean Road is introduced, the design of the measures would be undertaken by CEC.

### **Complementary and Mitigation Measures**

A package of measures is proposed to address the change in traffic flow, it is anticipated that most mitigation measures will be implemented prior to the opening of the A6MARR scheme, although the implementation of some measures may be subject to monitoring the effects the scheme. The contributions being provided by the A6MARR will not in many cases fund the full cost of implementing the mitigation schemes and it will fall on the respective Local Authorities to deliver and fund the works.

### **Conclusions of Strategic Highways Manager**

The A6MARR scheme is intended to deliver benefits for communities and the local economy and these benefits have been identified as follows:

- § Economic growth generating additional economic output for the region and the creation of new jobs.
- § Better access to Manchester Airport and other key destinations for employment, education, health, leisure and retail.
- § Less traffic on local roads – reducing congestion on local roads.
- § Shorter journey times for cyclists, public transport users, car drivers and freight.
- § Improved road safety, particularly for pedestrians and cyclists by reducing the volume of traffic passing through residential areas.

With regard to the traffic impact of the A6MARR scheme it is recognised that this is not a developer promoted scheme; there is no new development associated with the scheme and the impacts of the scheme are from the redistribution of traffic from existing routes. As a result of the proposed introduction of the A6MARR scheme the traffic model predicts some negative traffic impacts on certain routes but also, importantly substantial reductions in traffic flows on other local roads. Across the highway network as a whole there are journey time savings with the A6MARR in place.

The applicant has submitted specific model details of the new junctions to be implemented with the A6MARR scheme, the assessment of these junctions in terms of their capacity to accommodate future traffic flows on opening in 2017 fall upon Stockport MBC as all of the junctions are within Stockport. However, the results submitted indicate there are a number of junctions are approaching capacity levels at 2017 when the scheme opens. This approach is consistent with the original SEMMMS strategy.

One of the impacts identified in CEC from the A6MARR scheme is on the A6 through Disley and High lane, the original forecasts was that these routes would see a 30% increase in flows and this has subsequently been reduced down to between 11% and 16% as a result of enhanced mitigation measures. This reduction has mainly been based upon managing speeds to more constant levels on the A6 corridor and the introduction of a shared space / traffic management scheme in the centre of Disley. I am concerned whether these substantial reductions in traffic flows can actually be achieved through the

introduction of these measures especially as no specific details and extent of the shared space scheme / traffic management scheme has been submitted.

However, I do recognise that traffic flows would increase in any event through general traffic growth on the A6 corridor and also that it is not possible (or probably desirable) to create significant capacity improvements to the A6. It is accepted in principle that as a result of the A6MARR scheme that traffic levels will increase on the A6 and that this can be mitigated with enhanced safety measures, traffic management measures and improved facilities for both pedestrians and cyclists provided along the A6. However, it is considered that further detail, supported by detailed traffic modelling is required to evidence the revised traffic flows predicted on the A6 – and importantly, the impact of these measures through Disley village.

The A34 in Handforth is also identified as having significant increases in traffic flows - up to 19% to the south of the A555. Junction improvements are proposed at the A6MARR/A34/A555 junction and at the nearby Stanley Road roundabout. The submitted capacity assessments have indicated that these improvements can accommodate this increase in predicted traffic. However, the nearby roundabout junction of Coppice Way has not been assessed even though it is currently operating at capacity levels and I am concerned that there will be increased queues at this junction as a result of the A6MARR scheme. As the northbound approach to the A555 junction is to be increased to four lanes, it will be difficult for vehicles exiting the northbound merge from Long Marl Drive to cross the lanes to turn right especially if queues have formed. This problem has not been dealt with in safety audit submitted with application nor reflected in the traffic capacity analysis of the junction. Should the application be approved, I would suggest that this issue is dealt with by condition, requesting further detailed analysis and supporting traffic management proposals.

In summary, the A6MARR scheme does provide significant overall benefits to reduce the use of local urban roads, it will reduce current congestion and in many cases reduce the traffic flows on the local roads. The scheme would also reduce journey times both for local trips and strategic trips and providing better access to Manchester Airport. There are negative impacts of the scheme for Cheshire East and these are focused on the A6 through Disley and in Handforth where traffic flows will rise. This is as a result of the scheme causing the re-distribution of traffic from other routes

To address the impacts a package of complementary and mitigation measures have been proposed to address the predicted change in traffic flow on the local highway network following completion of the A6MARR scheme. A contribution to these measures has been proposed by the A6-MARR scheme. The mitigation measures are aimed at ameliorating the impact on local communities and to provide measures to encourage walking, cycling and sustainable travel choices.

Therefore, overall it is my view that the A6MARR scheme is an integral component of the South East Manchester Multi-Modal Strategy (SEMMMS) and is critical to delivering the national objectives for growth, employment and connectivity. There are some identified disadvantages to the A6MARR scheme such as the increased traffic flows on some routes but the wider benefits of the scheme outweigh these concerns and I do not raise objections to the scheme subject to the delivery of the proposed mitigation measures and further supporting information on the operation and impact of the A34 merge from Long Marl Drive.

**Environmental Health** - the comments are set out in respect of Noise, Air Quality and Contaminated Land.

#### Noise and vibration impacts (Public Protection and Health)

The proposed road scheme is predicted to cause adverse noise impacts at sensitive receptors adjacent to the new route. These would be initially from the construction phase which would be greater but short term impacts and subsequently, long term impacts from the operational phase.

Vibration impacts from the construction activities have the potential to cause significant impacts at those properties closest to the proposed road and where the more extensive engineering works would be required and in particular, piling operations. The vibration impacts from the operational phase are not expected to cause any adverse impacts

The exact noise and vibration impacts from construction activities are not assessed at this stage as it is stated that the exact methods and locations are not yet known. The details of this and proposed levels and mitigation should form part of the Construction Environmental Management Plan on which we would seek agreement by use of planning condition.

The potential noise impacts from the introduction of the proposed road as a new noise source would be the most significant issue of the scheme. The noise assessment has used the methodology in DMRB to predict the noise impacts in the long term period (2032) at sensitive receptors. It predicts that in Cheshire East District there would be major and moderate noise impacts (daytime and night) at residential properties in north western areas of Handforth and northern Poynton. The most significant of these impacts in Cheshire East would be felt at properties on Clay Lane in Handforth and Bolshaw Farm.

The noise calculations include proposed mitigation in the form of vertical alignment cuttings, earth mounding, low noise road surfacing and acoustic barriers.

It is proposed that properties in northwest Handforth would benefit from all of the above mitigation methods. Given the magnitude of the proposed impacts at these properties it is considered essential that further mitigation measures are reviewed for feasibility and effectiveness in this area. The review should include consideration of:

- Increased barrier / mounding / cutting
- Absorptive barriers (particularly as dual barrier reflection may be a factor in this area)
- Decrease in maximum speed
- Regular road resurfacing programme

If it is shown that such measures are not unfeasible from a wider design perspective and could realise further noise reductions then the measures should be implemented in addition to the current proposed measures.

A construction phase Environment Management Plan will need to be conditioned to address environmental health issues during construction.

### Air Quality

The Local Air Quality Management (LAQM) process is set out in Part IV of the Environment Act 1995. It places an obligation on all Local Authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved.

Where exceedences are likely, an Air Quality Management Area (AQMA) must be declared and an Action Plan produced outlining the measures it intends to put in place to work towards achieving the objectives. In Cheshire East, there are currently 13 AQMA's, all of which are as a result of transport emissions.

The A6, Market Street, Disley is designated as an AQMA as concentrations of nitrogen dioxide (NO<sub>2</sub>) exceed European, health based Limit Values. The study area of the ES encompasses the AQMA.

Dust emissions, which would be expected during construction, are proposed to be mitigated by a number of measures such as water suppression, wheel washing and cleaning. These measures would be contained within a Construction Management Plan (CEMP).

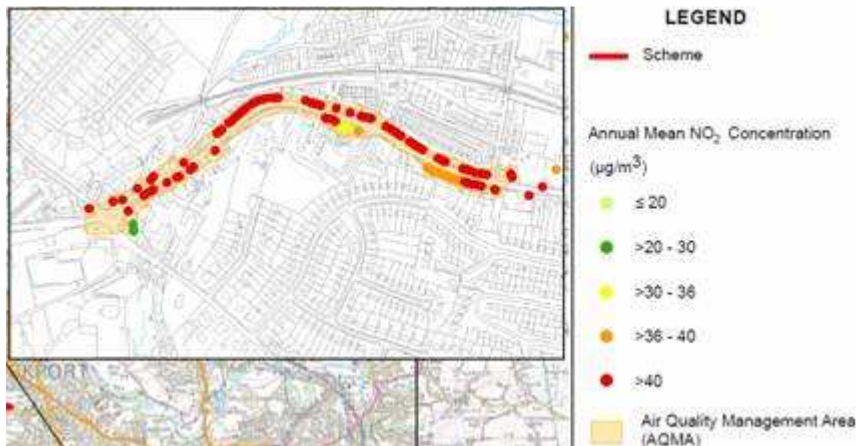
During the operational phase of the road, the report confirms

There will be three new exceedences of the NO<sub>2</sub> limit value at properties within the AQMA.

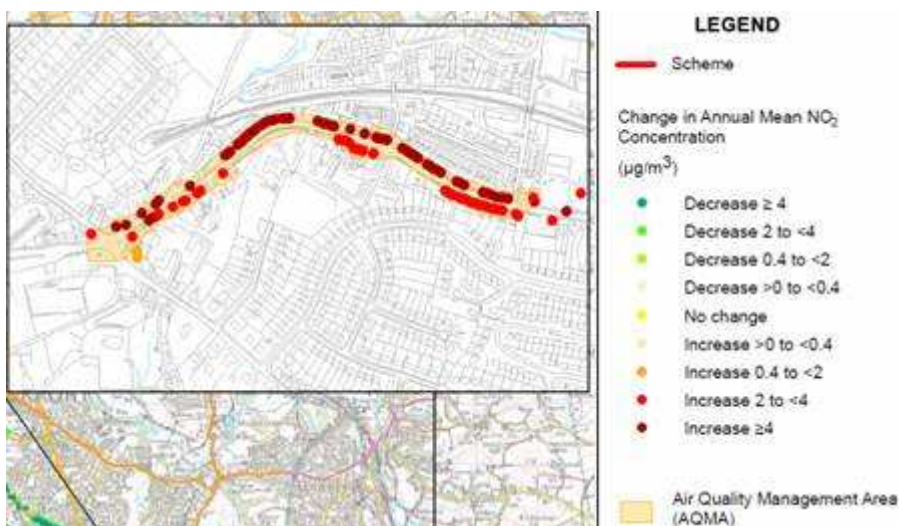
- 95 properties in all will have a significant worsening of Air Quality (> +4 ug.m<sup>3</sup>). (fig 1 and 2 below)
- Of these 63 are in the Disley AQMA (66%).
- 49 properties will experience a worsening of air pollution between 2 and 4 µg/m<sup>3</sup> (fig 1 and 2 below)
- Of these 41 (84%) are in the Disley AQMA.
- The scheme is likely to result in the authority having to declare an additional AQMA for a breach of the hourly objective for NO<sub>2</sub>.

- Overall this is considered a significant **negative** impact on public health for the residents of Disley.

Without Scheme (figure 1):



With Scheme (figure 2):



Properties within the AQMA will experience an overall increase in PM<sub>10</sub> concentrations as a result of the scheme; however the model does not predict any exceedences of the air quality objective.

It is therefore disappointing to read the proposed mitigation measures, which do not consider any mitigation with respect to increased exposure to Nitrogen Dioxide and PM<sub>10</sub> in Disley.

However, further information and discussions with the applicant and representative suggested that, with an enhanced mitigation package for the scheme and in particular Disley the air quality situation outlined above would be improved slightly. The enhanced mitigation discussed included:

- A 30 MPH speed restriction

- Some form of Signal Control to smooth traffic flows
- Some form of Shared Space scheme for Fountain Square junction

It is suggested these mitigation measures would have two main impacts. Firstly the projected increase in vehicle numbers (~ 30%) is reduced to ~ 11-16% (because the road becomes less “attractive” to users). Secondly (partly due to the above) vehicle emissions are reduced from the tailpipe and as such there would be a commensurate reduction in air pollution.

### **In summary:**

The planning application as submitted does not adequately address the predicted negative impact on Air quality in Disley. Further, it is considered that the proposed SEMMMS scheme is not in compliance with the Cheshire East Air Quality Action Plan (2011), the draft Disley Air Quality Action Plan (2013), and the broader aims of the Cheshire East Air Quality Strategy.

There must be further consideration of mitigation against the significant negative impact on air pollution within the AQMA.

This office has serious concerns about the scheme however recognizes there are wider benefits in other areas (not necessarily in Cheshire East).

As such, if the application is to be approved it is ESSENTIAL that funding is provided from the applicants to put in place the enhanced mitigation package as outlined above. The mechanism of funding is not within the scope of this response but must be suitably robust such that the traffic number reduction and emission reductions outlined above are realized.

### Contaminated Land

The Contaminated Land team has no objection to the application with regard to contaminated land:

- The application area has a history of mixed use and therefore parts of the route may be affected by contaminated.
- This site is within 250m of a number of known landfill sites or area of ground that has the potential to create gas.
- The application is for new road and associated landscaping which is not considered to be a significant sensitive end use.

In accordance with the NPPF, the section has recommended conditions that would need to be applied if planning permission is granted.

----- END OF CONSULTATION SECTION -----

**OFFICER APPRAISAL**

The proposed development seeks consent for the construction of a relief road between the A6 in Stockport and Manchester Airport. The scheme is located within three local authority areas, and as such, the elements of the scheme falling within each authority jurisdiction will be assessed against their own development plan policies. Each local authority has carried out their own consultation and will determine their own application.

In addition to the consultation responses outlined above, the assessment also incorporates the views of the Council's Nature Conservation Officer, Conservation Officer, Officer for Arboriculture and Landscape Architect.

**Development in the Green Belt**

The application site lies within the North Cheshire Green Belt as defined by the Development Plan.

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with their essential characteristics being their openness and permanence.

The NPPF highlights that the Government attaches great importance to the Green Belt with paragraph 87 identifying that 'inappropriate development' is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Councils own policies seek to protect the Green Belt from inappropriate development and align with those stated in the NPPF.

When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstance' 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.

The NPPF para. 90 further states that certain forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The forms of development specified include both 'engineering operation' and 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'.

There is no doubt that the proposed development represents inappropriate development in the Green Belt. The road, ancillary development and engineering works required will reduce the openness of the Green Belt. The development also introduces an urban form into a



rural landscape and thereby amounts to encroachment in the countryside, which conflicts with one of the five purposes of the Green Belt.

The proposed development is also located in a sensitive area of Green Belt which separates settlements in North Cheshire from the Greater Manchester conurbation. This band of Green Belt is relatively narrow in places and the introduction of the road into this band of Green Belt could also arguably conflict with a second purpose of including land in the Green Belt which is to prevent neighbouring towns merging into one another. On balance, however, it is considered there is no conflict with this purpose due to the nature of the development. The road will create a strong physical boundary on an east/west axis with open Green Belt remaining to the north and south of the proposed road, which therefore does not act to merge the nearby towns together.

The proposed road brings with it features in the landscape that will have an adverse impact on the openness and visual amenities of the Green Belt. The road bridges, embankments as the road is raised above the railway lines and the lighting columns that will be required. The landscaping conclusions are dealt with in more detail in the relevant section of this report, but in short there will be adverse landscape impacts sustained over a long period of time resulting from the development.

The weight to be given to the harm to the Green Belt is substantial, according to national guidance. Harm exists by virtue of inappropriateness, loss of openness, adverse impact on visual amenity and conflict with the purposes of including land in the Green Belt (encroachment).

For this scheme to be granted planning permission the identified harm to the Green Belt (and any other harm) must be *clearly outweighed* by other considerations. These conclusions should therefore be drawn following assessment of any other identified harm resulting from the proposal and the “other considerations” which are set out in the rest of this report.

### Need

The land for the road scheme is safeguarded under the existing adopted Macclesfield Borough Local Plan, policy T7. The reasoning for the policy states that the schemes listed in policy T7 are subject to investigation as part of the South East Manchester Multi Modal Studies.

Objections received from local residents and interested parties have cited that there is no need for the scheme and that the money earmarked for the scheme would better be spent on sustainable transport measures. They further identify that the business case behind the scheme is flawed and that the expected increase in congestion has not materialised. It is further argued that the scheme will not meet with its objectives, and therefore should be refused. Letters of support have also been received which state that the scheme is long

overdue, all the remaining SEMMMS schemes should be introduced and that the scheme is vital for the local and regional economy.

On assessment of the submitted application and in taking account of the representations lodged, the A6MARR is considered to be an integral component in the delivery of a twenty year integrated transport strategy for the area which is aimed at addressing transport problems in the locality. The lack of a direct east to west transport link across south-east Greater Manchester and Cheshire East is contributing to traffic congestion on major and minor roads and resulting in constraints to people and goods which cannot move easily, directly or efficiently. The existing situation is considered to be constraining the local economy, affecting air quality in local areas and reducing access to key destinations. The existing problem needs addressing and A6MARR has been identified as the best solution as part of the overall SEMMMS Strategy.

In 2001 The SEMMMS study identified that traffic congestion was the biggest single problem with the transport system of South East Manchester, and whilst there were many other problems, one of the recommendations of the study was that a road be designed to provide relief for the study area communities.

The A6MARR is considered critical in delivering the long-term objectives of the SEMMMS study and has been designed to alleviate:

- poor connectivity along the south Manchester Corridor;
- congestion on the local and strategic network;
- poor environmental conditions; and
- unsatisfactory conditions for pedestrians and cyclists.

Whilst objections have been received which suggest that alternatives to the A6MARR should be implemented such as widening other existing routes and increasing facilities for non-motorised transport and sustainable transport, it is recognised that the A6MARR is only one element/project of the wider SEMMMS and its construction would not prevent or negate any of the other recommendations. It should also be noted that over the past ten years SEMMMS has delivered a range of public transport and sustainable transport measures to local communities across south-east Manchester in accordance with the long-term objective.

Whilst key benefits of the A6MARR would be to deliver improvements in road infrastructure and help to relieve congestion on the current highway network, the proposal would also improve the pedestrian and cycle network through the provision of a new dedicated cycleway/footpath along its entire length and provide links to existing facilities in the area. The retrofitting of a cycleway/footpath to the existing A555 is also supported as a benefit. Despite the objections received, the A6MARR would not adversely affect or jeopardise the delivery of improvements for other non-motorised modes of transport as promoted by the SEMMMS.

Concerns regarding flaws in the proposed business case are not a material consideration in the assessment of the planning application. The role of the Local Planning Authority is to assess the acceptability of the scheme as submitted, and although parts of the community may not agree with the business case, the business case has been through assessment by DfT prior to the submission of the application. With regards to concerns highlighted by objectors that the scheme is not needed as the expected increase in traffic has not materialised, the application has been submitted with a transport assessment which had assessed traffic conditions for a 12 year period from 2000. The proposed assessment of the scheme is therefore being carried out against current relevant data.

The A6MARR has been identified by Central Government as one of a number of nationally important infrastructure projects which are required to revitalize the economy as part of the Governments initiative to 'Keep Britain Moving'.

Members of the public have further advised that this scheme should not be implemented without the Poynton Bypass, and as such the scheme is premature. It is considered that the applicant has demonstrated the need for the scheme, as a standalone route, which is supported by the relevant data. The application as a whole provides at length the justification for the current route and how the proposal has been developed. However, as the comments of the Strategic Highways Manager highlight, the road has been designed to enable the Poynton Bypass to be integrated in the future.

In conclusion on the need for the scheme, it is considered that there is a compelling case for the road as necessary sub-regional infrastructure to relieve existing traffic problems and that significant weight should be given to the need for the road.

The proposal is considered to be in accordance with policy T7 of the Macclesfield Borough Local Plan.

#### The proposed route of the road

The route of the road is largely constrained by the existing Green Belt gap between the built up areas of Greater Manchester and Cheshire East. This is the safeguarded route within the Development Plan (MAELR), with the exception of the western section on the approach to Styal Road which is located slightly further North on the Proposals Map. Certain options for the route at particular sections of the road have been put forward by the applicant during pre-application consultation. The concerns of objectors, and of Styal Parish Council, are noted, however it is the route proposed as part of this application which must be considered on its merits. The stated concerns about the process by which the proposed route has been arrived at is not a material consideration for the determination of this planning application.

The applicant has confirmed that the woodland referred to is of little ecological value, but it is still of some value. Furthermore they state this was not the key consideration for the

chosen route. They confirm that the chosen option requires less land, has a lower construction cost and was the preferred option following consultation (52% of respondents favouring Option 1 in comparison to 7% of respondents favouring Option 2).

It is important to note that the alternative route preferred by Styal Parish Council would not reduce the land take within the Green Belt. It would reduce the amount of the road within the Cheshire East boundary, but the additional road that would be required within the Stockport boundary would also be in the Green Belt. There would therefore be no benefit to the Green Belt by an amended route on the approach to the Styal Road junction.

Concern has also been raised about the height of the bridge as the proposed road crosses Styal rail line. This bridge would be outside the Cheshire East boundary and is therefore not considered as part of this planning application, although the height does affect the level of road in the 'run up' to the bridge which does include development with Cheshire East. The design of the bridge has been stated as meeting requirements from Network Rail and officers have no evidence to question to the height of the bridge and clearance level being required by engineers.

Following the recent concerns raised by Styal Parish Council, the applicant's agent has confirmed that a representative from Network Rail advised that:

*"To achieve a 'compliant' OHLE design Network Rail requires a minimum clearance dimension of 600mm from the lowest point of the bridge soffit to any existing OHLE equipment classified as live. It is important to note that 'live OHLE equipment' refers not only to the contact & catenary cables but also to any insulated infrastructure supporting the same."*

### Use of Public Money

Objectors to the scheme have cited that public money should not be used for the scheme, however this is not considered to be a matter which can be dealt with through the planning application process. As previously discussed there is considered to be an established need, and the scheme has gained Government Funding.

### Economic benefits and jobs growth

The socio-economic assessment submitted with the application projects that the scheme will generate significant economic benefits. This includes increasing employment in Greater Manchester and Cheshire by up to 3,800 jobs by 2032 and generating around £147 million of GVA per annum (in 2006 prices). The estimate is that 3,600 of the new jobs will be net additional to the sub-region.

In addition the scheme is estimated to generate a further 600 jobs by 2032 through enhancements to Manchester Airport as a gateway to international connectivity. The construction phase would also generate approximately 830 jobs during that period.

The report has used other link road schemes across the country to benchmark cost/benefit and evidence the likely socio-economic benefits arising from this scheme.

Whilst objectors to the scheme has raised issue that the scheme is required only to serve commercial interests, there is no evidence to suggest the projected economic benefits are unlikely to be realised if this scheme is built.

It is considered that very substantial weight should be given to the sub-regional economic benefits arising from the development.

### Water Environment and Flood Risk

The NPPF and Local Plan policies DC17 and DC18 all seek to ensure development does not impede the risk or flow of flood water or increase the risk of flooding elsewhere and that development proposals include measures to safely manage surface water run-off derived from them and encourage the use of sustainable urban drainage systems. Policies DC19 and DC20 also seek to protect the quality of watercourses and ground water resources. They highlight the need to adapt to the impact of climate change and identifies that development on greenfield land must not increase the rate of surface runoff.

The ES contains a detailed assessment of the potential impacts of the development on the water environment including surface waters, groundwater and flood risk. The ES also reports the finding of the Flood Risk Assessment(FRA) which was submitted as part of the application and which assesses the potential risks of flooding to and from the development and identifies the measures to be taken to mitigate and manage any risks arising from the development.

The application also identifies the measures to be adopted to manage surface waters derived from the bypass and to protect groundwaters during both the construction and operational phases. Such measures include the provision of compensatory flood storage areas, construction of a dedicated Sustainable Urban Drainage System(SUDS), carrying out of all construction works in accordance with best practice standards and culverting of watercourses which currently cross the proposed alignment of the bypass.

The Environment Agency have confirmed that they have no objections to the development subject to the imposition of appropriate planning conditions to ensure that the mitigation measures that have been identified as part of the development are secured. This would include limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and mitigating and remediation works for dealing with known and unknown contamination.

The Council's Flood Risk Manager has also been consulted on the proposal and raises no objections subject to conditions. It is considered that, subject to the conditions set out, the proposal complies with policies DC17 – DC20 of the Local Plan.

### Cultural Heritage

Policy BE16 of the Local Plan seeks to prevent development which will adversely affect the setting of a listed building. Policy BE21 seeks to promote and protect archaeological interests. These policies are in accordance with objectives and policies in the Framework.

The sections of the proposed road within Cheshire East have a relatively limited impact on heritage assets and archaeological interests.

The proposed road will pass to the North of The Grange at Handforth, which is a grade II listed building. The Council's conservation officer has stated that the proposed route is sufficiently far from the building and its curtilage not to directly affect its setting and therefore will be acceptable to the building. This is in accordance with policy BE16.

In terms of archaeology, the detailed comments from the Cheshire Archaeology Planning Advisory Service do not raise any objections to the scheme. Where potential archaeological features could be affected within the Cheshire East boundary a programme of archaeological work is required which can be secured by condition. This is in accordance with policy BE21.

### Ecology and Nature Conservation

The NPPF and Local Plan policies NE2, NE7, NE11 and NE14 seek to protect sites of nature conservation interest (including SSSI's, SBI's and locally designated sites), local wildlife and protected species. Policy NE17 seeks improvements for nature conservation, tree planting and landscaping for major developments in the countryside. Concerns and objections to the scheme have been made by members of the public and interested groups due to the proposed impact on the natural environment, impact on wildlife habitats, ancient woodland, bats, badgers, Great Crested Newts, Kingfishers and damage to SBI.

The proposed development although being designed to as far as possible to minimise the impacts on ecology and the natural environment, the development would result in the inevitable loss and severance of a number of different habitats which support a range of flora and fauna. Its alignment would also have impacts upon locally designated sites of nature conservation importance, the most significant of which being Norbury Site of Biological Importance(SBI) and ancient woodland at Carr Wood (*these sites cross the boundary between SMBC and CEC*). The ES submitted in support of this application contains an assessment of the potential impacts of the relief road and identifies mitigation

measures that would be incorporated as part of the development to minimise, off-set and compensate for them.

#### *Woodland and Ancient woodland*

The scheme as proposed would initially result in the loss of 3.5ha of fragmented areas of predominantly woodland, would result in the permanent loss of 0.08ha of ancient woodland at Carr Wood and would introduce a corridor of woodland comprising of 14.5ha of native species. The development within Cheshire East does not directly lead to the loss of any ancient woodland, but given the close proximity it is considered that members should give consideration to the loss of the ancient woodland that would result.

It is acknowledged in the ES that the loss of ancient woodland as Carr Wood cannot be mitigated. The ES values the ancient woodland as significant at a local level. The Council's ecologist considers this should be considered of district level importance. Due to the nature of ancient woodland there is no mitigation which would outweigh the harm, and as such, members should make a judgement whether the overall benefits of the scheme outweigh the loss of 0.08ha of the ancient woodland. Paragraph 118 of The Framework states that planning permission should be refused for development resulting in the loss or deterioration of ancient woodland (and the loss of aged or veteran trees found outside ancient woodland) unless the need for, and benefits of, the development in that location clearly outweigh the loss. That is the test which is to be applied in the planning balance.

The ES identifies that significant planting and mitigation is proposed to offset the loss of existing planting and woodland and concludes that following the implementation of the proposed mitigation measures the significance of the pre-mitigation adverse impacts would be reduced. However, due to the nature of the development it is accepted that some adverse impacts would remain even with the proposed mitigation measures in place.

#### *Protected Species*

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) that the

favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The ES includes full assessment with regards to protected species and habitats. It is considered that there is sufficient information provided by the applicant to enable the determination of the application.

The ES has assessed the impact upon:

- Badgers
- Bats (European Protected Species)
- Otters
- Hedgehogs
- Brown Hares
- Great Crested Newts (European Protected Species)
- Common Toads
- Common reptiles
- Kingfishers; and
- Breeding birds

Whilst the Council's ecologist has raised concerns in respect of further information being desired, the outstanding issues can be adequately dealt with by planning condition. The ecological surveys have provided sufficient information to be able to quantify impact of the proposal. Conditions are required to refine, enhance and secure the mitigation strategies proposed.

#### Badgers

Detailed information regarding the location of badger sets has been made available to the Local Planning Authority for the determination of the application. This information is confidential relating to the protection of the species under the Protection of Badgers Act and as such has not been released to the general public.

The studies and surveys carried out along the whole route identified:

- 3 main setts;
- 2 annex setts;



- 3 subsidiary setts; and
- 13 outlier setts

Additional evidence of badger activity was also recorded including snuffle holes (indicating foraging areas, latrines (making edge of territories), runs and paw prints (commuting routes) and hairs on fences.

It is noted that the proposed scheme could result in potential loss or injury of badgers during construction works by virtue of inadvertent encroachment of individuals into the construction area. In addition, should planning permission be granted for the main alignment there would be certain loss of one main set and six outlier setts. There would also be potential for disturbance of a main sett, two annex setts and five outlier setts outside of the main working areas as a result of construction activities.

The ES identifies mitigation measures to both avoid potential death, injury or disturbance during construction and to mitigate the loss of the main sett.

The applicant proposes that in mitigation for the loss of the main sett, an artificial sett would be formed and the existing sett would be closed, both of which would require a license from Natural England.

The applicant is proposing that all findings would be clarified by additional field surveys prior to construction. Construction would therefore occur against up to date knowledge of habitats.

Natural England has raised no objections to the scheme, and it is considered that the applicant has satisfactorily clarified the position with regards to badgers. Whilst unfortunate that the scheme impacts on the badger population, it is considered inevitable on such a large site, and that the mitigation proposed and protection afforded to them under Act would result in an acceptable outcome. It is therefore recommended that conditions are placed on any decision notice to require the mitigation works as proposed.

### Bats

The survey work for bats has identified that along the whole route there would be a loss of 35 trees which have bat roosting potential, there would be disruption to the population as a result of construction related noise and vibration, disturbance of known and potential roost sites and severance of commuting routes. The ES has identified that the scheme would have a potentially significant effect on local pipistrelle populations by virtue of loss and fragmentation of established roosts and habitat and severance of established commuting corridors and access to roosts.

Design and construction measures have been incorporated into the proposed scheme in light of the impacts, and mitigation measures proposed.

Concern was raised by GMEU regards to the potential impact of the lighting scheme on the bat population to inform the location of potential bat hops. The applicant in their response made reference to the locations within the report that the information was available, and have clarified that given the location of the proposed scheme within the urban fringe where there is significant existing light pollution that there is unlikely to be a significant effect upon bats as a result of lighting. The lighting scheme as included within the application is constrained to the junctions as required by safety requirements. The location of bat hops has been informed by the presence of existing vegetation on site and the applicant has stated that they will endeavour to place bat hops as close as possible to the original vegetation line.

Further concern was raised that the bat survey did not cover all structures impacted by the scheme, and that the survey had not assessed the building to be lost. The applicant has clearly stipulated that all structures (buildings and bridges) that lie along the route of the scheme have been assessed and have not identified any that are suitable for bat roosts. They were therefore scoped out of roost survey.

The conclusions and mitigation measures as proposed are considered to reduce any negative impacts on bats such that they will not be significant. The information available is considered appropriate to enable determination of the scheme, with conditions attached to any planning permission requiring the mitigation measure to be implemented, and where required, additional surveys carried out.

It is considered that it can be concluded that the 'tests' of the Habitats Regulation would be reasonably met by this proposal and there is no impediment to granting planning permission subject to conditions.

#### Great Crested Newts (GCN)

The scheme as a whole would result in the permanent loss of 8 ponds occupied by Great Crested Newts, the loss of terrestrial habitats including grassland and hedgerows and the fragmentation of habitat.

There is also a risk that GCN and common toad may be killed during clearance works as they use the habitat to forage and find refuse. As a linear structure, the proposed scheme will split hedgerows and grasslands preventing breeding migrations.

The ES has identified mitigation to reduce impacts of the proposed scheme including:

- Ring fencing ponds(if works proceed in the GCN breeding season Feb - June);
- Catching and moving common toad;
- Creation of new ponds;
- Fencing of the working width of the scheme;
- Vegetation manipulation;
- Recording of number of animals caught; and

- Works undertaken under licence from Natural England.

The Council's ecologist raised concern that there were no compensation proposals to address the loss of amphibian terrestrial habitat and the further information is required to determine the application. The applicant has responded by confirming that the amphibian terrestrial habitat mitigation areas are shown on the landscape proposals (located at the far east of the scheme, to the south of Albany Road, and north and south of the scheme in the vicinity of Styal Golf Course). They have a combined area of 8.6ha. Furthermore, they consider that the net increase in 11ha of native woodland should be taken into account. Collectively it is considered that suitable and adequate mitigation for impacts upon amphibian terrestrial habitats has been provided.

It is considered that the mitigation measures proposed are acceptable taking account of the impact, and planning conditions should be attached to any planning decision ensuring the mitigation is implemented. Natural England will also be fully involved in the process due to the requirement for GCN to be moved under license.

Overall, the 'tests' of the Habitats Regulations are considered to be met by the proposal. There are no suitable alternatives to accommodate the road which is along a safeguarded route in the Development Plan (any scheme of this size through the Cheshire countryside will inevitably affect the habitat of GCNs and bats). The need for the development can reasonably be stated as being in the overriding public interest. The mitigation proposals will ensure the favourable conservation status of the species will be maintained.

#### Breeding Birds

The removal of trees, scrub, hedgerow and other habitat will risk killing breeding birds or damaging nests. The applicant has therefore advised that any habitats to be lost would be cleared outside of the breeding bird season. Areas where there are GCN habitat, clearance is proposed outside of the nesting season with handtools.

Any clearance work to be undertaken within the bird nesting season would require the habitats to be first netted and an ecologist to be onsite during works.

Standard practice relating to breeding birds is to condition the timings of the clearance works and/or ensuring the habitats are netted. It is considered that breeding birds will not be impacted due to mitigation.

#### Otters

With regard to Otter, a report in January 2012 identified that a potential resting site is present along the route of the scheme, at Lady Brook. A camera trapping survey was carried out, however, as stated within the ES, a 3 month survey provided no evidence of otter on the proposed scheme.

No mitigation is therefore proposed.

### Barn Owl

With regard to Barn Owl, it has been presented within the Environmental Statement that a Barn Owl has been identified during survey works and as a result the applicant has proposed additional planting in the form of a low-flight prevention screen along the section of the scheme near Woodford Road.

The screen will comprise a hedgerow planted on the roadside 2m from the edge of the carriageway and grown to 3m in height to prevent low flight of barn owls over the carriageway. This installation of the low flight screen in the Woodford Road area would be secured through the imposition of a planning condition.

Based on the information provided, it is considered that the mitigation measures for the Barn Owl are acceptable.

### Kingfisher

Kingfishers are a specially protected bird under the Wildlife and Countryside Act 1981. The submitted ES includes proposals to mitigate the risk of nesting kingfishers being disturbed during the proposed works however no compensation is provided for the loss of the identified breeding site. Third party comments also raise concern about the impact on Kingfishers.

The Council's ecologist recommends that if planning consent is granted a condition be attached requiring the submission of a detailed design for a replacement artificial kingfisher nesting bank to be incorporated into the proposed development.

The applicant considers that there is no need to provide a replacement habitat given that sufficient habitat already exists along the Lady Brook where other burrows and habitat are present. They state that as closure of the known burrow will be undertaken outside of the nesting season there are no significant impacts upon Kingfishers and therefore there is no justification to incorporate the requested nesting bank into the proposed development.

It is considered that, to optimise the potential for Kingfisher re-nesting, the condition requested by the Council's ecologist should be imposed if planning permission is granted.

### Hedgerows

Hedgerows are a biodiversity Action plan priority habitat and hence a material consideration. The proposed development will lead to the loss of a significant length of species rich hedgerow. The proposed landscaping scheme for the site proposes the establishment of native species hedgerows as part of the development, however there will be a net reduction in the total length of hedgerows and the Council's ecologist has advised that the newly planted hedgerows will take a number of years to mature before they have any significant nature conservation value. It is recommended that the proposed length of newly planted hedgerow be increased so that it is at least be equal to that lost.

The applicant has emphasised that there will be a permanent loss of 6325m of species poor hedgerow and the permanent loss of 578m of species rich hedgerow. However, there is a commitment to adding 5825m of species rich hedgerow and whilst there is a net fall in total hedgerow as a result of the proposed scheme, the ecological value of the replacement hedgerow is a net benefit. Notwithstanding this viewpoint submitted by the applicant it is considered that further hedgerow planting should be secured by condition.

#### *Common Toad and Reptiles*

The Council's ecologist has advised that the mitigation scheme for the GCNs will also serve to prevent any adverse impact to these species.

#### *Ponds*

17 ponds will be lost across the entire development, and 34 replacement ponds are being proposed. This ratio of 2:1 replacement is in line with current best practice.

#### *Trees*

The proposed route requires the loss of a significant number of individual / groups of trees and sections of woodland. This includes a 0.8ha of Carr Wood ancient woodland, the majority of which is located on the Stockport Metropolitan Borough Council side of the boundary, and trees (2 Groups & 3 Individual trees) protected as part of the MBC (Poynton – Lower Park Road) TPO 1974.

The loss of individual trees can be mitigated by a proposed replacement planting scheme in terms of numbers, but the period of time it will take to re-establish a presence in terms of maturity will take many years (over fifty years).

The supporting documentation contains Tree Protection details which accord with the requirements of current best practice BS5837:2012

Overall, subject to conditions, the ecological impacts are considered to be in accordance with Local Plan policy NE11 and NE17. The nature conservation impacts can be adequately mitigated for. Further hedgerow planting is required than currently proposed to ensure compliance with policy NE17, which seeks improvements for nature conservation for major developments in the countryside.

The loss of ancient woodland, although a very small area within Cheshire East, is not compliant with policy NE14. However, it is considered that the test of paragraph 118 of the Framework is met as the need for, and benefits of, the development in its location outweigh the loss.

## Landscape and Visual Impact

Local Plan policy NE2 of the Local Plan seek to conserve and enhance landscape character areas and protect and enhance woodland. Policy DC8 sets out the requirements of landscaping schemes for new development.

Concern has been raised by local residents that the scheme would unduly impact on the character and visual appearance of the area and detrimentally impact on view and property values.

Comments regarding individual loss of view are not a material consideration in the assessment of a planning application, however, the impact on the open countryside, landscape character and visual amenity are.

With regard to property values, they are not a material consideration in the assessment of a planning application, and as such cannot be considered.

There are two separate sections of the proposed road that run within the boundary of Cheshire East, the first from just to the north of Mill Hill Hollow to Woodford Road along the eastern section of the route, just to the north of Poynton, and another section from the western end of the A555 just to the north of Handforth to the western edge of Styal Golf Club. An existing section of the A555 also follows the boundary of Cheshire East from the junction of the A34 to Dairy House Lane. In addition there are a number of bridge structures proposed along the route that although not within Cheshire East, may have an impact on Cheshire East, including the proposed bridges carrying the existing A6 at Hazel Grove and the Network rail bridge carrying the Hazel Grove to Buxton railway.

The ES covers the entire route. The ES states that it has been carried out in accordance with the Highways Agency Interim Advice Note 135/10, and Guidelines for Landscape and Visual Impact assessment, 3rd Edition 2013.

Although the statement covers the full length of the dual carriageway across the three separate authorities, the Western part within Cheshire east is located within the Lower farms and Woods Character Type and specifically LFW 3: Arley Character Area. The Eastern part is located within the Higher farms and Woods Character Type, specifically HFW 3 Adlington Character Area.

The ES identifies the landscape character areas as LLCAs (Local Landscape Character Areas) and bases the landscape sensitivity and evaluation of the value and susceptibility of change on these. For the visual impact a zone of theoretical visibility (ZTV) has been identified as well as visual receptors, including residential receptors and public rights of way.

The section from north of Mill Hill Hollow to Woodford Road is identified as being within the section 'A6 Hazel Grove to A555/Woodford Road (A51102)' in the assessment (4.2). This identifies this section as being in a corridor that is characterised by open agricultural land used for grazing, with some wooded valleys and near to the urban edges of Hazel Grove to the north and Poynton to the south. The woodland in this area is visually very prominent. The easternmost section in Cheshire East, from north of Mill Hill Hollow to Woodford Road is agricultural land and is located within the boundary of the Cheshire East Green Belt.

There are a number of footpaths associated with the easternmost section of the A6 Relief Road within the Cheshire east boundary, namely FP 21 Poynton with Worth, FP 31 Poynton with Worth, FP 31 Poynton with Worth and FP 3 Poynton with Worth.

The Lady Brook, which is located on the boundary of Cheshire East will have a new 19.6m span bridge that will carry the new carriageway, the dual carriageway will then continue in a 6-7m deep cutting as it passes housing at Hill Green on the Woodford Road, this cutting reduces to 1-2m at which point a false cutting will be introduced to increase the height of the earthworks, this will be approximately 7m above carriageway at the highest point, with a bridge for pedestrians and farm vehicles. The dual carriageway then passes beneath Woodford Road in a 5m deep cutting. Woodford Road itself will be raised on a low embankment of 3m, carried across the new dual carriageway on a new clear span skew bridge. The dual carriageway will then rise at a gradient of 1:25 as it curves to the southwest on embankment as it spans the West Coast Main Line on a new clear span bridge, this latter bridge will be in close proximity to the boundary of Cheshire East Council.

The westernmost section within Cheshire East, from the north of Handforth to the western edge of Styal Golf Club is identified as being with the section 'A555/Wilmslow Road (B5358) to Shadowmoss Road (4.4). The western section from the western end of the A555 just to the north of Handforth to the western edge of Styal Golf Course is open agricultural land and further to the west, Styal Golf Course. Both these sections are located within the boundary of the Cheshire East Green Belt. There are also a number of footpaths located adjacent or across the westernmost section, namely FP7 Wilmslow, FP 10 Wilmslow and FP 119 Wilmslow.

The statement indicates that the proposals will not require any modification to the alignment of the existing dual carriageway (A555). At the junction of the existing A555 and the Wilmslow Road B5358 the proposed dual carriageway will be a continuation, with the Wilmslow Road beneath the existing dumb bell roundabouts. To the west of the B5358 the new carriageway will be in a cutting from 6-7m through to 3m at the eastern boundary of Styal Golf Club. Footpath 119 Wilmslow will have a 28.6m bridge over the new road on embankments of approximately 5m in height. As the dual carriageway crosses the Golf course it moves out of a cutting and onto an embankment of approximately 2m as it approaches the new bridge over the Styal railway.

There will also be lighting associated with a number of the new junctions, those specifically close to or within the boundary of Cheshire East include 56 new 10m high lighting columns adjacent to the dumb bell junctions.

The landscape assessment does include a good analysis of the baseline landscape character and identifies that much of the area, especially in Cheshire East, represents an important area in terms of the clear delineation between the countryside and adjacent urban settlements, while acknowledging the lack of cohesiveness that exists because of the intrusion of major roads and transport corridors into the area. The landscape assessment distinguishes six separate 'Local Landscape Character Areas – LLCAs) along the route and uses these, rather than the Cheshire LCA to determine the characteristics and sensitivity, and the predicted impacts and mitigation. On the whole the Council's Principal Landscape Architect agrees with the assessment.

There are a number of footpaths adjacent to and that cross the proposed route, but the majority of visual receptors along the route are residential properties, although these are fewer in number along the section of the route from Mill Hill Hollow to the Woodford Road and the section to the west of the A555 in Cheshire East is an area that has a number of existing transport corridors crossing it already. The assessment does identify both the principal residential receptors and the footpaths that will be affected. The summary of visual impacts indicates that there will be a range of adverse effects for the majority of receptors along the route. These adverse effects will decrease over the long term, although the visual effects will remain slight to moderately adverse even after 15 years for a large number of receptors.

In terms of the visual impact on the Public Rights of Way along the proposed route, the ES also indicates that there will be adverse effects for a number of these receptors in the short term. The effects will remain adverse for a number even in the longer term.

The assessment indicates that the proposals will result in a significant effect on the landscape character in the short term, and that this will remain the case even in the longer term and that there will be visual effects that will reduce for most receptors over the longer term, nevertheless they will remain significant for a number of receptors.

Along the eastern section especially there will be major modifications to landforms, with some elevated features near the Woodford Road and although mitigation will be partially effective, the structures will remain visible, even with the proposed mitigation measures. The route that is located to the west of the A555 in Cheshire East is in a generally flat landform, but there will be the loss of hedgerows and a number of mature trees and despite mitigation, the landscape impact of the route will remain slight adverse even after a number of years, remaining as a perceptible new element in the landscape. The Council's Principal Landscape Architect does not consider that any additional mitigation would significantly change the landscape and visual effects that the assessment identifies.



The mitigation measures that are proposed, in terms of landscaping and planting, will need to be subject to condition to ensure the appropriate high specification and future management of the landscaped areas.

Conditions would be required to ensure the street lighting scheme serves its purpose for highway safety whilst minimising light pollution.

The proposed development will have an adverse visual and landscape impact which will remain for some receptors even in the long term. However, it is considered that overall, subject to conditions, the impacts have been mitigated to an acceptable level. The proposal is considered to comply with Local Plan policies NE2 and DC8 and advice in the Framework.

### Community and Residential Amenity

#### *Noise and vibration*

Policy DC3 of the Macclesfield Borough Local Plan seeks to prevent development which would result in a significant injury to residential amenity, including through noise, vibration, smells, fumes and dust. Policy DC13 states that development should not normally be permitted if noise generating developments would cumulatively increase ambient noise level to an unacceptable level. Policy T1 sets out criteria for judging new transportation schemes, one of which is that noise, congestion and pollution are reduced in residential or shopping areas.

Objections have been received from local residents living close to the proposed A6MARR route with the main focus of these objections being the potential impacts resulting from increased traffic noise, reduction in air quality and visual impacts from the development, together with increased congestion. Objections have also been received from properties further away from the proposed road itself, for example along the A6 in Disley, where the predicted traffic flows are to increase as a result of the new road.

The ES covers in full impacts of the scheme relating to noise and vibration and air quality and the Councils Environmental Health department has assessed the scheme and made comments, which are fully set out earlier in this report.

The concerns from noise and vibration can be divided into two issues: the construction phase and the operational phase/use of the new road.

The noise impacts would be initially from the construction phase, which would be greater but short term. Subsequently there would be long term impacts from the operational phase.

Vibration impacts from the construction activities have the potential to cause significant impacts at those properties closest to the proposed road and where the more extensive

engineering works would be required and in particular, piling operations. The vibration impacts from the operational phase are not expected to cause any adverse impacts.

The vibration and noise impact during the construction phase must be fully controlled through a Construction Environmental Management Plan, which can be secured through condition.

The potential noise impacts from the introduction of the proposed road as a new noise source would be the most significant issue of the scheme. In terms of the impacts associated with traffic noise once open, the ES identifies that 85% of properties within the study area would experience a negligible/minor noise impact, with 11% anticipated to experience a moderate/major increase to traffic noise.

The noise assessment predicts that in Cheshire East Borough there would be major and moderate noise impacts (daytime and night) at residential properties in north western areas of Handforth and northern Poynton.

The noise calculations include proposed mitigation in the form of vertical alignment cuttings, earth mounding, low noise road surfacing and acoustic barriers.

It is proposed that properties in northwest Handforth would benefit from all of the above mitigation methods. The EHO has recommended further mitigation to reduce the impacts in the most sensitive areas. These include:

- Increased barrier / mounding / cutting
- Absorptive barriers (particularly as dual barrier reflection may be a factor in this area)
- Decrease in maximum speed
- Regular road resurfacing programme

Decreasing the maximum speed or setting road resurfacing programmes are not measures that could be applied as a condition.

To ensure that the proposed mitigation measures put forward in the ES are suitable and effective, a condition could be placed on any decision requiring further details for noise mitigation to be submitted for approval of the Local Planning Authority. In particular, further mitigation could be applied to the stretch of road as it passes north of Clay Lane in Handforth. There is scope to introduce further mitigation measures and this will be achieved by condition.

Along the entire route there are 55 residential properties which may potentially qualify for noise insulation under the Noise Insulation Regulations 1975(Amended 1988) based on the modelling and predicted noise levels.

The impact of the development for some properties will be significant. Subject to mitigation measures proposed and conditions it is considered that overall the proposal will comply with policies T1, DC3 and DC13 of the Local Plan and paragraph 17 of the Framework which seeks to maintain a good standard of amenity for existing and future occupiers of buildings.

#### *Air Quality*

In respect of impacts on air quality the ES has identified the potential risks and impacts associated with the A6MARR proposal. Concern has been raised by local residents with regards to potential increase in pollution and reduction in air quality at both residential properties and at the primary school in Disley.

The comments of the EHO provide a thorough evaluation of the planning application submission in respect of air quality.

Across the entire scheme the assessments have concluded that approximately 79% of receptors within the study area are predicted to experience a reduction in annual mean NO<sub>2</sub> concentrations as a result of the implementation of the proposed scheme, 2% of receptors will be unchanged and 19% will be subject to an increase in annual average NO<sub>2</sub>.

Adverse and beneficial changes in NO<sub>2</sub> concentrations are greater than the upper guideline bands provided in the guidance. However, the number of receptors in exceedance benefiting from the scheme outnumbers those adversely affected by a factor of over 20.

The large, medium and small improvement in annual average NO<sub>2</sub> objective exceedances at 548, 446 and 3033 receptors respectively, compared with the large, medium and small adverse changes of 95, 49 and 31 receptors respectively. Consequently, far more receptors which are already in annual average NO<sub>2</sub> objective exceedance will benefit from the scheme than will be adversely affected by it.

The study shows that 83% of sensitive receptors either benefit or are unchanged in terms of PM<sub>10</sub> particulates as a result of the implementation of the proposed scheme.

With existing guidance on long term trends, adverse and beneficial changes associated with the scheme will continue over extended periods.

Dust emissions, which would be expected during construction, are proposed to be mitigated by a number of measures such as water suppression, wheel washing and cleaning. These measures would be contained within a Construction Management Plan.

Within Cheshire East, the main area of concern with respect to air quality is within Disley. The A6, Market Street, Disley is designated as an AQMA as concentrations of nitrogen dioxide (NO<sub>2</sub>) exceed European, health based Limit Values. The study area of the ES encompasses the AQMA.

As submitted, the traffic modelling forecast was originally for 30% increases in traffic flows through Disley. The ES accounts for this level traffic increase and the associated pollution.

During the operational phase of the road, the ES confirms:

- There will be three new exceedences of the NO<sub>2</sub> limit value at properties within the AQMA.
- 95 properties in all will have a significant worsening of Air Quality (> +4 ug.m<sup>3</sup>). (fig 1 and 2 below)
- Of these 63 are in the Disley AQMA (66%).
- 49 properties will experience a worsening of air pollution between 2 and 4 µg/m<sup>3</sup> (fig 1 and 2 below)
- Of these 41 (84%) are in the Disley AQMA.

The scheme is likely to result in the authority having to declare an additional AQMA for a breach of the hourly objective for NO<sub>2</sub>. This is considered to be a negative impact on public health for those residents affected. This is also contrary to objectives with the Framework (paragraph 124).

Properties within the AQMA will experience an overall increase in PM<sub>10</sub> concentrations as a result of the scheme; however the model does not predict any exceedences of the air quality objective.

As the EHO, Disley Parish Council and local residents have identified these overall impacts for the Disley AQMA and residents within it are severe. To try and address this the applicant has proposed a package of enhance mitigation aimed at reducing the traffic congestion.

The enhanced mitigation would include:

- A 30 mph restriction on the A6
- Improved signal control to smooth traffic flows
- Junction improvements at Fountain Square, with possibility of a shared space scheme.

The modelling undertaken by the application indicates that with enhanced mitigation the projected increase in vehicle numbers is reduced from a 30% increase to an 11-16% increase.

The mitigation measures would be targeted at two main impacts, firstly reducing the numbers of vehicles and secondly reducing emissions through improved traffic flow.

Disley Parish Council, whilst recognising the wider benefits of the scheme, have expressed real concern about the impact on the residents of Disley. In their view it essential that the enhanced mitigation measures are implemented to reduce traffic increases to a minimum. The comments of Disley Parish Council are included in full earlier in this report.

The comments of Disley Parish Council are well aligned with the views of the Council's EHO, who is also of the view that securing the enhanced mitigation is essential.

Subject to mitigation achieving reduced projected traffic flows indicated, the overall impacts on air quality are not considered to be so significant to warrant a refusal of planning permission. **This is on the basis that a comprehensive mitigation package is secured and that the measures are implemented and in place at the time the new road is opened for use.**

Objectors are questioning whether the traffic levels will fall from a 30% increase to a circa 11-16% increase. This is the best evidence we have before us, and there is no reason to dispute the 16% figure anymore than there is reason to dispute the initial 30% figure which uses the same modelling methodology.

However, as the modelling is based on the altered traffic patterns resulting from a change in speed limit to 30 mph, it is important to the practical application of that modelling that the 30 mph are realistically achieved. Changing the speed limit may be unlikely to be effective without proper enforcement. A scheme to ensure speed limits (such as average speed checks) then needs to be considered as part of the mitigation package.

Objectors to the scheme have identified that PM2.5 levels should have been assessed in the ES. The assessment of PM2.5 levels is not a statutory requirement, and although it may be considered to be good practice, the evaluations of PM2.5 are usually based upon a percentage contribution of PM10 values. PM10 values in the vicinity of the scheme are approximately 50% of the Air Quality Standard, and on no affected links are PM10 concentrations greater than 30ug/m<sup>3</sup>.

The predicted increase in pollutants, and taking account of the strong bias towards beneficial reductions compared to adverse increase, it is considered that the proposal scheme would overall be beneficial in relation to levels of NO<sub>2</sub> and PM10's arising from the scheme.

In conclusion, the concerns and objections of local residents are fully taken into account and it is considered that appropriate mitigation measures can be adopted which would help to minimise the adverse impacts of the development. However, even with mitigation measures the scheme will have an adverse air quality impact within an existing AQMA within Cheshire East. This is contrary to policy 124 of the Framework which seeks planning decisions to be consistent with the local air quality action plan within an AQMA. This is considered to be a negative impact which carries moderate weight against the proposal. In

the absence of a robust enhanced mitigation package being secured by condition, it is considered this weight against would be significant.

### *Visual amenity*

The impact on visual amenity is considered in the *landscape* section of this report. Subject to the mitigation measures proposed it is considered overall that the proposal will not significantly injure the residential amenities of the occupiers of nearby residential properties. As such it is in general accordance with policy DC3 of the Local Plan.

The application has been submitted with cross sections and landscape mitigation proposals so that the relationship of the road and adjoining land uses can be viewed. Some of the closest relationships to properties in Cheshire East include individual farmsteads and properties on Mill Hill Hollow (Poynton), Woodford Road / Chester Road (Poynton) and Clay Lane (Handforth).

For some properties in these areas there will be significant changes in their outlook and environment. A road of this scale could not be built (within reason) along the safeguarded route without significant changes for certain properties.

For properties such as Coppice End, on Mill Hill Hollow the new road would be approximately 90 metres from the dwelling itself and close to the southern end of the long garden. Landscaping mitigation is proposed to minimise the impacts, including bunding / cuttings / fencing and tree planting. A proposed attenuation pond on the Northern side of the road reduces the capacity for screening towards Mill Hill Hollow, a landscaping condition will be required to ensure the maximum possible screening is achieved for these properties. Subject to a condition it is considered that residential amenity, whilst adversely impacted, would not be so significant to warrant a refusal of planning permission and that the proposal would on balance comply with policy DC3 of the Local Plan.

Where the road passes properties on the southern side of Woodford Road it will be in a cutting and the the visual impact is acceptable. Woodford Road itself has to be raised on an embankment to accommodate the new road. This does not significantly injure the amenities of nearby property due to adequate distances involved.

A petition has been signed by 33 people in respect of the concern that the road is carried over the west coast mainline, causing an adverse visual impact from properties on Woodford Road. This proposed structure is within the Stockport boundary and is therefore not part of the application to be considered by the Strategic Planning Board.

Residential properties on Clay Lane in Handforth have rear elevations that face away from the road and also sufficient distances exist from the front of those properties to prevent any significant injury to outlook. The property known as The Grange, which is a Listed Building, has approximately 200 metres distance to the road. There are no residential properties in

particularly close proximity in Styal, Beech Farm being approximately 300 metres south of the proposed road.

### Impacts on Agriculture and Other Land-Uses

Concerns have been raised that the proposed scheme would involve the loss of a substantial amount of agricultural and recreational land which should be protected.

On assessment of the data, it would appear that the route of the scheme is classified as grade 3 with some areas of grade 4. There is an area classified as grade 2 (within the Cheshire East Council boundary) located south of Norbury Brook. However, this area will not be lost as part of the proposed development.

The ES confirms that the majority of the route is agricultural land, with 23 agricultural holding being impacted by the scheme, the majority of which has a land classification of 3, with some areas of grade 4 to be lost.

Whilst unfortunate that the delivery of the scheme would lead to the loss of grades 3 (and 4) agricultural land, the proposed development within the specified corridor is considered to be the only option for the A6MARR road component of the SEMMMS. Within this corridor, options for the alignment of the proposed road have been carefully considered, including junction arrangements and impacts on neighbouring communities. It is considered that there is no viable alternative route for the proposed road that avoids passing through areas of grade 3 (and 4) agricultural land.

Objections to the scheme have been received from interested parties whose land and/or business would be impacted by the scheme. The applicant has been in close discussions with all interested parties affected. There are, however, a number of concerns outstanding, the majority of which relate to proposals to provide continued access to land but perhaps not always to the level wanted by landowners.

The ES identifies 21 individual commercial properties and 16 residential properties along the entire route which would be subject to landtake which would compromise, but not preclude existing use.

Following the representation from Little Acorns Day Nursery, the agent acting on their behalf has been contacted by the planning department. There appears to be no evidence before us to suggest that the Day Nursery cannot continue to operate with the scheme in place.

Properties along the route have identified individual site circumstances to enable the future release of land along the route for housing. As previously mentioned, it is not the intention that the location of the scheme would open up development land or land for future housing development. It is therefore advised that should any landowners wish to pursue this matter

it should be taken through due process and not attached to this planning application. The application before Members is to assess the merits of the proposed scheme, and not to look at future development which may or may not be forthcoming.

The route of the scheme cuts through the Northern section of Styal Golf Course. Planning permission has been granted for the remodelling of the golf course which will result in no net loss of recreational facilities. Sport England have confirmed they have no objection to the proposals within Cheshire East.

It is considered overall that the loss of agricultural land and the impact on other land uses carries limited weight against this proposal.

### Sustainability

The applicant has therefore submitted a sustainability statement, based on the general standards of the sustainability checklist and demonstrates the applicant's adherence to sustainability principals, including gaining an initial verification of 'Excellent' CEEQUAL accreditation.

Representations have been made which object to the principle of the scheme due to carbon emissions and climate change, stating that the proposal is not in line with legislation to reduce carbon emission.

The sustainability statement submitted with the application confirms that the proposed scheme is predicted to lead to an increase in carbon emissions over a 60 year period of approximately 10,300 tonnes. When valued in the overall sustainability appraisal this has been given a neutral impact. It is considered that this impact, in planning terms, is an adverse impact of the scheme which carries some weight against the proposal. However, it is not considered to be sufficient to warrant a refusal of planning permission.

### Congestion and Transport Implications

Policy T1 states that the Borough Council will seek to enhance the integration of modes of transport, encourage the use of public transport and ensure that a balance is maintained between safety and movement and the need to protect and enhance the natural and built environment. Proposals for new transportation schemes will be judged against the following criteria:

1. Significant integration within and improvements to the transport system are achieved
2. Non-essential traffic is discouraged from residential areas
3. Safety is improved for pedestrians, cyclists and road users
4. Noise, congestion and pollution are reduced in residential or shopping areas
5. Protection and enhancement of the environment.



6. The extent to which it integrates with land use.

Policy T3 seeks to improve the conditions for pedestrians. Policy T6 gives support for highway improvement schemes which reduce accidents and traffic hazards.

Policy T7 safeguards the route for the airport relief road. Policy T8 states that the Council will aim to introduce traffic management measures and environmental improvements on and adjacent to the roads which will be relieved of heavy traffic as a result of the new road schemes referred to in policies T7.

The comments from the Strategic Highways Manager provide a detailed analysis of the proposal. That detail is not repeated here but does form part of the assessment of the application.

Concern has been raised by objectors that the proposed scheme is flawed, that the scheme should not gain planning permission or be implemented as the impacts are too great and there is no need for the scheme. Specific highway matters relating to detail design have also been raised by members of the public. The element relating to need has been covered at the start of the analysis section, it is not therefore considered necessary to reiterate these comments.

The application, as submitted, has been accompanied by a full Transport assessment which has taken account of the proposed scheme and potential impacts.

The strategic highway traffic modelling carried out in relation to the Relief Road has been carried out using the SATURN modelling software, an industry approved tool for area wide modelling. SATURN (Simulation and Assignment of Traffic to Urban Road Networks) is a model which predicts route choices and resulting traffic flows on road networks, based on the generalised costs of travel. The model was developed jointly between Transport for Greater Manchester and consultants and was created to cover three periods of the day, 0700-1000, 1000-1600 and 1600-1900. The model is fully compliant with national guidance, and has been validated and subjected to review by the Department for Transport as part of the business case for the scheme. The A6MARR scheme has secured entry level approval from the Government.

Concern has been raised by local that data for 2032 has not been provided for the scheme, and whilst the business case assessment for the scheme has included upto 2032, traffic modelling has not been provided. Due to the overall philosophy of the scheme, the applicant has primarily used modelling to predict traffic movement in the forecast opening year of 2017. The over-arching SEMMMS Philosophy is not to provide a road intended to release development opportunities, it being to, inter alia, stimulate local economic growth, reduce congestion in local areas and improve transport links, accessibility and safety. Whilst it is typical practice to produce a model for a design year 15 years post opening, this would not accord with the overall SEMMMS strategy. The data provided is considered to be

acceptable to enable the application and its impacts to be determined in accordance with policy.

The local junction modelling assessment confirms that the A6MARR scheme is able to accommodate 2017 future year traffic forecasts and is in-line with the SEMMMS design philosophy and strategy recommendations for a more appropriate scale road proposal to provide relief to local communities affected by inappropriate through traffic, but not to provide a new strategic route of regional and potentially national significance.

The A6MARR would improve access to south-east Manchester and Cheshire East, result in less traffic on local roads providing for a safer environment and shorter journey times for vehicular traffic.

A package of Mitigation and Complementary Measures are proposed to address the predicted change in traffic flow on the local highway network.

Whilst mitigation measures are proposed as part of the application, it is expected that following the issue of any planning approval, further extensive consultation would be required to ensure that the mitigation measures as proposed are acceptable and fully consulted upon with the general public. It is reasonably anticipated that most mitigation measures would be implemented prior to the opening of the A6MARR, although some of the complementary measures on the existing highway network would be best placed to be completed once the scheme is operational, thereby reducing impact on the network further.

The comments of the SHM go through all of the impacted areas in Cheshire East. It is clear that the greatest impacts are the increase in traffic flows on the A6 through Disley and the A34 through Handforth.

The traffic modelling predicts significant increases in traffic flow by up to 30% on the A6 through Disley, both in terms of background traffic growth and the reassignment of longer distance traffic as a result of the introduction of the A6MARR.

The A6 Buxton Road is part of the National Primary Route Network and performs an important role for the Greater Manchester City Region carrying a mix of general and freight traffic from the Peak District and beyond into Greater Manchester and providing a strategic link between Greater Manchester and North Derbyshire. Extensive improvements have already been undertaken however the constant high level of traffic movement creates a potentially intimidating environment for vulnerable road users. The nature of the A6 through Disley means that it is neither possible nor desirable to significantly increase network capacity along this corridor thus it is considered that the package of measures on the A6 corridor through Disley should incorporate non-motorised user facilities.

Following a second phase of pre-application consultation, further analysis was carried out with the strategic A6MARR SATURN highway model. This identified residual junction 'hot-

spots' following completion of the A6MARR scheme as well as junctions expected to receive congestion relief. On the basis of this evidence it was determined that enhanced measures were required along the A6 corridor.

The enhanced mitigation measures involve:

- Improvements in managing traffic flows for local residents at the A6 Buxton Road/Windlehurst Road junction through a local junction improvement scheme;
- Enhancing the local district centre environment in Disley village through the introduction of a shared space scheme.
- Limiting the attractiveness of the A6 to longer distance traffic which would otherwise switch from other cross country routes with the A6MARR in place. This is to be achieved through a combination of gateway treatments and reduced speed limits.

There are also a number of traffic management measures that improve facilities for pedestrians and cyclists on sections of the A6.

Taking account of the introduction of enhanced mitigation measures the increase in traffic flow is reduced from 30% to between 11% and 16%.

Objectors highlight that they do not believe that the measure as proposed would reduce the potential impact to such a degree. Whilst there may be some scepticism from the public, the traffic modelling and impacts have been verified, and as such members should balance the data before them, especially taking account of the benefits of the wider scheme.

It has also been cited by objectors that the applicant should introduce a 30mph limit on the A6 prior to the determination of the application to prove whether or not the mitigation would work. Whilst the concerns are appreciated, the mitigation measure would only be required if the A6MARR were to be introduced, and therefore the introduction of a 30mph speed limit prior to the determination of the application would not inform the application.

With the A6MARR in place, the A6 through Hazel Grove and Stockport Town Centre is predicted to experience reduced traffic levels (below 2009 base year levels), resulting in journey times over this section of A6 markedly improving.

Therefore whilst there may be some junction delay at particular locations on the A6, through Disley and into Stockport through High Lane, these delays are considered to be offset to a degree by reduced junction delays elsewhere along the A6.

The other noticeable "hotspot" in terms of traffic flows resulting from the scheme is the A34 through Handforth, with a 19% increase south of the A555. Traffic management measures are proposed to discourage traffic re-routing through Handforth town centre. This is to be secured as part of the mitigation measures.

In terms of the A34 itself the junction improvements at the A555 junction and the Stanley Road roundabout in Stockport are acceptable to improve traffic flow. However, the SHM is not satisfied that capacity assessments have not included the Coppice Way junction. Whilst this is considered to be an omission, it is considered that the level of impact can be mitigated for on this junction. This work will need to be carried out and secured by planning condition.

The SHM has also noted an omission of the safety audit, with a potential issue for vehicles merging onto the A34 from Long Marl Drive that wish to turn right onto the A555. The junction improvements will mean an increased lane for those cars to have to travel across in order to turn right. These manoeuvres would take place in queuing traffic during peak periods. A condition is therefore recommended to ensure this is designed to a safe standard taking account of this issue.

Overall, the proposals will lead to some areas of Cheshire East highways experiencing an increase in traffic flows and congestion. However, the wider benefits of reducing congestion on less suitable roads is a significant benefit. Notwithstanding the wider benefits, the enhanced mitigation is very important in ensuring that the dis-benefits are kept within acceptable levels of tolerance.

#### *Accessibility and movement for non-motorised users*

Alongside road construction, an essential part of the SEMMMS strategy, and by definition for the A6MARR is promoting and improving accessibility and movement for non-motorised users. The focus is on encouraging modal choice, reducing journey times and improving safety of those most vulnerable.

There is an extensive network of footpaths, cycleways and bridleways in the vicinity of the proposed A6MARR scheme alignment, a number of these are near to or will be affected by the road construction.

A comprehensive survey of non-motorised users on routes altered or impacted by the A6MARR scheme was undertaken by TfGM to establish indicative levels of use for each route. There is a broad spectrum of users and for differing purposes, both for formal in terms of commuter trips or informal/recreational. The amenity value of these routes is high and needs to be retained.

The proposal delivers a comprehensive package of pedestrian and cyclist improvements in the form of maximising the provision of controlled crossing facilities and other crossing facilities at strategic junction and on the adjoining network alongside provision of a shared footpath/cycleway/bridleway along the full extent of the A6MARR. The design of the route and crossing facilities are in accordance with relevant DMRB Standards and will deliver shorter journey times for pedestrian and cyclists.

During construction works, public rights of way will need maintaining where possible with upgrade works undertaken sensitively. Necessary diversions and closures would also be required to go through a due legal process in advance of implementation.

The opening of the A6MARR provides a good opportunity for new or rerouted bus services to use the new road which will result in reduced journey times and improved accessibility.

#### *Poynton Bypass*

Member of the public, including interest parties have identified the scheme should not be implemented without the Poynton Bypass. As previously explained, the scheme before Members is one section of a wider strategy, and whilst individual sections of the community may give greater weight to certain proposal, an assessment on the acceptability of the current scheme and its benefits needs to be made. Weight therefore should not be given to objections which seek additional schemes. However, the design of the scheme does allow for the future development of a Poynton Bypass.

#### *Road Safety Audit*

A Stage 1 / Feasibility Road Safety Audit has been submitted alongside the application. This is an essential requirement for any new or amended road or junction layout and has been undertaken in accordance with DMRB Standards. The Audit has raised a number of issues, none of which are fundamental to the design and can be addressed as detailed design is progressed.

However, particular concern is raised on the A34 Northbound approach to the A555 junction, with traffic merging from Long Marl Drive need to cross lanes to turn right. This particular issue has not been addressed in the safety audit and a condition will be required to provide more details to assess and mitigate this.

In the event that planning permission is granted process requires the submission of further Safety Audits which appraise in further detail the proposed road scheme, for example constructions specs, markings, lighting, signage etc.

Subject to conditions, it is considered that the scheme is compliant with policy T1 of the Local Plan, integrated transport policy. Significant integration and improvements to the transport system will be achieved. Non-essential traffic is discouraged from residential areas. Improvements are made for pedestrians cyclists and road users. Noise, congestion and pollution are reduced in residential/shopping areas and adequate protection for the environment is in place. There is some tension with criteria 4, as the proposal will also increase noise, congestion and pollution in particular areas but overall the scheme is considered in general conformity with policy T1.

Paragraph 32 of the Framework advises that consideration is given to whether improvements can be made to the transport network that cost effectively limit the significant impacts of the development. Development should only be refused on transport grounds

where the residual cumulative impacts of the development are severe. In this case it is considered that whilst there are residual cumulative impacts of some magnitude, they will be limited to the extent that they are not severe. On that basis a refusal on transport grounds could not be substantiated.

Overall, it is considered that the highway and transportation impacts of the development are acceptable and compliant with Local Plan policy and the Framework, subject to conditions.

#### Right to determine

Concern has been raised by members of the public, and interested parties alike that the three local authorities should not be determining the planning applications, and that the decision should either be 'called in' or should have been determined as a Nationally Significant Infrastructure Project (NSIP) and therefore determined by the Secretary of State.

Under the Planning Act 2008 and subsequently The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013, it is clear that the Local Planning Authorities have the right to deal with the planning applications in accordance with normal practice. The proposal at no point exceeds or meets the criteria thresholds at which the scheme would need a Development Consent Order, and therefore be classed as a Nationally Significant Infrastructure Project and determined by the Secretary of State.

Once a recommendation has been made by the Strategic Planning Board and as the proposal has been advertised as, and is being determined as a 'Departure' due to the nature and scale of development within the Green Belt, the Local Planning Authority must inform the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 if they intend to approve the application.

Once notification of the application has been received by the Secretary Of State, they have 21 days in which to decide whether to call in the application. The local authority cannot grant planning permission until that time is up unless notified before the expiry of 21 days that the application will not be called in.

If the Secretary of State decides that no involvement is necessary then the local planning authority is advised that it may determine the application.

If the Secretary of State decides to 'call in' the application, then the application will be considered at a public inquiry, led by a planning inspector who will then make recommendations to the Secretary of State.

Due to the extent of plans submitted with the application it is not feasible for all plans to be included at the end of the report. Members are therefore advised that all plans are available for viewing on the application file online and the A6MARR website ([www.a6marr.stockport.gov.uk](http://www.a6marr.stockport.gov.uk)).

### **Balance of harm against other considerations**

Referring back to the Green Belt section of the report a conclusion must be made on whether very special circumstances exist to allow planning permission for inappropriate development in the Green Belt

In addition to the harm by inappropriateness, it has been identified that there is harm by a loss of openness and by conflict with the purposes of including land in the Green Belt (encroachment). Substantial weight is attached to this harm.

It is considered that further harm exists by virtue of impact on landscape character and visual impact. This harm is moderated to a large extent in the long term by the landscaping proposals, but will still persist for a number of receptors in the long term. It is considered that the landscape and visual impact carry moderate weight against the proposal.

The ecological and biodiversity impacts of the development can be mitigated for, and enhanced in some cases. Exceptions to this include the loss of an area of ancient woodland. Although this loss is limited in scale (and the loss is not directly within the CEC boundary) it is irreplaceable and therefore carries weight against the proposal. Overall it is considered that moderate weight against should be given to the ecological impact.

The localised traffic congestion and air quality concerns in Disley carry weight against the proposal. Subject to the enhanced mitigation proposed it is considered that the weight to be attributed to air quality is moderate against.

The noise impacts arising from the scheme for a number of receptors, notwithstanding mitigation proposals with the application, will remain harmful to a number of properties which will require specific insulation as a result. This is considered to carry moderate weight against the proposal.

In terms of climate change and sustainability it is considered that overall this should be given slight adverse weight in the balance. As a new road it will generate and encourage car travel and lead to an increase in carbon emissions, but the scheme also improves the non-motorised transport network.

The loss of agricultural land and impact on other land uses is considered to carry only limited weight against the proposal.

Against this harm there are other considerations which carry weight in favour of granting planning permission.

The need for the scheme has been identified over a long period of time and the road has a safeguarded route in the existing statutory development plan. Whilst the alignment of the

road differs slightly from the road on the Proposals Map under policy T7, none of the impacts noted above would be ameliorated to any materially greater degree when compared to the adopted route in the Local Plan. Significant weight in favour is given to the need for and delivery of a long term infrastructure project aimed at meeting the SEMMMS objectives.

The socio-economic benefits of the proposal, identified in the application and summarised in this report, are very substantial. Key benefits are the economic gains that will be achieved through job growth and improved connectivity. The significant social benefits also include improved journey times and journey quality through congested areas that will be relieved by the new road. It is considered that these benefits carry more than substantial weight in support of the proposal.

Whilst there are localised areas which benefit from air quality, mainly outside of Cheshire East, it is considered that this carries only limited weight in favour when considering some of the localised issues in other areas such as Disley.

In conclusion, it is considered that the totality of the harm identified is clearly outweighed by the considerations in favour of the development. This is considered to be sufficient to amount to the very special circumstances needed to allow inappropriate development in the Green Belt.

## **RECOMMENDATION AND REASON FOR THE DECISION**

The proposed road is inappropriate development in the Green Belt. For the reasons outlined above it is concluded that very special circumstances exist to allow planning permission to be granted.

A scheme of this scale will result in lasting impacts, some of which are negative. A comprehensive scheme of mitigation ensures that these impacts are kept to a minimum. Taking account of the mitigation the impacts on ecology, landscape, residential amenity, noise, flood risk, air quality and traffic congestion are considered to be acceptable. The proposal is considered to be in accordance with Development Plan policies NE2, NE7, NE11, NE17, BE1, BE2, BE16, BE21, RT7, T1, T3, T5, T6, T7, T8, DC1, DC3, DC6, DC8, DC9, DC13, DC15, DC17, DC18, DC19, DC20, DC63.

The proposal results in some tensions with Development Plan policies, most notably in terms of protecting green belt (GC1), ancient woodland (NE14) and criteria 4 of policy T1 due to increased noise and traffic congestion in some residential areas. Overall, however, the proposal is in accordance with the relevant policies of the Development Plan.

The proposal is generally in accordance with the policies within the National Planning Policy Framework. There is conflict with paragraph 124 due to the impact within an Air Quality



Management Area. Subject to conditions, however, this impact is not considered to be so significant to warrant a refusal of planning permission.

The proposal is in general accordance with policies of the emerging Cheshire East Local Plan Strategy – Submission Version.

The proposal is in accordance with Chapter 4 of the Framework, Promoting Sustainable Transport. Of particular relevance paragraph 31 states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. This scheme is entirely in accordance with these objectives.

Overall, subject to conditions, the proposal meets the definition of sustainability economically, socially and environmentally. Whilst it must be recognised that the proposal will result in some localised environmental and social dis-benefits, overall the proposals will lead to the creation of jobs, will provide mitigation for environmental harm over the medium-long term and will generally improve the conditions in which people live and travel.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Very special circumstances have been demonstrated to clearly outweigh the harm to the Green Belt and any other harm.

It has been demonstrated that the proposal is in general conformity with the Development Plan. Where there are tensions with the existing Development Plan it is considered that the balance of material considerations lies in favour of granting planning permission. In accordance with section 38(6) and in accordance with the presumption in favour of sustainable development planning permission should be granted.

Members are advised that following the recommendation of the Strategic Planning Board the scheme will need to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009.

It is recommended that the application be approved and planning permission be granted subject to conditions:

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

*Plans, materials and commencement*

1. Development to commence within 3 years.
2. Development to be in accordance with the approved plans and documents
3. Development in accordance with Environmental Statement.
4. Details of materials for structures, lighting columns and fencing.
5. Further details of bridges, structures, underpasses, bridge wing walls, abutments and crossings.
6. Full construction details of proposed pedestrian and cycleway, footpaths and bridleways.
7. Phasing plan for the construction of the development to be submitted and agreed.

*Mitigation (highways and air quality)*

8. Prior to the new sections of the scheme hereby approved being brought into use a scheme detailing a package of mitigation measures (intended to restrain, alleviate and manage traffic flow increases at locations identified and to levels indicated through enhanced mitigation as shown in figures 9.6 and 9.7 in the submitted Transport Assessment) has been submitted to and agreed in writing with the Local Planning Authority. Such scheme shall include details of and a methodology and timetable for delivery of the measures, a programme for review, surveys and monitoring of the impact of the measures and if required reappraisal of an addition to the agreed package of measures. The new sections of road shall not be brought into use until the measures have been implemented in accordance with the approved details unless the prior written consent of the Local Planning Authority has been obtained. *(note: this includes mitigation measures for Disley Village Centre, the A6 corridor, and B5358 Station Road / Dean Road Handforth)*
9. Prior to commencement of development details of a scheme to assess and mitigate the impacts of the development on the northbound merge to the A34 from Long Marl Drive shall be submitted to the LPA for approval.
10. Within 18 months of the new sections of road hereby approved being brought into use a package of complimentary measures shall have been implemented in a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.
11. Prior to the commencement of development an agreed scheme of speed and traffic monitoring on Clifford Road, Poynton both prior and post development for a minimum of 3 years to monitor the impact of the A6MARR.
12. Prior to commencement details of scheme to assess and mitigate impacts of the development on Coppice Way / A34 junction shall be submitted to the LPA for approval. Programme of implementation to be agreed prior to opening.

13. Construction Method Statement

*Manchester Airport Safeguarding*

14. Lighting details (permanent)

15. Lighting details (during construction)

16. Bird hazard management plan during construction

17. Details stating how the landscaping and ecological mitigation schemes and the drainage schemes are designed to minimise risk to aircraft.

*Floodrisk / drainage and contamination*

18. Foul and surface water drainage in accordance with submitted details. Development in accordance with Flood Risk Assessment and Drainage Strategy Report.

19. Easement from public sewer and existing service reservoirs

20. Contaminated land – Phase II investigation and remediation strategies

*Ecology*

21. Method statement for the translocation of ancient woodland soils from the areas of ancient woodland affected by the proposed development.

22. Submission and implementation of a barn owl mitigation method statement.

23. Safeguarding breeding birds.

24. Submission of a detailed design for the provision of an artificial king fisher nesting bank.

25. Detailed design for the reinstated Norbury Brook

26. Detailed design of the proposed replacement ponds.

27. Method statement for control and eradication of invasive species (e.g. Japanese knotweed)

28. Submission of a 10 year management plan for the approved landscaping and ecological mitigation

*Landscaping and Trees*

29. Landscaping scheme (note to include planting hedgerows so there is no net loss)

30. Landscaping implementation

31. Tree and hedgerow retention
32. Tree protection
33. Tree pruning / felling specification

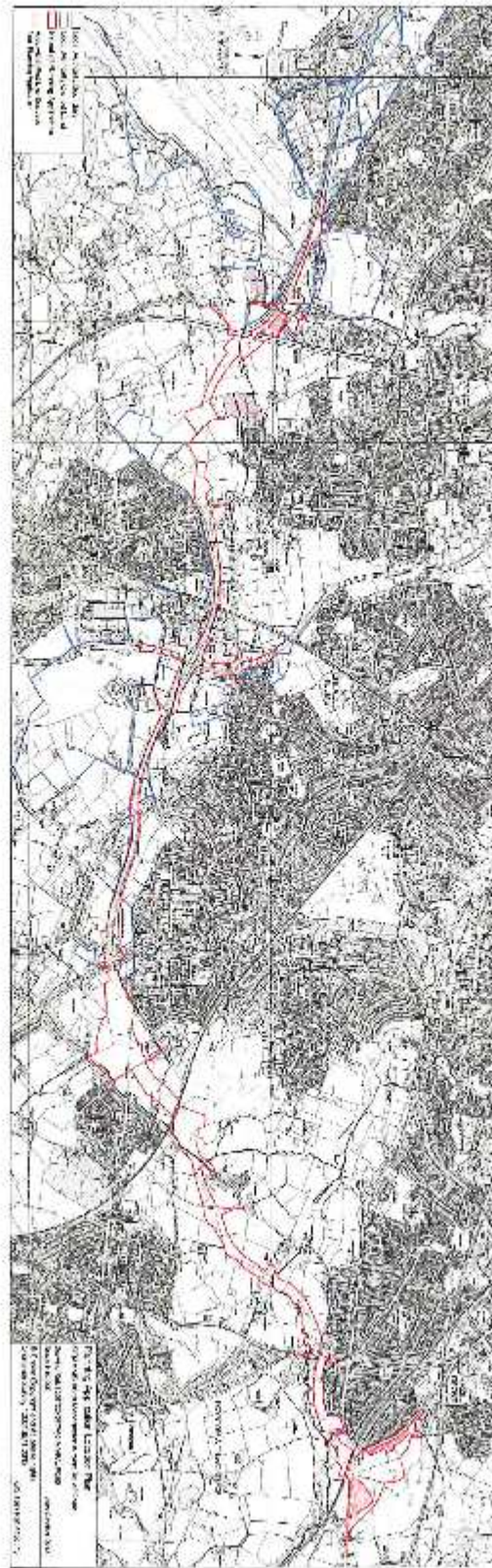
*Noise, vibration and dust control*

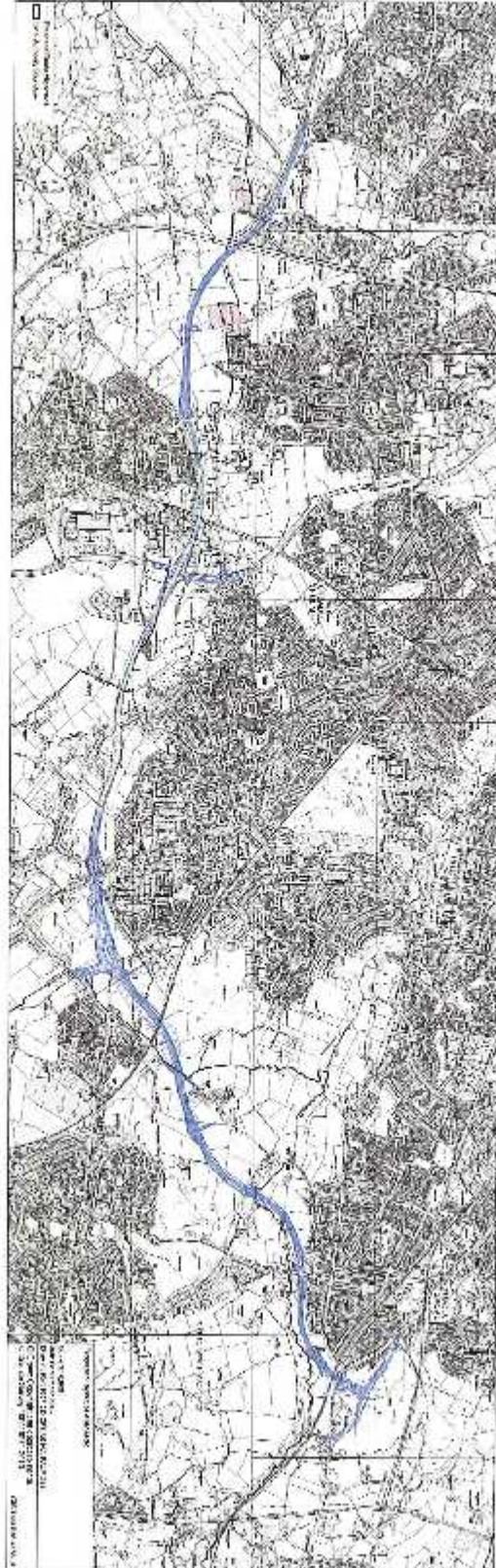
34. Construction Environmental Management Plan submitted and approved prior to commencement.
35. Enhanced noise mitigation scheme submitted and approved prior to commencement.
36. Hours of construction

*Archaeology*

37. No development within specified area until a programme of archaeological work is secured and implemented in accordance with a written scheme of investigation to be submitted and approved.

In the event of any changes being needed to the wording of the Strategic Planning 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 Committee's decision.









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Application No: 12/3948C

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

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

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

Expiry Date: 09-Sep-2013

**Date report prepared:** 5 March 2014

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

#### **MAIN ISSUES**

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

#### **REASON FOR REPORT**

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

## **DESCRIPTION OF SITE AND CONTEXT**

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

## **DETAILS OF PROPOSAL**

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

The application has been submitted with all matters reserved except for access. However, given that the submitted layout plan is indicative and no further details relating to internal access have been provided, a condition will be required to make it clear that no consent is granted for the internal access arrangements.

247 dwellings are shown on the indicative layout.

## **RELEVANT HISTORY**

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

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

This has now expired.

## **POLICIES**

### **Congleton Borough Local Plan First Review 2005**

- PS8 (Open countryside)
- GR1 (New Development)
- GR2 (Design)
- GR3 (Residential Development)
- GR4 (Landscaping)
- GR5 (Landscaping)
- GR6 (Amenity and Health)
- GR7 (Amenity and Health)
- GR8 (Amenity and Health - pollution impact)
- GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)  
GR11 (Development involving new roads and other transportation projects)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

#### **Other Material Considerations**

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

#### Cheshire East Local Plan Strategy – Submission Version

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

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

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

At its meeting on the 28<sup>th</sup> March 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of

State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Relevant policies of this document are:

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

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

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

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

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

Natural England – No objections

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

Highways Agency – No objections

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

Environmental Health – No objections subject to conditions

Housing Strategy & Needs Manager – Comments awaited

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

Archaeology – No objections subject to condition

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

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

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

#### **Why the Prospects Are Now Good**

1. The prospects for this business park are looking more hopeful than for a decade. Previously disputes between the landowners have caused problems, but these are now resolved.
2. The government has agreed to pay for J17 improvements.
3. There is now a clean slate for planning applications.
4. There is a developer interested in (and owning/controlling) the whole site.

Of course the developers will not put forward plans for a business park when they have the prospect of being allowed to build houses. The developers will make a lot more money out of housing and so will argue for housing. However, I predict that once the Local Plan is in force making clear that housing will not be allowed for 20 years on the Capricorn Site then (and only then) the developers will come forward with plans for a decent business park.

#### **Why Employment Only Sites in Sandbach Are Important**

Over the last 10 years several employment sites in Sandbach have been closed and replaced with housing estates. As a result there are now 0.51 jobs for every worker in Sandbach. Put another way, there are 2 workers in Sandbach for every job in Sandbach. This means that people have to look outside Sandbach for work and Sandbach is at risk of becoming a dormitory town.

There is a highly skilled workforce in Sandbach and we need highly skilled local jobs. This is not a rival or an alternative to Old Mill Quarter. Old Mill Quarter is primarily a retail park. The J17 site should be for laboratories and offices.

If more people live, work and shop locally then this has benefits for community spirit as well as for the environment.

There will always be people who commute in and out of Sandbach, but if we wish to promote Sandbach as a sustainable town then we need more employment sites in Sandbach. Many of the key employees of businesses in the NorthWest live in the Sandbach area. In my work I have travelled to board meetings in Liverpool and Manchester only to meet up with people who live in Cheshire. If there were a suitable location in Sandbach then businesses would locate here. That is why I have argued for many years for a science and business park close to junction 17.

### **Why Nothing Has Happened in the Past**

To those who say nothing has happened for the last 20 years so nothing will happen in the next 20 years, I say that there was outline planning permission for a decent business park, but Congleton Borough Council approved rival plans for a pub and a couple of office blocks on a third of the site instead. That planning permission has now expired (without a brick being laid) and so there is hope again for a decent plan. (See planning references 30578/1, 04/0128/OUT, 37773/3, 05/0502/FUL.)

To those who say houses are needed to make the site commercially viable, I say that in a speech I made at Sandbach Town Council in 2009 I set out the finances surrounding the millions already made on the site:

"I have obtained the accounts of Halfmoon Investments Ltd and Avenue Shelfco 17 Ltd and from these it appears that the land was sold

a) from Nigel Dale, a former Congleton Borough Councillor, to Halfmoon Investments Ltd for about £1M-£1.5M in about 2004

b) from Halfmoon Investments Ltd to Avenue Shelfco 17 Ltd for £5.5M in about 2006.

Avenue Shelfco 17 Ltd then raised a £6.8M mortgage on the land from Bank of Ireland."

If over £5M can be made just through getting planning for a pub and 2 office blocks on a third of the site, then a proper development of the whole site could be a profitable project for a genuine developer.

Furthermore, the government has recently agreed to pay for J17 improvements, giving a £5m boost to the development.

To those who say the economic climate is not right for a business park, I say that this is a 20 year plan. Although we are now in the depths of a double dip recession, in 5-10 years time the economic situation will have changed. We should not abandon the long term future of Sandbach so that developers can make a short term profit.

### **Public Support for a Decent Business Park**

In the public consultation in 2012 the site was approved as a business park site by 161 to 41. That is a remarkable outcome. Most people don't want housing in their backyards, so to get a clear vote in favour of an employment site shows the strength of feeling in favour of a site to provide employment.

In the public consultation in 2013 the plans for houses on Sandbach Heath were overwhelmingly rejected and the plans for a business park were supported. There was also strong support for protecting and enhancing the wildlife corridor.

### **VIEWS OF THE TOWN COUNCIL**

Sandbach Town Council - Whilst Members welcome development of this site, in particular the industrial and commercial use, in accordance with Sandbach Town Council's response to the

Development Strategy Consultation, it is felt that a maximum of 200 houses would better suit the topography of Site 1 (Ba and Bb) over the whole period of the local plan. However, no more than 50 houses should be built without a *significant* improvement in infrastructure.

## OTHER REPRESENTATIONS

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

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

- Site should only be used only for employment in line with majority of responses to development strategy
- Additional housing would take jobs away from local people by promoting inward migration
- Impact on highway safety
- Impact upon overstretched public services
- Encroachment onto wildlife corridor
- Not a sustainable development contrary to policy GC10 of the local plan and the NPPF
- Reliant on car use
- Loss of agricultural land
- Impact upon local highway network
- Other brown field sites available (e.g. Saxon Cross Motel)
- Impact upon local character
- Wrong greenfield rate used in FRA
- No pedestrian access to town centre and local facilities
- Junction 17 needs to be improved prior to any development of this site
- Increased pollution
- Impact upon public right of way
- Loss of Green Belt
- Land is unlikely to be suitable for any built development in the long term because of brine subsidence
- Impact on local house prices
- Impact on local businesses (e.g. convenience stores)
- Existing empty office space in Sandbach
- No need for pubs, hotels and cafes
- If approved a minimum code level 4 housing should be built
- Spoil gateway to Sandbach
- The SBI must be protected at all costs, especially from the possibility of contamination, including creep.
- A534 is a significant barrier for pedestrians
- Housing on this site has already been rejected on two occasions, namely the "Strategy for Jobs and Sustainable Communities" and the "Sandbach Town Local Strategy".
- Site not allocated for housing in Congleton Local Plan
- Application attempts to pre determine the Local Plan
- Commercial side appears to be a mini service area

- Lack of social housing
- Ideally positioned to attract investment in a business park
- Traffic noise for future residents
- Transport Assessment does not comply with national guidance
- Employment land review and Employment land assessment identify a significant demand for employment land in Sandbach and a shortfall in supply.
- Little weight should be afforded to emerging local plan
- No bus services along Old Mill Road
- More sustainable sites on the edge of Sandbach town centre.
- Application suggests that vehicle trip rates will be reduced through sustainable transport measures, however no information is provided (timescales / agreements with bus operators etc)
- Suggestion that 10% of residents in the proposed housing will work in the employment development is not justified
- Overall reductions in trip rates are not justified
- Existing capacity problems at local junctions are not identified
- Housing dilutes employment land prospects
- 5,300 additional jobs need to be generated in the town to provide jobs for the town's residents of working age
- Draft Core Strategy suggests 240 houses on the entire Sandbach Heath site. An outline planning application for 50 houses has already been approved off Hawthorne Drive. Therefore this application is for housing in excess of the Core Strategy allocation for the site.
- Loss of trees and hedgerows
- Brings more costs than benefits
- Discrepancies in the trip generation section of the TA
- Distribution of development traffic is not made clear in the TA, leading to potential under assessment at junctions
- Given that 60% of trips to / from the site will come from the motorway, reductions are unlikely as other more sustainable transport is not a realistic alternative
- Validity of the model used to test the impact of the development is questioned
- Queue lengths will increase at Old Mill Road / The Hill junction
- No impediments to the development of the site for solely employment generating uses
- Land ownership is no more an issue for a wholly employment development than a mixed use development
- No revenue from commercial / employment uses is identified in the viability report
- An industrial logistics development would return a positive land value at a level similar to that identified in the viability report, and would be viable
- Improvements to J17 will be undertaken by the Highways Agency and is not a constraint
- Contrary to policy E2 of Local Plan and paragraph 20 of the NPPF
- Transport Chapter of the Environmental Statement does not sufficiently address the traffic situation of the site
- Accessibility by non-car modes are very limited
- TA does not consider road safety and accident records
- Information in TA relating to bus services is incorrect
- Insufficient ecological surveys have been submitted with the application



- Loss of habitat in wildlife corridor contrary to policy NR4 and NPPF
- Flood risk and associated impact on wildlife and existing properties
- The developer does not need houses to make a profit - residual land value for the business section plus house is LESS than the land value for a business park
- Protection and enhancement of wildlife corridor needs more detail
- Route of existing right of way through the site is unclear
- On and off site safe cycle provision needs to be incorporated
- No sequential assessment has been undertaken
- Impact upon town centre is not properly considered

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

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

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents with the application:

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

## **OFFICER APPRAISAL**

### **Principle of Development**

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

In terms of the very small proportion of the site within the open countryside, the proposal development would not fall within any of the categories of exception to local plan policy PS8 relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that

planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

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

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

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

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

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

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

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

- iii. Open space including a Multi Use Games Area and an equipped children's play space.

And the following site specific principles of development:

- a. Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.
- b. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.
- c. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- d. Provision for improved access off Old Mill Road and a new bridge across the Brook.
- e. Contributions to education and health infrastructure
- f. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- g. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- h. A desk based archaeological assessment will be required for this site.
- i. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

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

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

### **Housing Land Supply**

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicants have submitted a viability report which seeks to justify the amount of residential development required to bring forward the commercial / employment uses. The impact of this upon the social, environmental and economic roles of sustainable development are considered below.

## **EMPLOYMENT / COMMERCIAL USES**

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

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

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

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

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

The proposal for employment use of predominantly B1/B2 uses on this site is considered to accord with the aspirations of the emerging Local Plan Strategy. However, paragraph 26 of the Framework sets out that developments for town centre uses (such as offices) outside of town centres over 2,500sqm, a town centre impact assessment should be submitted to ensure the proposal will not harm the viability and vitality of Sandbach Town Centre.

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

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

Paragraph 6.9 of the Practice Guidance on need, impact and the sequential approach states that *a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel. Similarly, a town centre office development will serve a different function and market compared to a business park.* Given its location, the commercial uses including the hotel will effectively serve as a motorway service station, and the scale of the employment proposals, that will adopt the form of a business park will cater for a different market to established town centre uses, and as such will not be competing with them. The proposal is therefore not considered to have a significant adverse impact upon the vitality and viability of town centres.

## **AFFORDABLE HOUSING**

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

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

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

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

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

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

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure. The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

The applicant is currently offering 20% affordable housing provision, which would be contrary to the requirements of the Interim Planning Statement and given the identified shortfall of affordable housing in Sandbach, policy H13 of the local plan, or policy S5 of the emerging local plan.

## **ACCESSIBILITY**

The location of the site and presence and nature of Old Mill Road limits the accessibility of the site beyond the use of the private car. This road creates something of a barrier to occupants

of the site when considering movements to and from the site in non car modes of transport. There are no dedicated cycle routes along Old Mill Road or Congleton Road, and the nearest bus service is on Congleton Road. Therefore, any non-car borne to or from the site travel will require the crossing of Old Mill Road, on which cars travel at the national speed limit.

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

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

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

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

The provision of walking and cycling infrastructure should be completed prior to the occupation of employment or residential sites in order that travel habits can be developed as the new sites are occupied. Consideration of this would need to be afforded across the proposed phasing of the development.

## **EXISTING PUBLIC RIGHTS OF WAY**

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

## **HIGHWAY SAFETY & TRAFFIC GENERATION**



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

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

### Development Traffic Impact

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

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

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

### Distribution

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

Direction to/from	%Total Residential Trips
M6 (North)	45%
M6 (South)	16%
Congleton Road (East)	18%
Congleton Road (North)	0%
Old Mill Road (West)	21%

The Vissim model coverage included the following junctions:

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

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

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

### **Model Delay Results**

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

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

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

### **Sustainable Transport**

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

### **Highways Conclusions**

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

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

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

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

As indicated earlier, the sustainability of the site is poor, measures to improve the accessibility of the site are needed. The provision of a footway/cycleway from the junction of Old Mill Road/ High Street where there are existing pedestrian crossing facilities to the site access and beyond to the proposed new roundabout.

To conclude, the application is acceptable in highway terms but only with the necessary contributions to improve the local infrastructure being provided.

## **AIR QUALITY**

The applicant has submitted an Air Quality Impact Assessment with the application. This was not scoped with Environmental Health. The proposed scale of the development is considered to be significant in that it is likely to change traffic patterns and traffic flows in the area. In particular, the development lies within 300m of the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses BREEZE Roads CAL3QHCR to model NO<sub>2</sub> impacts from the predicted additional road traffic and changes to traffic flows associated with this proposal and other permitted developments. The report considers the impact of the M6, Old Mill Road and from the two proposed access roads on the phase 1 development and the impact of the proposed phase 1 development on existing receptors in the area.

The model predicts that both the proposed residential and mixed use areas of phase 1 will be below the air quality objectives. Regarding existing receptor impact, it is highlighted that there

is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Four of these receptors are within the AQMA. Environmental Health advises that any increase of concentrations in an AQMA is considered significant as it is directly converse to their Local Air Quality Management objectives.

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

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

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

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

## **NOISE IMPACT**

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

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

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

### **Residential and Commercial Noise Mitigation**

The report does not include details relating to whether noise mitigation measures are required to be implemented between the residential and commercial/industrial units. A scheme of

mitigation is therefore required to be submitted and approved by the LPA prior to the commencement of the development.

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

## **CONTAMINATED LAND**

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

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

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

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

## **LANDSCAPE & TREES**

### **Landscape**

As part of the application a Landscape and Visual Impact assessment has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 2<sup>nd</sup> Edition, 2002.

As part of the assessment the baseline landscape is referred to, the assessment identifies the National Character Area in which the application site is located, as well as the local landscape type, in this case Lower Farms and Woods – landscape Type 10. However, what the assessment doesn't identify is that the Lower farms and landscape type is further divided into seven separate character areas, and that in this case the application site is located in the Brereton Character Area (LFW2). This provides a greater level of detail on the specific characteristics that are represented within this character area. The baseline conditions (8.3) also refer to The Landscape Character Assessment of Congleton Borough (1999), but this has not been used as part of the baseline information included with the assessment. Because of these omissions, the landscape officer suggests that the appraisal offers nothing more than a summary of the landscape character of this area. Nevertheless he does broadly agree with the assessment in terms of the significance of effects.

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

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

## **Trees**

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

As an outline application with only access to be determined at this stage, limited weight must be given to the indicative layouts provided. The full implications of development would only be realised at reserved matters stage, with detailed analysis of tree constraints and issues such as ground modelling. Nevertheless, it is important for the LPA to be satisfied that the site has the capacity to accommodate the scale of development proposed.

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

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

to the north is high with a layout which would provided limited opportunities for meaning full tree planting.

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

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

### **Hedgerows**

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

## **ECOLOGY**

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

### **Arclid Brook Local Wildlife Site and Sandbach Wildlife Corridor**

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

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

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

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

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

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

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

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

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

### **Buffer zone specification**

#### Section A (southern most section of corridor)

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

#### Sections B and D (projecting fingers of corridor)

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



### Section C (central section)

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

### Section E (eastern section of corridor)

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

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

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

### General Specification

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

The buffer zone indicated above will have implications on the total numbers of dwellings that can be achieved on the site.

### **Otter and water vole**

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

### **Great Crested Newts**

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

### **Breeding Birds**

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

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

### **Bats**

A high level of bat activity was recorded on site. This is mainly associated with the edge of the woodlands located in the southern half of the site. Whilst woodland habitats will be retained, the close proximity of the proposed development may have an adverse impact upon

bat foraging activity if artificial lighting is required. The potential impact of the proposed development upon foraging and commuting bats associated with the wildlife corridor would be reduced through the increased size of the undeveloped buffer as described above. The impact could also be mitigated further through the careful design of the lighting scheme for the development. The submission of a lighting scheme could be made the subject of a condition if consent were granted.

### **Badgers**

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

### **LAYOUT & DESIGN**

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

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

#### **Employment / mixed use**

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

#### **Housing**

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

The emerging local plan allocates the provision of “up to 200 new homes to the south of the site”. The proposed dwellings are to the north of the strategic site, and there is an extant consent for 50 dwellings already on land to the south of the site adjacent to Hawthorne Drive. The proposal would therefore not accord with the emerging strategy in this regard.

The housing as submitted on the indicative layout is not ideal due to the density, character, impact on wildlife corridor, and lack of opportunities for landscaping. A lower density would better suit the site's position and character and provide greater opportunity to retain landscaping as the dominant characteristic. The options would therefore be to reassess the mix of housing, providing smaller units to provide more space across the site, or reduce the number of houses. Both of these options would inevitably impact upon the viability of the development. In addition, the housing mix outlined in the viability information identifies the open market housing to be all 3, 4 or 5 bed properties, and the affordable units to be all 2 bed properties. Such an approach cannot be considered to provide tenure blind affordable units, nor are the units shown to be pepper potted across the site on the indicative layout.

### **Integration between uses**

Previously, whilst the main access into the site potentially created quite a significant barrier, there was still the opportunity to align this route with positive frontage on both sides, and with the benefit of a positive approach to pedestrians there was real capacity to genuinely link the employment and residential elements of the scheme, to create genuine cohesion, which would be a key attribute of the proposal.

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

### **Integration between application site and remainder of the strategic site**

It is also unfortunate that the wider masterplan provided in the Design & Access Statement clearly illustrates how poorly connected the first phase of the Capricorn site will be from the remainder of the site. It will sit as an enclave, set apart from the rest of the site. The existing landscaping has to be a strong feature within the scheme but there is a strong indication in this masterplan that the sites will largely be divorced from one another. Given that this future part of the site is intended to provide many of the local community facilities this is a little worrying, a weakness even, when the emerging local plan sees this as a single site, albeit with a strong landscape infrastructure.

### **Integration with the wider town and town centre**

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

### **Gateway/landmark character**

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

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

## **AMENITY**

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

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

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

## **FLOODING**

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

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

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

The FRA suggests a series of below ground tanks for the attenuation of surface water from the residential element of the development. However, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. We

would therefore recommend that consideration be given to the provision of SuDS features (either above or below ground) at the detailed design stage.

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

## **OPEN SPACE**

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

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

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

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

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

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

### **Amenity Greenspace (AGS)**

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

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

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

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

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

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

The Planning Support Statement regarding open space shows a plan indicating 'strategic/public open space' within close proximity of the development, however this may or may not evolve and is outside the actual application site.

### **Children and Young Persons Provision**

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

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

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

Based on 250 dwellings providing the NEAP standard play area is provided by the developer on site, a commuted sum for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development. The financial contributions sought from the developer would be calculated as follows:

No. of Dwellings X No. of Beds = \*\*\* X £298.50 = £\*\*\*

The open space requirements outlined above will have will have implications on the total numbers of dwellings that can be achieved on the site. Together with any required financial contributions this will also impact upon the viability of the scheme.

## **EDUCATION**

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

### **Primary**

The local primary schools are forecast to be cumulatively oversubscribed. Contributions are being sought from other developments in the town on a per pupil basis. Therefore a contribution of £488,083 will be required to accommodate the pupils of this age to be generated.

### **Secondary**

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

## **ARCHAEOLOGY**

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

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

## **AGRICULTURAL LAND**

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

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

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

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

## **VIABILITY**

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

The applicant has stated that affordable housing requirements, and other required contributions impact upon the scheme's viability to an unacceptable degree, given the associated infrastructure costs for a major access road and junction, and associated utility and drainage provision. Similarly, the latest indicative layout that now shows 247 dwellings is the minimum required to ensure the viability of the scheme.

The applicant has submitted a viability report, which is currently being considered by an independent consultant on behalf of the Council. The findings and implications of this will be reported to Members as an update.

## **HEADS OF TERMS**

The proposed heads of terms cannot be confirmed until the viability issues are resolved. If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions
- Provision of open space
- The provision of a LEAP facility
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of affordable housing with appropriate tenure split
- Phasing of affordable housing
- Contributions towards improvements on the local highway network (including crossing facilities for Old Mill Road)

## **Community Infrastructure Levy (CIL) Regulations**

An assessment of the requirements of the s106 agreement against the Community Infrastructure Levy (CIL) Regulations 2010 will be undertaken in an update report once the viability matter is resolved and the appropriate level of contributions is confirmed



## CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

The development is acceptable in principle subject to the full appraisal of the viability assessment. There are, however, some concerns in respect of housing density. The outcome of the viability appraisal, as well as confirming the level of infrastructure that can be provided, will help inform whether the housing mix on the site needs to be re-assessed and whether the housing density as proposed is justified.

Whilst the independent appraisal on the viability report is awaited, the application is recommended for approval subject to the broad heads of terms above and the following conditions. The impact of the viability assessment upon the development and the recommendation will be provided in an update.

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

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation details to be submitted with reserved matters
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources

16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system
21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement



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Application No: 14/0043C

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

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

Applicant: W and S Sandbach Ltd

Expiry Date: 20-Mar-2014

**Date report prepared:** 7 March 2014

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

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

#### **REASON FOR REPORT**

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

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

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

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

#### **DETAILS OF PROPOSAL**

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

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Congleton Borough Local Plan First Review 2005**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)

GR20 (Utilities infrastructure provision)

GR21 (Flood Prevention)

NR1 (Trees and Woodland)

NR3 (Habitats)

NR5 (Creation of habitats)

### **Other Material Considerations**

National Planning Policy Framework (The Framework)

Sandbach Business Park Development Brief (1989)

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

Cheshire East Local Plan Strategy – Submission Version

### Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

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

Relevant policies of this document are:

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

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

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

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

United Utilities – No objections

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

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

Jodrell Bank – No comments to make

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

Environmental Health – No objections subject to conditions

Strategic Highways Manager – No objections

## **VIEWS OF THE TOWN COUNCIL**

Sandbach Town Council – No objection

## **OTHER REPRESENTATIONS**

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

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



In addition, 1 letter of support has been received.

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **OFFICER APPRAISAL**

#### **Design / character**

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

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

#### **Trees**

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

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

#### **Ecology**

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

#### **Highways**

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

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

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

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

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

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

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

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

### **Flood Risk**

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

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

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

### **Air Quality**

Junction 17 of the M6, Sandbach is designated as an Air Quality Management Area (AQMA) as concentrations of nitrogen dioxide (NO<sub>2</sub>) exceed European, health based limit values. The study area of the submitted Air Quality Impact Assessment encompasses the AQMA.

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

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

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

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

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

### **Other considerations**

Comments relating to the impact upon the field access to the northern side of Old Mill Road are currently being investigated, and will be reported in an update.

### **CONCLUSIONS**

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

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.

RECOMMENDATION: Approve subject to following conditions

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



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Application No: 13/4633N

Location: LAND TO THE SOUTH OF, MAW GREEN ROAD, CREWE

Proposal: Reserved matters application for approval of access, appearance, landscape, layout and scale of 72 dwellings with associated landscape, access and parking, in relation to approved outline application 12/0831N - for the erection of 165 dwellings on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road.

Applicant: Mark Lucy, David Wilson Homes North West

Expiry Date: 10-Feb-2013

#### **SUMMARY RECOMMENDATION**

- **APPROVE subject to conditions**

#### **MAIN ISSUES**

**Planning Policy**

**Access**

**Noise Impact**

**Landscape**

**Design**

**Amenity**

#### **REFERRAL**

The outline application was referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan. This reserved matters application is thus referred as the outline was determined at SPB.

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

The application site measures 9.59ha (23.7 acres) and is located in the suburb of Maw Green. The site is situated on the residential edge of Maw Green and is on the north eastern edge of Crewe. The site comprises an irregularly shaped piece of land, divided into two areas, that is located the north and south of Maw Green Road.

The southern site predominantly comprises open rough pasture consisting of a number of fields with hedgerow boundaries. Areas of mature trees are present in the south west corner.

The northern site comprises two distinct portions in the west and east. The western portion comprises further areas of rough pasture and paddocks. An area of mature trees and a pond is present in the south east corner, together with a number of barn type structures. The eastern portion of the site comprises a former landfill site. The application site generally slopes from north to south.

The site area is bounded to the north by residential dwellings and farm buildings, and the remainder of the landfill site, to the north east by land associated with the landfill site, to the east and south east by agricultural land beyond which is the Crewe – Manchester railway line with open agricultural land beyond, the southwest by the rear of residential properties and open countryside beyond. This area has recently secured a resolution to grant planning permission for 650 dwellings as part of the Coppenhall East development.

## **2. DETAILS OF PROPOSAL**

Approval of reserved matters is sought for the erection of 72 dwellings (Two 1-bed, six 2-bed, Seventeen 3-bed and Forty Seven 4-bed dwellings) on the part of the overall outline site that is to the south of Maw Green Road. Approval is also sought for means of access, scale, appearance, landscaping and layout. Access is proposed via a new roundabout junction on Maw Green Road, providing access to the two parcels of land to the north and south of the road.

## **2. RELEVANT PLANNING HISTORY**

12/0831N - Outline planning permission for the erection of 165 dwelling on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road. – Approved 17<sup>th</sup> December 2013.

## **3. PLANNING POLICIES**

### **Local Plan Policy**

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)



## **National Policy**

National Planning Policy Framework

### **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

### **Other Material Policy Considerations**

None

## **4. OBSERVATIONS OF CONSULTEES**

### **Environment Agency**

Objected to the initial submission proposed development because there was an inadequate buffer zone to the watercourse as in this instance the proposed development would have an adverse impact on the watercourse on the site. Requested a 5 meter undeveloped buffer zone to the watercourse on the Outline planning application (reference 12/0831N). The planning layout (ref H6394:01 C) showed a 'green strip' adjacent to some of the watercourse. However the planning layout also shows the watercourse going through private gardens, garden fences crossing the watercourse, and an undisclosed development up to bank top.

The National Planning Policy Framework (NPPF), paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment. The applicant can overcome our objection by amending the proposed layout in such a way as to provide a 5

metre-wide buffer zone measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the watercourse. The buffer zone will help to reduce shading, and should be free from all built development including lighting, footpaths, etc. Domestic gardens and formal landscaping should not be incorporated into the buffer zone. The buffer zone *could* form a valuable part of green infrastructure. Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will be protected during construction.

A revised layout to meet these concerns has been submitted (revision E) and the comments of the EA are awaited.

### **United Utilities**

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

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse.
- No surface water will be allowed to discharge in to the public sewerage system.

### **Environmental Health**

- No objections; the applicant has submitted a noise assessment that demonstrates the site can be developed providing noise mitigation measures are applied to a number of selected properties. Therefore no objections subject to the applicant submitting a plan to define what properties are to be subject of noise mitigation measures and that the mitigation recommended in the report shall be implemented prior to first occupation. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

### **Sustrans**

- Would like to see travel planning for the site with targets and regular monitoring.
- To encourage every day walking and cycling to schools, the town centre and station etc. would like to see the development contribute to adjacent highway measures to assist pedestrians/cyclists, such as crossings of Sydney Road/Remer Street onto the signed Elm Drive route and further improvements to that route. (This is on-road, not as described in 8.2.4 of the Transport Statement)
- The concept of a greenway connecting the site to the proposed Copenhall East is supported. This should be constructed to a 3metre wide bitmac standard. The zebra crossing of Groby Road should be at a 4metre width to cater for pedestrians and cyclists.
- The design of the site should restrict vehicle speeds to 20mph.
- Would like to see Maw Green Road at the site traffic calmed.
- The design of any smaller properties should include storage areas for residents' buggies/bikes

## Highways

- No comments received at the time of report preparation.

## 5. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

## 6. OTHER REPRESENTATIONS

8 letters of objection have been received from five addresses on the grounds of:-

- Amenity of existing residents who will have a loss of privacy and due to properties directly over looking.
- Detrimental to bungalows on Sydney Road.
- Property with largest boundary to development would have greatest detrimental impact by way of loss of privacy.
- Traffic with additional vehicular movements linked to recycling facility and five new houses with direct access to Maw Green Road.
- Flooding on the site that has flooded in November 2012 and April 2013.
- Roundabout will be dangerous and difficult for elderly pedestrians to cross.

## 7. APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Ecological Appraisal

## 8. OFFICER APPRAISAL

### Principle

Given that the application is for reserved matters, the main issues in the consideration of this application are the technical aspects of layout, scale, access and landscaping. The principle of residential development is already established by the permission granted in outline and therefore the background policy issues at the time were duly rehearsed in the report on 12/0831N.

### Affordable Housing

All affordable housing (for the overall site) that was approved in outline is proposed to the north of Maw Green Road. This is enshrined in the pertinent section 106 agreement as the "Second Development Site" therefore the Housing Officer has no comments to make on this application.

### Highways

Concerns in respect of traffic were addressed during the currency of the outline application and the outcome of negotiations was that significant mitigation was required. This was acknowledged by the applicants who proposed a number of financial contributions to the following:-

- Maw Green Road Signage Scheme
- Crewe Green Roundabout
- Sydney Road bridge
- Public Transport Contribution

At the time it was agreed that a reduced affordable housing provision would facilitate a larger commuted sum towards highway improvements and that this would:

- Unlock the site which will help improve the housing supply situation.
- Make a significant step forward in solving the Sydney Road highway problems, which prevents other subsequent applications facing the same problem, as other scheme could more easily make up the remaining shortfall.
- Assist in achieving of the “Crewe Vision” by solving the highway issues in the northern part of Crewe
- Reduce the pressure for the release of sites elsewhere in the Borough.
- The reduction of affordable housing on this site increases the likelihood of affordable housing being increased elsewhere, as it frees up highway capacity to enable other developments to come forward.

(Furthermore, it was concluded that this development site is in a part of Crewe where, property prices are relatively low compared to other parts of the town and the Borough as a whole and where there is already an abundance of affordable housing, as set out already in the Housing Market Assessment which accompanied the outline application.)

### ***Site Access and Internal Arrangements***

The new roundabout access to the site was assessed as of a compact design with overrun areas to accommodate HGV movements. A zebra crossing has also been incorporated into the design.

The comments of the Highways Officer on the reserved matters layout are awaited and will be reported as an update

### **Noise Impact**

The site is located in close proximity to a main line railway and a working landfill site, both of which have the potential to create noise and disturbance to residents of the proposed development. Therefore the developer has now submitted a Noise Assessment that analyses the potential impact of railway and traffic noise. The railway noise measurements demonstrate that the site is exposed to relatively modest levels of noise with higher levels of noise from road traffic on Maw Green Road where measured at the northern boundary. Mitigation measures recommended include upgraded glazing, ventilation and acoustic fence for gardens close to Maw Green Road. In terms of the railway, ground vibration exposure levels were found to be below the limits set within BS 6472 and no vibration measures are

recommended in the report. It is recommended that an appropriate scheme of sound insulation is required via a planning condition as required by the Environmental Health.

### **Drainage and Flooding**

Surface water drainage from the site is to be drained via Sustainable Drainage System (SuDS) in the form of porous paving in unadopted areas of the proposed road network and via two separate attenuation basins, with one serving this land to the south of Maw Green Road in the north eastern corner of the site. Both systems will discharge to the ditch system on the eastern boundary of the southern fields, which in turn drains through the landfill site and ultimately to the Fowle Brook.

Appropriate drainage design will ensure flows are restricted to greenfield rates and as such would not increase as a result of the development and therefore there would be no detrimental impact on flood risk to adjacent land. Drainage arrangements will be progressed in accordance with Environment Agency recommendations during detailed design.

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

### **Layout and Design**

The site plan submitted with the application shows a new roundabout, mid way along the Maw Green Road giving access to the north and south portions of the site. Properties are shown to the south facing on to both sides of Maw Green Road. The main access roads are within the site, creating a lock style permeable active frontage to all principle routes outside and within the development, whilst retaining the majority of the existing roadside hedges on Maw Green Road.

The surrounding development comprises a mixture of ages and architectural styles, ranging from modern suburban development to larger inter-war properties, within substantial curtilages, on the adjacent housing estates to the south. There is ribbon development along Remer Street, and traditional vernacular farm buildings, which pre-date the expansion of Crewe on the more rural parts of Groby Road to the north. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

The primary route along Maw Green Road creates a strong, active frontage from which the development is served. The secondary routes into and around the development serve dwellings with a more informal building line and architecture. The tertiary routes are defined by semi detached, more compact properties, with parking courts rather than garages. The narrowing of the private drives into these areas reflects the change in hierarchy. The primary route along Maw Green Road creates a strong, active frontage from which the development is served. The secondary routes into and around the development serve dwellings with a more informal building line and architecture. The tertiary routes are defined by semi detached, more compact properties, with parking courts rather than garages. The

narrowing of the private drives into these areas reflects this change in hierarchy. The majority of the proposed dwellings are two storeys high; the only single storey buildings (excluding garages) are the bungalows along the western boundary. Single storey dwellings have been used in this location to respect the privacy of the existing dwellings along Sydney Road. It is felt that the proposed dwellings are appropriate in the existing context as they are not overly excessive in scale or mass in comparison to the surrounding buildings.

### **Amenity**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site demonstrates satisfactorily that 72 dwellings can be comfortably accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate. The objections received are understandable, particularly those of 54 Sydney Road as it has an extensive boundary with the application site, and this land is presently open countryside, but all standards are met.

A minimum private amenity space of 50 sq.m is usually considered to be appropriate for new family housing. The layout shows that this is achieved apart from one instance (plot 34) that is very slightly deficient with 48 sq.m provided. Nevertheless, this is a negligible shortfall on only one plot and the 50 sq.m figure is only a guideline and regard must be given to making the most efficient use of land in accordance with the advice in the NPPF and to the nature of the housing proposed. The 50sq.m standard does not discriminate between house types and it is acknowledged that smaller properties are likely to appeal to smaller families and therefore the lower level of private amenity space is considered to be acceptable and justifiable.

The layout overall is to be supported but there remained a lingering concern in respect of the position of plots to the south of the site as they did not fully face onto the footpath. This was stipulated as necessary by a condition appended to the outline permission. The applicant has now indicated that amendments to the scheme will be made to comply with the condition by way of dual aspect houses that provide surveillance to the watercourse and it is now considered acceptable.

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

### **Landscape**

The Landscape Officer is satisfied with the soft landscape scheme but would like further information relating to the species, numbers and sizes of plants to be used around the attenuation pond. A further layout has been submitted and this has been forwarded to the Landscape Officer for comments.

### **Forestry**

There are trees which are adjacent to/overhang the boundary of the site to the south which could influence the development and established hedgerows on the boundaries and crossing the site. The outline application was supported by a Tree Survey and Constraints Advice document dated 14 November 2011. At outline stage the Landscape Officer made comments regarding off site trees which overhang the site and could dominate land close to the southern boundary. In this respect the submission does not accord with the British Standard guidance and it is considered that the submission should include a tree survey and a site plan with tree constraints identified together with an arboricultural impact assessment. The overhanging trees are not within the application site but it is an issue unresolved from outline stage. Thus, details of the position and spread of these trees and how they relate to the proposed plots at the southern edges of the site have been requested. It is anticipated that these plans may well overcome the concerns of the Landscape officer and this will be reported as an update to the meeting.

### **Hedgerows**

At outline stage it was established that several of the lengths of hedgerow in the vicinity are important under the Hedgerow Regulations 1997. These include the northern hedgerow adjoining Maw Lane and the mid site west/east hedgerow. The proposed development would result in the loss of a substantial length of the roadside hedgerow and the full length of the mid site hedge. The Landscape Officer has stated that the impact on 'Important' hedgerows is therefore a material consideration. However, it is considered in the overall balance of the gain of housing and the attractive layout that provides the buffer to the watercourse, this is not of sufficient weight to warrant the retention and withhold permission. Therefore, the design and layout is considered supportable in the round of all competing issues.

### **Ecology**

Conditions 6, 7, 8, 9, 10, 19, 36 and 41 appended to the outline permission all relate to the site but not necessarily all to the land to the south of Maw Green Road. The ecological appraisal submitted with this reserved matters application recommends the attenuation pond should be designed to incorporate wildlife friendly principles; the retained hedgerows are gapped up using a mix of native species and a 1.5 metre buffer zone established; on-going hedgerow management should be suitable to wildlife; site clearance work should ideally take place outside the birds nesting season; gaps provide in fences to allow small wildlife to move through the site; bird boxes be provided at each dwelling and at least 75% of amenity planting be native and or of value to wildlife.

### **CONCLUSIONS**

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. The proposal is also acceptable in terms of air quality and noise implications with the appropriate mitigation.

This reserved matters application is acceptable on the proviso that the revised layout meets the concern of the Environment Agency and their holding objection is formally withdrawn. The

conditions attached to the outline permission are extant, and therefore are not rehearsed in this report, but remain valid.

## **RECOMMENDATION**

**Approve subject to the following conditions**

- 1. Plans**
- 2. Materials**
- 3. Noise mitigation scheme**
- 4. Tree survey/arboricultural assessment**
- 5. Landscaping Implementation**
- 6. Drainage Details**
- 7. Bin storage**

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





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Application No: 11/1122M

Location: GAWSWORTH QUARRY, GAWSWORTH, MACCLESFIELD

Proposal: RESTORATION OF GAWSWORTH QUARRY USING INERT EXCAVATION AND CONSTRUCTION/DEMOLITION WASTES

Applicant: MR MARTIN O'GARA, O'GARA DEVELOPMENTS

Expiry Date: 12-Jul-2011

**SUMMARY RECOMMENDATION:**  
**APPROVE subject to conditions and s106 legal agreement**

**MAIN ISSUES:**  
**Principle of the Development**  
**Ground Stability**  
**Sustainable Management of Waste**  
**Feasibility of High Level Restoration**  
**Control of Imported Material**  
**Drainage**  
**Noise & Air Quality**  
**Highways and Impacts on Footpaths**  
**Landscape and Visual Amenity**  
**Ecology**  
**Impact on RIGs Designation**  
**Local Amenity**

## **BACKGROUND TO THE REPORT**

Members may recall that this application was considered by Strategic Planning Board on 29th February 2012, at which it was resolved that the application should be approved subject to a range of planning conditions and entering into a section 106 agreement to secure:

1. a 10 year extended landscape and nature conservation management scheme;
2. restriction on HGV movements associated with the scheme to an average of 300 movements a day in the event that both Gawsworth and Rough Hey Quarries are worked concurrently;

The planning permission is yet to be issued pending discussions on the section 106 legal agreement. In the intervening period, the National Planning Policy Framework has replaced the previous suite of national planning policy guidance for mineral development upon which Members based their resolution. In addition, the applicant has submitted a modified phasing

plan, a more detailed conservation management plan and proposed slightly amended the hours of operation.

The item has therefore brought back to Strategic Planning Board to provide Members with the opportunity to reconsider their decision in the light of the additional revisions and new mineral planning policy context. A complete and updated report on the application is presented below.

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

The site is the former Gawsworth Gritstone Quarry which is located to the east of A523 London Road, approximately 4.5km south of Macclesfield and approximately 1.1km south of the small settlement of Oakgrove.

Gawsworth Quarry and neighbouring Rough Hey Quarry directly to the north, form part of Gawsworth Common which lies in an elevated position on the western slopes of Croker Hill. Access to both sites is taken from a track which rises at sharp incline from its junction with A523 in a north east direction up to the quarry and former processing area, and then continues north east around the edge of the quarry and connects to Rough Hey Quarry approximately 600m north of the site. The track also serves a small number of neighbouring residential properties and a commercial property, the closest of which are approximately 370m from the site.

Gawsworth Quarry consists of the main extraction area, internal access tracks, and the former processing area. The 6.9ha application site is made up of the former quarry extraction zone, stockpiles of quarry overburden and soils, and internal access track. On the north west boundary is a 120m long and 35m high open, exposed quarry face. It is formed of glacial till, exposed rock face and a scree slope which is highly weathered and subject to erosion. The quarry face is actively receding northwards, generating a near vertical slope surface and leading to a loss of adjacent agricultural land. Land beyond the application site on the southeast and northeast boundary has already been subject to low level restoration associated with previous quarrying operations to grassland and linear strips of tree planting.

The site is positioned at approximately 300m in height, some 120m above the level of A523. Despite its elevated and exposed position, the site is screened in part from the majority of nearby sensitive receptors which are located on Croker Hill or from A523 due to the undulating hillside and presence of woodland. Long distance views can be obtained from the nearest sensitive receptors which are also situated at similar elevations, the nearest being Fairyhough House to the east which lies at 330m, Hanging Gate Farm to the north east at 280m and Croker Farm to the north at 270m. Merrihill is situated at 200m and whilst being located on the access road to the site, is screened from views of the site by the undulating hillside and natural vegetation.

Within the Macclesfield Borough Local Plan (MBLP) the site is located within countryside beyond the Green Belt and lies in the Area of Special County Value; and within a Site of Nature Conservation Importance. It is also designated as a Site of Regional Importance for Geology.

### **THE PROPOSED DEVELOPMENT**

This is an application to restore Gawsworth Quarry through the importation of inert excavation, and construction and demolition waste over an 8 year period with restoration to a low grade pasture/upland heath. A total of 435,000m<sup>3</sup> (830,000 tonnes) of material is proposed to be imported, which includes approximately 7000m<sup>3</sup> of topsoil. A maximum of 250,000 tonnes per annum is proposed to be imported over 8 years, with restoration complete over 7 phases, commencing with the deepest part of the quarry, then the remainder of the site being worked in a north eastern to south western direction.

Waste would be imported using 20 tonne Heavy Goods Vehicles (HGVs), with a maximum of 100 movements per day (50 in and 50 out). Access to the site would be via the existing haul road from the A523. The revised hours of operation would now see restoration activities from 0800 - 1800 hours Monday to Friday; and 0800 – 1300 Saturday as opposed to the hours proposed on the original application which were 0700 - 1800 hours Monday to Friday and 0730 – 1400 hours Saturday for restoration activities and 0700 – 1800 hours Monday to Friday and 0700 – 1400 hours Saturday for plant maintenance. No restoration works are proposed on Sundays or Bank/Public holidays.

The scheme aims to achieve a final restoration profile which would generate a natural landform relative to its pre-extraction condition. The existing ground levels would be increased by up to 24m, which would be achieved by spreading existing quarry overburden/subsoils, and the importation of fill material, overlain by 850mm subsoils and 150mm topsoils which reflects the previously consented restoration scheme. This would create a natural landform with a restoration profile of 1:7. Final restoration to low grade pasture/upland heath is proposed with the use of Gorse and Broom to reflect existing habitats.

Infill material will be sourced from the applicants own construction projects around Macclesfield; and future construction projects at Manchester Airport. Stockpiles of fill material will be stored on those areas awaiting restoration, and re-seeding would be carried out as soon as practicable following placement of topsoil in order to limit the amount of exposed fill left on site.

The applicant does not anticipate the need to screen or crush material on site other than on an occasional basis. The existing wheelwash and weighbridge would be used for the scheme. The existing internal haul road into the application site will be re-aligned and used for HGVs delivering material. The northern access would be broken up following restoration with the southern access retained in-situ for agricultural purposes. The existing surface water drainage system would be retained, with a small extension to the open drainage channel and settlement ponds proposed.

## **RELEVANT HISTORY**

Planning permission for the extraction of gritstone at Gawsworth Quarry was granted in 1951, with a later permission granted for Rough Hey Quarry in 1955. The quarries have been operated intermittently since then, until 1998 when a new set of conditions were imposed on both Gawsworth and Rough Hey Quarries as a 'Review of Old Permissions' (ROMP) under Environment Act 1995, which was granted consent on 9<sup>th</sup> April 1998 (Ref. 5/97/0961). The ROMP conditions imposed on both quarries permits the extraction of stone from Gawsworth and Rough Hey until February 2041. Since then operations at Gawsworth Quarry have been scaled back and extraction ceased in 2009 due to a slowdown in market conditions. The

restoration scheme proposed under the ROMP in 1998 approved a low level restoration by spreading existing overburden materials and the importation of 850mm of subsoils and 150mm topsoils. It also included for the retention of the existing quarry high wall.

## **POLICIES**

National Planning Policy Statement

Planning Policy Statement 10: Planning for Sustainable Waste Management

### **Local Plan Policy**

Cheshire Replacement Minerals Local Plan 1999

Policy 9 Planning Applications

Policy 12 Conditions

Policy 14 Areas of Special County Value

Policy 15 Landscape

Policy 17 Visual Amenity

Policy 22 Nature Conservation – check any allocations designations.

Policy 23 Nature Conservation

Policy 25 Ground Water/Surface Water/Flood Protection

Policy 26 Noise

Policy 27 Noise

Policy 28 Dust

Policy 33 Public Rights of Way

Policy 34 Highways

Policy 37 Hours of Operation

Policy 39 Stability and Support

Policy 41 Restoration

Policy 42 Aftercare

Macclesfield Borough Local Plan 2004

NE1 Landscape Protection and Enhancement

NE2 Landscape Character

NE3 Conservation of Rural Landscape

NE4 Reclaiming and Improving Land

NE11 Nature Conservation Interests

NE12 Local Nature Reserves

NE15 Creation of Habitats

NE17 Nature Conservation for Major Developments

GC5 Countryside beyond the Green Belt

T6 Highway Improvements and Traffic Management

IMP2 Transport

DC3 Amenity

DC6 Circulation and Access

DC9 Tree Protection

DC13 and DC14 Noise

DC17 Water Resources

DC19 Groundwater Resources

DC20 Watercourses

DC63 Contaminated Land

Supplementary Planning Guidance 1 'Code of Practice for the submission of mineral planning applications and general site operations'.

### **Other Material Considerations**

Government Review of Waste Policy in England 2011

Waste Management Plan for England

Cheshire East Local Plan Strategy Submission Version 2014

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

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

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

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

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

**Highways: (comments on original scheme)** The existing site access off the A523 is of a good standard and provides adequate visibility in both directions. The existing permission limits movements to an average of 300 per day in connection with both Gawsorth and Rough Hey Quarries. The proposed movements are likely to be 100 per day which will be contained within the 300 trip limit and would not comprise additional trips on the road network. As there is no material increase in traffic associate with this operation over and above that already consented, no highways objections are raised. Existing conditions imposed on consent 5/97/0961 are recommended to be replicated on any new consent; in respect of hours of operation, control of vehicular access to the site, control of mud on the highway, sheeting of vehicles, limit on number of vehicle movements to not exceed 300 movements per day, and records of vehicle movements to be retained.

In respect of the potential cumulative impact of implementing both the existing consent at Rough Hey and the proposed scheme, Highways Officer considers that in the event both sites

are worked simultaneously, the vehicle movements over both sites could be adequately controlled to within the 300 trip limit by means of a S106 Legal Agreement.

Comments on revisions to the scheme -

There will be no change in the highway considerations raised by these amendments

**Environmental Health:** Potential noise impacts are from mobile site plant (excavator, CAT, roller), fixed plant and delivery vehicles. The noise assessment makes calculations at sensitive receptors for the individual and combined activities and assumes that all of these activities are operating concurrently which can be considered as a worst case assessment. These estimates are then compared with suggested noise limits for all activities based on national planning guidance. The proposals use an assumed background level but it is unclear, from the information provided, from where this level has been derived. However, the level used is consistent with that used in the extant planning permission and can therefore be considered as acceptable and used to calculate the limit values for this proposal. The calculations in the assessment indicate that the limit values should not be exceeded. We would expect that a noise monitoring programme is established to ensure that these limits are complied with as condition of accepting this proposal.

The noise impacts relating to the potential use of a sorting trommel are shown to be significantly dependant on the effectiveness of the mitigation provided, I would expect that the location of any such plant, as well as any details relating sound power levels, details of proposed mitigation and predicted impacts at sensitive receptors to be submitted prior to any such plant operating on the site. This should be extended to include any fixed plant that may be used. We would expect noise limits relating to these types of plant to be set as to not exceed the background level by more than 5dB(A) as per guidelines given in the Cheshire Planning Noise Guidelines Part 1: Mineral Extraction and Waste Disposal and to also reflect guidance given in BS4142.

The noise impacts of vehicles using the site access road have been included in this assessment however they do not assess the impact at the most sensitive of residential receptors, Merrehill which is close to the lower end of the access road near the A523. However, this planning application would result in fewer vehicles movements on the access road than the extant planning permission. The altered proposed operating hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays are acceptable and should be conditioned along with the required number of vehicle movements. It is accepted that there could be issues in icy conditions with tarmacing steep gradients of the access road. Therefore it should be a condition that both the existing tarmac and hardcore sections of the access road should be maintained to an acceptable standard so as to minimise impact noises from vehicles. The road sections that are currently tarmaced should continue to be so throughout this development.

Noise impacts would be controlled further by the use of 'white noise' reverse alarms as outlined in the planning application and I would request that the provision of these for site-based mobile plant to be conditioned.

The potential dust impacts from vehicles and on-site activities are detailed in the application and it sets out a dust management plan and complaints procedure relating to the mitigation of



dust nuisance. This covers most of the potential issues relating to dust emissions. In addition to these measures, the re-seeding of restored levels at the earliest practical opportunity, the management of any earth bunds and consideration of weather conditions should also be covered in the control of dust emissions. A dust management plan should be approved as a condition of this proposal.

Following consideration of the potential for the impacts of the extant planning permission at Rough Hey to be operated alongside this application for restoration of Gawsworth, it is proposed that the noise limits condition for the latter operation match those of the former. This is, in effect, a slight tightening of the originally proposed condition (by 2dB(A)) but it is not expected or intended to place an unreasonable or unworkable burden on the operator.

In summary I would recommend that planning permission to this permission is granted subject to conditions that would cover the points described above relating to noise and dust nuisance.

#### Proposed Dust and Noise Related Conditions

In addition to those designed to cover proposed times and vehicle access:

Following consideration of the potential for the impacts of the extant planning permission at Rough Hey to be operated alongside this application for restoration of Gawsworth, it is proposed that the noise limits condition for the latter operation match those of the former. This is, in effect, a slight tightening of the originally proposed condition (by 2dB(A)) but it is not expected or intended to place an unreasonable or unworkable burden on the operator.

Except for temporary operations the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive properties shall not exceed 48 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of residential amenity

For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive properties shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of residential amenity

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. [Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation.] Temporary operations shall include bund formation and removal, and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of residential amenity

No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall provide for:

- (i) Frequency and location of monitoring
- (i) Details of equipment proposed to be used for monitoring.
- (ii) Monitoring during typical working hours with the main items of plant and machinery in operation;
- (iii) Comparison against noise limits
- (iv) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

Reason: In the interests of residential amenity

No non-vehicular fixed or mobile plant (including trommels and crushers) shall be used on the site without the prior written approval from the Mineral Planning Authority. Details of the proposed location, predicted noise impacts of the plant on sensitive receptors, and the details and predicted effects of any mitigation measures should be submitted to the Mineral Planning Authority. The details should demonstrate that noise from such plant shall not exceed 45db LAeq 1hr at any noise sensitive receptor.

Reason: In the interests of residential amenity

No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of residential amenity

All plant, equipment and vehicles used on site shall be properly silenced and maintained in efficient working order in accordance with the manufacturer's specification.

Reason: In the interests of residential amenity

The access road surface shall be maintained in a good condition to minimise noise impacts from vehicles. The surface should be of tarmac unless the gradient is such as to make this surface unsafe. All potholes should be repaired at the earliest opportunity.

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted. – The dust management plan submitted with the planning application covers most things, but should include earth bunds and re-seeding

Reason: To reduce the impacts of dust disturbance from the site on the local environment

Prior to its installation details of the location, height, design, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting and shall thereafter be installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety)

Contaminated land:

All the material to be used in the restoration shall be suitable for its intended use both chemically and physically. Chemical analysis of the imported material shall be carried out to demonstrate that the material is not contaminated. This testing shall include leachate testing to ensure that the material will not cause contamination of controlled waters at, around or below the application site.

**Environment Agency:** No objection. Advice is provided in respect of handling waste and protection of water resources.

**Natural England: (comments on original scheme)** This application is within 3km of the Danes Moss SSSI. However, given the nature and scale of this proposal, no objection raised on account of the impact on designated sites. Standing advice is provided in respect of protected species which includes considering the potential for biodiversity enhancements for bats in accordance with PPS9 and Section 40 of the NERC Act.

In terms of soil handling and reclamation, the scheme is considered to be acceptable and the applicant proposes to follow Defra's Construction Code of Practice for sustainable use of soils. The guidance contained in 'Good Practice Guide for Handling Soils' should also be followed. The requirement for 850mm subsoils and 150mm topsoil being laid over fill material as consented, remains appropriate for a rough pasture after use. It is recommended that both pre and post settlement plans should be prepared to ensure contours on restoration plan would be successfully achieved. Natural England wish to be consulted on final restoration details.

Comments on revisions to the scheme:

From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

*Protected species*

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP

species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

#### *Local wildlife sites*

If the proposal site could result in an impact on a Local Site, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

#### *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

#### *Local Landscape*

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

**Cheshire RIGS: (comments on original scheme)** Initial objection lodged due to the loss of geological features of the site. Further discussions have reached agreement that a section of upper quarry face in the north west would be left exposed, and that the bottom of the face should be cleared to expose the base of the rock face in order to retain the important exposures of the Middle Churnet Shale Formation. This would leave a section that would still be suitable for use by educational groups and would still be suitable for its RIGS designation.

No comments received on revisions to the scheme.

**Cheshire Wildlife Trust: (comments on original scheme)** In view of the potential for much of the area to be classified as a UK BAP priority habitat, request provision of the full Target Notes that are referred to but not included in the Environmental Assessment. Would have also expected the site to be assessed with this classification in mind, with ecologists conclusions included in the report. Request full species list arising from the invertebrate survey to be provided, in view of the importance of previously-developed land for insects. Overall consider the recommendations made by the ecologists for restoration of the landfill do not reflect the potential of the restored site for natural succession on low-nutrient substrates.

Comments on revisions to the scheme

Gawsworth Quarry is part of and lies wholly within the external boundaries of Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Grade B SBI (Site Code 355), although the central, fenced area of improved grazing land lying immediately northeast of the quarry is excluded from the SBI. Parts of the SBI are on the Cheshire Heathland, Woodland and Peatland Inventories. Qualifying habitats include broad-leaved semi-natural woodland, rock and waste, heathland, grassland and tall herb and bracken. The exposed southeast facing slopes adjacent to the SE boundary of the application site are a mosaic of heathland, gorse/broom scrub, bracken and scattered birch woodland.

Recent planting of hawthorn and oak on slopes at the entrance to the SW end of the quarry has performed very poorly and variably in wet and exposed conditions. Conversely, areas of naturally regenerated birch and hawthorn scrub and heathland have become successfully established on older parts of the SBI. We noted during our site visit that an area of invasive non-native Japanese knotweed *Fallopia japonica* (listed in Part 1, Section 14 of the WCA 1981) has become established in the SBI and on land within the applicant's control northeast of the application site, adjacent to a public footpath.

The submitted Conservation Management Plan gives details of the proposed restoration of the filled quarry. It has been agreed in principle by all parties that the most beneficial and appropriate habitat type that could be established at the site post final landform would be lowland heath. As part of the management plan some control of dominant species may be required this can be achieved by allowing some grazing, therefore it is envisaged that some stock proofing and management will be required. The Cheshire Wildlife Trust has expressed their interest in becoming a tenant.

As part of this management plan, ecological pre-commencement surveys will be required to ensure compliance with specific statutory legislation relating to breeding birds. National Vegetation Community (NVC) surveys will also be conducted at intervals during the restoration programme to assess whether establishment techniques have succeeded. As heathland is slow to establish and requires specific management, an extended period of aftercare of 10 years, after the final phase of infilling is complete is proposed'

CWT has no objection to the backfilling of the quarry with inert excavation and construction/demolition waste. We fully endorse the concept and proposed execution of the restoration plan, and the proposals for survey, monitoring and assessment during operation and post-completion.

Recommendations are made in respect of submission of method statement for controlling Japanese Knotweed and the landowners responsibilities in respect of taking action to prevent this spreading further within the SBI are highlighted.

**Landscape Officer: (comments on original scheme)** no objections subject to conditions requiring the submission of a landscape scheme and implementation programme.

Comments on revisions to the scheme

The Conservation management plan examines the aims of the Conservation Management Plan, the local habitats, the proposed establishment techniques and the proposed monitoring that will take place.

We are satisfied that the proposals will result in a restoration scheme that is characteristic of the local landscape and one that will not appear incongruous in the longer term. We do not feel that the proposed restoration will result in any significant or detrimental landscape or visual impacts.

**Ecology officer: (comments on original scheme)** Following submission of the additional ecological surveys, consider that there are no reasonable likely adverse impacts upon protected species or the SBI. The restoration proposals lack specific details on ecological objectives of the proposed restoration. The intention at Gawsworth Quarry would be to create grassland habitats that would be of sufficient quality to contribute to local BAP targets for habitat creation. Grassland habitats only retain their interest if they are subject to some form of management which usually takes the form of grazing or cutting. In the absence of intervention grassland habitats have a tendency to become rank and will eventually develop into woodland habitats of lower nature conservation value. To ensure that any habitats created maintain their ecological interest in the long term, it is recommended that more detailed restoration and aftercare management proposals are secured, along with long term management either a condition or s106 legal agreement.

#### Comments on revisions to the scheme

We are satisfied with the restoration and management proposals as submitted. This is however likely to be a long term project and so it is essential that the council stays in touch with what is happening at the site once restoration and aftercare commences. We suggest conditions that secure all of the following be attached should consent be granted:

- The results of soil tests undertaken on all material intended to form the final seed bed for restoration to be submitted and agreed with the LPA prior to the restoration of each phase.
- National Vegetation Surveys and common standard surveys to be undertaken the year following the seeding of each phase. The results of these surveys to be submitted to the LPA. Any changes to the agreed restoration identified as a result of these surveys also to be agreed in writing with the LPA.
- Biennial National Vegetation surveys and common standard surveys to be undertaken of the entire restored site for the duration of the management period. Any changes to the agreed restoration identified as a result of these surveys to be agreed in writing with the LPA.

**Forestry Officer:** No comments

**Heritage (Archaeology and Conservation): (comments on original scheme)** No archaeological features of significance likely to be affected by the proposals. Earlier features will have been removed by the extraction process. Conservation Officer has no comments.

**Public Rights of Way: (comments on original scheme)** The property is adjacent to public footpath Gawsworth No. 34 as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect the public right of way. PROW would expect advice note attached to

any permission to ensure applicant is aware of their obligations in respect of works near or affecting public rights of way.

**Health and Safety Executive: (comments on original scheme)** The supporting information, including the bank stability assessment appears to cover most of the information and analysis HSE would expect to be in place. No specific detail is provided in relation to the specific design & construction of the backfill; however HSE would seek such information as part of the overall compliance required for Regulation 31 in Health & safety at quarries, Approved Code of Practice ref L118. In essence this would be rules coming out of the assessment & design which should be in place prior to commencement of the works and contain information on matters such as the overall final profiles; how this is to be achieved in terms of layer thicknesses & compaction; the types of equipment used and the necessary inspection and supervision etc.

**Manchester Airport:** No objection raised to original scheme.

Comments on revisions to the scheme - Although the document could have benefited from some more site specific detail, it contains nothing that raises any concerns for us and we are therefore perfectly content to endorse the proposals as they stand. As per our original safeguarding response, we are very happy with this restoration scheme and would like to see much more of this approach to quarry restorations as it creates a high value wildlife habitat with no measurable consequences in terms of birdstrike risk because the species that prefer heathland are of low risk due to their size and/ or behaviour.

**Ramblers Association: (comments on original scheme)** Concern is raised over the potential effects of the scheme on Gawsworth Footpath 34 which lies within 50 metres of the site. It is not clear what proportion of the vehicle movements to achieve phases 1, 3 & 4 in the north eastern section of the site might require use of the section of the track shared by the footpath, which is outside the site boundary but within the owners land boundary. The main concern is to ensure that the footpath continues to be available and unobstructed during the development. In terms of nuisance and dust impacts, it seems likely that parts of the footpath (i.e. those within 50-100m of the site during phases 3 & 4) would be in an area where the 'magnitude of the impact' was 'moderate' - albeit the exposure would only be temporary. The effects might be mitigated by the proposed control measures although these will be monitored by receptors more distant from the site.

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

Comments on original scheme: Gawsworth Parish Council – recommend refusal on the basis of impacts on the local environment, particularly upheaval and disruption.

No comments made on revisions to the scheme.

#### **OTHER REPRESENTATIONS**

Comments on original scheme: 8 letters of objection were received from local residents. The principal matters of concern relate to nature of infill material and potential to cause contamination; length of time taken to restore the site and capability of restoration; ecological concerns and potential opportunities for wildlife enhancement; hours of operation; highway safety and vehicular access; noise and disturbance; landscape and visual impacts; air and water pollution; land stability issues.

Comments on revisions to the scheme: The landowner's representative has objected to the scheme on the basis of the sterilisation of gritstone resulting from the scheme. A further letter has been received from a local resident raising concerns over detrimental noise impacts in the early morning, especially arising from empty heavy good vehicles traversing poor road surfaces.

## **OFFICER APPRAISAL**

### **Principle of Development**

The existing historical consent for quarrying (5/97/0961) permits a final restoration to pasture; which would be achieved by spreading the existing overburden, and importing sufficient material to layer 850mm subsoils and 150mm topsoils across the site. As such, the principle of restoring the site using imported fill material, and a final restoration to pasture has previously been consented. These elements are retained within the proposed scheme; however the key difference is the level of fill material proposed to complete the restoration which is higher than originally permitted.

The applicant justifies a high level restoration proposed on the basis that the approved scheme would not have sufficient material to stabilise the quarry face which is receding onto third party land and presents a health and safety risk. As a secondary benefit, the applicant maintains this restoration scheme provides a sustainable outlet for managing construction, demolition and excavation (CD&E) waste; in order to drive waste up the waste hierarchy and divert it from landfill. These matters are considered further below.

### **Sustainable Management of Waste**

The scheme would enable Construction, Demolition and Excavation (C,D&E) waste to be recovered and re-used as part of the quarry restoration. This material makes up the largest waste stream in Cheshire; comprising 49% of the overall waste arisings; and this is expected to increase to approximately 1.5m tonnes by 2020. A large proportion of CD&E waste is currently sent to landfill, and The Waste (England and Wales) Regulations 2011 recently introduced, set a target to recover at least 70% of CD&E waste by 2020.

PPS10 and CRWLP both seek to deliver the waste hierarchy with the onus on re-use, recycling and recovery before disposal. In view of the rising costs of landfill, and the need to look for alternative sustainable ways to transport and manage waste; this scheme provides an outlet for inert excavation and construction/demolition waste arisings for construction projects in the north of the authority and from adjacent authorities. There are few similar facilities of this scale in this part of the authority that are able to accept CD&E waste and thus the scheme enables large quantities of CD&E waste to be diverted from landfill. As such this is considered to accord with the overall approach of CRWLP, and PPS10.

### **Feasibility of High Level Restoration**

Concern from local residents relates to the proposed level of restoration, timescale proposed and ability to complete the scheme. The existing quarry void created varies in depth from approximately 280m AOD to 313m AOD. In order to achieve a natural restoration profile relative to the adjacent landform, the scheme would increase ground levels across the site by up to 24m (approximately) through the layering of soil making material, subsoils and topsoils. A total of 830,000 tonnes is proposed to complete the restoration proposals, with 250,000



tonnes of fill material imported per annum over 8 years. The fill material would be sourced from the applicants own construction projects and major infrastructure projects in the north of the authority and adjacent authorities including developments at Manchester Airport.

The 8 year timeframe is considered reasonable given the scale of the restoration activities proposed; and builds in an allowance for potential downturns in the availability of fill material from construction projects. The revised phasing sequence would result in the site being restored progressively, commencing with the main quarry floor to stabilise the back quarry wall, with work then progressing in a southern direction. Planning conditions could be imposed to ensure that re-seeding is undertaken following completion of each phase so as to limit visual impact. Conditions could also be imposed to ensure that, in the event of any cessation of infilling prior to completion of the development, a revised restoration scheme can be secured. As such this is considered to accord with policies 15 and 17 of CRMLP, policy DC1 of MBLP and the approach of NPPF.

### **Mineral sterilisation**

Objections have been raised regarding the sterilisation of gritstone which would result from the restoration of the site. There is no data presented within the application to ascertain with any certainty what quantity of mineral reserve remains on the site following historical quarrying, although it is accepted that the scheme will result in some sterilisation of gritstone. It is however noted that the site forms one part of a wider area which has permission for mineral extraction, and the area being sterilised has been worked for a number of years and the resultant landform has created an unstable ground conditions on the site.

In response to this point, the applicant notes that no evidence has been presented by objectors to identify the quantity of mineral that would be sterilised, or the economic viability of quarrying this remaining resource. They also note that the land has been quarried to the boundaries of the lease and is now unstable for any further quarrying; and to continue quarrying would be uneconomical.

NPPF states that great weight should be given to the benefits of mineral extraction and local authorities should make provision for the maintenance of at least 10 years landbank for crushed rock. The corresponding requirement at a sub-regional level for Cheshire East is maintenance of a 7 year landbank (Policy 53 of Minerals Local Plan).

The latest annual monitoring report produced by the North West Aggregate Working Party Annual Report 2013 identifies that the sales of aggregate crushed rock are low with reserves remaining at 4.29 million tonnes for the sub-region of Cheshire. As such the aggregate crushed rock landbank is 107.25 years which remains far in excess of the 10 year minimum requirement set out in the NPPF.

Whilst the scheme would result in the sterilisation of a portion of gritstone, based on the current estimated landbank, recent demand for crushed rock and the environmental benefits arising from the scheme in terms of achieving the satisfactory restoration of the site and addressing land stabilisation issues, it is considered that these benefits outweigh the loss of mineral resource on this part of the site in this instance. On this basis the scheme is not considered to conflict with Policy 53 of CRMLP and paragraph 144 of NPPF.

### **Ground Stability**

The exposed 36m high quarry face is currently eroding onto third party land; which is visually apparent as a fence line now hangs suspended in mid-air, where the quarry wall once was. The applicant maintains that the consented low level restoration would result in an unstable wall rim which would progressively erode and which would leave sections of the site inaccessible in the long term due to health and safety risks.

The stability of both the restoration scheme and adjacent quarry land has been raised as a concern by local residents. The Bank Stability Assessment submitted considers both the stability of the existing quarry wall, and that of the final restoration profile. It identifies that the existing scree slope is at the point at which the material has reached the limit of its stability. The glacial till stands vertically and is over-steepened whilst the shaly mudstone is highly susceptible to weathering. All elements of the slope are noted to be at the limit of their stability. The assessment concludes that without stabilisation, the slope will continue to unravel and deeper seated failures could occur. In regards to the stability of the proposed scheme, the assessment identifies that, at a final restoration profile of 1:7, this would be satisfactory in securing the stability of the site.

The Health and Safety Executive (HSE) confirm that the Bank Stability Assessment contains all necessary information. The engineering details of the scheme in terms of its design and construction, and the compaction of the fill material and layer thicknesses would be addressed by HSE under separate controls as the Quarries Regulator. Equally issues associated with creation of unstable zones in the fill material associated with impeded flow of groundwater due to the proposed compaction and soil layering techniques are addressed in the Waste Recovery Plan submitted to Environment Agency (EA) to accompany the Environmental Permit. This accords with policies 9 and 39 of CRMLP, policy 12 of CRWLP, and the approach of the NPPF.

### **Control of Imported Material**

Concern has been raised over the nature of fill material proposed and the potential for contaminants to harm human health or groundwater. Inert soil making materials, subsoils and topsoils are proposed to restore the site and the works would require an Environmental Permit regulated by the Environment Agency.

PPS10 makes it very clear that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The Environmental Permitting regulations include adequate measures to control the type of waste and any associated pollution impacts. This includes procedures regarding the receipt and acceptance of waste, recording and monitoring movements of waste, and inspection/testing requirements. It also assesses the appropriateness of the soil making material, the physical or chemical properties, and whether this could adversely affect groundwater or human health.

It is noted that neither the Environment Agency nor the Environmental Health Officer raise any objection to the scheme and planning conditions are recommended to ensure all restoration material is chemically analysed to demonstrate that the material is not contaminated, which could include leachate testing to ensure that the material will not cause contamination of controlled waters at, around or below the application site. The scheme is therefore considered to accord with policy 18 of CRWLP, policies 9 and 25 of CRMLP, policies DC63, DC19, and DC20 of MBLP and the approach of PPS10 and NPPF.

### **Drainage**

An aquifer lies to the south and east of the site which supports a very small number of extractions for individual domestic and farm use. The nature of fill material is not anticipated to have any potential adverse impact on the quality of ground and surface water. The Environmental Assessment identifies that the scheme may lead to a slight increase in percolation into the ground rather than drainage to surface water, but this is not anticipated to have a significant impact on ground or surface water features in the area. The quarry currently discharges to surface water at Bosley Brook via a series of existing ditches and silt catchment sumps. An extension to one of the existing open drainage channels is proposed to incorporate additional silt catchment sumps which will ensure water is controlled during rainfall to prevent flooding. Full details of the drainage scheme proposed can be required by planning condition and approved in conjunction with Environment Agency. This accords with policies 18 of CRWLP, policies 9 and 25 of CRMLP policies DC17, and DC20 of MBLP; and NPPF.

### **Noise and air quality**

Concerns raised relate to potential noise and dust impacts arising from the scheme, particularly associated with the use of the haul road. The main source of noise generation from the scheme is anticipated to be from mobile/fixed plant, and delivery of vehicles. The noise assessment demonstrates that the noise levels generated by the scheme will remain within levels set in MPS2 and will be consistent with those previously consented on the site for quarrying operations. The cumulative noise impacts of both Gawsworth and Rough Hey Quarries operating concurrently have been assessed, and planning conditions can be imposed which would limit noise levels to 48 dB(A) LAeq on the application site. This would provide consistency with consented noise levels at Rough Hey, and provide mitigation to any sensitive receptors. There may be a need for occasional use of plant to screen or crush material on site to screen out larger particles or for soil blending. The details of such equipment, including its location, predicted noise impacts and details of any mitigation can be secured by planning condition prior to its use to ensure noise levels do not exceed the background level by more than 5dB(A) in accordance with relevant guidelines. A number of conditions are recommended to control noise levels from temporary works, submission of noise monitoring scheme, and silencing of vehicles to ensure there is no adverse impact on residential amenity associated with noise impacts.

Concern has been raised by local residents over the potential noise generated by HGVs traversing the 1100m access track to and from the A523. The track is tarmaced for an initial 150m, beyond which is hardcore which is in poor condition with pot holes. The potential to tarmac the full length of track to the processing area has been discounted on safety grounds as the track is on a steep incline for most of its length, which could be hazardous in wintery conditions if tarmaced. An agreement has been reached with the applicant to repair the access track prior to use and maintain this for the duration of the works, which can be secured by planning condition.

Impacts in terms of dust can be controlled by means of a dust management plan required by condition. This will include the proposals for re-seeding, management of earth bunds and implementation of mitigation for dust encountered on site or the public highway. As such the scheme is considered to accord with policies 26, 27 and 28 of CRMLP, DC3, DC13 of MBLP, and the approach of the NPPF

### **Highways and Impacts on Footpaths**

Concerns have been raised over the impact of the scheme on the safety and operation of the local highway network, along with the suitability of the haul road to accommodate two passing HGVs. Access to the site is taken from A523 via the existing consented haul road which previously served the quarrying activities. The Highway Officer considers that the existing access is of a good standard with adequate visibility and is sufficiently wide to accommodate two HGVs.

The existing consent allows for an average of 300 heavy goods vehicle (HGV) movements per day (150 in and out) when measured over a year; with movements not to exceed 540 (270 in and out) in any single day. The existing consent permits mineral operations until 2040. Proposed vehicle movements would remain well within this level at a maximum of 100 movements a day (50 in and out). Where necessary, and as an exception to normal workings, the applicant is seeking an allowance for increasing vehicle numbers for a temporary short period on occasions where this is required to meet a particular contract e.g. where large quantities of infill material are generated by a major construction project. It is proposed that this would be a temporary specified period only and could be controlled by suitable planning condition to ensure any increase still remains within the allowance of the existing consent.

The restrictions on consented vehicle movements apply to both Gawsworth and adjacent Rough Hey Quarry, both of which are served by the same haul road to A523. It is necessary to control vehicle movements from both quarries by means of a S106 agreement to ensure that, in the event quarrying at Rough Hey Quarry re-commences, any cumulative level of HGVs associated with both sites would remain within the existing 300 consented. The Highways Officer considers that as the overall number of vehicle movements would be contained within the 300 trips limit, there would be no additional trips on the road network. As such no material increase in traffic is anticipated over and above consented levels. The proposal is therefore considered acceptable subject to planning conditions as specified above and restricting the hours of operation as per the existing consent.

Concern has been raised regarding potential conflict between users of footpath No.34 and the existing haul road in the north east of the site. The access into the infill area is situated to the south of the footpath so there would be no conflict with users of the footpath. There are existing signs in place on site to warn drivers of the risk of pedestrians, and suitable planning conditions can be imposed to ensure HGVs are restricted to use of the haul road south of the footpath.

The scheme is considered to accord with policies 33 and 34 of CRMLP, policies T1, T3, and T6 of MBLP, and NPPF.

### **Landscape and Visual Amenity**

The visual impact of the scheme and the ability of the restoration proposals to integrate into the landscape have been raised as a concern. The site is partly screened from the majority of nearby sensitive receptors on Croker Hill and A523 due to the undulating hillside on which it sits and surrounding woodland. However the exposed quarry face creates a void in the landscape which offers a detrimental visual impact to those properties with views of the site.

Whilst the restoration scheme would raise the ground levels significantly from that consented previously; the final scheme would improve the overall visual impact of the site and create a natural end profile. The site has few visual receptors and any visual impacts associated with restoration operations prior to completion are not anticipated to differ in scale or nature of impact from those presented during previous consented quarrying activities. The revised phasing scheme proposed would also ensure that early restoration is achieved which would bring benefits in terms of visual impacts.

The proposed restoration to pasture/upland heath can be achieved with relatively poor quality topsoils. The dominant habitat type in this location is upland heath, with gorse, broom, bracken and bramble. The restoration scheme will enhance this habitat with 20m wide strips of gorse and broom planted along the edge of the existing habitat and a further 30m strip left to regenerate naturally with grass and gorse, which is intended to soften the 'hard edges' of the quarry. The remaining areas will be re-seeded with a grass seed mix. The Landscape Officer considers that the principles outlined in the in the conservation management plan will result in a restoration scheme that is characteristic of the local landscape and the resultant landscape created will not appear incongruous in the longer term or have any adverse impact on the ASCV designation. As such the scheme is considered to accord with policies 15 and 17 of CRMLP, Policies NE1, NE2, NE3, NE11, DC8, and DC9 of MBLP, and NPPF.

### **Ecology**

The site forms part of Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Grade B Site of Biological Importance (SBI). The Environmental Assessment identifies that there will be no reasonable likely adverse impacts upon protected species or the SBI. The site at present offers limited ecological value. Cheshire Wildlife Trust initially raised objections to the original scheme over the scope of the environmental assessment which they did not consider sufficient and felt that the restoration proposals did not reflect the ecological potential of the site. However in their comments on the revised scheme, in particular reference to the conservation management plan they endorse the concept and proposed execution of the restoration plan, and the proposals for survey, monitoring and assessment during operation and post-completion.

The Nature Conservation Officer is satisfied that there are no reasonable likely adverse impacts upon protected species or the SBI. The proposed restoration plan details a mosaic of acid grassland and heathland which is considered appropriate in the context of the surrounding habitats and would contribute to BAP targets for habitat creation. The Nature Conservation Officer is satisfied with the overall restoration and management proposals, subject to planning conditions being secured in respect of:

- Submission of soil tests on all material used to form the final seed bed for the restored site;
- National Vegetation Surveys and common standard surveys to be undertaken the year following the seeding of each phase;
- Biennial National Vegetation surveys and common standard surveys to be undertaken of the entire restored site for the duration of the management period.

Grassland habitats require a suitable grazing regime to prevent them from developing into woodland habitats of lower nature conservation value. The conservation management plan submitted provides more detailed information on the habitats to be created upon completion

of the restoration of the site; along with the general principles for long term management, establishment techniques and monitoring to be adopted to ensure the lowland heath habitats become established.

To ensure that the habitats created maintain their ecological interest in the long term, the Council Ecologist recommends that the management arrangements detailed in the conservation management plan be secured by means of a s106 legal agreement for a 10 year period following completion of each phase of the site's restoration. This reflects the approach of the original scheme and accords with the provisions of the CIL Regulations.

As such the scheme, subject to securing planning conditions and a s106 legal agreement for the matters raised above, the scheme is considered to comply with NPPF, policies 12, 13, 22, 23 and 41 of CRMLP, and policies NE3, NE11, NE13 and NE15 of MBLP.

### **Impact on RIGs Designation**

The site is subject to a RIGS (Regionally Important Geological Site) designation, being an important Namurian site, and having exposures of the Middle Churnet Shale Formation. Cheshire RIGs initially objected to the scheme due to the loss of geological interest of the quarry resulting from the restoration of the site. The applicant acknowledged that, in its unstable condition, the quarry face is not suitable for use by Cheshire RIGs as educational visits. An area of stable quarry wall is located directly to the south of the application site which contains sufficient exposures of the strata. This area has previously been retained as this part of the quarry was restored, and is under the control of the applicant, who has agreed to retain this in-situ and remove material from the quarry wall base. This is considered acceptable to Cheshire RIGs and can be secured by planning condition. As such the scheme is considered to accord with CRMLP and NPPF.

### **Local Amenity**

Concern has been expressed by local residents regarding the impacts of the scheme on local amenity, including potential for disruption. The proposed revised hours of operation are slightly shorter than previously proposed and are broadly consistent with consented quarrying operations for the site. This is envisaged to provide additional mitigation to the amenity of closest residential properties. Other planning conditions as outlined in this report will provide further protection of local amenity. The implementation of a local liaison committee can also be secured by means of planning committee to enable local amenity issues to be discussed and addressed by the operator. The scheme is therefore considered to accord with policies 26, 27 and 28 of CRMLP, DC3, DC13 of MBLP, and the approach of the NPPF.

### **Other matters**

In the period after the application was considered by Strategic Planning Board, the landowner's representative identified a technical error made by the applicant on the application form with regards to the applicants details and consequently the associated certificates. In order to address this, the applicant rectified the error, and this amendment, along with the revisions to the scheme identified above was subject to a further round of consultation.

The landowner's representative has noted that the applicant has a mineral lease for mineral extraction and exploitation which expires in 2017; and which allows the applicant to terminate

the lease at any point subject to providing 3 months notice. They state that the landowner retains all rights over the land and have also indicated that the landowner is unlikely to be willing to enter into any s106 legal agreement associated with this application.

With regards to this point, the planning authority should be concerned with whether the development is an acceptable use of the land. The case was previously approved by Strategic Planning Board subject to the provision of a s106 legal agreement for long term management of the site for Nature Conservation and control of vehicle movements which was deemed both reasonable and necessary to make the development acceptable and in this respect complied with the CIL Regulations. This remains the case with the latest revisions to the scheme.

Under the planning legislation any individual can apply for planning permission without requiring ownership of the land in question; and the willingness of interested parties to enter into a legal agreement is a civil matter to be addressed by those parties concerned, and is not material to the consideration of this application. With regards to the specific clauses on the mineral lease, the s106 agreement would tie all interested parties including the landowner and leaseholder into the requirements of the legal agreement, and there would be mechanisms established within that legal agreement to ensure its obligations are complied with in all eventualities.

The landowners representative also notes previous legal proceedings over use of the land for unauthorised activities by the applicant. These points are not material to the consideration of this application.

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

The scheme presents a sustainable means of diverting construction, demolition and excavation waste away from landfill and enables an unstable quarry to be restored and have a viable end use. The site has consent for quarrying and the impacts associated with this scheme largely reflect in scale and nature those previously consented.

Impacts associated with highways, amenity issues, contamination, visual impacts and environmental health can be adequately controlled by means of planning conditions. Suitable controls are also in place under other environmental legislation to control the processes and pollution control aspects of the scheme.

It is considered that all potential environmental impacts can be adequately mitigated and the scheme offers an overall benefit in terms of landscape and ecological enhancement. Subject to securing the range of planning conditions set out and a s106 legal agreement for long term management of the site for nature conservation interests and control of vehicle movements, the scheme is considered to accord with the policies of the development plan, as well as PPS10 and NPPF.

### **RECOMMENDATIONS**

**APPROVE** subject to entering into a Section 106 agreement to secure:

- 1. a 10 year extended landscape and nature conservation management scheme;**

**2. restriction on HGV movements associated with the scheme to an average of 300 movements a day in the event that both Gawsorth and Rough Hey Quarries are worked concurrently;**

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

- 1. Duration and sequence of working**
- 2. Phased restoration**
- 3. Hours of operation**
- 4. Control over type of material imported**
- 5. Highway vehicle movements**
- 6. Control over noise and dust**
- 7. Plant and machinery**
- 8. Pollution control**
- 9. Drainage scheme**
- 10. Protection of footpath**
- 11. Protection of trees**
- 12. Soil storage and handling**
- 13. Site maintenance and maintenance of access road**
- 14. Details of lighting**
- 15. Submission of detailed landscape and nature conservation management plan**
- 16. Establishment of a liaison committee**
- 17. Control of invasive species**
- 18. Submission of soil tests**
- 19. National vegetation surveys and common standards surveys at each phase of development**
- 20. Biennial national vegetation surveys and common standard surveys for duration of management period.**

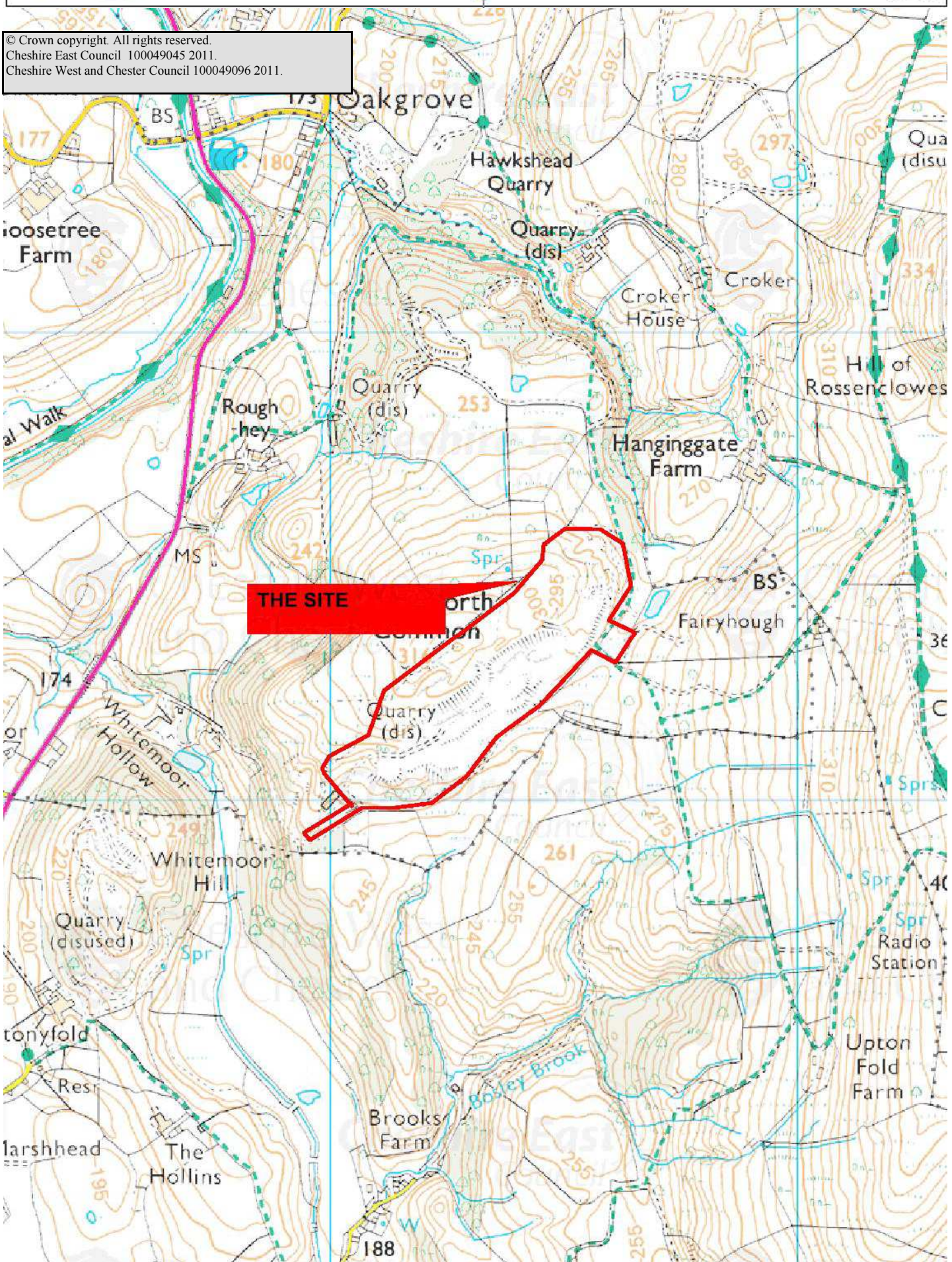




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Application No: 13/4150N

Location: Land to West of, Close Lane and North of Crewe Road, Alsager, ST7 2TJ

Proposal: Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms). Re-submission of 13/1305N

Applicant: Muller Property Group

Expiry Date: 03-Jan-2014

#### **SUMMARY RECOMMENDATION - REFUSE**

##### **MAIN ISSUES**

**Planning Policy and Housing Land Supply**

**Affordable Housing**

**Highway Safety and Traffic Generation**

**Landscape Impact**

**Hedge and Tree Matters**

**Ecology**

**Amenity**

**Open Space**

**Drainage And Flooding,**

**Sustainability**

**Education**

**Health**

**Other issues**

**Planning Balance**

#### **REFERRAL**

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

The application is a also a resubmission of application 13/1305N, (update reported separately on this agenda) which is the subject of appeal due to be held by Public Inquiry from 26 April 2014.

## **1. SITE DESCRIPTION**

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Oakhanger ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The application site is currently rough grassland subdivided into a number of small paddocks, abutted to the north by an area of woodland and to the west by the wider agricultural landscape and beyond this the M6 motorway. To the south the site is bound by the residential development at Delamere Court, Close Lane forms the eastern boundary of the site, to the east of which is an extensive area of residential development. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The eastern side of Close Lane features the mixed 1960's onwards bungalow and housing development of Alsager.

The site contains two Tree Preservation Orders identified as CNBC (Delamere Close Lane Alsager) Area 1 located within the south eastern corner of the site with the Order served in 1984. A more recent Tree Preservation Order has been served in 2013, known as the (Alsager – Land to the west of Close Lane) incorporating a group of elder and oak to the northern periphery of the site and three individual oak trees, 2 of which are to the Close Lane frontage.

## **1. DETAILS OF PROPOSAL**

The application is a resubmission of a previously refused, identical application which is currently under appeal. This seeks outline planning permission for 76 family (1 to 4 bed) dwellings and 56 dwellings for the over 55's (1 and 2 beds) with all matters reserved. A single access onto Close Lane is indicated, however, internal street layout is not being applied for. An illustrative site layout is provided in support of the application which indicates access to Close Lane.

The illustrative masterplan indicates development zones for the 76 family sized units of which 23 are required to be affordable/shared ownership homes (one to three bed) adjoining the existing modern developments in Delamere Court and Kensington Close. A further zone of sheltered market and affordable units is indicated to the north of the site.

Overall there is 1.28 ha of open space, including a play area. An undeveloped zone comprising the Yew Tree Farm Local Wildlife Site (formerly Site of Biological Importance) forms part of the site adjoins the proposed Public Open Space and play area to the western part of the site.

A total of 30% of the dwellings and sheltered accommodation is proposed to meet affordable housing criteria in accordance with policy requirements.

Revised details have been provided which include the provision of a length of pavement along the site frontage and from Delamere Court to Nursery Lane and the submission of additional

Heads of Terms for the provision of funding of £250,000 over a 5 year period for an additional bus service along Close Lane.

## **2. RELEVANT PLANNING HISTORY**

13/1305N Outline planning application for a mixed residential scheme to provide affordable, open market, and over 55's sheltered accommodation, open space (76 family dwellings comprising one to four bedrooms and 56 dwellings for the over 55's comprising 1 and 2 bedrooms) - all matters reserved – Refused 21 June 2013 (Currently under appeal)

## **4. PLANNING POLICIES**

### **Crewe and Nantwich Local Plan Policy**

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **Other Material Policy Considerations**

National Planning Policy Framework

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

North West Sustainability Checklist

Strategic Housing Land Availability Assessment

### **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

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

#### **Cheshire East Local Plan Strategy – Submission Version**

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

## **4. OBSERVATIONS OF CONSULTEES**

### **Environment Agency**

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

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted FRA demonstrates that the maximum discharge rate is to be restricted to approximately 5 litres/second, which is acceptable in principle. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

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

- A 5 metre wide undeveloped buffer zone alongside the *watercourses* shall be provided
- A scheme to manage the risk of flooding from overland flow of surface water shall be approved
- The Indicative Masterplan indicates that access will be gained over the ordinary watercourses in several places. It is unclear if it is intended to use culverts.

The Agency seeks to resist the use of culverts. If culverting can not be avoided then it should be as short a length as possible. The plans should demonstrate to our satisfaction what impact the proposed culverting would have and how compensatory works would address this. Full details of working methods and timing, treatment of bed material would be required.

## **Greenspaces**

### Public Open Space

On site provision is located to the southern part of the site adjoining the local wildlife site, and in a linear strip through the central portion of the site.

It is not the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

### Children and Young Persons Provision

For a development of this size a LEAP as detailed below is required.

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. The Greenspace Division would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

The future maintenance would require a management plan and regime. This would require a S106 Agreement.

## **United Utilities**

No objection to the proposal subject to the following conditions:

- This site is drained using a total separate system with only foul drainage connected into the public sewerage system.
- Surface water should discharge directly in to the watercourse crossing the site which may require the consent of the Local Authority.

- For the avoidance of doubt, no surface water flows shall communicate with the public sewerage system via direct or indirect means.

### **Strategic Manager Highways**

No objection subject to conditions and a financial contribution of £250,000 towards the delivery of an additional bus service to serve the site and Close Lane for a period of 5 years (£50,000 per annum)

### **Environmental Health**

No objection subject to standard conditions including hours of development, air quality, contamination and the provision of acoustic 2m high fencing to those boundaries of the site and a scheme of acoustic ventilation to houses as detailed on the indicative plan as being closest to the motorway

### **Adult Services**

No response but previously raised no objection to the provision of sheltered accommodation for the over 55's on application 13/1305N

### **Education**

A development of 76 dwellings will generate 14 primary and 10 secondary aged pupils.

The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. The primary schools are showing that there are forecast to be 48 unfilled places by 2016 and 52 unfilled places by 2016. The secondary school is showing 166 unfilled places by 2019.

Currently there are a number of planning applications within the Alsager area, with an application on Crewe Road approved and generating 11 primary aged pupils and an application in on the former Twyfords site having a resolution to approve subject to conditions generating 54 primary aged pupils. By including these pupil numbers then a contribution will be required towards primary education. The required contribution is therefore  $14 \times 11919 \times 0.91 = £151,848$

No contribution will be required towards secondary education as there is sufficient capacity in the local secondary school.

### **PROW UNIT**

Footpath Haslington No 48 runs through part of the site.

Inclusion of the Public Footpath within the Public open space of the site would appear a sensible proposal should the development proceed. The route could be left as a grass-surface path to be maintained within the Open Space management arrangements. The suggestion of a line of trees on the boundary of the site adjacent to the public right of way is viewed with caution, as tree limbs and roots may impede on the public footpath and will require more management.



The link from Close Lane to the public footpath across the top of the site would be supported as it would provide both new and existing residents with a connection to the wider public rights of way network.

The proposal for pedestrian and cyclist access on to Close Lane be would match with prospective users' main desire lines to the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

**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 / TOWN COUNCIL**

Haslington Parish Council objects on the following grounds -

The majority of the proposed development site is still based on Grade 2 "best and most versatile land" which is outside the settlement boundary for Alsager and located in the open countryside of Oakhanger within the parish of Haslington.

The proposed development is in open countryside, is not infilling a small gap or essential for agriculture etc. and therefore contrary to Crewe & Nantwich Borough Council policy NE.2

The site is not identified in the 2012 SHLAA, it is not included as a development site in the agreed Alsager Town Plan.

The proposed development still includes properties very close to the existing dwellings in Delamere Close and Kensington Close contrary to policy BE.1 Amenity

The Landscape and Visual Impact report still contains photoviews showing what appear to be quite tall new houses, with the ground floor level somewhat above the existing road level. The houses appear to be very "boxy", they appear to be contrary to policy BE.1 Amenity and BE.2 Design Standards, they adversely impact the streetscene by reason of scale, height and proportions. The inclusion of hipped or half-hipped roof would reduce the impact on existing neighbours.

The proposed development is not in Alsager, but is in the rural community of Oakhanger, part of the parish of Haslington. The rural area is not in need of development on the proposed scale, the urban area of Alsager has available brownfield sites that should be developed before greenfield land in adjoining rural communities is considered for development.

The Flood Risk Assessment details several open and culverted ditches that accept water from surrounding land, road drains and a United Utilities (UU) pumping Station. The UU plans in Appendix 5 in the report show only foul sewers feeding the Close Lane pumping station, which has a consent to pass water into the adjoining ditch. Appendix 8 shows photographs of various ditches around the site, photo 4 shows the ditch closest to the Close Lane pumping Station with discoloured water flowing into the site. The implication is that this is overflow from the foul

sewerage pumping station i.e. untreated domestic sewage. The plans shown in Appendix 7 show the outfall from the pumping station to flow through the development via the area proposed for sheltered housing, alongside the SUDS and through the public open space and play area into adjoining fields.

The application proposes to run untreated sewage through most of the watercourses within the development which must be considered a health risk and unacceptable design.

The single access point to the proposed development would become the 5th road junction on Close Lane within 250m, adding to road safety concerns for pedestrians, cyclists and motorists.

The proposed location of affordable homes and those aimed at more elderly residents requiring sheltered accommodation, so far away from the main shopping, health services and schools which are located towards the centre of Alsager seems perverse and unsustainable being highly dependant on car travel.

### **Alsager Town Council**

Strongly objects to the proposed development on the following grounds:

a. The application is a significant intrusion into a currently undeveloped area and the surrounding open countryside and extends out from brownfield sites are exhausted, to ensure that greenfield sites, which give access to the countryside, are protected and preserved against residential development. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision details 'there would be serious harm resulting from the impact of the proposal on the character and appearance of the countryside, and consequent conflict with the development plan policies noted earlier, which carry significant weight. This harm to character and appearance is significant and is demonstrable. Such harm is not to be taken lightly and has, in my judgement, been underestimated by the Appellant.' It is the Town Councils considered opinion that this ruling equally applies when determining this application.

b. A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.

c. The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open spaces and wild life. This site is a refuge for flora and fauna and this natural habitat should be preserved as such.

d. Cheshire East Council have consulted with neighbouring authorities on the 1000 house contained within the draft strategy, Stoke on Trent and Newcastle Under Lyme Councils have made it clear that they have significant reservations in relation to development close to the common boundaries with South East Cheshire which may have a detrimental impact on the regeneration of their areas. This proposal is in addition to the 1000 houses allocated for Alsager and could further compromise their regeneration aspirations. It should be noted that in the recent Appeal on Sandbach Road North, the Planning Inspectors Appeal Decision, on the subject of 'impact of adjoining authorities' it details 'it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at the

stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.'

e. The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. The Strategy was subject to a widespread democratic consultative process which built a consensus in the Town. This Strategy clearly accepts the need for housing growth but strongly emphasises the fundamental principle of ensuring brownfield sites should be fully utilised before greenfield sites are considered for development. This principle is fully in line with NPPF 17. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.

f. Alsager is unsustainable as a Key Service Centre as it does not even meet Cheshire East Council's own criteria for a Key Service Centre and it has only been identified as the equivalent of a Local Service Centre in terms of the proportion of jobs available. Alsager requires an appropriate balance between employment and residential development. Any development above Alsager's housing allocation would further reduce the proportion of jobs available. It is also noted that Alsager does not satisfy the criteria of a Key Service Centre on infrastructure grounds, as a number of the roads in Alsager are already operating above capacity.

g. This particular application when taken 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 of the town as a whole and would place unsustainable pressure on the town's infrastructure and services.

h. It has been identified in the application that the water table across the whole of the site is persistently high, therefore Cheshire East Council should undertake their own assessment of the site and the possible risks of this development in relation to waterlogging and flooding.

i. The agricultural land classification report contained within the plan, details that of the 5.2ha of land, 2.9ha is Grade 2 'best and most versatile' land. The indicative layout shows that the majority of the housing development would be built on this prime land whilst the 'linear open space' falls on the least prime grade 5 land which is subject to waterlogging. The application details that the area of 'public open space' retains the potential to be returned to agricultural use.

j. 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 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. When the M6 closes, traffic is rerouted along Crewe Road which only exacerbates the situation. Close Lane is already hazardous and in a state of disrepair and can be congested at school times and by commuters. 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.

k. The proposed location of affordable homes and retirement dwellings for the over 55's are totally unsuitable as they are too far away from the main shopping, health services and other facilities in the centre of Alsager, leaving these residents isolated and the housing development totally unsustainable. Any residential retirement homes should be built close to all amenities and facilities to enable residents to stay socially active, with regular and frequent bus/transport facilities to cater for needs.

l. There is a problem on this site with discharge of sewerage from the nearby pumping station which is a serious health hazard. Tankers have previously been witnessed pumping sewerage out of the ditch on the site, therefore Alsager Town Council require Cheshire East Council to approach United Utilities to clarify the position with the utility companies existing dispensation to discharge sewerage into the ditch.

m. Noise levels from the M6 have been recorded above 72dB on Dunnocksfold Road which joins Close Lane. Planning Policy Guidance states that if noise exposure levels for new dwelling exceed 72dB then planning permission should normally be refused.

## 6. OTHER REPRESENTATIONS

Circa 450 individual representations to the original and revised schemes have been received making the following objections :

### Principal of development

- Contrary to the Alsager Town Strategy policy
- There is sufficient brownfield land in Alsager to accommodate new houses that need to be built without any greenfield or open space being used
- The proposed development would not result in sustainable development
- Loss of Green belt land – do local peoples views count for nothing
- All new housing should be on brownfield land
- Impact upon the rural landscape
- Loss of good quality agricultural land
- There is no need for more housing in Alsager
- There is a lack of employment in Alsager
- 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
- Local infrastructure of services cannot cope with this additional development
- Priority should be given to brownfield sites

- Alsager is area of restraint to allow Stoke and Newcastle to develop. These Authorities have expressed concern at the level of applications in Alsager
- Footpath provision to Close Lane does not negate the road safety impact of this proposal
- Flooding and drainage problems already occur on Close Lane, this will further add to the existing problems

### ***Lack of Need***

- This proposed development is excessive in its use of green land, would produce excessive traffic nuisance on Close Lane and would create a precedent of free for all and reckless development of the Cheshire countryside.
- No different from previous refused application
- Plenty of empty houses and houses for sale in Alsager
- Proposed bus service is a sop which does not overcome the previously expressed objections to the lack of sustainability of the site by the local community

### **Infrastructure**

- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Lack of medical facilities in the village
- Doctors surgeries are full
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- The future elderly residents will be isolated due to lack of
- Insufficient medical services
- Sewage pumping station on Close lane is often overloaded
- The addition of a footpath alongside the proposed development, and from Delamere Court to Nursery Lane is a token gesture to the road safety issues along Close Lane - a rural roadway that is currently not fit for purpose and the addition of more vehicles from the development will create dangers for motorists and pedestrians. Any person using the suggested footpath will need to cross Close Lane and it can hardly be considered an answer to the roadway problems.
- The risk of sewage flooding has increased considerably thanks to the block of flats constructed by Muller Properties at the end of Close Lane.  
There is also additional sewage generated by the Muller office located there.

### ***Sustainability***

- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars
- Poor bus service on Close Lane limit opportunities for the residents of the any new development to travel by public transport.

- The 5 year contribution to the bus service is not sustainable , what happens after 5 years – people will be left on a limb. This is a short term proposal by the developer leaving a legacy of problems
- Too far from town amenities for a home for the elderly

#### **Amenity**

- Noise and disturbance during construction

#### **Ecology**

- The site is home to a diversity of wildlife including protected species, inc Great Crested Newts
- There are several healthy oak trees which deserve protection.
- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.

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

- Close Lane is a country lane that is badly in need of repair. There is no footpath in many parts including outside my own property. There are bad bends and in parts it is not possible for 2 vehicles to pass. I regularly walk in Close Lane and feel extremely vulnerable because of this. The road is used by residents of Close Lane, Dunnocksfold Road and all the Housing Estate behind these. It has never been adapted to accommodate the level of traffic pedestrians and children walking to school so how can this country lane possibly accommodate a new housing estate?
- Provision of footway from Delamere Court to Nursery Lane is token gesture which does not address the road safety concerns on Close Lane. Any person using the suggested footpath will need to cross Close Lane .
- Proposed access will unsafe being on the narrowest part of Close Lane

Civitas Planning Ltd, on behalf of Renew Land Ltd, the owner of White Moss Quarry object on grounds that the proposal has not addressed the previous reason for refusal with regard to sustainability.

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

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

- Statement of Community Involvement
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment

- Agricultural Land Classification Assessment
- Open Space Assessment
- Affordable Housing Statement
- Alsager Housing Market Assessment
- Planning Statement
- Ecological Surveys
- Tree Survey
- Landscape and Visual Impact Analysis
- Updated Heads of Terms for Legal Agreement

This are all available to view on the case file.

## 8. OFFICER APPRAISAL

### Main Issues

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

### Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

### Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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

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

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

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

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

In reaching this conclusion, the Inspector memorably noted that:

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

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

### **Sustainability**

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.”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),

- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Childrens playground (500m)

In this case the development site meets the following sustainability distances:

Amenity Open Space	on site
Children's Play Space	on site
Playground / amenity area	on site
Bank or cash machine	960m
Primary school	660m
Secondary School	1580m
Public house	1000m
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:

Convenience Store	900m
Outdoor Sports Facility	1580m
Supermarket	1650m
Dentist	1580m
Post office	2450m
Pharmacy	1900m
Medical Centre	2580m
Railway station	2650m
Nursery	1650m
Local meeting place / community centre	2350m
Library	2250m
Post Box	800m

Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

Two recent appeal decisions which were refused on locational sustainability grounds but were allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non-members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
  
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

The Applicant has also sought to address the reason for refusal under application 13/1305N by providing an additional pavement along the site frontage and along Close Lane from Delamere Court to Nursery Lane.

Thereby creating a footpath link for the length of Close Lane to Crewe Road on at least one side of the road. This is a significant improvement to the sustainability credentials of this site, particularly given the comments of Inspectors detailed above.

The Applicant has also provided Heads of Terms to provide a contribution for funding of an additional bus service to travel along Close Lane in peak hours which, in conjunction with other contributions in the area will be able to subsidise an additional bus service along Close Lane for a period of 5 years. Five years is considered to be a sufficient time frame to allow a bus service to reach a level of patronage that can sustain itself after the subsidy is removed. These revisions are significant and are considered to address the locational sustainability criticisms of the scheme as originally submitted.

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.

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Dwellings will for the most part face south, south east or south west, SUDS will be used. The Over 55's units will be Lifetime Homes.

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

In conclusion, it is considered the Applicant has addressed the sustainability concerns as previously expressed and that in the light of the addition of a bus service to be part funded by this development and the completion of pavement along the length of Close Lane to Crewe Road by virtue of the proposed provision of a footway from Delamere Court to Nursery Lane which would allow for pedestrian access for the length without having to walk on verges or within the road and thereby providing access to the frequent bus service along Crewe Road to Alsager and Crewe.

These, when taken together with the wider interpretation of sustainability emerging within the Inspectors Appeal Decisions, it is considered that a refusal on the grounds of the sustainability credentials of the proposal can no longer be sustained.

### **Loss of Agricultural Land**

Policy NE12 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and

food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

However, the National Planning Policy Framework highlights that the use agricultural 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.

The applicant has submitted an agricultural land classification study which concludes that 2.9 hectares of the site (5.2 hect in total) is an area of Grade 2 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grade 5 and non agricultural land, the latter confined to a woodland and Local Wildlife site (formerly SBI) located within the site.

Given the proposal involves the loss of an element of Grade 2 land, it is necessary to refer to the other tests in Policy NE12. Given that the Council now has a housing land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan.

### **Affordable Housing**

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

The IPS also sets out that the preferred tenure split of the affordable is 65% social rent (affordable rent would also be acceptable in Alsager), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment 2010.

As the proposals for both the family dwellings and over 55's dwellings contain more than 15 units there is a requirement for affordable housing on both.

The site is located in Haslington ward. However it is directly adjacent to Alsager and the built up area of Haslington is physically remote from the site at the opposite side of the parish. The affordable housing need for Alsager has been considered;

The Strategic Housing Market Assessment Update 2013 identified a net requirement for 54 new affordable homes each year between 2013/14 – 2017/18, made up of a need for

38 x 2 beds

15 x 3 beds

2 x 4+ beds

5 x 1 bed older persons dwellings.

(The SHMA identified an over-supply of 6 x1 bed dwellings resulting in the net requirement for 54 affordable homes)

There are currently 423 active applicants on the waiting list with Cheshire Homechoice who have chosen one of the Alsager rehousing areas as their first choice, these applicants have

stated they require 155 x 1 bed, 140 x 2 bed, 74 x 3 bed & 19 x 4 bed properties (35 applicants did state how many bedrooms they needed).

The affordable housing requirements for this site are 30% of the family dwellings and 30% of the over 55's dwellings, based on the numbers on the application this would equate to a requirement for 23 affordable family dwellings, 15 of which should be social or affordable rent & 8 intermediate tenure and a requirement for 17 affordable over 55's dwellings, 11 should be social or affordable rent & 6 intermediate tenure.

The applicant has given an indicative mix of affordable housing as 6 x 1 bed and 5 x 2 bed social/affordable rented dwellings, 3 x 2 bed and 3 x 3 bed intermediate dwellings and 11 x 1 bed over 55's social/affordable rented dwelling, 6 intermediate over 55's dwellings. Although the SHMA 2010 identified a slight over supply of 1 bed dwellings in Alsager there are more applicants who require 1 bed properties than any other type in Alsager on the Homechoice waiting list and Housing Strategy Manager accepts with this indicative mix.

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

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

It is the Housing Strategy Managers' preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

*"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"*

It also goes on to state that

*"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"*

In terms of the over 55's dwellings, the IPS recognises that some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to

meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution (30%) from these schemes. The Applicant considers that this part of the scheme adds weight in the planning balance, although the application details do not elaborate upon the nature of the sheltered accommodation.

### **Air Quality**

The site is not located within or close to any designated Air Quality Management Areas. Nevertheless, given the proximity of the M6 and the size of the site at the request of Environmental Health Officers, an Air Quality Assessment has been submitted by the developer.

### **Flood Risk and Drainage**

The majority of the application 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.

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

### **Design**

The application is fully 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, parking areas and the public open space /children’s play area. The properties located at corner plots have the potential for dual-frontages.

To the Close Lane frontage the dwellings would be set behind a hedgerow and mature high amenity trees along the frontage are retained to act as a green buffer to the proposed development. According to the indicative plan, the open space would be located centrally and along the stream which would act as green corridor along the eastern boundary of the site. The indicative layout is therefore considered to be an appropriate coverage of the site in principle.



## **Amenity**

The layout and design of the site are reserved matters. 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, although this will need to be considered further via reserved matters, if the principal of development is accepted It is therefore concluded that a development could be designed to be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

## **Landscape Impact**

The site itself is open farmland with a pattern of hedgerows, a Site of Biological Importance and has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a mature Oak and a Pine located

There is no landscape designation on the application site. The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain.

The assessment also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 10: Lower Farms and Woods; within this character type the application site is located within the Barthomley Character Area: LFW7. As part of the assessment the area has been further characterised into a number of smaller character types including LCT 1: Settlement, LCT 2: Urban Edge Horsiculture Farmland, LCT 3: Mixed Agricultural Fringe, LCT 4: Transport Corridors, LCT 5: Peat workings and LCT 6: Undulating Rural Plain. The site is identified as being within the LCT 2: Urban Edge Horsiculture Farmland type.

There are a number of farmsteads and more isolated residential dwellings surrounding the site, including Yew Tree Farm, Moss End Farm, Orchard Cottage and Ashfields. Footpath 48 Haslington is located along much of the western boundary of the application site and links with Footpath 20 Haslington, which is located slightly further to the west.

The application site is an attractive relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees and woodland, but influenced by the surrounding residential developments. The site has the landscape capacity to accommodate future residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan has been included, the Landscape Architect has stated that in the site Masterplanning, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;

- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

Overall, subject to the retention in important features and consideration of the sensitive receptors within the site (such as the PROW Haslington FP48) the site has the landscape capacity to accommodate future residential development of the scale indicated, providing that it is well planned and designed and takes due account of the existing landscape features of the site.

### **Trees and Forestry**

There are a number of trees and lengths of hedgerow are within the site. Two high amenity value Oak trees and a high amenity Pine tree would be affected by the proposed site access.

The application is supported by a Tree Survey Report. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard 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 Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

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

Following detailed discussions the revised submitted illustrative masterplan (Rev O) and particulars illustrate which trees are suggested for retention including those within the intended areas of POS. The re-positioning of the single main access onto the site away from the high value Category A Oak trees located on the Close Lane road frontage; removes any objection to this aspect of the scheme.

The current layout removes the contentious length of highway footpath which threatened the long term retention of the same specimen Oaks within the original application. The re-positioning of the access path within the site under a “no dig” engineered design solution can be accommodated by the existing ground levels, and also removes the need for an adoptable standard as required by highways. A “no dig” construction in accordance with section 7.4 of BS 5837:2012 can be conditioned and would ensure the continued well being of the trees, allowing them to be retained as an amenity feature within the street scene

As an over view the illustrative masterplan depicts the development occupying the areas presently represented by open pasture land grazed by horses, with the collective and individual presence of trees located either within projected POS areas, and private rear gardens. The key

to any successful future implementation subject to planning approval be granted will be an adherence to an arboricultural constraints plan, with adequate space provided to accommodate future tree growth potential.

For the purposes of any reserved matters application, the position of the closest build plot to the Oaks on Close Lane would have to be amended. Other pinch points associated with the sheltered accommodation block will also have to be reviewed. These elements can only be fully evaluated once a final site layout plan has been produced as part of reserved matters. However, these could be controlled by conditions.

## **Ecology**

The site contains a non-statutory local wildlife site Yew Tree Farm Local Wildlife Site (formally known as Sites of Biological Importance). Policy NE8 states that permission will only be granted for development on such sites which adversely affect such sites will only be granted where the reasons for the development outweigh the nature conservation value and subject to appropriate mitigation

In this instance it is being proposed that the Local Wildlife Site be incorporated into the open space provision for the development. This approach is acceptable to the Councils Ecologist provided that the proposed usage of the open space is low key and restricted to informal foot paths or similar and secondly that outline proposals for the enhancement and ongoing management of the SBI are adhered to. These proposals could then be made the subject of a condition if consent was granted. Appropriate long term management may include low level grazing by traditional breed cattle. No tree planting should be proposed within the boundary of the local wildlife site.

### Great Crested Newts

No evidence of this species was recorded during the submitted surveys and the Ecologist is satisfied that the proposed development is not reasonably likely to have an adverse impact on this species.

### Reptiles

A grass snake has been recorded on site. This species is likely to range over much of the site, however only a certain proportion of the site is likely to provide habitat of any particular value. In the absence of mitigation the proposed development poses the risk of killing or injuring any animals present on site when the works are undertaken and the proposed development would also result in the loss of foraging opportunities for the species.

Reptile mitigation proposals have been submitted. Mitigation for the loss of foraging habitat be compensated for by the construction of a pond designed to provide breeding habitat for frogs, a major prey item of the species. A hibernacula and compost heap (for egg laying) should also be provided. The compost heap could potentially be created with grassland arisings generated by the management of the proposed open space area.

The reptile mitigation are should be located adjacent to but not within the SBI.

### Botanical Survey of field adjacent to SBI

After considering the survey information submitted in respect of this application the Ecologist is satisfied that this field is not of significant enough ecological value to present a constraint on the proposed development.

#### WaterVole

The submitted Phase One habitat survey identifies a ditch in the south eastern corner of the site as having potential to support water voles. To avoid the need for a full water vole survey is suggested that an undeveloped 8m buffer zone be provided along the ditch. This matter could be secured by condition

#### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The hedgerow along the western boundary of the site should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

#### Breeding Birds

Standard conditions are required to safeguard breeding birds.

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

Policy BE3 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.*

A Transport Assessment has been submitted. The Strategic Highways Manager is of the opinion that the site can be appropriately and safely accessed via Close Lane .

This proposal as previously submitted under reference 13/1305N was refused, in part, for the following highway reason –

***'The proposed development by virtue of its isolated location and limited accessibility to bus services along Close Lane and the undesirable walking environment along Close Lane due to the lack of pavement on both sides of Close Lane, is likely to be a car dependant development and thereby comprises unsustainable development contrary to the NPPF.'***

In the assessment of the previous application the locational sustainability of the site was considered poor and the site was considered to a undesirable walking distance from the facilities within the village and centre and local. Public transport provision in the local area is very infrequent and only limited destinations can be reached from Close Lane for very limited, off peak times of the day.

The bus service on Close Lane itself only runs after 10 am on a weekday until mid afternoon. Therefore, it is likely that this development, for residents who are working or going to school would be a car reliant development and is not consistent with policy concerning sustainable development.

However, for the purposes of this application, mitigation has been put forward by the developer to address the sustainability reason for refusal.

There are also improvements proposed to Close Lane to provide a footway on the western side from Nursery Road to Delamere Court. This will complete the provision of a pavement on at least one side of Close Lane for its length to Crewe Road. The developer has also undertaken to provide £50,000 per annum for a period of 5 years (total £250, 000) as a contribution to part fund an additional bus service to serve this development site along Close Lane.

The applicant has submitted a new access design which provides sufficient visibility in both directions on Close Lane. The design now incorporates a footpath which is set back from the frontage of Close Lane and connects to the junction with Delamere Court.

Previous highway comments on this application raised objections in relation to the sustainability of the site. The applicant has sought to address these concerns in this application by providing improved footpath links to the and also providing a contribution to improve bus services in the locality of the site. The bus service would be subsidised for five years and provide a peak hour service along Close Lane and linking to the town centre.

Although the traffic impact of the development was not previously considered to be severe in NPPF terms such as to warrant refusal on safety grounds, the traffic impact of the development has been re-examined in light of other committed residential development schemes that have recently gained permission in Alsager.

The Highways Department have completed a study of all of the major junctions in Alsager with all committed and Local Plan site allocation added to existing background flows. The results of the study show that the Close Lane/Crewe Road is not one that will have capacity problems and although some of traffic associated with this site will be distributed through junctions in

Alsager that have been shown to have problems, the number of trips cannot be deemed severe.

In summary, therefore, the provision of the improved infrastructure and financial contribution towards public transport would make it difficult to continue to support a sustainability refusal on the application. In these circumstances, the Strategic Highways Manager no longer raises sustainability objections to the application subject to a S106 contribution of £250,000 over 5 years and the provision of the off-site footway works to be the subject of a S278 Agreement.

## **HEADS OF TERMS**

If the proposal were to be approved and for the purposes of the current appeal on this site, the following Heads of Terms comprising a s106 legal agreement would be necessary -

**1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units ) 35% intermediate tenure.**

**2 The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private residents management company. The private management company to maintain all Amentiy Greenspace, public footpaths and greenways within the site, play areas, and other other areas of incidental open space not forming private gardens or part of the adopted highway'**

**3. Education contribution in respect of primary provision of £151,848**

**4. Bus service contribution of £50,000 per annum for a period of 5 years from 1st occupation of the site**

In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.

## **Community Infrastructure 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 school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space and the bus service contribution would help the scheme to comply with local plan policies and the NPPF.

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

## **CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposal would have a significant landscape and visual impact given that a rural landscape will change, however, a development could be accommodated provided that existing landscape features are sympathetically treated, particularly from within the sensitive receptors adjoining the site such as the PROW network and Close Lane. It is inevitable that the proposal would affect the visual character of the landscape by building upon it.

This proposal will be subject to an appropriate access being accommodated on Close Lane can safeguard trees that contribute to the amenity of the area.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

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

The proposal will result in the loss of Grade 2 agricultural land. The sequential approach to the development of agricultural land as set out in the NPPF has not been complied with.

The site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit for a significant number of those amenities/facilities. However, the scheme will provide for the completion of a pavement for the length of Close Lane to Crewe Road and a financial contribution to an additional bus service to serve Close Lane at peak times.

**RECOMMENDATION**

**REFUSE** for the following reason:

1. The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of agricultural land within the open countryside contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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





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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 18 March 2013

**Report of:** David Malcolm – Interim Planning and Place Shaping Manager

**Title:** 13/1305N - Land to the west of Close Lane, Alsager

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#### 1.0 Purpose of Report

- 1.1 To consider the withdrawal of part of the reason refusal relating to planning application 13/1305N for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms).

#### 2.0 Decisions Required

- 2.1 To agree to withdraw that part of the reason for refusal which relates to locational sustainability and the car borne travel in respect of the above application and to instruct the Interim Planning and Place Shaping Manager not to contest these issues at the forthcoming public inquiry.
- 2.2 To resolve to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms set out below. These Heads of Terms are additional to those previously authorised by the Board.
- **A financial contribution towards to provision of an additional bus service serving Close Lane of £50,000 per annum for a period of 5 years. (£250,000 total contribution)**

#### 3.0 Background

- 3.1 Members may recall that on the 19<sup>th</sup> June 2013, Strategic Planning Board refused to grant outline permission for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms) for a site to the west of Close Lane in Alsager (13/1305N). All matters were reserved.
- 3.2 The Strategic Planning Board refused the application on the following ground:

***The proposal site is an unacceptable housing site by means of its lack of accessibility to sustainable forms of transport, its isolation and the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan). In addition, the Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.***

- 3.4 The Strategic Planning Board also resolved, for the purposes of any appeal to delegate the authority to The Planning and Place Shaping Manager in consultation with the Chairman of the Strategic planning Board to enter into a S106 Agreement in respect of the following;

**1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units ) 35% intermediate tenure.**

**2 The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private resident's management company. The private management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway'**

**3. Education contribution in respect of primary provision of £151,848**

- 3.5 The Appeal is by way of Public Inquiry due to start on 29 April 2014.
- 3.6 A Duplicate application (13/4150N refers) was subsequently submitted in early October 2013. The application includes additional provision of a footway from Delamere Court to Nursery Lane on Close Lane. This provision will result, together with the footway provided as part of the proposal to the site frontage, in the complete provision of a pavement along Close Lane to Crewe Road and the submission of additional Heads Of terms for the provision of funding of £250,000 over a 5 year period for an additional bus service to serve the development site via Close Lane.
- 3.7 Application 13/4150N is considered elsewhere on this Agenda. Inspectors have determined that locational sustainability / accessibility is but one element of sustainable development and it is not synonymous with it.

Two recent appeal decisions which were refused on locational sustainability grounds but were allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
  
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

3.8 The importance of the provision of the completion of a footway along Close Lane to Crewe Road in this case, as part of the resubmitted scheme is comparable to the comments by the Hankelow Inspector concerning viable alternative means of transport being available to future residents.

#### **4.0 Conclusion**

- 4.1** On the basis of the above, it is considered that the Council should withdraw the locational sustainability and reliance on the private car element of the reason for refusal, amend the wording of the reason for refusal accordingly and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

#### **5.0 Recommendation**

- 5.1** That the Committee resolve to withdraw the part of the reason for refusal concerning the locational sustainability and reliance upon the private car and amend the reason for refusal as that in application 13/4150N;

**The proposed residential development is unsustainable because it is located within the Open Countryside involving the loss of agricultural land within the open countryside contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

- 5.2** To instruct the Interim Planning and Place Shaping Manager not to contest the locational sustainability and lack of accessibility issues at the forthcoming public inquiry in respect of application 13/1305N.
- 5.3** Resolve to add additional clauses to the previously resolved Section 106 in respect of the forthcoming Appeal to secure the additional Heads of Terms, to those already resolved as set out below.
- £50,000 per annum for a period of 5 years (£250,000 total)

#### **6 Risk Assessment and Financial Implications**

- 6.3** The Applicant has revised the proposal, application 13/4150N refers (reported elsewhere on this agenda) and the Applicant has further advised that they intend to submit the financial contribution towards the provision of an additional bus service serving Close Lane and the provision of a pavement to Close Lane at the forthcoming appeal in respect of the original application 13/1305N.

**6.4** In the light of this, there is a risk that if the Council continues to pursue the locational sustainability and car reliance part of the reason for refusal at Appeal, when, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

**6.5** There would also be an implication in terms of the Council's own costs in defending the reason for refusal.

**6.6** There are no risks associated with not pursuing the reason for refusal at Appeal.

## **7.0 Consultations**

### ***Borough Solicitor***

7.1 The Borough Solicitor has been consulted and recommends the withdrawal of the locational sustainability/car dependency element of the reason for refusal.

7.2 The Strategic Highways Manager has been consulted and concurs.

## **8.0 Reasons for Recommendation**

8.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

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

*Portfolio Holder:* Councillor Don Stockton  
*Officer:* Sue Orrell – Principal Planning Officer  
*Tel No:* 01625 383702  
*Email:* sue.orrell@cheshireeast.gov.uk

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

*Applications 13/1305N*

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