

Strategic Planning Board

Agenda

Date: Wednesday, 28th May, 2014
Time: 10.30 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

Members of the public are requested to check the Council's website the week the Strategic 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.

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.

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 - 12)

To approve the minutes of the meeting held on 30 April as a correct record.

4. Public Speaking

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

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

A period of 3 minutes is allocated for each of the planning applications for the following individuals/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. **13/0580C - Woodside Golf Club, Knutsford Road, Cranage, Crewe, CW4 8HJ: Creation of a New 27no. Bedroom Hotel, 6no. Garden Suites with Minor Modifications to the Golf Course & Construction of 7no Dwellings with Community Leisure Facilities (resub 12/0682C) for Woodside Golf Club (Pages 13 - 34)**

To consider the above planning application

6. **14/0007M - Land at Adlington Road, Wilmslow, SK9 2BJ: Erection of 193 Dwellings including Demolition of Outbuildings, Public Open Space, Highways Works, Entry Statement Signs and Associated Infrastructure for P E Jones (Contractors) Limited (Pages 35 - 72)**

To consider the above planning application

7. **14/0132C - Saltersford Farm, Macclesfield Road, Holmes Chapel, CW4 8AL: Development of Residential Scheme comprising up to 100 Dwellings, Amenity Areas, Landscaping and Associated Infrastructure for Russell Homes (UK) Limited, G.J & M.J P (Pages 73 - 102)**

To consider the above planning application

8. **14/0378N - Basford West Development Site, Crewe Road, Shavington cum Gresty, Crewe: Outline planning application for B2 (general industry) and B8 (storage and distribution) comprising 1,042,500 sq ft with ancillary offices and maximum storey height of 18m, and associated works including construction of new spine road with access from Crewe Road and A500, creation of footpaths, drainage including formation of swales, foul pumping station, substation, earthworks to form landscaped bunds and landscaping. for Goodman (Pages 103 - 118)**

To consider the above planning application

9. **WITHDRAWN BY OFFICERS 14/1200C - Land at Hassall Road, Alsager, Stoke on Trent: Variation of Condition 8 (energy requirements) on 12/1670C - Erection of 30No Dwellings (including 9No affordable dwellings) Vehicular Access and Associated Landscaping for Seddon Homes Limited** (Pages 119 - 124)

To consider the above planning application

10. **Land off Crewe Road, Haslington ref; 13/4301N** (Pages 125 - 134)

To consider the above report.

11. **Withdrawal of Reasons for Refusal** (Pages 135 - 136)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 30th April, 2014 at Council Chamber,
Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)

Councillors Rachel Bailey, J Hammond, D Hough, P Hoyland, P Mason, B Murphy, D Newton (Substitute), L Smetham (Substitute), C G Thorley, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic & Economic Planning), Mr T Graham (Planning Solicitor), Mr N Jones (Principal Planning Officer), Mr R Law (Senior Planning Officer), Mr D Malcolm, Interim Planning & Place Shaping Manager), Mr P Mason (Senior Enforcement Officer), Ms S Orrell (Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

210 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, P Edwards and Mrs J Jackson.

211 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 13/0683W, Councillor J Hammond declared that although he had no involvement in discussion relating to the application, his position as Director of the Board of Ansa Environmental Services Limited who delivered Waste Services on behalf of the Authority could give the public perception that the Company of which he was a Director of has a pecuniary interest. In the interests of total openness and transparency he declared that he would leave the room whilst the application was being determined.

In the interest of openness in respect of applications 13/4216C and 13/4219C, Councillor J Hammond declared that he was a Member of the Cheshire Wildlife Trust who had been consulted on the applications, however he had not made any comments in respect of the applications.

In the interest of openness respect of applications 13/4749W and 14/0683W, Councillor Mrs L Smetham declared that she was the Ward Councillor for both applications and had attended Liaison meetings involving both application sites; however she had not formed an opinion on either application.

212 **MINUTES OF THE PREVIOUS TWO MEETINGS**

RESOLVED

That the minutes of the meetings held on 18 March 2014 and 2 April 2014 be approved as a correct record and signed by the Chairman subject to an amendment to the minutes of 2 April 2014 to include Councillor M Jones, Leader of the Council in the list of those people that spoke in respect of application 12/3948C.

213 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

214 **13/2389C LAND SOUTH OF, OLD MILL ROAD, SANDBACH:
OUTLINE PLANNING APPLICATION FOR UP TO 200 RESIDENTIAL
DWELLINGS, OPEN SPACE AND NEW ACCESS OFF THE
A534/A533 ROUNDABOUT AT LAND SOUTH OF OLD MILL ROAD
FOR MULLER PROPERTY GROUP**

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor and Carl Davey, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside and would be harmful to the intrinsic character and beauty of the countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National

Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

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

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

(The meeting was adjourned for a short break).

- 215 **13/4749W W T L INTERNATIONAL LTD, TUNSTALL ROAD, BOSLEY, CHESHIRE, SK11 0PE: INSTALLATION OF A 4.8MW COMBINED HEAT AND POWER PLANT TOGETHER WITH THE EXTENSION OF AN EXISTING INDUSTRIAL BUILDING AND THE ERECTION OF EXTERNAL PLANT AND MACHINERY INCLUDING THE ERECTION OF A 30M EXHAUST STACK FOR BEL (NI) LTD**

Consideration was given to the above application.

(John Williams, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Standard conditions
2. Sheeting of all vehicles transporting material
3. No processing of waste wood
4. All handling/storage of wood and ash within enclosed building

5. Ash stored in enclosed hopper
6. Details of acoustic barrier
7. Acoustic barrier to be installed prior to operation of the facility
8. Noise levels
9. lighting scheme
10. Control on number of vehicle movements
11. Restricted times for HGV movements
12. Piling method statement
13. Restricted hours for use of piling
14. Construction environmental management plan
15. Restricted hours of construction activities
16. Stack design details
17. Foul and surface water drainage scheme
18. Control of fuel types
19. Scheme for control of dust
20. Flood emergency plan
21. Scheme for additional screen planting to be submitted and approved in discussion with the Parish Council

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

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

216 **14/0683W DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP: TO DEVELOP AND OPERATE A TEMPORARY WASTE TRANSFER PAD; RETENTION OF THE EXISTING ACCESS ROAD, CAR PARKING AND WEIGHBRIDGE / WEIGHBRIDGE OFFICE; HARDSTANDINGS; EARTHWORKS; SURFACE WATER MANAGEMENT SYSTEM; LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT FOR A TWO YEAR PERIOD FOR JACK TREGONING, 3C WASTE LTD**

Consideration was given to the above application.

(Jack Tregoning, the applicant attended and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be referred to the Secretary of State for approval subject to the following conditions:-

1. Standard conditions

2. No operation of the facility until all landfilling ceases (not including restoration activities)
3. Cessation of operations within two year period
4. Restricted overall throughput of 40,000tpa
5. Restrictions on processing of waste
6. All waste unloading/handling to take place within the transfer pad
7. Hours of working
8. Scheme for the control on dust
9. Restrictions on highway movements
10. Sheeting of vehicles
11. Submission of construction environmental management plan
12. Noise mitigation scheme
13. Details of piling activities
14. Set noise levels
15. Scheme of noise monitoring
16. Scheme for foul/surface water disposal
17. Control of water pollution
18. Details of lighting and restrictions on its use
19. Badger survey
20. Breeding bird survey and bird/bat mitigation
21. Safeguarding of retained habitat during construction
22. Landscape scheme (whilst building in operation)
23. Final restoration scheme (once building is removed)

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

(The meeting adjourned for lunch from 12.50pm until 1.35pm).

217 **13/4216C LAND WEST OF PADGBURY LANE, PADGBURY LANE, CONGLETON, CW12 4LR: OUTLINE PLANNING FOR THE DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON, FOR UP TO 150 DWELLINGS, COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE FOR NORTHERN PROPERTY INVESTMENT COMPANY LTD**

(During consideration of the application, Councillor P Hoyland arrived to the meeting. He did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Councillor G Baxendale, the Ward Councillor, Councillor Mrs Rhoda Bailey, the Neighbouring Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Parish Councillor John Carter,

representing Newbold Astbury & Moreton Parish Council and James Green, representing West Heath Action Group attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. Insufficient information concerning levels and the provision of footways has been submitted to demonstrate that the scheme, in providing footways to an adoptable standard; would provide for the retention and protection of existing trees of amenity value contrary to Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.

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

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

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £ 165,405 towards primary education. This contribution will be required to be paid on 1st occupation of the site
- Provision of minimum of 4320 sqm and of shared recreational open space and children's play space to include a NEAP with 8 pieces of equipment
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Commuted Sum of £10,000 towards the delivery of quality bus stop infrastructure
- Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements
- Commuted Sum of £672,777 towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton

- Commuted Sum payment of £174,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton

218 **13/4219C LAND WEST OF PADGBURY LANE, PADGBURY LANE, CONGLETON, CW12 4LR: OUTLINE PLANNING FOR THE DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON, FOR UP TO 120 DWELLINGS, UP TO 180 SQ. M OF HEALTH RELATED DEVELOPMENT (USE CLASS D1), COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE FOR LOUISE WILLIAMS AND KATHLEEN FORD**

Consideration was given to the above application.

(James Green, representing West Heath Action Group attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3. Insufficient information concerning the provision of an appropriate visibility splay, cycleway and footways to the access on Padgbury Lane has been submitted to demonstrate that the scheme would provide for the safe operation of the public highway for all users contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005

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

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

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £112,475 towards primary education. This contribution will be required to be paid on occupation of the site
- Provision of minimum of 2880m2 sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment within a minimum area of 4,000m2

- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Commuted Sum of £10,000 towards the delivery of quality bus stop infrastructure
- Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements
- Commuted Sum of £538,223 towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton
Commuted Sum payment of £139,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton

219 **13/5085N LAND TO THE EAST OF BROUGHTON ROAD, CREWE: THE ERECTION OF 124 DWELLING HOUSES, INCLUDING 44 AFFORDABLE UNITS, WITH ASSOCIATED HIGHWAYS AND OPEN AMENITY SPACE, LANDSCAPING AND ECOLOGICAL PROTECTION ZONE FOR WCE PROPERTIES LTD**

Consideration was given to the above application.

(Andy Evanson, an objector and Richard Gee, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the Policy PG5 of the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed design and layout is substandard and has missed the opportunities to deliver high quality development which makes a positive contribution to its surroundings. It therefore fails to satisfy the requirements of NPPF, By Design, Manual For Streets along with local plan policies BE.1 of the Crewe and Nantwich Local Plan and policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy – Submission Version which seek to deliver high

quality design and avoids development which fails to improve the character and quality of an area and the way it functions.

3. The proposed development would not provide the required level of affordable housing. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.
4. The proposed development is not capable of providing sufficient mitigation for the local highway network, in particular the Sydney Road / Remur Street Corridor which would operate in excess of capacity as a result of the proposed development. The development would result in increased congestion on the local highway network and as a result, the transport impact of the development would be cumulatively severe and therefore the development is not considered to be sustainable. The proposal is contrary to the NPPF and Policies BE.3 and BE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies IN1 and IN2 of the Cheshire East Local Plan Strategy – Submission Version which seek to maximise sustainable transport solutions.

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

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

220 **CHESHIRE EAST LOCAL DEVELOPMENT SCHEME 2014 -16**

(During consideration of the item, Councillor D Newton left the meeting and did not return).

Consideration was given to the above report.

RESOLVED

1. That the Portfolio Holder for Sustainable Communities be recommended to approve the *Draft Local Development Scheme 2014-2016* (Annex A) be approved subject to the adoption of the Plan being brought forward to December 2014; and
2. That, in accordance with Section 111 of the *Localism Act 2011*, the *Local Development Scheme 2014-2016* is brought into effect as of the 1 April, 2014.

The meeting commenced at 10.30 am and concluded at 4.50 pm

Councillor H Davenport (Chairman)

Application No: 13/0580C

Location: WOODSIDE GOLF CLUB, KNUTSFORD ROAD, CRANAGE, CREWE, CHESHIRE, CW4 8HJ

Proposal: Creation of a new 27no. bedroom hotel, 6no. garden suites with minor modifications to the golf course & construction of 7no dwellings with community leisure facilities (resub 12/0682C)

Applicant: Woodside Golf Club

Expiry Date: 10-May-2013

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

The principle of enabling development

Housing Land Supply

Sustainable Development

Affordable Housing

Tourism Related development

Jodrell Bank Interference

Landscape and Visual Impact

Design and layout

Highway Safety

PREVIOUS MEETING

Strategic Planning Board considered this application on 19th June 2013 and resolved to defer the application for further information. This has taken some time to resolve due to the complex nature of the legal issues. The reasons for deferral are set out below.

- Details regarding the type and quality of the community facilities proposed
- Details regarding the funding necessary to provide the community facilities and the financial and management arrangements proposed to secure their ongoing maintenance into the future
- Further advice regarding the extent to which non-heritage assets such

as community facilities may be considered enabling development and taken into account as material planning considerations, together with a more detailed consideration of the existing need and enabling link identified in this case

- following from the above, a more detailed assessment regarding the balance of public benefit in this case
- the consultation response of the University of Manchester regarding harm to the radio telescopes at Jodrell Bank

These matters are covered within the updated report below.

REFERRAL

The application was originally referred to Strategic Planning Board because it is a major development including housing in the open countryside and is a departure from the Development Plan.

SITE DESCRIPTION

The site comprises part of Woodside golf course which lies in the open countryside to the north of Holmes Chapel on the A50. The golf course comprises 9 holes, associated club house, car park and golf driving range. The golf course is accessed via the A50, a long drive leads to the club house and golf driving range. The application site comprises circa 3.9 hectares of the golf course comprising the existing club house, car park, parts of the existing golf course playing area and a practice green. The site also extends to a circa 100m length of Kings Lane to the south of the site.

The application site is characterised by a large number of trees which define the nature of the area. A woodland tree preservation order (Kings Lane/Sandy lane (South) TPO 1997) adjoins the site and there are a considerable number of trees within the site. The golf course itself comprises 9 holes, tees, putting greens and fairways. A Bridleway passes through the golf course

The site is close to the M6 motorway. A small number of residential dwellings are located to the Kings Lane frontage and a further small number of large dwellings in generous gardens are located to Oak Tree Lane.

DETAILS OF PROPOSAL

The proposals are for a number of buildings across the application site. To the south, along the boundary with King's Lane the proposals include a small development of 7 no dwellings (5 detached and 2 semi detached), all of which are accessed off Kings Lane. To the north of these is a 27 bedroom hotel with 6 no detached suites next to the hotel, one of which is 'the 19th hole'

function room, associated car parking and to the northwest the proposals include a multi-use games facility and a bowling green, outdoor gym, and children's play area and .

The houses are submitted as an enabling development for the provision of the multi-use games area, children's playground, outdoor gym and bowling green which are proposed as being community facilities for use by local people secured by a Section 106 Agreement.

The car parking provision for the hotel and lodges will be 40 spaces. The existing car park comprising 92 spaces to the rear of the club house is unchanged.

RELEVANT PLANNING HISTORY

12/0682C - Withdrawn application for the creation of a New 27 No. Bedroom Hotel, 2 No. Garden Suites and a '19th hole' building with associated car parking. Minor Modifications to the Golf Course and Construction of 7 No. Dwellings to Kings Lane (as enabling development) for Community Leisure Facilities (Bowling green/Hut and 3 no tennis courts) to be provided within the Golf Course.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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 relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

PS5 Villages in the Open Countryside
PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E5 Employment development in the Open Countryside
E16 Tourism and Visitor Development
PS10 Jodrell Bank Radio Telescope Consultation Zone
RC1 Recreation and Community facilities Policies

OBSERVATIONS OF CONSULTEES

Jodrell Bank

Object on the same grounds as the affordable housing site in Twemlow (10/2647C), but understand the position of the Council since that appeal was allowed.

United Utilities

No objection.

Environmental Health

Recommend conditions relating to hours of construction, piling, a travel plan, dust control and contaminated land.

Strategic Highways Manager

No objections have been raised on highway safety grounds, but the Strategic Highways Manager does raise objections to the community facilities being unsustainably located.

Housing

None received at the time of report writing.

Visitor Economy

None received at the time of report writing.

Leisure and Play Development Manager

Having received this letter with regards the planning application I would like to make the following assessment and we are only addressing the sport element not the housing. My colleagues went out last year to meet with the owners with regards their plans for development and we fed back to them and planning at the time our thoughts:

“Woodside is well established as a pay and play golf facility which can accommodate beginners with its driving range and par 3 course as well as a 9 hole course. It is difficult to see from the plans but they have mentioned the shortening of holes which may prove to be a negative point for the course against the traditional set up of a golf course.

I would also like to comment on a couple of other aspects of the proposed development as to whether there is a need from a community use point of view.

There is already a number of tennis courts and clubs in the local area. Cranage Hall (1 mile away) has 1 court, Goostrey Tennis Club (2 miles away) has 3 courts, Holmes Chapel Leisure Centre (2.5 miles away) has 4 courts and The Victoria Club, Holmes Chapel (2.5 miles away) has 3 courts. There is also community tennis facilities in Sandbach, Middlewich and Knutsford.

There are also bowls facilities at Cranage (1 mile away), Goostrey (2 miles away) and The Victoria Club, Holmes Chapel (2.5 miles away) which have clubs operating from them.

Finally I can't see from the plans but a jogging track is mentioned. I was worried on a possible health and safety point of view as people on the jogging track if it is near the golf course which I presume it would be in danger of being hit by stray golf balls.

One area for consideration may be around the proposed tennis courts and whether the Astroturf surface could be used for team sports. It may not fit in with the image they are trying to portray but this need could be argued more strongly in terms of community need as the nearest artificial pitches are in Sandbach (7 miles away) and Knutsford (8 miles away) since the Astroturf at Middlewich LC (4.5 miles away) was closed.”

Whilst we are very much for increased participation and sustainable opportunities so any provision would be supported from our service but we would be unsure of the need in this particular area of need for all the facilities and what effect this may have on local neighbouring facilities.

VIEWS OF THE PARISH / TOWN COUNCIL

There needs to be a protection for users of the bridleway by installing hunter gates either side of drive with a short stretch of fencing. There needs to be no access/exit from Kings Lane to golf club site.

To be noted that the facilities for locals is a great benefit and the local jobs it will create is excellent.

OTHER REPRESENTATIONS

In excess of 200 representations have been received in relation to this application including responses to a questionnaire distributed by the applicant. The majority of the representations were in support of the application.

The objectors expressed the following concerns:

- Adverse impact on the open countryside
- Highway safety
- Lack of need for a hotel
- The sports facilities cannot be secured for use by local people
- Disruption during construction
- Most of the support is for members of the golf club
- Noise from the hotel

The supporters expressed the following views:

- Welcomed provision of low cost sports facilities
- Employment creation
- Attractive new dwellings
- Inspiration for future athletes
- Benefits for the tourism economy
- Valuable addition to a place for local people to socialise
- Family run business

The local MP, Fiona Bruce has also expressed support for the proposal.

OFFICER APPRAISAL

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are normally put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some dis-benefit as a result of planning permission being granted for development

which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the 7 new dwellings that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development. Accordingly, the application has been advertised as a departure. The case for the Applicant for the housing being treated as enabling development is that the funds that would be generated by the development of these houses would enable the Applicant to fund the delivery of the community facilities in the form of a bowling green/hut and 3no tennis courts for the use of the people of Cranage (the tennis courts are also referred by the Applicant as Multi-Use Games facility however no plans have been provided to illustrate this).

The proposal also includes a 27 bedroom hotel, with swimming pool, fitness suite, restaurant, and function rooms. None of these items however, are put forward within the planning application as part of the community facilities.

With specific regard to Enabling Development, Para 55 of the NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and specifically refers to the circumstances where enabling development is appropriate and states;

*‘.. Local planning authorities should avoid new isolated homes in the countryside unless there are **special circumstances** such as (amongst other things)*

- *where such development would represent the optimal viable use of a **Heritage asset** or would be **appropriate enabling development** to secure the future of **heritage assets**;*

The NPPF goes on to say at paragraph 140:

*“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would **secure the future conservation of a heritage asset**, outweigh the disbenefits of departing from those policies.”*

In determining this case, the housing is put forward as being the enabling development to fund the delivery of the community facilities - the multi-use games area, playground, outdoor gym and the bowling green.

The community facilities are not a heritage asset as referred to within the NPPF and there are no listed buildings/heritage assets on this site. Accordingly, it is considered that to treat the housing as enabling development would be a mis-application of planning policy in this instance.

The application should be looked at as three elements, the housing, the hotel and the ‘community facilities’.

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.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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, were also been taken on board.

Sources of supply included 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

accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time. A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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 demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that 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 Local Plan 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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as *South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land*.

Whilst the implications of this judgement are still being considered, the Council's current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question.

The location of the houses

The site is in an isolated position as part of an existing golf course accessed via Knutsford Road and having a small area of frontage to Kings Lane. The houses will be accessed via Kings Lane.

With respect to accessibility, the North West Development Agency toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. However, as stated previously, these are just guidelines and are not part of the development plan.

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

- a local shop (500m),

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

In this case, the application, in keeping with the isolated rural nature of this site, significantly fails the majority of these sustainability distances.

An assessment undertaken by Officers indicates that the houses were within a sustainability compliant distance for a post box (Kings Lane/Oak Lane) and a bus stop on Knutsford Road (which has an infrequent service)

The purpose of this assessment is to provide an indication of the extent to which potential future users of a site could walk to access key services and amenities.

The Applicant considers that the golf club house is a community facility with a club room that can be available, the applicant also proposes to provide a post office on site and a retail store and a bank machine will be provided in the hotel. However, it is clear, even if there was a retail shop selling day to day groceries and/or a post office performing all the functions such as payment of bills/car tax etc to be provided on this Golf Course part of the site, such facilities could not be controlled in planning terms. Such facilities/works of operational development do not form part of the application, in any event.

In conclusion the proposed houses would be within the open countryside in an unsustainable location, contrary to policy. The Council can demonstrate a 5 year housing land supply. Housing cannot be considered as enabling development to provide 'community facilities'.

Tourism Related Development

There are three dimensions to sustainable development: economic, social and environmental...The economic role is about...contributing to building a strong, responsive and competitive economy...The environmental role is about...contributing to protecting and enhancing our natural, built and historic environment...These roles should not be undertaken in isolation...

A set of core land use planning principles underpin plan-making and decision-taking, which include (amongst many other things)...*supporting a prosperous rural economy by taking a positive approach to sustainable new development...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This should include supporting the provision and expansion of tourist and visitor facilities in*

appropriate locations where identified needs are not met by existing facilities in rural service centres and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. (Para 28 NPPF)

A 27 bedroom hotel and 6 garden suites forms part of the application. The proposed multi-use games area, playground, outdoor gym and bowling green do not appear to be for the exclusive use of local residents so it is entirely likely the facilities would also be available to any future guests of the hotel or users of the golf course (as suggested by the representations submitted in support of the application).

The Tourism Department on the previous application advised the following (with respect to tourism related development in Cheshire East as a whole):

- Cheshire East figures for 2010 (latest figures available) show that staying visitors are increasing but the proportion of staying visitors needs to be increased:
 - Day visitors contributed £402m (70% of the visitor spend)
 - Staying Visitors contributed £176m (30% of the visitor spend)
- Within a radius of 3 miles of Cranage there is only one medium/large hotel currently open; Cranage Hall. It is anticipated that the target market of these 2 hotels will be sufficiently different to compliment each other. There is one other hotel close by, Ye Olde Vicarage Hotel which has been closed for 2 years. This hotel is currently closed but is in the process of being renovated.
- The nearest hotel and golf course accommodation is the Mere Golf & Spa Hotel outside of Knutsford. The clientele for this establishment would be different to that of Woodside Golf Club.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.
- Total value of east Cheshire's visitor economy is worth £578m, however the accommodation sector only accounts for £66m, highlighting the potential for growth within that sector.
- Over three quarters of establishments in Cheshire East are categorised as small with 10 or fewer rooms or units, highlighting the need for larger establishments.
- Guest Accommodation accounts for over half (55%) of all establishments in Cheshire East with Self Catering accounting for 28% of the total. Hotels make up just 6% of establishments in the area, albeit that they account for over 30% of total bed spaces.

The Hotel Accommodation will be aimed at golfing clientele and will comprise a modular construction in three parts which the applicant will develop over time. 27 bedrooms, a Michelin Star restaurant, a swimming pool and fitness suite, 6 garden suites with a '19th' hole function suite will be developed overlooking the golf course. The Business Plan sets a series of aspirations.

There are undoubted benefits of the proposal in terms of job creation within the tourism sector and the additional economic activity in the local economy that this would bring. The site is however, very isolated and future guests, particularly if they are on a golfing holiday will more than likely arrive at this site via their own car. Given the isolation of the site and lack of connectivity via footpaths/PROW's there would be little choice other than to use their car if future guests wished to visit the wider area or the village of Cranage. The development therefore is very likely to be almost exclusively car based. Whilst the Travel Plan submitted refers to possible car sharing by workers, and this is a benefit, little consideration has been given to how visitors to the hotel and users of the community facilities will be able to utilise a choice of means of transport to the site. However the

benefit of bringing additional visitor numbers to Cheshire East and job creation, would be a positive benefit to the local economy and would outweigh in the planning balance any negative impact.

Community Facilities

The 'community facilities' proposed would take the form of a multi-use games area, children's playground, outdoor gym and bowling green.

These facilities would be sited within the golf club and access to them would only be available through the golf club which is a private business enterprise and not a public open space. In addition they would be a considerable distance from the settlements of Cranage and Goostrey and would not be easily accessible to most people without the use of a car.

There are existing facilities such as tennis courts, bowling greens and play areas already existing in close proximity to the nearby settlements and it is not considered that the creation of facilities such as these in this isolated and unsustainable location, would be of benefit to the local community or the environment in terms of its reliance on private vehicular transport in order to access it.

The Heads of Terms that have been submitted for the Section 106 Agreement which cover the provision of the 'community facility' involve the transfer to the Parish Council of the land that it stands on, but do not cover access to it or parking provision and it is not clear whether there would be spaces demarcated from the others at the site or even if there would be any entitlement to park at the site for users of the facilities. There is also no indication given as to whether that facilities would be open if the golf club were closed.

The Heads of Terms allow for the transfer of the land to the Parish Council and for the maintenance, running and upkeep of the facility to be undertaken by a third party company. Reference is also made to a payment to the Parish Council for the maintenance of the facilities in the event of a failure by the company. Therefore the Parish Council, by accepting ownership of the area, could become responsible for the maintenance and upkeep of the facilities, initially funded but not guaranteed indefinitely. No indication has been given as to what would happen to the community facilities if the company fails.

The Heads of Terms are also deficient in that they require the company to maintain the facility to an agreed standard and that the Parish Council have to be content with this standard. However, if the company fails and responsibility falls to the Parish Council, they would have no requirement to maintain any standard or even keep the facility open and available at all.

In conclusion, the Heads of Terms do not adequately secure the retention and maintenance of the 'community facilities'. Should at any point the Golf Club cease to operate, the facilities would be isolated within an area of land to which access would not be available. The facilities would be isolated from the local population and would need to be accessed by car and there are existing facilities within the settlements nearby.

Jodrell Bank Interference

The University of Manchester objected to the proposals on the withdrawn application (12/0682C), on the basis of the potential interference from electrical items within the properties and the hotel affecting the working of the telescopes at Jodrell Bank.

An objection has now been received from the University, however in the light of the appeal decision at the affordable housing in Twemlow (10/2647C, APP/R0660/A/12/2174710), which is in much closer proximity to the telescope than this site, it is considered that a refusal on the grounds of adverse impact on the operations at Jodrell Bank could not be sustained.

Landscape Impact

The Landscape and Visual Impact Assessment submitted with the application identifies the National and Cheshire East baseline landscape character and describes the landscape in the locality of the application site.

The Cheshire Landscape Assessment 2008, adopted in March 2009, identifies this area as being in Landscape character Type 1, Sandy Woods. The key characteristics of which are large areas of woodland, active and inactive sand quarries, low density settlement and recreation features such as golf courses. Within this character type the application site is within the Rudheath character area (SW2), an area that appears as a flat, large scale landscape due to large fields, many of which are defined by blocks of trees. The M6 forms a significant impact in this landscape, although the presence of mature roadside planting means that it is not as visually intrusive as it might be. The application site itself has many of these characteristics and is very representative of this character area.

To the north of the application site, set well within the grounds of the golf course and screened by substantial tree belts in the wider landscape there lies the hotel building with a number of detached suites and associated car parking. To the northwest of these the proposals include the tennis courts and a bowling green.

The visual analysis does indicate that there will be views of the hotel building from the bridleway (BR8 Cranage) that crosses the golf course, but states that the proposed residential properties along King's Lane 'will themselves screen the proposed hotel complex from the southwest'. While it may be the case that the proposed residential dwellings along King's Lane may screen the proposed hotel complex, these dwellings will themselves have a significant and detrimental landscape and visual impact upon the area.

To the south, along the boundary with King's Lane the proposals include a number of dwellings, the Councils Principal Landscape Architect is of the opinion that the significance of landscape impact of the proposed dwellings along King's Lane would be moderately adverse, rather than 'neutral' or slightly adverse, as indicated in the landscape assessment submitted in support of the application. It is also considered that the visual impact will be far more significant than the assessment indicates, especially for the proposed dwellings along King's Lane, an area that is currently agricultural in character and that will, with these proposals become suburban in character.

The proposals need to address the landscape and visual impact the at the hotel complex itself would have, particularly from Bridleway BR8, located to the north of the proposed hotel. The proposed site plan shows little attempt at mitigation.

Whilst this could be addressed by condition, the same could not be said in respect of the proposed residential development along King's Lane which would have a significantly adverse landscape and visual impact on the surrounding area. The housing part of the proposals is considered contrary to Policy GR5 of the Congleton Borough Local Plan, since in landscape character terms it neither respects nor enhances the landscape character of the area.

Trees

The site is situated within open countryside and forms part of an established golf course. The site has a parkland character with a significant number of trees and. On the Kings Lane frontage there are a number of mature trees and a length of remnant hedge.

The tree survey covers 23 individual trees and ten groups or woodlands. None of the trees are currently subject of TPO protection. The development would require the removal of some trees. The losses which would be incurred are mainly young and early mature trees which form part of the golf course landscape. It is considered that the loss of these specimens could be mitigated by additional planting. In addition, it appears a length of Leylandii hedge which currently screens the golf driving range would have to be removed. The loss of this screening would open up the driving range and associated perimeter ball stop fencing to wider view.

In the vicinity of the proposed residential dwellings, the roadside trees and hedge on Kings Lane would be retained with minor encroachment of access into the Root protection areas of two trees. The submitted method statement provides details of proposed tree protection measures.

Overall subject to a comprehensive landscape scheme providing tree planting to mitigate for the proposed tree losses and provision of comprehensive tree protection measures the proposal does not raise significant forestry concerns.

Design and Layout

The Hotel and Garden Suites

The hotel is a substantial building comprising part basement, ground and 2 upper floors. It is sited close to the existing single storey club house and car park. The building would contain timber framed details to the frontage but would in the main be of brick construction with extensive areas of glazing to the frontage.

Whilst a tall building, it is relatively well screened from areas outside the site. The Garden Suites are in essence self catering units adjoining the hotel. Their design mirrors that of the hotel.

The Houses

The properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses. From a design perspective, there are other substantial detached properties in the vicinity on Kings Lane, it is therefore considered that the design of proposed dwellings would be in keeping with the character of the surrounding houses.

Highways – Traffic Generation, Sustainability

The site is located in a rural location and some distance from Holmes Chapel, whilst, the A50 Knutsford Road does not have congestion problems and therefore the traffic associated with this proposal can be accommodated on the road network. There is likely to be sufficient parking capacity on site to not give rise to any highway safety concerns on the surrounding road network.

The main concern regarding the development is one of sustainability and accessibility of the site to a choice of means of transport. It is considered that the proposals various elements will almost be totally car based as the site is situated in an isolated rural location.

There are community based facilities proposed at the site. A great deal of representation has been received from community groups, local residents and members of the golf club.

The site, however, is isolated and not close to a choice of means of transport. The area is not well served by public transport and the A50 Knutsford Road contains no pavement for its length to the closest bus stops. In addition, the local bus service is infrequent. If use is to be made of these facilities by the community then as the site is not linked by footpaths, walking to the site is not possible and using the limited bus services along the A50 is not a realistically practical alternative.

The applicant has provided a travel plan as part of the application to encourage modal shift. However, it is considered most green travel initiatives will struggle as the Hotel guests will be car based, trips to use the community facilities would also be car based as public transport is very infrequent.

It would be possible for the staff to car share but this depends usually on staff living or travelling from similar locations. Therefore, overall the travel plan would not have any effect on modal shift for visitors to the site, in the opinion of the Highways Manager.

Traffic generation would not have a material impact on the local highway network and there would be sufficient car parking. However, sites are required to be sustainably located and this development does not have good footpath links and also have very infrequent bus service that passes the site.

Therefore, there are elements of the proposal such as use of community facilities that are not sustainably located and as such the Highways Manager objects to the proposal.

Ecology - Protected Species & Nature Conservation

A tree on site has been identified as having potential to support roosting bats. This tree is identified as Target Note 1 on the submitted phase 1 habitat survey map. However, the application detail is unclear as to whether the tree is to be removed. A condition, could however, ensure the tree is retained.

The Council's Nature Conservation Officer has confirmed that Great Crested Newts are unlikely to be affected by the proposed development.

Hedgehog activity has been recorded on the site, however the development is unlikely to significantly affect this species, but a condition should be imposed requiring that the development is carried out in accordance with the mitigation measures recommended in the Phase One habitat survey.

Conditions could be imposed to ensure the protection of breeding birds and that the hedgerow on the eastern boundary of the site should be retained and it is considered that these would meet the necessary tests in Circular 11/95.

Affordable Housing

The IPS for Affordable Housing states -

Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

Cranage is located in the Holmes Chapel Rural sub-area in the Strategic Housing Market Assessment, this sub-area also includes Goostrey, Swettenham and Twemlow and it identifies a need for 45 new affordable units between 2009/10 – 2014/15, requiring 9 new units each year, made up of 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons units.

There are currently 37 applicants on Cheshire Homechoice who have selected one of the Holmes Chapel Rural sub-areas, the breakdown of applicants per each of the areas is 7 x Cranage, 26 x Goostrey, 3 x Swettenham and 1 x Twemlow.

There has been provision of 10 units of affordable housing at Big Stone House, Cranage and there is a proposed mixed tenure affordable housing scheme at a site on Middlewich Road which has planning permission to provide 10 affordable homes. Combined the 2 sites will provide a total of 20 new affordable units, however it is not clear when the Middlewich Road site will be developed as the Parish Council took a vote and opted to not sell the site.

The provision of the 20 properties over the 2 sites would leave a requirement for 25 new affordable units between 2009/10 – 2013/14 in the Holmes Chapel Rural sub-area, there is no other development currently on site or proposed which will provide affordable housing at present, therefore there is still need for affordable housing in the Holmes Chapel Rural sub-area, which Cranage is part of.

There is a requirement for 30% of the properties on site to be provided as affordable units, which would equate to 2 properties, split as 65% rent, 35% intermediate tenure – the split would have to be 1 rented affordable property and 1 intermediate tenure property.

The affordable housing statement submitted by the applicant indicates that they are offering on site provision with 30% of the total dwellings being affordable which meets the number of affordable dwellings required. Properties with 2 bedrooms (houses) should be provided as the affordable houses to meet the highest need. It is noted that the Planning Statement sets out that there will be 2 x 2 bed houses provided as affordable.

If the application is approved affordable housing should be provided as per the following requirements:

- 30% of the dwellings should be affordable, this equates to up to 2 dwellings.
- The affordable dwellings to be 2 bed houses in order to meet the highest need identified for the area.
- The tenure split of the affordable housing required is 65% social or affordable rented, 35% intermediate tenure, as only 2 affordable dwellings would be required a 50/50 split between rented & intermediate would be acceptable, with a requirement that the rented dwelling is transferred to a Registered Provider.
- Affordable Homes should be pepper-potted (in clusters is acceptable) – although it is not clear from the layout it appears plots 6 & 7 will be provided as affordable dwellings and due to the smaller number of residential properties on the site I am happy to accept the affordable housing being located next to each other.
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least CFSH L3
- The affordable homes should be provided no later than occupation of 50% of the market dwellings. The Interim Planning Statement: Affordable Housing 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 Section 106 of the Town and County Planning Act 1990 (as amended)”

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenity of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. There is no objection to the dwellings in amenity terms. In addition, the hotel element and the proposed sporting facilities are some distance from the

Whilst some objections have been raised by local residents concerning disturbance during building works, it is considered that conditions could be imposed that would adequately safeguard amenity.

CONCLUSION

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

There are benefits, namely the contribution to tourism and potential employment generation in the rural area and the economic benefits that would be generated as a result of the tourist and employment development, however; these would not outweigh the policy presumption against the housing in the Open Countryside.

The proposal as put forward cannot be treated as enabling development because the provision of the houses to put the funding in place for the provision of 'community facilities, which will be made available for the use of local residents as well as others is not a heritage asset nor or there any heritage assets on the site.

In addition, there is insufficient public benefit arising from the proposed dwellings as an enabling development for the community facilities given the isolated nature of the site away from the main settlement of Cranage the proposed community facilities will be car dependent and therefore unsustainable.

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Borough has an identified deliverable 5 year housing supply of housing and therefore the automatic presumption in favour of the proposal does not apply.

The community facilities as proposed are remote and inaccessible to a choice of means of transport. Users will be reliant upon their car and whilst a Travel Plan has been submitted, it fails to mitigate for the inherently unsustainable location of the proposed community facilities.

The proposed dwellings will adversely impact upon the Landscaped and Visual Character of the area.

The proposed housing development would be contrary to the Open Countryside Policies and for the reasons identified cannot be treated as being enabling development. The economic benefits and tourism generated would not outweigh the presumption against the inappropriate and unsustainable development.

RECOMMENDATION

Refuse for the following reasons:

- 1. There is insufficient public benefit arising from the scheme to outweigh the harm in terms of new residential development in the Open Countryside. The proposal is therefore contrary to the provisions of Policy PS8 of the adopted Congleton Borough Local Plan 2005 and the advice given in the National Planning Policy Framework in respect of enabling development.**
- 2. The proposed dwellings located to the Kings Lane frontage will result in the erosion of the landscaped character of this rural location. To allow the development would be detrimental to the visual amenity and landscape character of this area of open countryside, contrary to policies PS5 (Villages in Open Countryside and PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005.**
- 3. The proposed site for the community facilities are in an isolated position away from the village of Cranage. Roads from the site to Cranage are unlit, do not have footways and do not have a frequent bus service. Accordingly users of the community facilities would be reliant upon the motor vehicle to access the site. This is contrary to Policy RC1 of the**

adopted Congleton Borough Local Plan First Review and the thrust of the NPPF in respect of sustainable development.

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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

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Application No: 14/0007M

Location: LAND AT, ADLINGTON ROAD, WILMSLOW, SK9 2BJ

Proposal: Erection of 193 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure

Applicant: P E Jones (Contractors) Limited

Expiry Date: 14-Mar-2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Planning Policy and Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- 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 10 hectares of open farmland, which is bound to the south by Adlington Road, to the west by Overhill Lane, Browns Lane to the east and to the north by housing on the Summerfields estate and existing open space. The site is identified as safeguarded land in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 204 dwellings including public open space, highways works, entry statement signs and associated infrastructure. The

proposal also includes the demolition of a small number of buildings at the western side of the site.

Amendments have been received during the course of the application to address concerns that had been raised. This had the effect of taking the numbers of dwellings down to 193, but this only provided 25% affordable housing. The latest revised plan takes the application back up to 204 dwellings with 30% affordable provision.

RELEVANT HISTORY

71683P - RESIDENTIAL DEVELOPMENT FOR 43 NEW DWELLINGS – Refused 09.09.1992 (over supply of housing and countryside policies)

73006P - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 52 DWELLINGS – Refused 08.02.1993 (over supply of housing, countryside policies, loss of trees, inadequate visibility, threat to trees)

76484P - RESIDENTIAL DEVELOPMENT OF 52 DWELLINGS – Refused 07.02.1994 (over supply of housing and countryside policies)

POLICIES

Macclesfield Borough Local Plan Policy

NE11 Nature conservation interests
NE17 Improvements to Nature conservation in the countryside
BE1 Design Guidance
GC7 Safeguarded Land
RT1 Areas of Open Space
RT7 Cycleways, Bridleways and Footpaths
H1 Housing requirement
H2 Environmental Quality in Housing Developments
H8 Provision of Affordable Housing
H13 Protecting Residential Areas;
T3 Pedestrians
T4 Access for people with restricted mobility
T5 Provision for Cyclists
T6 Highway improvements and traffic management
DC1 Design criteria for new build
DC3 Amenities of residential property
DC5 Design – natural surveillance
DC6 Circulation and Access
DC8 Landscaping
DC14 Noise mitigation
DC17 and DC18 Water Resources
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC38 Space, light and Privacy
DC40 Childrens Play Provision and Amenity Space

DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

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

5 Year Housing Supply Position Statement

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

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

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

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

At its meeting on the 28th 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.

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

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
CO4 Travel plans and transport assessments

Strategic Site CS25 – Adlington Road, Wilmslow

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to mitigation for loss of pond and wet grassland, limiting surface water run off, managing the risk of flooding and unforeseen contamination.

Cheshire Police – No objections subject to a number of recommendations relating to footpaths and open space.

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

Environmental Health – No objections subject to conditions relating to hours and method of construction, noise mitigation measures, provision of secure bin storage, travel plan, electric vehicle charging points, dust control and contaminated land.

Public Rights of Way – No objections subject to financial contribution to improve surface of right of way.

Strategic Highways Manager – No objections subject to conditions

Archaeology – No objection subject to condition

Education – Local primary schools are forecast to have sufficient capacity to accommodate pupils from this development, and local secondary schools are anticipated to be at capacity. In light of this S106 contributions to extend the local secondary school are sought.

Housing Strategy & Needs Manager – Affordable housing provision should be in accordance with IPS

Open Space Development – In the absence of onsite provision, com sums for offsite will be required.

VIEWS OF THE TOWN COUNCIL

Wilmslow Town Council – Recommend refusal of this application on the following grounds:

- does not accord with the provisions of the development plan because it was “safeguarded” for future development after the expiry of that plan and that plan is still in force pending the adoption of a new Cheshire East local plan
- the applicant’s traffic assessment understates the impact of the development on Adlington Road, Dean Row Road and Cross Lane and does not, on its own admission, take fully into account the impact on Adlington Road and Macclesfield Road of 950 new houses at Woodford.
- The assessment assumes an average of 1.5 cars per house but the actual number is likely to be higher than this with the average in more mature developments in Wilmslow being nearer to 3 cars.
- The applicant states that a car sharing scheme would be essential but such a scheme could not be enforced.
- The development will make the already dangerous exit from Wilmslow Park North to Adlington Road even more dangerous and will increase the amount of traffic through Wilmslow Park which is a private road.
- The development is not sustainable because of inadequate infrastructure to support it:
 - 1) There are at present insufficient places at either Dean Oaks Primary School or Wilmslow High School for the children from these houses, and in the case of Wilmslow High School there is no room to expand to provide them.
 - 1) All the doctors’ surgeries in Wilmslow are at present fully subscribed.
 - 2) There are no shops within easy walking distance
 - 3) There is no pavement provision along Adlington Road to access the Bollin Valley
 - 4) The risk of flooding has been understated and the danger of aggravating the existing problem of flooded cellars on the east side of Adlington Road has not been addressed at all
- The density is too high and should be reduced to be more in keeping with the adjacent developments.

If, contrary to our recommendation, planning permission was to be granted:

- the houses backing on to Overhill Lane and Browns Lane should be more in keeping with the existing houses in these locations and the low cost houses moved to other parts of the site
- the section 106 agreement should also provide for parking near the playing field to encourage use by the wider community
- the development should be delayed until 2025 to allow for adequate infrastructure to be made ready.

OTHER REPRESENTATIONS

Approximately 490 letters have been received throughout the consultation period objecting to the proposal on the following grounds:

- Impact on local highway congestion and safety
- Enough brownfield sites to meet housing needs for Wilmslow

- Not a sustainable form of development
- Local schools over subscribed
- Impact on health centres
- Previously refused applications on this site
- Low level of affordable social housing
- Right to light
- Loss of outlook
- Loss of privacy
- Increased run off
- Noise disturbance during construction
- No facilities nearby
- No public transport access
- Housing not in keeping with the area
- Loss of TPO trees
- Ecological impact
- Many houses in Wilmslow on market not selling
- Pavements on Adlington Road into Wilmslow inadequate
- Increased light pollution
- Increased traffic noise
- Land is safeguarded until reallocated in future local plan
- Emerging local plan is some way off – application is premature
- Site should be considered to fall within open countryside in accordance with policy GC7
- Council's Green Belt assessment identifies the site as playing a 'significant contribution' in checking unrestricted sprawl of Green belt areas.
- Site should be designated as Green Belt
- 84% of respondents to Wilmslow Vision consultation disagreed with residential allocation of this site.

- Draft Wilmslow Town Strategy stated that the site should retain its safeguarded status until at least 2025.
- Absence of pepper potting of affordable housing
- Single access point is inadequate
- Loss of light and sunlight
- Drainage / Flooding issues
- No new businesses requiring extra housing
- Existing infrastructure cannot cope
- Density out of character
- Transport Assessment flawed
- Sufficient brownfield sites for housing
- Additional traffic from Woodford
- Occupiers reliant on private car
- Run off will pollute watercourses
- Houses too close to existing properties
- Bridge over Bollin cannot cope with additional traffic
- Disruption during construction
- Pedestrian and cycle safety
- Loss of prime agricultural land
- Devalue existing houses
- Too many houses proposed along Adlington Road
- Contrary to existing and proposed local plans
- Bungalows are required in Wilmslow
- Affordable housing should be pepper potted
- Increase in vehicles using the privately maintained Wilmslow Park
- Unreasonable for existing residents to absorb increased costs of maintenance
- Site provides an open countryside break between Wilmslow and Dean Row
- Adlington Road houses should be individually designed

- Parking area for open space required
- Existing open space should be a village green
- Gateway entrance should be closer to Adlington Road
- More differentiation needed on road hierarchy
- Does not achieve transition from suburban to rural
- Reduced speeds on Adlington Road are required
- Pedestrian link to Bollin Valley is inadequate
- Improvements to existing open space should be made
- No demographic evidence that more housing is required
- Petition on draft Wilmslow Vision document objecting to site CS25 – Adlington Road (273 responses)
- Overshadowing
- Travel plan unenforceable
- Factually incorrect statements made in the planning application
- Applicant has failed to include all relevant information relating to the site
- No support from community
- Disruption during construction
- Loss of outlook
- Existing open space needs drainage
- No SUDS scheme
- Ownership of tree infill barrier not clear
- Further planting could be undertaken along Overhill Lane boundary
- Inadequate parking
- Right to light
- Loss of value to existing properties
- Impact on setting of listed buildings
- Impact on public right of way creating crime hotspots
- Previous fatalities on Adlington Road not identified in TA
- Danger of crossing Adlington Road to new pavement
- Permission on this site will be open to Judicial review
- Urban sprawl – development would subsume hamlet of Dean Row

Additionally legal advice has been sought from the Residents of Wilmslow group and has been provided in two advice notes:

Counsel opinion (1)

- On safeguarded land countryside policies are to apply (GC5)

- The safeguarded designation is not a “green light” to development and it does not establish the principle of development on the land
- Safeguarded land, in the event that it is to be brought forward for development, must be brought forward as an allocation, not a planning application
- NPPF states Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- to grant planning permission on the Adlington Road site would be contrary to GC5 and GC7 and therefore in breach of the Development Plan.
- GC7 is wholly consistent with the Framework
- Core strategy allocation for development is a proposal that is subject to significant objection
- reference to a “review” in national policy can only be read as a reference to a completed “review” in accordance with law and policy which involves independent scrutiny of proposed policies by an independent Inspector via an Examination in Public
- GC7 should be interpreted in the same manner.
- Safeguarding policies are “relevant” to the supply of housing land and in the absence of a 5 year housing land supply the effect of Paragraph 49 ibid would be to deem GC7 to be out-of-date.
- At the time of the Adlington Road application, Cheshire East did not have a 5 year supply, but does now.
- Adlington Road site is included within the above supply, but even if it is removed a 5 year supply exists.
- The evidential/policy basis which would have permitted GC7 to be overridden, therefore, no longer exists
- Cheshire East has consented over 1,000 houses since 31st December 2013 so that if the base date for the calculation of the 5 year supply were to be moved to 28th February 2014 the exceedences over the 5 year requirement would be greater still
- in the current circumstances to permit the application would be contrary to Development Plan policy
- This site cannot be equated with other Core Strategy strategic sites that have been granted consent as none of those sites were safeguarded in an extant Development Plan.
- The site is the subject of a large number of objections on the basis that such a large Greenfield allocation is not needed to meet Wilmslow’s assessed housing needs 2020 - 2030 of circa 400 new houses.
- Prematurity remains a material planning consideration.
- It plainly arises in this case in that the site is a defined strategic site and to grant it approval now will predetermine an issue that is properly for debate at the forthcoming EIP
- Site is not sustainable
- Transport Assessment has not considered the cumulative highway impacts of developing Adlington Road along with the Woodford Aerodrome site and Handforth East.
- The single access point off Adlington Road lies between two bends and the pedestrian footways are patently substandard.
- Affordable housing not pepper potted

Counsel opinion (2)

Provided in response to Jones Homes Response to Public Consultation on Planning Application 14/0007M document dated April 2014.

- Document fails to engage with previous advice
- Whether the 2004 Plan is out of date is not to be assessed by reference to the status of the emerging Core Strategy or indeed by reference to the age of the 2004 Plan but by reference to Paragraph 215 of the NPPF, ie by reference to the 2004 Plan policies and their consistency with the NPPF
- In accordance with Paragraph 216 of the Framework the emerging Development Plan allocation of the Adlington Road site can only carry very limited weight in any event due to the fact of extensive objection to it.
- GC7 does no more than recognise that as at an unspecified future date it “may” be required to meet housing needs if a Development Plan review so concludes. Such a review would consider needs and a range of options for meeting them;
- It would appear that in the Coppice Way decision (taken in the context of a shortfall in the 5-year housing land supply) it was assumed the Policy GC7 was a policy “relevant for the supply of housing” within the meaning of Paragraph 49 of the NPPF, ie a policy that deems such “relevant” policies to be out of date in the absence of a 5-year housing land supply.
- However, the case of *William Davies Ltd v. SoSCLG* [2013] EWHC 3058 (Admin) suggests that this may be an oversimplification. *William Davies* ibid addressed a submission that a “Green Wedge” policy was “relevant” to the supply of land for Paragraph 49 ibid purposes in that it was restrictive in terms of housing development. The Court rejected the submission and considered paragraph 49 did not apply in that case.
- In the current case GC7 is not specifically related to housing, ie it relates to all forms of development;
- Regardless of point above, GC7’s primary purpose is not related to the supply of housing (or any other form of development) but rather regardless of the state of the supply of housing the purpose of it is to protect safeguarded land from all development (unless GD5 compliant) unless and until it is released from such protection as part of a strategic Development Plan review.
- GC7 therefore carries full weight regardless of the state of the 5-year housing land supply.
- at the time GC7 was drafted the requirement for a rolling 5-year supply had been entrenched in national planning policy since the mid-1980s - yet GC7 does not contain provisions that permit its dilution in the event of a shortfall in the 5-year housing land supply.

One letter has provided from Sustrans making the following general comments:

- 3m greenway to north is supported
- Walking cycling route should be created from south west corner to Wilmslow Park
- Contributions towards creating a ramp at southern end of greenway alongside A34
- Design should create 20mph speed limits on residential roads
- Smaller properties without garages should have storage

- Travel planning should be set up

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application:

Response to public consultation statement; Arboricultural statement; draft heads of terms; summary of application; design & access statement; highways technical note; transport assessment; air quality assessment; bat survey; statement of community involvement; ecological report; energy statement; flood risk assessment; hedgerow assessment; contaminated land statement; Archaeological desk based assessment; interim travel plan; noise impact assessment; site waste management plan; planning statement.

The planning statement concludes:

- Site is identified in the local plan to be brought forward for housing beyond the plan period if needed.
- Identified as a strategic site in emerging local plan and contributes to 5 year supply.
- Proposed access is most appropriate for the site
- Acknowledge that there will be some disruption to neighbours during construction – mitigated by landscaping.
- Hedge and tree losses mitigated by replacement planting
- Traffic generation considered together with SEMMMS and Woodford proposals – No significantly adverse highways impact identified
- Relatively sustainable location, and connectivity to the north will be enhanced.
- Open space at Browns Lane to be enhanced
- Existing PROW retained and enhanced
- Range of housing provided to meet local needs and designed to reduce CO2 emissions
- Boost to local economy from residents and construction jobs
- New homes bonus can be fed into local area
- Overall it is a sustainable form of development

OFFICER APPRAISAL

PLANNING POLICY AND HOUSING LAND SUPPLY

Principle of Development

The application site is allocated in the Macclesfield Borough Local Plan (2004) as Safeguarded Land. Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. The reasoning for policy GC7 explains the land “*may only be allocated in the future within the strategic planning context and following the guidance for the assessment of development sites contained in PPG3 Housing (2000)*”. Policy GC5 deals with development in the open countryside, which “*will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area*”. The development does not fall into one of those categories.

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 sufficient to outweigh the policy concerns.

Members may recall the application for a care village in Handforth adjacent to Handforth Dean retail park, which was also located on safeguarded land. This was refused by the Council, but allowed on appeal. The Inspector examined the safeguarded land issue in some detail. In summary he identified that the local plan period ran for 7 years between January 2004 and 2011, that we were then 2 years past the end of this period (now over 3 years), and we are therefore well beyond the plan period. He also noted the development pressure on the Green Belt land to the east of the A34, as identified in the emerging local plan documents. The Inspector stated:

“It therefore now appears that planning to protect the integrity of the boundary of the Green Belt in this area is not working. The safeguarded land, rather than providing sequential land release for future development needs, is throttling development. This is leading to the consideration of options where Green Belt land would be removed from the designation and immediately allocated for early development.”

As a result, the Inspector concluded that the safeguarding of site, between the settlement and the Green Belt, under policy GC7 has:

“...already fulfilled its purpose since its first designation in 1988 and has been overtaken by events...It also appears, in conflict with the National planning Policy Framework, the Green belt boundaries will need to be altered at the end of the LP period. LP Saved Policy GC7, as it relates to the appeal site, therefore shows little consistency with the Framework and is thus out of date.”

With regard to the current application, we are moving further away from the Macclesfield Borough local plan period, and the site is now an allocation within the *Cheshire East Local Plan Strategy – Submission Version*. The submitted Counsel opinion is noted where it states that GC7 is not related to the supply of housing but rather its purpose is to protect safeguarded land from all development; however, the policy has been identified by an Inspector as being out of date, and as such paragraph 14 of the Framework is triggered where it states:

“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.”*

It should also be noted that the Inspector in the Coppice Way appeal stated that due to the *sui generis* use class of the care village housing land supply was not an issue for the appeal.

In terms of the Local Plan Strategy Submission Version (March 2014), the site is identified as strategic site CS25, which highlights the opportunity to deliver a high quality, well connected and integrated residential development.

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

1. The delivery of 200 new dwellings;
2. Incorporation of green infrastructure;
3. An appropriate level of amenity open space and children's play space; and
4. Pedestrian and cycle links and associated infrastructure.

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 in paragraph 14 of the NPPF which has been set out previously in this report.

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in

housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the

full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

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 CS25 is one of the Strategic Sites included within the latest housing supply figures. 135 dwellings are expected over years 1-5.

Conclusions on the principle of development

It is acknowledged that many of the objections suggest that the housing requirement for Wilmslow can be met through the use of brownfield and windfall sites alone, and as such there is no need to develop the Adlington Road site.

The emerging Cheshire East Local Plan Strategy expresses what is considered an appropriate level of development based on the overall need for the Borough, distributed via the settlement hierarchy and informed by the overall development strategy for the Borough; the figures identified in the emerging Local Plan are not capped.

The emerging Local Plan is required to allocate a deliverable supply of housing across the plan period. To be considered deliverable a site needs to be available, suitably located and have a realistic possibility of development within the next 5 years. A site can be demonstrated to be these things when it is allocated in the Local Plan or granted planning permission (even then there is a question mark over whether it is "deliverable" - allocations that stand around for 10 years / permissions close to expiration may not be considered deliverable). Therefore the sites identified in the local plan (and five year supply) must be accompanied by evidence that supports their deliverability.

Clearly, there are deliverable sites that come forward outside the Local Plan as windfall. However, these are only deliverable in hindsight - windfall can only be considered as part of the deliverable supply where there is 'compelling' evidence of its 'consistent' delivery. By its nature, windfall is largely an unknown quantity, is difficult to quantify and rely on when establishing a planned supply of housing.

Many of the sites identified by the objectors have come forward for development as windfall sites, and those completed and with permission have been included in the five year supply. No doubt windfall development will continue to arise; however, for those sites identified by the objectors as 'possible', there is no evidence to support their delivery.

Conversely the Adlington Road site can be delivered. It has been identified as a development site consistently in local plan documents, despite the many objections to it. There are no other known sites that can deliver the required quantum of development for the area that do not lie in the Green Belt. Figures for this site are included within the Council's five year housing figures. The safeguarded land policy is considered to be out of date and whilst there may be outstanding objections to the emerging local plan allocation of this site, given the stage of its preparation some weight can still be afforded to it, and the particular circumstances of the site outlined above. Prematurity is a matter that has been raised in other cases across the Borough, and is a material consideration, however, this has not been found to justify a reason for refusal in other similar applications or appeals, and is not in this case for the reasons above. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

SUSTAINABLE DEVELOPMENT

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, is also a preferred site for housing (site CS 25: Adlington Road) within the Cheshire East Local Plan Strategy – Submission Version. The site is within 2km of Wilmslow town centre to the south, and approximately 1.2km from the facilities at Dean Row to the north.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. The supporting documentation submitted with the application outlines that the development will adopt a fabric first approach to reducing energy use in the development. This can be secured by condition.

The development will also provide a new combined pedestrian and cycle route from the site, through the existing Browns Lane open space, to the north onto Browns Lane / Pinewood

Road. A new footpath will also be provided from the site to Varden Bridge to the south enhancing walking facilities to the town centre.

The nearest shops and services are at Dean Row to the north approximately 1.2km from the site, and Wilmslow town centre to the south west. These centres provide all the necessary services and amenities. Wilmslow train station is approximately 1.8km from the site, and the nearest bus stop is approximately 1km away on Dean Row Road to the north. The nearest primary school is also approximately 1km away at Dean Row and Wilmslow High School is further at 2km. Some of the distances will exceed the recommended distances in policy SD2 of the Local Plan Strategy Submission Version, however all facilities are reasonably accessible and, of course, location / accessibility is only one aspect of sustainable development.

Economic Role

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 204 new homes, 30% of which will be affordable, including provision for elderly. In addition on site open space and financial contributions towards enhancing the adjacent open space area and education provision in the local area will be provided.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework.

AFFORDABLE HOUSING

There is a clear need for affordable housing within the local area, which is evidenced by:

SHMA 2013 update

The site falls within the Handforth and Wilmslow sub area in the Strategic Housing Market Assessment 2013 update. This showed a net affordable housing requirement of 25 units per year for the period 2013/14 – 2017/18. This equates to a need for 49x 3bed and 5x 4+bed general needs units and 13x 1bed and 3 x 2bed older persons accommodation. There is a surplus of 1 and 2bed units, -10 and -35 respectively.

Cheshire Homechoice

Cheshire Homechoice is the choice based lettings system for allocating rented affordable housing across Cheshire East. There are currently 317 applicants on Cheshire Homechoice who have selected one of the Wilmslow lettings areas as their first choice. These applicants require 120x 1bed, 133 x 2bed, 50 x 3bed and 9x 4bed units, 3 applicants did not set their bedroom requirement.

Policy

Policy H8 of the Macclesfield Borough Local Plan states that in developments of 25 or more dwellings or on residential sites of 1 hectare or more the Council will negotiate for the provision of 25% of the dwellings to be affordable. No tenure split is identified in the policy.

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that the Council will negotiate for an appropriate element of affordable housing on sites of 15 units or more or more than 0.4 hectare in size. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure. The proposal is for 204 dwellings, this equates to a requirement for 61 affordable units.

In this case the application now proposes 30% affordable housing with a tenure split of 60% intermediate sale properties and 40% affordable rent. The affordable rented properties include the provision of 7 affordable rented bungalows. The need for these is evidenced in the SHMA update 2013 which outlined a requirement for 13x 1bed and 3x 2bed older persons accommodation per annum. Furthermore evidence from Cheshire Homechoice shows there are currently 24 applicants who require wheelchair accessible properties. The tenure split does depart from the IPS however bungalows are rarely provided for in affordable proposals, and the split is required to facilitate this specific bungalow offer to be made.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The positioning of the affordable units is shown to be at either side of the site. The central section of the site does not accommodate any of the affordable homes. Whilst the degree of pepper potting could be greater, they are considered to be adequately spread across the site, provided that the external detail is compatible with the open market homes.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS stipulates that all the affordable housing be delivered no later than 50% occupation of the open market units. The applicant in their draft heads of terms have outlined that they will deliver 50% of the affordable housing by no later than 50% occupation of the open market units and 100% of the affordable housing no later than 100% occupation of the open market units.

The IPS clearly states that the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80% if the scheme constitutes a high degree of pepper-potting. This is not considered to apply to the proposed development, and therefore provision should be in accordance with the IPS.

HIGHWAY SAFETY & TRAFFIC GENERATION

The Strategic Highways Manager makes the following comments on the proposal:

The proposed access strategy would be from a simple priority junction off Adlington Road with a supplementary emergency access and multiple links direct from the site to the surrounding pedestrian infrastructure.

The application is supported by a Transport Assessment (TA) which is based on a scope agreed with CEC Strategic Highways in 2013. All required junction assessments have been completed and the traffic impact from the development demonstrated through industry recognised computer assessment programmes.

Traffic count data for the TA was from data local to the site which was previously agreed by CEC for a nearby development. The remaining data came from new counts. In addition the TA also provides sensitivity tests with regard to the prospective but as yet unresolved planning application for housing at Woodford and includes a sensitivity test on the Manchester Airport Eastern Link Road.

Third Party Information

In addition to this information, some survey data was provided by an objectors group which gave: traffic flow, speed and roundabout queuing information. This data was provided by Road Data Services Ltd (RDS) and took tabular form with no technical commentary to provide assessment.

The Strategic Highways Manager has considered this data against the provided TA for the application. It was found that the Road Data Services information matched well with the TA data in many areas but showed lower traffic flows overall. Measured approach speeds matched well though the TA had higher speeds in one instance and on observed roundabout queue lengths the RDS information was given in metres whilst the TA information was given in specific PCU's (passenger car units) which is the recognised unit of measurement for the ARCADY programme.

After converting the 'metreage' into PCU's for the queue lengths it became clear that the queue lengths observed by Road Data Services Ltd., were in many cases very similar to those identified in the Transport Assessment whilst in some instances the TA had identified longer queues. In any event, it is clear from the work completed by the Strategic Highways Manager that the data provided by the objectors did not provide a material concern upon which the Strategic Highways Manager should reasonably act.

Wilmslow Town Council

Wilmslow TC has objected to the proposed development and related points made on highway grounds are:

1. Objection:- The TA understates the impact of the development on Adlington Road, Dean Row Road and Cross Lane.

Response:- In fact the traffic generation from the development is appropriately calculated via the TRICS database which is the industry recognised standard for this analysis and the trip rates are agreed.

1. Objection:- The TA does not fully take into account the impact of the 950 house development at Woodford.

Response:- In fact the TA does assess the impact of the prospective development at Woodford through a sensitivity test at Chapter 9 in the Transport Assessment where it also considers the impact of the Manchester Airport Eastern Link Road. It should be remembered that the Woodford development does not yet have a planning permission and is therefore not strictly committed development however the TA does include for it.

2. Objection:- The assessment assumes an average of 1.5 cars per house but the actual number is likely to be higher than this with the average in more mature developments in Wilmslow being nearer to 3 cars.

Response:- In fact the number of cars per household is not a considered factor at all in calculating traffic generation figures as this is completed through the TRICS database as mentioned earlier in this report.

3. Objection:- The applicant states that the a car sharing scheme would be essential but such a scheme could not be enforced.

Response:- This is one measure which could be agreed for a site Travel Plan however the Travel Plan will be conditioned and agreed with the Authority as part of the condition.

4. Objection:- The development will make the already dangerous exit from Wilmslow Park North to Adlington Road even more dangerous and will increase the amount of traffic through Wilmslow Park which is a private road.

Response:- The injury accident record for this junction shows no records in the last 5 years. There have been two slight injury accidents near to this junction in the last 5 years however neither are related specifically to junction turning movements. Wilmslow Park North is a private road and therefore the Highway Authority has no specific jurisdiction.

5. Objection:- There is no pavement provision along Adlington Road to access the Bollin Valley.

Response:- The developer has produced and costed a scheme for the provision of this footpath link which will be secured via a Section 278 Agreement under the Highways Act 1980.

Transport Assessment.

The Transport Assessment is properly structured under the DfT guidance document and provides an assessment of the highway and traffic implications of this proposed development. The Strategic Highways Manager has assessed the content of the TA and has found that the information does make appropriate assessment of the development impact.

There are some requirements that are identified from the content of the TA and which the Strategic Highways Manager has negotiated with the applicant and for which there will be recommended conditions and informatives:

- A roundabout arm improvement at the junction of A34 Wilmslow – Handforth Bypass Roundabout. This improvement proposal is necessary to provide capacity at this junction and has now been agreed and drawn in detail. The provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980. This improvement is secured within highway land.
- The footpath fronting the site on Adlington Road is very narrow and a scheme has been designed and costed for the widening of this footway. This would involve alterations to Adlington Road: carriageway width, drainage and surfacing which are all of benefit in terms of surfacing, maintenance and traffic calming. In addition the carriageway width would be slightly reduced but remain some 6.5 metres wide which is more than adequate for normal two-way flow. This minor narrowing will be tapered across more than the site frontage to soften noticeable taper effect. The provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980.
- The developer will provide and build a new footpath link to Vardon Bridge providing access to the Bollin Valley. This scheme has also been designed and costed and the provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980.

The developer will also fund local traffic management on the frontage of the site and this is intended to provide a reduction in the local speed limit to 30mph in response to local concerns. However as a planning condition cannot be tied specifically to a Traffic Regulation Order a sum of £10,000 has been agreed for this provision and will be gathered via the S106 agreement. The emergency access will be controlled by bollards or a gate, details of which can be secured by condition.

Sustainable links

In addition to the above requirements the developer will provide improvements to many of the local footway, cycle and Public Right of Way routes which will enhance the accessibility of the site.

Travel Plan

The TA offers an interim Travel Plan however a full travel plan will be the subject of a planning condition.

Internal Layout

The internal layout has been the source of much discussion with the developers and their architects. There have been a number of round-table meetings and responses to early layout proposals making clear the requirements of the Authority with regard to the production of a quality layout to a Manual for Streets hierarchy and design. This is intended to develop a sense of place and create strong pedestrian environments within the site where precedence is given over vehicles.

The latest drawing from the applicant has made changes to the layout which provides some alignment with Manual for Streets principles but which in overall terms still reflects more traditional Design Aid features and is perhaps consistent with local established residential developments. A minimum of two parking spaces per dwelling will be provided.

The Strategic Highways Manager would have preferred to see a more innovative Manual for Streets layout however in engineering terms the offered layout does provide a legible adoptable boundary and has acceptable geometry in highway terms.

Overview

The Strategic Highways Manager finds that in terms of traffic impact the development assessment, proposals and requirements noted above in this report will adequately mitigate for the impact of this development in such a way that it can not be considered to be 'severe' in the context of the NPPF. No significant highways issues are therefore raised and the proposal complies with policy DC6 of the Local Plan.

PUBLIC RIGHTS OF WAY

Existing Rights of Way

The development would affect a Public Right of Way namely Public Footpath No. 72 which runs in a north-south direction at the western side of the site.

The interim travel plan states that *"pedestrian / cycle only accesses will be provided onto ... Public Right of Way FP72 which runs to the north-west of the site"*. The length of this Public Footpath running from the site northwards towards Welford Road and Pinewood Road is of insufficient width to accommodate cyclists and the spur from the north westerly estate road in a northerly direction should be made sufficient for pedestrians only. The rights of way officer has suggested that the developer should be asked to contribute to an improved surface for this section of path due to increased footfall arising from the development. However, on inspection of this section of footpath the surface is considered to be in a reasonable condition but some maintenance work is required to clear the surface and trim back overgrown hedges. Coupled with the provision of new footways across the open space, contributions are not considered to be necessary to make the development acceptable.

The section of Public Footpath No. 72 within the site boundary and extending to Adlington Road may be of sufficient width to accommodate both cyclists and pedestrians, subject to a safety assessment, and would match a likely desire line towards the town centre from the eastern side of the estate. The design, specification, legal status and maintenance of this section of the path would require the agreement of the Council as the Highway Authority.

Footway/cycleway proposals

The application proposes footpath and combined footpath/cycle routes both within and outside of the site, including improvements to the footpath outside of the site on Adlington Road and the creation of a new one to Varden Bridge. The new routes help to improve the connectivity of the site to Dean Row to the north and Wilmslow town centre to the south west. The legal status and specification of these routes would require the agreement of the Council as the Highway Authority. The developer is expected to include the maintenance of

these routes within the arrangements for the maintenance of the open space of the proposed site. Lighting to one of the routes to the north will be required.

CONTAMINATED LAND

The application area has a history of use as a brickfield and therefore the land may be contaminated, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The Contaminated Land team has no objection to application subject to a condition requiring a supplementary investigation and risk assessment being carried out to assess actual and/or potential risks from land contamination.

AIR QUALITY

The proposed scale of the development is considered significant in that it is likely to change traffic patterns and traffic flows in the area. The applicant has submitted an Air Quality Impact Assessment to consider this impact

The cumulative impact of developments in the Wilmslow area may lead to successive increases in pollution thereby increased exposure. The assessment uses ADMS Roads to model air quality impacts from the additional road traffic associated with the proposal. It is unclear from the report if the assessment has considered the cumulative impacts of developments in the area or undertaken a sensitivity analysis of the results. Although it should be noted that other recent developments in the local area are of a much smaller scale to the current proposal.

The assessment as it stands concludes that there will be a negligible increase in NO₂ and PM₁₀ exposure at all 19 receptors modelled.

Taking into consideration the uncertainties associated with air quality modelling, the impacts of the development could be much 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 developer in the form of direct measures to reduce the traffic impact associated with the development and safeguard future air quality.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, 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), and infrastructure to allow home charging of electric vehicles in new, modern properties could be considered.

Whilst a travel plan is proposed, the provision of electric car charging points in every new home is not considered to be reasonable or necessary, as there is no specific policy

requirement for this and appropriate travel planning will adequately mitigate for the negligible impact on air quality.

NOISE IMPACT

The applicant has submitted a Noise Impact Assessment, which recommends that noise mitigation measures should be incorporated in identified areas of the development which are affected by higher levels of noise from road traffic. The noise mitigation measures would be designed to ensure that the future occupants of the proposed dwellings are not adversely affected by road traffic noise and would achieve the internal noise levels defined within the “good / reasonable” standard within BS8233:1999. Outdoor noise levels in terms of the protection of garden areas are also considered in the report.

The noise mitigation measures which are identified in the report include the provision of acoustic glazing, the provision of acoustic ventilation, and the provision of 1.8m close boarded timber fencing along identified garden perimeters. An appropriate condition is therefore recommended in accordance with policy DC14 of local plan.

LANDSCAPE & TREES

The application site comprises grazed paddocks with a small number of buildings relating to the agricultural use of the land close to the western boundary. The site is enclosed by residential properties and the existing open space at Browns Lane. There are some established hedgerows within the site and along the boundaries, as well as a number of trees formally protected by TPO.

There will clearly be a dramatic visual change within the immediate area. However given that the site is set against existing housing development on four sides, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact.

Comments from the Council’s arboricultural officer are awaited, and therefore tree and landscape issues will be reported to members in an update.

ECOLOGY

Grassland habitats

The application site is dominated by semi-improved grassland. This being grassland that is subject to agricultural treatment but which retains an element of characteristic grassland flora.

The submitted habitat survey was undertaken in March 2013, which is early in the season and 2013 was also a year when the cold winter lead to a delayed spring, therefore the nature conservation value of the grasslands may potentially have been underestimated and a confident assessment of the grassland habitat cannot be made in the absence of a more detailed survey undertaken mid-summer. However based upon the available information the grassland present on site would not be considered to be of UK BAP quality, but nonetheless it does contribute to the biodiversity value of the site.

The nature conservation officer therefore recommends that if planning consent is granted, residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation / enhancement.

An appropriate method of calculating an appropriate commuted sum would normally be based on the Defra report '*Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011*'.

However, the nature conservation officer confirms that the value of the grassland habitat on site is not high (based on the survey data provided it would not be considered to be a priority habitat and it would fall below the thresholds for designation as a Local Wildlife Site). Nonetheless it does have some nature conservation value. Common knapweed, ribwort plantain, woodrush, cuckooflower are all species recorded on site which are indicative of neutral unimproved grassland or restorable semi-improved grassland of nature conservation value. Whilst none of these species are rare – few grassland species in Cheshire are – they do indicate that the grassland habitats on site have more value than much of grassland found in the agricultural landscape of lowland Cheshire.

A contribution calculated from the Defra report referred to above would be on the basis of the cost of creating an equal area of higher quality grassland habitat as these are the figures provided by Defra. To reflect the lower value of the grassland habitat lost to the development and in acknowledgment that the open space area associated with the development would have some, albeit very limited, ecological value, the nature conservation recommends a commuted sum calculated as follows:

Area of unmitigated residual loss of grassland (accepting open space area mitigates for a small loss) = 8ha.

Cost of creation of Lowland Grassland is 8.ha x £11,293.00 (cost per ha) = £90,344.00
(Source UK BAP habitat creation/restoration costing + admin costs)

Reduction in calculated area by two thirds to reflect low value of grassland habitats present = £30,114.66.

A financial contribution of £30,114 will therefore be secured via the s106 agreement to mitigate for the identified loss in biodiversity on the site.

Ponds

The original proposal included the loss of an existing pond and provided no mitigation for its loss, which would have a detrimental impact on biodiversity. Concerns were raised by the Environment Agency and the nature conservation officer in this regard. The revised plans now incorporate a replacement pond at the north of the application which is considered to be appropriate mitigation. The Environment Agency and the nature conservation officer are satisfied with this provision.

Great Crested Newts

A number of ponds are present within 250m of the proposed development. A full great crested newt survey has not been undertaken but the ponds have been subject to two rounds of habitat suitability assessments. The nature conservation officer has also visited the ponds,

and advises that great crested newts are not reasonably likely to be present or affected by the proposed development.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the buildings on site. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts on this site in the absence of mitigation is likely to have low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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 three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely 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 submitted bat survey identifies evidence of bat activity in the form of a minor roost of a relatively common bat species being recorded within the buildings subject to this application.

The proposed development that involves the removal of the existing buildings on the site will provide approximately 200 dwellings, and will contribute towards the housing land supply for the Borough. There are no other known deliverable sites that can provide this quantum of development in the local area. As such there is not considered to be a satisfactory alternative.

The usage of the building by bats is likely to be limited to small-medium numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a low impact upon on

bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes and bat tubes on the replacement buildings and a bat loft area is included in the previously consented stables building as a means of compensating for the loss of the roosts. The submitted report also makes recommendations for reasonable avoidance measures to reduce the risk posed to any bats that may be present when the works are completed. This mitigation will maintain the favourable conservation status of the species.

The proposal will increase the existing housing stock within the Wilmslow area, provide a significant proportion of affordable dwellings, as well as other identifiable public benefits outlined elsewhere in this report.

The proposed mitigation is acceptable and provided that it is implemented in full the residual impacts of the proposed developments on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities are an appropriate form of mitigation which in the long term will provide a satisfactory habitat for the bats. It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

The Council's Ecologist raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Breeding Birds

The proposed development site is likely support breeding birds including the more widespread Biodiversity Action plan priority species. If planning consent is granted conditions would be required to safeguard breeding birds.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and a material consideration. There are a number of hedgerows located around this site. It appears likely that a number of boundary hedgerows could be retained but that the proposals would result in the loss of a number of internal hedgerows. If planning consent is granted it must be ensured that suitable replacement hedgerows are secured to compensate for those lost.

LAYOUT & DESIGN

There is considerable variation in the character of properties that surround the site on each side. As such there is little to provide a strong design lead for this site. However, Adlington Road is one area characterised by fairly large houses in large plots and this theme should be carried through the development where it faces Adlington Road. Whilst the 10 proposed houses on Adlington Road are individually designed which complements the varied character of existing dwellings, it is equally important to ensure the hedge and tree lined character is

retained to the front and rear of these properties. The garaging has been set back into the site to provide more space between the dwellings.

The tree lined character will continue along the access road to the rear softening its impact, and providing a focus towards the proposed open space which will then funnel into the existing open space at Browns Lane. The open space is used as a focal point to the entrance. Where the houses around the open space do not face towards this area, they have been provided with a dual aspect to provide overlooking and improve natural surveillance within these areas.

There will be a hierarchy of streets within the development which will be identified both by their respective size and their materials and landscape treatment. The hedging is pleasant on the narrow streets with a more substantial tree line on the main spine roads and a different character for some of the finger roads leading to the POS which will help to reinforce the structure and hierarchy of the development. Alternative materials and landscaping will be used to help prioritise areas for pedestrians and lower vehicle speeds. It is noted that on the some of the cul-de-sacs on the western side of the development have gates, creating small enclosed, private areas for between 4 and 6 properties. Whilst these are not necessary and do not positively contribute to the development, this would not be a reason to refuse planning permission.

The eastern side of the site successfully orientates the buildings to allow finger roads leading to the POS, allowing for long views, desirable plating and pleasant spaces, which unfortunately has not been replicated on the other side. It is however acknowledged that opportunities are more limited on this side of the site for connections into the open space given the limited boundary with the open space and presence of protected trees.

The pond has been quite successfully relocated in front of the bungalows on the eastern boundary which offers a very pleasant outlook and the parking provision has been broken up with planting to prevent it becoming a car dominated space.

The design of the individual properties, the density (at approximately 21 dwellings per hectare) and the plot sizes are considered to be acceptable overall and in keeping with the varied character of the area. There will be two separate house builders for this development, each with their own style of properties. The choice of materials will require careful consideration to ensure the two halves of the development are consistent and / or complementary. The same applies to the properties on Adlington Road to ensure these properties stand out from the rest to allow their bespoke nature to become a reality. Therefore, whilst a materials schedule has been submitted, it is considered to be necessary to condition the submission of materials. The proposals also provides for increased connectivity towards Dean Row and Wilmslow town centre where most facilities are found, and will help to maximise the opportunities for the use of the existing open space.

The site is relatively flat, and no significant levels changes are anticipated to be necessary. However, whilst the latest revised plan provides some levels information (existing land levels and proposed slab levels) it is considered to be necessary to require further levels information to be conditioned as no details have been provided for the external ground levels across the site.

Reference has been made within the objections to the Council's Green Belt assessment identifying the site as playing a 'significant contribution' in checking unrestricted sprawl. Clearly the scale of the development will add to the built form in the local area, however, the site has a boundary length of approximately 2.5km, and approximately 2km of that is bordered by existing residential properties. As a result the site is relatively enclosed by built development, the existing open space at Browns Lane will ensure open links are retained to the Green Belt to the north and the proposed extension of the urban area is not considered to be significantly harmful.

Overall, the proposal is considered to comply with policies BE1 and DC1 of the Local Plan and the requirements of chapter 7 of the Framework.

AMENITY

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, and seek to protect the immediate outlook from a property, not a more distant view. These distances are set out as guidelines within policy DC38 of the Local Plan.

It is acknowledged that the existing properties that currently back onto the application site, and which benefit from the open aspect of the existing agricultural land to the rear will inevitably see a significant change from open fields to a housing development.

However, the interface distances shown on the plans between the proposed dwellings and existing residential properties that border the site all comply with the distance guidelines set out in policy DC38 of the local plan. It is noted that some of the existing properties have extensions that are not reflected on the submitted plans, and which may marginally reduce the distances from those set out in policy DC38. However, as noted above the distances are guidelines only, indeed they vary between the three local plans currently used in Cheshire East and there are no overriding distances within the Framework, and any marginal reduction is considered to be acceptable.

It should be noted that whilst some of the proposed dwellings do come within close proximity of neighbour's garden boundaries (in some cases within 1 or 2 metres), such as at plots to the rear of 31 Adlington Road, 51 Adlington Road and Fermain Cottage on Browns Lane; due to the orientation of the buildings, the size of the neighbour's gardens, and the scale of the proposed buildings there is not considered to be a significant impact upon the living conditions of these neighbours. The retention of existing vegetation, and additional planting will also help to minimise the impact of the development upon neighbouring properties. Some landscaping is proposed to come in advance of the completion of the development to safeguard the amenity of neighbouring properties during construction. Details of this can be secured by condition.

A landscape buffer is proposed between the properties on Overhill Lane and the new development. Residents have questioned where the ownership of this will lie. Given that it falls within the application site it is assumed that it will be responsibility of the occupiers of the new dwellings. A landscape management plan will be required by condition and will ensure the buffers retention and maintenance.

The distances outlined above are there to ensure adequate levels of space, light and privacy, whilst there may be some reduction to the level of amenity existing properties currently have, the distances and the circumstances outlined above ensure that this reduction is not significantly harmful. Similarly, housing is not a form of development that would generate such significant levels of noise to be harmful to existing residents.

With regard to the relationships within the site, there are some distances between a small number of properties that are below the guidelines set out in policy DC38 by 2 or 3 metres. However, the distances within policy DC38 are guidelines only, and there are no corresponding distances in the Framework. The sub standard distances are between the proposed dwellings and do not affect existing residents, occupiers will be aware of the relationships prior to occupation, and landscaping is proposed within the gardens, and as such the living environments that will be created are considered to be acceptable.

Some objectors have the raised the issue of their right to light under the Prescription Act 1832. Whilst this Act may protect rights to light to buildings acquired over 20 years, it does not grant a right to a view. The spacing guidelines above ensure any loss of light is not significant.

No further amenity issues are raised, and the proposal complies with the objectives of policies DC3 and DC38 of the Local Plan.

FLOODING & DRAINAGE

The application site is located within Flood Zone 1 which indicates that the site is at low risk of flooding. The submitted flood risk assessment states that suitable mitigation can be incorporated into the development to ensure that the flood risk remains low. This involves the construction of a new sewer for surface water on Adlington Road, which would then connect to the existing United Utilities sewer, and then ultimately discharge to the River Bollin. Any additional run off over and above the existing rates will need to be attenuated on site in suitable features.

The Environment agency raise no objections to the proposal subject to conditions requiring the submission of details relating to a scheme to limit the surface water run-off and a scheme to manage the risk of flooding from overland flow of surface water on the proposed development.

Similarly, United Utilities raise no objections subject to the site being drained on a total separate system with the surface water flows generated from the site allowed to discharge in to the public surface water sewer at a maximum rate equivalent to the existing Greenfield run-off rate. Any additional flows must be attenuated accordingly and agreed with United Utilities beforehand.

OPEN SPACE

The proposal for 204 dwellings on site generates the requirement for 8,160sqm of public open space (POS) provision, of which, 4,080sqm is for play and 4,080sqm for amenity provision.

There is also a requirement for recreation and outdoor sport (ROS) provision at a rate of 1.63ha per 1,000 pop.

The developer is proposing to include 3,460sqm of appropriately designed and laid out [to be agreed] amenity space, resulting in a shortfall in provision of:

1. Amenity provision of 620sqm
1. Play provision of 4080sqm
2. ROS provision

In the absence of onsite provision, financial contributions for offsite provision will be required, to be used to make additions, improvements and enhancements to the adjacent Browns Lane POS and playing field and other local recreational projects. The contributions are:

1. Offsite amenity - £46,500
1. Offsite play - £306,000
2. ROS - £143,000

The open space that is being provided on site will not be adopted by the Council and will require management arrangements to be confirmed.

EDUCATION

The proposed development will generate a total of 36 primary aged pupils and 26 secondary pupils. Given that 7 of the dwellings will be identified for elderly persons, these numbers are based on a total of 197 dwellings.

Capacity has been considered in the local primary schools (i.e. those within 2 miles) and the local secondary schools (i.e. those within 3 miles). Forecasts indicate that there will be sufficient capacity in the local primary schools to accommodate the pupils generated of this age. The local authority is already proposing expansion work at 3 of these schools.

There is insufficient capacity in the local secondary school to accommodate any of the pupils generated by this development. Therefore a sum of £424,910 will be required to provide accommodation for the 26 pupils generated.

ARCHAEOLOGY

A Historic Environment Desk-Based Assessment has been submitted with the application which considers the archaeological implications of the proposals in light of information held in the Cheshire Historic Environment Record. The report also benefits from an examination of historic mapping, aerial photographs, place name evidence, and other readily available secondary sources.

The report concludes that the archaeological potential of the site is generally low, largely because of the extensive clay extraction that has occurred across much of the western part of the site, but there are a number of locations where some limited, targeted archaeological mitigation would be appropriate. These sites comprise the investigation of a building and possible kiln (identified as Sites 19 and 21) associated with the clay extraction and brick production and a number of linear earthworks in the two fields comprising the south-eastern portion of the site. The mitigation should consist of trial trenches across the features of

interest, followed by further work if material of significance is discovered. A report will be required and the mitigation may be secured by condition in line with guidance set out in Paragraph 141 of the Framework.

AGRICULTURAL LAND

The Framework states that:

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

The agricultural land on this site is classified as Grade 3 (good – moderate) agricultural land. As noted above this land has been safeguarded for development for a considerable period and is identified as a future development site for this part of the Borough in the Local Plan Strategy Submission Version. Having regard to this, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

This land quality grade is located centrally in the land quality spectrum and therefore it will not result in a loss of the best and most versatile agricultural land. The site is small and there will be negligible effect on agriculture from the loss of this isolated piece of moderate / good quality agricultural land.

For these reasons the loss of agricultural land is considered to be acceptable in this case.

OTHER CONSIDERATIONS

With regard to the comments raised in representation not addressed above, there is no evidence of unacceptable pressure on health facilities in local area, and no objection has been received from the local medical practices. This issue will therefore not justify the refusal of the planning application. Loss of house value is not a material planning consideration in this case and cannot be afforded any weight in the determination of the application.

Cheshire police recommended 2 metre high fences where fences abut green spaces or open areas; however the proposed fencing is a maximum 1.8 metres high. This is considered to achieve a satisfactory balance between security of the residents and the character of the area.

The provision of a car park at the existing open space has been requested by a number of objectors. The open space does not currently benefit from a car park, and is within walking distance of many local properties. Parking is not required to make the development acceptable in planning terms, and therefore cannot be justified. The accessibility of the open space will also be enhanced through the provision of a footpath / cycle path.

The impact on nearby listed buildings has also been raised. The nearest one appears to be Varden Bridge, which is some distance from the site, and for this reason the proposed development is not considered to have a significant impact upon its historic or architectural integrity.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, which should secure:

- Education contributions of £424,910 (26 places) towards secondary accommodation
- £46,500 for off-site provision of Public Open Space (amenity) for improvements, additions and enhancement of existing Public Open Space facilities (amenity) at open space facilities at Browns Lane and other local recreational projects.
- £306,000 for off-site provision of Public Open Space (play) for improvements, additions and enhancement of existing Public Open Space facilities (children's play) at open space facilities at Browns Lane and other local recreational projects.
- £143,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Browns Lane and other local recreational projects
- The payment of £10,000 to fund TRO to reduce speed limit along Adlington Road
- The payment of £30,114 for habitat creation/enhancement works in the locality, to offset loss of biodiversity
- Provision of 30% affordable housing with 40% to be provided as affordable rent and 60% provided as intermediate tenure
- Provision of 7 of the affordable rent properties as bungalows for the over 55's
- Rented affordable units to be transferred to registered provider
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- Affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing, financial contributions towards public open space provision, and off site ecological mitigation, are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The Traffic regulation order is necessary in the interests of highway safety.

The development would result in increased demand for school places at the 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 secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS

The site is located within an area identified as safeguarded land in the Local Plan. The safeguarded land policy (GC7) is considered to be out of date and whilst there may be outstanding objections to the local plan allocation of this strategic site (CS25), given the stage of its preparation some weight has to be afforded to it. Prematurity is a matter that has been raised in other cases across the Borough, and is a material consideration, however, this has not been found to justify a reason for refusal in other similar applications or appeals, and is not in this case for the reasons outlined above. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

Paragraph 14 of the Framework therefore applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole. The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

Whilst comments from the arboricultural officer are awaited, no significant adverse impacts are currently identified. Matters relating to the design, amenity, highways, the public right of way, ecology, air quality and noise impact can be adequately dealt with through the use of conditions and the s106 agreement, which will deliver a range of benefits, including affordable housing, contributions towards improving the Browns Lane public open space, and footpath improvements. Although there would be some visual impact resulting from the loss of a greenfield site, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made, subject to the receipt of comments from the arboricultural officer, the heads of terms identified above, and the following conditions.

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 Strategic and Economic Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

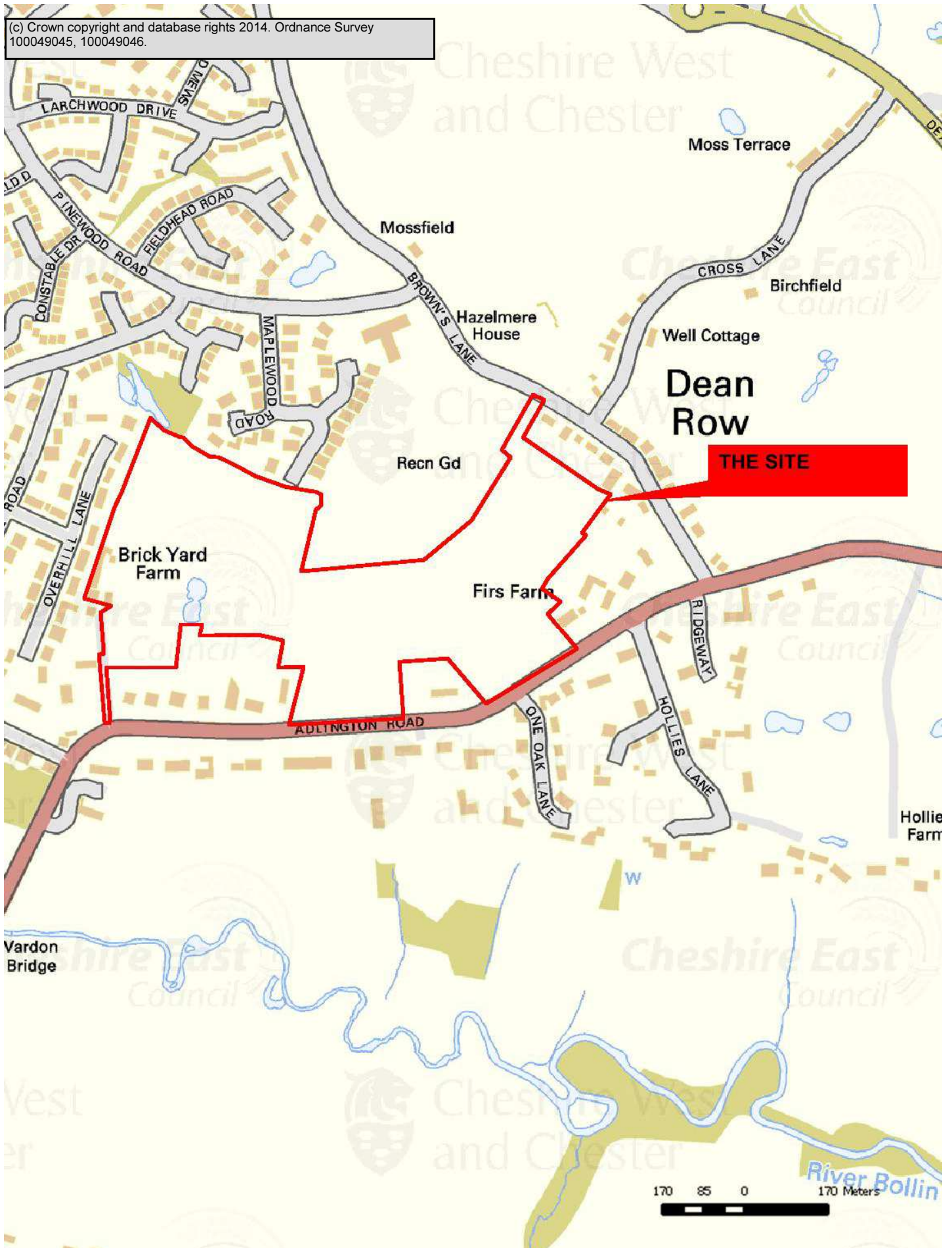
Application for Full Planning

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A32HA - Submission of construction method statement
7. A08OP - Ground levels to be submitted
8. A30HA - Protection of highway from mud and debris
9. A23GR - Pile Driving
10. A22GR - Pile Driving
11. Scheme to limit the surface water run-off to be submitted
12. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
13. Scheme for the provision and management of compensatory habitat creation to be submitted
14. Site shall be drained on a separate system
15. Programme of archaeological work in accordance with a written scheme of investigation to be submitted
16. Development to proceed in accordance with the recommendation made by the submitted Bat Survey and Pond Scoping Survey Report
17. Breeding birds survey to be submitted
18. Proposals for the incorporation of features into the scheme suitable for use by breeding birds to be submitted
19. Detailed suite of design and construction drawings for footpath widening and carriageway narrowing, roundabout arm improvement, footpath to Varden Bridge
20. Full residential travel plan to be submitted
21. Obscure glazing - details to be submitted
22. Implementation of noise mitigation measures
23. Details of bin storage facilities to be submitted
24. Environmental Management Plan to be submitted to minimise impacts of dust arising through construction

25. Supplementary investigation and Risk Assessment to be submitted (contaminated land)
26. Details of a minimum 10% reduction in energy use through a building fabric first approach to be submitted.
27. Details of management arrangements for open space, landscape areas and landscape buffer to Overhill Lane to be submitted
28. Lighting details to public right of way across open space to be submitted

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Application No: 14/0132C

Location: SALTERSFORD FARM, MACCLESFIELD ROAD, HOLMES CHAPEL, CW4 8AL

Proposal: Development of residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure

Applicant: Russell Homes (UK) Limited, G.J & M.J P

Expiry Date: 04-Jun-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety, Traffic Generation and off site impacts
Landscape Impact
Hedgerow and Tree Matters
Ecology
Urban Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education
Health

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The application site comprises an agricultural field of some 3.6 hectares located in a triangular shaped site which is sandwiched between Macclesfield Road to the south and east and the railway line to the north and west. The site is located within designated open countryside although it adjoins the settlement boundary. Manor Road is located opposite Macclesfield Road and the site is circa 700m to the east. The site is relatively flat but the site elevates in northerly direction as surrounding land falls away towards Twemlow.

A four arm roundabout is proposed as part of the access arrangements via Macclesfield Road/Manor Road and the site.

1. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 100 dwellings with open space and associated infrastructure. A four arm roundabout is proposed at the junction of Macclesfield Road, the site and Manor Lane. Approval is also sought for the means of access. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

2. RELEVANT HISTORY

None of relevance

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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

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

Policies in the Local Plan

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

NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
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, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

4. CONSULTATIONS (External to Planning)

Environment Agency: no objection subject to conditions to address the following:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to be disposed of via watercourse, and 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 discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to be disposed of via watercourse, and 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 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.

Strategic Highways Manager: No objection Subject to a s278 agreement for the delivery of a new roundabout junction at Manor Lane/Macclesfield Road incorporating a site access with a toucan crossing.

Environmental Health: Suggest Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures to protect future residents from railway/road traffic noise), travel plan, dust control and contaminated land (phase I report).

PROW Improvement Team: The Illustrative Site Layout indicates a proposed 'green route' link to Macclesfield Road. This would be the main trajectory for cyclists as well as pedestrians accessing the site from the facilities of Holmes Chapel and should be designed to accommodate both categories of user. That said, it is anticipated that the location of this link onto the highway network would make it difficult for users to cross the A536 due to the volume of traffic, increased as a result of the proposed development, the limited visibility due to the corner and railway line and the junction with Manor Lane. The need for a crossing facility for non-motorised users should be assessed.

Education:. This development will yield 18 Primary and 13 Secondary aged pupils. Based on the October 2013 school Census forecasts the 3 primary schools within the 2 mile radius (Goostrey, Hermitage and Holmes Chapel) are expected to have a surplus of 36 places across all year groups by 2019, and the secondary, Holmes Chapel comprehensive, is expected to have 96 surplus places across years 7-11.

There is one development already approved in this area which impacts on these same schools, Sanofi Aventis, but the expected yield pupil yields from this development are already included in the 2013 forecasts , and therefore the surplus mentioned above takes these pupils in to account.

Based on the information available the Education Department do not seek a contribution from the developer as indications are that the schools can accommodate the expected pupils associated with the proposal

National Health Service England : Formal Comments awaited

Jodrell Bank : No Objection subject to the use of electromagnetic insulation within new properties

Public Open Space and Childrens Play Space:

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. A LEAP comprising 8 pieces of equipment would be required.

Strategic Housing Manager: Objection on the basis that the 50% : 50% split of the affordable units as applied for does not comply with the Council's IPS on Affordable housing which requires a 65% : 35% split

Network Rail: No objection subject to the developer contacting the Asset Protection Team regarding working next to railway.

Sustrans: If this land use is considered appropriate, and is approved by the council's planning committee, our comments are as follows:

- 1) This site, whilst close to the town centre, is bounded by the Crewe - Manchester railway line and the A535. Therefore promoting walking and cycling as recommended in the National Planning Policy Framework (NPPF) clause 35 will only be achieved with some significant traffic management measures on the A535 to make the road corridor more suitable for walking, cycling, and to promote a safe crossing into Manor Lane for the station.
- 2) Within the site itself the design of the roads should restrict vehicle speeds to less than 20mph.
- 3) The design of any smaller properties without garages should include storage areas for residents' bikes/buggies.
- 4) We would like to see travel planning set up for the site with targets, monitoring and a sense of purpose (NPPF, clause 36).

5. VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council - Objection on the following grounds:

Under CEC's SHLAA this land is classed as 'not currently developable' (no 2710).

This application is contrary to the National Planning Policy Framework and there are already sufficient planning permissions within Holmes Chapel to meet housing need.

This Greenfield site is outside the settlement zone being far from the village centre.

The application will have a negative impact on local infra structure.

There are serious highway safety issues along this stretch of road with vehicular access problems.

Twemlow Parish Council: Objection on grounds -

Contrary to National Planning Policy Framework;

Does not comply with the Local Plan First Review 2005 (CBC plan is still existing until superseded);

Outside the settlement zone boundary for Holmes Chapel and within the open countryside (PS8);

A green field site - there are brownfield sites available in Holmes Chapel to meet housing needs;

No special HC rural area reasons although close to Twemlow boundary;

Would remove good agricultural land from use.

Have serious effects on local infrastructure.

Highways concerning as there are serious access issues

Cheshire East has now approved the 5 year housing supply with a buffer, subject the final consultation and approval from the inspectorate. This land is NOT included as developable in the SHLAA.

6. OTHER REPRESENTATIONS

Circa 97 representations of objection have been received to the original and updated application raising the following points;

Principal of the development

- Loss of Greenfield land
- Loss of open countryside
- Contrary to the SHLAA
- The site is beyond the boundary for development in the village. By extending this boundary it will start the process of development on the eastern side of the railway.
- Contrary to the National Planning Policy Framework and there are already sufficient planning permissions within Holmes Chapel to meet housing need - fewer than 25% of the 224 homes currently built/under construction have been sold. Holmes chapel now sits within a new 5 year plan, and has already committed to its 'share' of housing. each area needs to be considered within the whole plan, not its individual boundary.

Highways

- Increased traffic congestion
- Highway safety – this stretch of Macclesfield Road is dangerous

Infrastructure

- Existing schools are full
- Doctors and local dentists are full

• Ecology

- Impact upon protected species
- Loss of habitat
- Impact upon wildlife - there are little owls, tawny owls and even ravens at Saltersford

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Disruption during construction

Other issues

- No demand for new houses

- Affordable housing for local needs catered for by committed developments
- The sustainability credentials are over stated
- Increased flooding from the site

Holmes Chapel Health Centre states that it is the only GP Practice in the Holmes Chapel area. They have some concerns that their current premises / facilities will not be able to cope adequately with the increase in population that they are seeing in the Holmes Chapel area, i.e. housing developments already approved.

Accordingly the Health Centre have reservations regarding any further housing developments of significant size, such as this proposal. Provision needs to be first put in place to develop the Health Centre so that it can cope with the future needs of the local area.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Ecological Assessment
- Flood Risk Assessment
- Phase 1 Contamination Assessment
- Air Quality Assessment
- Landscape and Visual Assessment
- Hedgerow Assessment
- Transport Assessment

All of these documents are available in full on the planning file, and on the Council's website. In précis the applicant considers that the development is a sustainable form of development and that the Council cannot demonstrate a 5 year supply and that Para 14 of the NPPF is engaged, ie favourable consideration should be given to the proposal.

9. OFFICER APPRAISAL

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

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture,

forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
specific policies in the Framework indicate development should be restricted."*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 The Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were '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, were also been taken on board.

Sources of supply included 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 accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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 demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that 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 Local Plan 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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

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

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 is an area of Grade 3a land. They have stated the farmer who utilises the site has extensive land holdings in the area and the loss of this site will not effect the functioning of the farming activity.

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of the best and most versatile Grade 3a agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing 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 Affordable Housing Statement submitted in support of this application states that the developer will provide the requisite 30% affordable housing on site, however, the percentage split is 50:50 intermediate/affordable rented.

This is not acceptable to the Strategic Housing Manager. The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings. Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency

Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS states that: -

“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) .

The IPS goes on to state: -

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

Therefore it is preference of the Strategic Housing Manager that the affordable housing is secured by way of a S106 agreement, which secures: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- provide details of when the affordable housing is required
- 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.
- includes the requirement for an affordable housing scheme to be submitted at Reserved Matters application stage that includes full details of the affordable housing on site including location, type and size
- requires them to transfer any rented affordable units to a Registered Provider
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

The applicant has been advised of this but has declined to change the detail of the application. However, it is considered that the Heads of Terms as required by the Strategic Housing Manager are fair, reasonable and in accordance with the adopted policy of the Council. All matters which carry considerable weight

Rather than this be a reason to refuse the application, however, it is recommended that for the purposes of any appeal that the Heads of terms as required by the Strategic Housing Manager be incorporated into any S106 agreement rather than those put forward by the Applicant.

Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

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

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

- Primary School Hermitage Primary 640m
- Bus stop corner Sandiford Rd 640m
- Railway Station 900m
- Public House 900m
- Tumble Tots Manor Lane 650m
- Barclays Bank 750m

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

- Local shop – Sainsbury Local 800m
- medical centre – Holmes Chapel Medical Centre 1120m
- Leisure facilities Holmes Chapel Library 1120m
- Lloyds pharmacy -1120m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Holmes Chapel, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Holmes Chapel and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

Environmental role

The site is a greenfield site and therefore not the first priority for development. The site is within walking distance along level terrain, or a short bus journey from the town centre, a matter previously accepted by the Planning Inspector. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

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

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

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

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

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

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

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

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

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

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 230 (150 above the existing approvals on site) new family homes, including 30% affordable homes, on site public open space and financial contributions towards education provision.

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

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

Landscape Impact

The site has no landscape designations however the Dane Valley ASCV boundary is on the eastern side of the A535 Macclesfield Road.

The mainline railway runs in a cutting along the western boundary of the roughly triangular site and the A535 Macclesfield Road runs around the eastern and southern boundaries.

To the west beyond the railway there is a visually prominent housing estate beyond the railway line and the Manor Lane industrial estate is visually conspicuous in the street scene to the south.

The area to the east and the south east of the site is more attractive and rural in character however, this landscape contains scattered dwellings and mature trees. There are no public footpaths on the site or in the vicinity but there is a bridleway to the south east of the site.

The site is in agricultural use with a fairly substantial house and mature gardens adjacent the main road. This dwelling is indicated as being retained with the proposed housing estate wrapping around the existing dwelling and its garden.

To the south of the dwelling the land is fairly flat and is in arable use. To the north of the house the land is used for grazing. Towards the northern tip the site becomes narrower and slopes quite steeply eastward down to the main road. There are groups of mature trees in proximity to the house, along the northeastern boundary and a few field trees close to the western boundary.

Housing development on this site would obviously change the character of the site itself but the Landscape Architect, given the context and the prominence of urban development adjacent to the site does not consider that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The indicative layout indicates that the existing house would be retained and almost all of the mature trees would be retained mainly within areas of open space and along the north eastern boundary which is positive.

The application does not include a topographical survey or any proposed levels to indicate a cut and fill operation, however, the northern part of the site does have steep gradient, meaning that the indicative layout towards the northern end of the site could realistically accommodate the indicated dwellings. The application is however in outline and the mix of smaller units could be increased to address this at a reserved matters stage.

The noise report indicates that acoustic fencing and/or earth mounds 2.5m to 3.0 m high would be required along the western boundary with the railway and that acoustic fencing up to 2.5 m high would be necessary along the north eastern boundary where gardens are adjacent to the main road. Ideally, any acoustic fencing along the NE boundary should be located on the inner side of a native boundary hedge in order to retain the rural character of this stretch of road adjacent to the ASCV. Any acoustic fencing along the western boundary that is not in rear gardens should also be screened and softened with trees and shrubs. This would be a reserved matter detail.

Overall, the Landscape Architect considers that landscape conditions in respect of the following matters would safeguard the Dane Valley ASLV

- Mature trees to be retained and protected
- Existing and proposed levels
- Landscape Scheme
- Full hard and soft details
- Boundary treatments (including acoustic fencing)
- Landscape Implementation & 5 year replacement
- Landscape Management Plan. This document should form part of a s106 agreement in order to secure appropriate on-going management and public access to Open Space in perpetuity.

Design

The application is outline form 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. An indicative layout has been provided with circa 95 individual units indicated in cul de sacs accessed off a single central road/access drives.

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

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

The landscape of the area is considered to be the priority consideration in the overall design of this site. The site levels elevate in a northerly direction and there are a number of mature and attractive trees within the site and to its periphery. Hedgerows also predominate. Two areas of open space are provided indicatively which could be enhanced in the end layout to address other issues such as ecology.

Although matters of detail are reserved, in principle, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence. Whilst the indicative layout may only indicate 95 units, the application has been submitted described as ‘up to 100’ - the mix is not known. Overall 100 units with a mix of smaller units could be realistically accommodated on this site.

Highways Implications - Safety

This application was originally submitted with an access on the bend in the Macclesfield Road. The Strategic Highways Manager objected to such provision in safety terms and the Application sought to address this objection by amending the access point to be the proposed four arm roundabout at the junction of Macclesfield Road and Manor Lane.

The provision of such a roundabout will provide access to the site within the existing developed area of Holmes Chapel and would fall within the 30mph zone which is currently being extended. A roundabout at this location would also better accommodate existing traffic than the existing priority junction.

The Personal Injury Accident data review of the existing Manor Lane/Macclesfield Road junction undertaken as part of the TA indicates three accidents at the existing junction, including a

serious accident, in the five-year period to February 2013. The serious accident involved a right-turn out of the junction from Manor Lane and a roundabout arrangement would prevent this type of accident, as right-turns are not possible. In order to ensure that the likelihood of accidents is considered within the new design, a Stage 1 Road Safety Audit (RSA) was requested by the SHTM and was subsequently prepared by an independent Road Safety Auditor.

The Applicant's Transport Consultant produced a Technical Note comprising their Designer's Response to the RSA, which either accepts or partially accepts the findings of the Audit. The SHTM is satisfied that the issues raised in the RSA are of a nature that can be addressed at the detailed design stage as part of a s.278 process if permission were to be granted.

The Designer's Response contains amended junction layouts showing potential active speed reduction signage, a signalised Toucan crossing, and a shared footway/cycleway and these elements will be considered during the detailed design stage. A Stage 2 RSA will be required as part of the detailed design process. A condition requiring the Toucan Crossing is recommended.

Traffic Generation

The TA suggests that the site would generate in the order of 58 two-way vehicle movements during each peak hour. Arcady junction capacity modelling was undertaken on the layout by Axis, and indicates that the junction would operate well within capacity with the proposed development traffic and committed development traffic included.

It is considered that any off-site impact caused by the traffic generated by the site will be offset by the benefit to the network of the upgrading at the Manor Lane/Macclesfield Road junction as part of the site access arrangement. Therefore, no contributions towards off-site highway improvements have been sought, subject to the delivery of a roundabout site access junction under a s.278 agreement.

A critical design issue at the proposed roundabout will be the need to accommodate abnormal loads. The Manor Lane/Macclesfield Road junction currently forms part of an Abnormal Loads Route from Holmes Chapel town centre. The preliminary design received has scope to accommodate abnormal loads and is therefore broadly acceptable in principle to the Strategic Highways Manager; however, the assessment of abnormal loads access will form a key consideration during the detailed design stage, if permission were to be granted.

For example, elements of the final design such as the diameter, height and positioning of the central island and kerbs, and the locations of lighting will need to conform to the need for abnormal load access. All these matters would be dealt with under S278 of the Highways Act.

Sustainable Transport

The TA produced by Axis suggests that the site is located so as to be accessible to local services within an acceptable walking distance of 1.2km, and to a range of surrounding built up areas within a 5km cycle distance. While these are standard distances referred to in respect of accessibility, the SHTM notes that services accessible on foot are at the upper end of these distances and that existing local cycle infrastructure is limited. Therefore, high-quality pedestrian and cycle connections into the site have been sought as part of the site access arrangement.

The junction layout shows a combined footway/cycleway leading into the site, connecting to a signal-controlled Toucan crossing on the western junction arm and an additional

footway/cycleway on the south-western corner of the junction. The provision of this facility is considered to provide a reasonable level of provision to make walking and cycling a realistic option for accessing the site, and therefore this must be included as part of the s.278 works at Manor Lane/Macclesfield Road.

In respect of public transport, an hourly "hail and ride" service operates on Macclesfield Road, calling approximately 450m from the site centre, which is outside the recommended 400m walk, while Holmes Chapel Railway Station is approximately 900m from the site centre. Although local public transport provision could be improved, there is evidence of viable existing public transport provision within a reasonable distance of the site.

As the agreed site access would be a benefit to the local highway network, it is considered that any additional contributions towards public transport improvements would not be proportionate with the scale of the development as part of this particular planning application.

Amenity

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. In terms of Air Quality, conditions concerning electric vehicle charging and travel planning are requested. These conditions could be attached if planning permission were approved.

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

The layout and design of the site are reserved matters. However, given the size of the site the indicative layout demonstrates that up to 100 units could reasonably be accommodated on the site given the appropriate mix of flats and smaller units within the overall scheme, whilst maintaining these minimum distances between existing and proposed dwellings and the open spaces

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. This would be a matter of detail dealt with at reserved matter stage. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Trees and Hedgerows

Para 118 of the NPPF states that veteran trees should be retained within development unless the need for, and benefits of the development in that location clearly outweigh the loss.

The application is supported by an Arboricultural Implication Assessment (Ref MG/4677/AIA/REV'A/APR14) dated March 2014 by TBA. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Tree Removal Master Plan (Ref 4677.02). As a consequence it is possible to determine the direct or indirect impact of the proposed access and road layout on trees. The Council's Arborist is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The submitted arboricultural impact assessment identifies a number of high value category A trees all of which can be retained in order facilitate the proposed access and the internal road network. RPA have been protected allowing the respective highway construction element to be implemented to an adoptable standard. This includes the section which extends through the existing onsite tennis court located to the east of the linear group of Oaks which form the central spine of the site, and a number of individual trees scattered throughout the site.

Those trees which form the boundary with the adjacent railways line cannot be considered as long-term features given the pruning regime implemented by Railtrack. The majority of the A category which form the Manchester Road boundary should be downgraded given their re-growth is formed as part of coppiced stools

Should this application proceed to reserved matters greater thought will have to be given the configuration of some of the plots which at present a less than desirable social proximity to retained trees.

However, the Arborist raises no objection to the scheme. It should be noted that the interior road layout is not formally submitted. Access into the site is applied for but this applies only to the access not the interior road layout. Otherwise, the Arborist would require more information give the proximity of the indicative road layout to high quality trees.

Ecology

With the exception of the hedgerows and mature trees on site, it is the Ecologists opinion that the site subject to this application is of relatively limited nature conservation value.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative plan most of the existing hedgerows on site are likely to be retained, there also appears to be opportunities for suitable replacement planting to be incorporated into the proposed layout to compensate for any hedgerows lost. The Hedgerow Assessment confirms that the Hedgerows are not historic.

Public Open Space -Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 99 new dwellings (indicatively based on 238 persons) will generate a need for 2,380 sq m new AGS. This could be a condition attached to any permission.

It should be noted that as this is an outline application persons are based on an average of 2.4 per dwelling, if the number of bedrooms change, new calculations would need to be made. It is understood that an amount of AGS is to be provided on site, however few details including size of area or landscaping are available as it is proposed that landscaping will be submitted in a reserved matters application.

There are existing hedgerows to the Northern Macclesfield Road to be retained along with additional proposed planting on the buffer zone adjacent to the railway line. These areas are outside of the adoptable area for the Council and if necessary consideration should be made to be transferred to a resident's management company or other competent body.

In accordance with policy, the Council could consider adopting the formally required area running through the spine of the site subject to detailed plans along with a commuted sum for maintenance which will be calculated at the reserved matters application.

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed.

The development is over 75 dwellings, in accordance with policy, one NEAP (Neighbourhood Equipped Area for Play) standard play area would be required.

This is additional space required to the AGS and should include at least 8 items of play equipment incorporating DDA inclusive equipment. Three separate play companies should be approached for designs. We would request that the final layout and choice of play equipment is agreed with CEC, the construction should be to EN Standards. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of at least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Should the layout constraints allow, the provision of the play facility should be located away from the junction and further onto the AGS. Consideration should also be given to the design in respect of minimising future maintenance costs.

Due to the complex management required for play facilities and in accordance with policy, the Greenspace Manager 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.

The Greenspace Manager is unable to calculate a commuted sum for maintenance at this outline application stage. This is because the application is insufficiently detailed with regard to the housing mix.

Health Impact of the Development

It is noted that the local Health Centre has raised concern upon the application and whilst not formally objecting, making the point that the clinic is operating near capacity.

National Health Service England (NHSE) have advised informally that Holmes Chapel Health Centre is close to its operating capacity. Formal advice is still awaited. Any commuted sum required for medical infrastructure will be the subject of an update report.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site.

In addition, it is recommended that a separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that '*...no contribution will be required from this development.*'

LEVY (CIL) REGULATIONS

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

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

The local doctors surgery has advised that the existing medical provision within the town is operating at capacity, accordingly the additional 100 units here will put additional pressure on resources that are at capacity. A commuted sum payment for use in the doctors surgery in the town likely to serve the development is necessary to make the development acceptable, directly related to the development and fair and reasonable

As explained within the main report, POS and children's play space would help to make the development comply with local plan policies and the NPPF.

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

10. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy PS8.

Notwithstanding recent appeal decisions, the Council considers that it has a 5 year housing land supply, however, regardless of the housing land supply position, it is considered that open countryside policy remains up-to-date and in accordance with the NPPF.

The proposed development would provide a safe access subject to the provision of the toucan crossing required by the Highways manager.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species.

There would be an adequate level of POS on site together with a LEAP which would require 8 pieces of equipment to comply with policy. This, together with other areas of open space within the site should be maintained as part of a resident's management company.

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.

Whilst it is noted that the Strategic Housing Manager objects to the application in terms of the percentage split of affordable rent and intermediate units as applied for not complying with the IPS Affordable Housing, it is considered that Heads of Terms as recommended would overcome this objection. If the Applicant then refused to enter into that S106 Agreement then permission would not be granted.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space/play space and equipment, the necessary affordable housing requirements to the requisite tenure mix, monies to mitigate for the impact upon health care provision should the National Health Service England advise of the need to mitigate for the impact of an additional 100 dwellings upon Holmes Chapel Medical Centre and the requirement for the future maintenance of the open space and playspace on site

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments.

The access to the site is considered to be acceptable. However, the internal road layout is not formally submitted. As such, should the application be approved, a condition to the extent that the submitted internal road layout shown on the indicative layout plan is not accepted as part of the approval, should be attached.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, the benefits of the scheme in terms of the addition to the affordable housing stock in the area, the economic and social benefits via the new homes bonus and spending in local shops by new residents and the provision of the roundabout which would improve the operation of the public highway in the vicinity; are considered to be insufficient to outweigh the harm that would be caused in terms of the loss of open countryside and agricultural land when there is no over-riding need to release the site for that purpose given the housing supply position of the Council.

The proposal is considered to be contrary to policies of the local plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

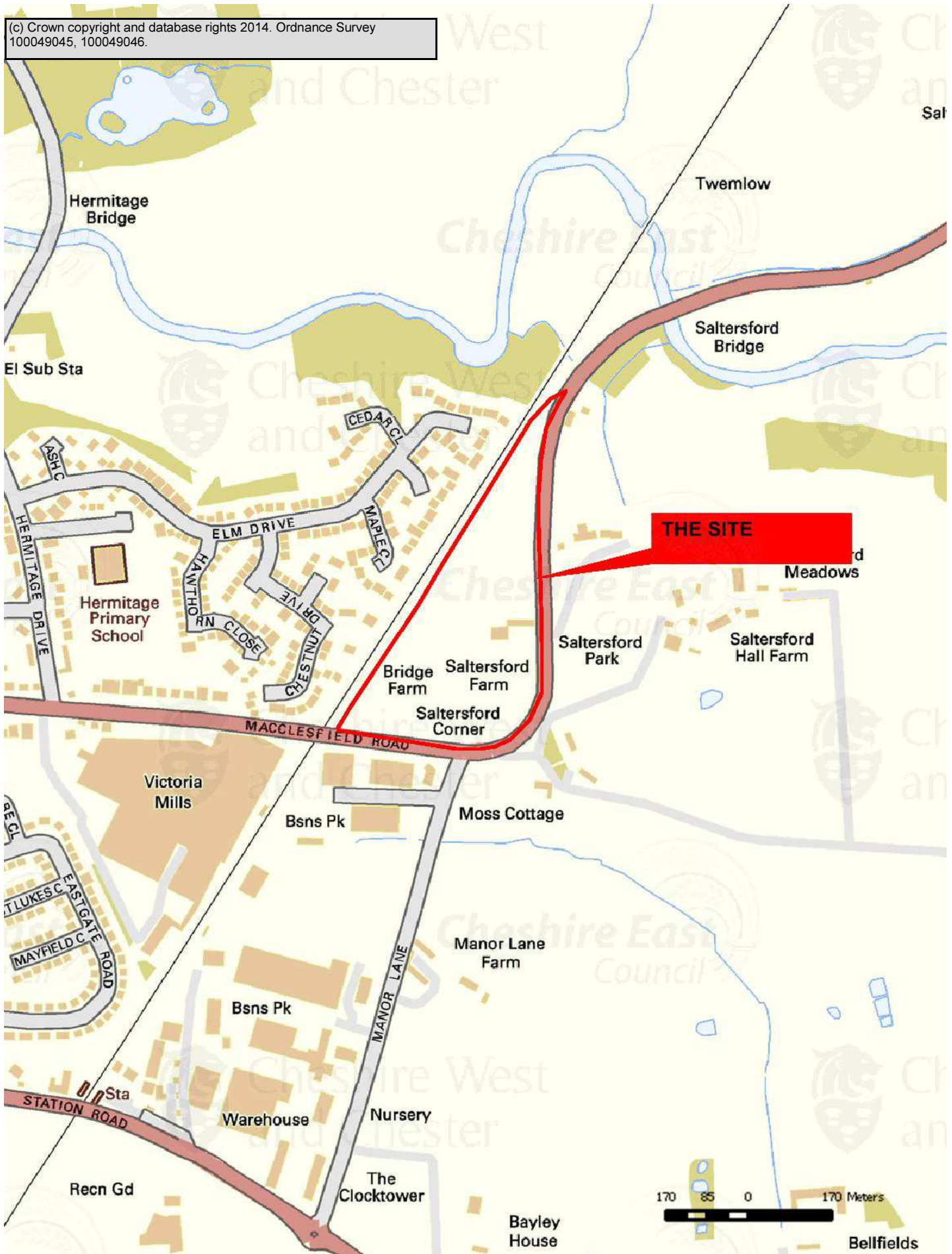
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so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

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

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

- constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
-
- Provision of minimum of 2,380 sqm of shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment
 - Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity

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Application No: 14/0378N

Location: BASFORD WEST DEVELOPMENT SITE, CREWE ROAD,
SHAVINGTON CUM GRETTY, CREWE, CHESHIRE

Proposal: Outline planning application for B2 (general industry) and B8 (storage and distribution) comprising 1,042,500 sq ft with ancillary offices and maximum storey height of 18m, and associated works including construction of new spine road with access from Crewe Road and A500, creation of footpaths, drainage including formation of swales, foul pumping station, substation, earthworks to form landscaped bunds and landscaping.

Applicant: Goodman

Expiry Date: 21-Apr-2014

SUMMARY RECOMMENDATION

- **APPROVE** subject to conditions

MAIN ISSUES

Planning Policy
Access
Noise Impact
Landscape
Design
Noise
Air Quality
Drainage
Ecology
Highway Safety/Capacity

REFERRAL

This outline application is referred to Strategic Planning Board because it is a large scale major development.

1. SITE DESCRIPTION

The site is located some 2.5 km to the south of Crewe Town Centre. The majority of the urban settlement of Crewe is situated to the north of the application site. The A500 is located along

the southern boundary of the site and beyond are settlements of Shavington, Basford and Weston. To the east is Crewe/Stoke railway, which links to the West Coast main railway line. To the west of the site are open fields, an ecological mitigation area and beyond, residential development which fronts Crewe Road. There are two existing bungalows located adjacent to the north western boundary of the site. The site is approximately 39.6 hectares in size and comprises former agricultural land. The existing vehicular access into the site is from Crewe Road to the north west of the site. A public footpath exists through the whole site from Crewe Road to Weston Lane (to the south).

2. DETAILS OF PROPOSAL

The proposal involves the revised layout and parameters for the reduction in the employment land area that previously had been granted outline planning approval, as a result of the more recent approval of a revised spine road layout and future residential development to the western side of the original approved site. This application includes the new spine road and infrastructure which are also subject to approval for residential development to the western side of the overall Basford West development area. These allow each outline proposal to be progressed.

The overall red line application area, which includes the 'hybrid' application road, infrastructure and landscape areas equates to; 39.622 hectares (97.91 acres). The 'Net' Employment Area, not including the spine road, infrastructure and landscape areas, comprises 22.471 hectares (55.53 acres). The indicative site layout shows seven buildings at a maximum development floor area of 96,850 square metres (1,042,500 square feet) of which 91,973 square metres would be (B8) Warehouse and 4,877 square metres would be (B1) Office. The maximum sized building would be 155 metres x 320 metres and the maximum building height would be 18 metres. Landscaping is proposed to the southern and western boundaries of the site.

The principle of the main access into the site and landscaping are to be determined at this stage, with appearance, layout and scale reserved for a future application

3. RELEVANT PLANNING HISTORY

- | | |
|----------|--|
| P03/1071 | Outline permission for Warehousing and Distribution (B8), Manufacturing (B2), and Light Industrial/ office (B1) Development, Construction of access roads, footpaths, and rail infrastructure, importation of soil materials, heavy good vehicle and car parking and landscaping and habitat mitigation including Environmental Statement. Approved (subject to S106) 13th May 2008. |
| P06/1234 | Ten Great Crested Newt Mitigation Ponds and associated ecological works. Approved 17th January 2007. |
| P08/0801 | Creation of Bat Barn and associated ecological works. Approved 7 th August 2008. |
| P08/1054 | Substation and associated works. Approved 3rd November 2008. |

P08/1091	Screening opinion for enabling works Environmental Impact Assessment not required. 23rd October 2008
P08/1258	Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment).
09/1480N	Reserved Matters for B8/B2 unit with ancillary offices, security gatehouse and associated car parking and landscaping. Approved 2010
12/1157N	Variation of Condition 14 of application P03/1071 – Resolution to approve subject to S106
12/1959N	Outline application for B2 / B8 Building– Resolution to approve subject to S106
13/0336N	Outline application for residential development (up to 370 units), offices (B1), hotel (C1), car showroom and associated works etc – Resolution to Approve subject to S106

PLANNING POLICIES

Local Plan Policy

E.3.1 (Basford West) Regional and Strategic Employment Allocation
 NE.2 (Open countryside)
 NE.5 (Nature Conservation and Habitats)
 NE.9 (Protected Species)
 NE.10 (New Woodland Planting and Landscaping)
 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)
 BE.5 (Infrastructure)
 TRAN.1 (Public Transport)
 TRAN.3 (Pedestrians)
 TRAN.4 Access for the Disabled)
 TRAN.5 (Cycling)
 TRAN.6 (Cycle Routes)
 TRAN.9 (Car Parking Standards)
 RT.9 (Footpaths and Bridleways)

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Emerging Local Plan Policy

CS.2 Basford West, Crewe
MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG1 Economic Prosperity
EG32 Existing and Allocated Employment Sites
SE1 Design
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE13 Flood Risk and Water Management
CO4 Travel Plans and Transport Assessments

Other Material Policy Considerations

None

4. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle to the proposed development but comment that it would only meet the requirements of the NPPF if measure detailed in the submitted FRA are implemented; the use of Sustainable Drainage Systems (SUDS) are implemented; a scheme for the provision and management of the buffer zone alongside the ditch to the south of the development; scheme to dispose of foul and surface water; scheme to treat and remove suspended solids; contamination remediation strategy. These issues should be secured by planning condition.

United Utilities

No objection to the proposal provided that the following conditions are attached to any approval: -

- The development hereby approved shall be carried out in accordance with the foul and surface water drainage details set out on drawing 03-0084 Drawing number 137 Revision A prepared TH DA consulting Engineers. Any variation shall be prior agreed in writing by the Local Planning Authority.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a Sustainable Drainage System as stated on the planning application to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)) and part H3 of the Building Regulations.

Environmental Health

No objections subject to conditions relating to floor floating; construction phase environmental management plan; construction hours of operation; lighting; mechanical service plants; loading bays/delivery areas; noise assessment; travel plans; dust control; contaminated land. The validity of the air quality assessment is dependent upon the Highways Officer accepting the assumptions and estimates made in the transport assessment but overall the EHO considers the adverse impact to be significant and mitigation should be sought from the developer in form of measures to safeguard future air quality. Therefore conditions are suggested as appropriate.

Sustrans

- Would like to see combined footway/cycle tracks on both sides of the spine road set back from the road within a landscaped strip, for visual interest, and to reduce the immediate impact of traffic for pedestrians/cyclists. These should extend from the northern limit of the site to the roundabout access to the industrial units.
- There should be an additional access for pedestrians/cyclists from the east side footway/cycle track on this spine road into the industrial area between units 1 and 2, to avoid a much longer journey via the roundabout entrance.
- Support the proposed toucan over Gresty Road and the retention of the old road for pedestrians/cyclists.

- Would like to see a refuge crossing suitable for pedestrians/cyclists near the junction of the old Gresty Road with the realigned road to help with those pedestrian/cycle journeys from the old road/district centre into the proposed residential area.
- There should be a direct E-W access for pedestrian/cyclists from the southern end of the industrial site toward Crewe Road for journeys to Shavington, to avoid the Shavington bypass roundabout.
- Would like to see the developers contribute to the off-site works extending the Gresty greenway via Gresty Green Road to the site.
- Support the provision of bus lay-bys.
- Expected a rail connection to the industrial units as originally suggested for this site.
- Support travel planning for the site with targets and monitoring, and with a sense of purpose.
- Secure cycle parking under cover in convenient locations should be provided.
- The council was recently canvassing rail users at Crewe station to support the provision of the HS2 station to the south of the current site, with improved connections for pedestrian/cyclists and public transport users. The layout of this particular development at Basford West may prevent direct access to such a site for pedestrians/cyclists from a large part of Crewe.

Network Rail

Observe that the development would be storing large volumes of water as part of a SUDS design but it appears from the plans (and a desktop study only) to be over 20m from the railway. Whilst the applicant's design parameters are conservative (1/100 year flood) this would need to be regularly maintained to ensure it remains so conservative. Network Rail request conditions within the planning consent to ensure that no surface water flows or drainage outfalls are to be directed towards the railway within a notional 20m strip from the railway boundary.

There appears to be a proposed storm drain around Unit 7 and a swale, both of which are located adjacent to the Freightliner main office building (which is verged red on the attached drawing). There is a large area of surfaced parking/circulation space to be constructed around Unit 7, which in itself is likely to give rise to substantial run-off of water. We would therefore request that the drainage is constructed to sufficient diameter / capacity to ensure that there is limited risk of this water inundating either the railway line or Freightliner's office building.

Full confirmation from the developer of who would be responsible for maintenance of any drainage assets

Maintenance liability for any swale / attenuation will need to indemnify Network Rail for any losses due to failure of or failure to maintain the installed systems. Network Rail would also need to have clarified what the blue striped box indicates. Assume it is an area that would be flooded under extreme events and return period should be clarified. Conditioning protection of the railway from flooding risks is in line with the NPPF.

If the developer and the LPA agree on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail. The NPPF states that, “103. *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere,*”

Network Rail would need to review all excavation works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway and request this is conditioned.

Public Rights Of Way

Public Footpath Basford No.11 crosses the site and would be instructed and interference with such may result in enforcement action. The provisions stated within the Transport Assessment in relation to the provision of active travel information through the Travel Plan, and cyclist facilities at employment sites are welcomed. The document also states that the spine road will include new foot-cycle ways to connect to the main site access; the detailed design of these facilities will require agreement at Reserved Matters stage. The document states that the developer proposes to upgrade existing footway and cycleway provision along the B5071 corridor between the site and town centre: this is assumed to be secured through the existing s106 agreement to which it is understood that any planning consent would be tied.

Consideration needs to be given to how pedestrians and cyclists would access the site from Shavington to the south, as it is understood that no provision for such users would be provided at the A500 roundabout.

Appropriate destination signage should be provided on all foot-cycle ways, both on and off-site.

Natural England

No objections

Highways

Detailed comments will be reported as an update.

5. VIEWS OF THE PARISH / TOWN COUNCIL

No objections

6. OTHER REPRESENTATIONS

None

7. APPLICANT’S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement

- Ecological Appraisal

8. OFFICER APPRAISAL

Principle

The principle of the development of this site is enshrined in Policy E.3.1 of the Crewe and Nantwich Replacement Local Plan 2011 that states:-

“Basford West (Gross Area about 55HA) will be developed for a regional warehouse and distribution park.

Proposals for development should include the provision of the appropriate rail sidings with good direct rail access for the trans-shipment of freight between railway and road as well as, or in addition, rail connected warehouse and distribution.

The site is allocated, subject to extensive landscaping and woodland planting, along the site's western and southern boundaries this should have minimum width of 40 metres, with the average width to be around 70 metres”

The justification to the policy explains that the site should primarily reserved for warehousing and distribution uses (B8) with the appropriate rail sidings.

This policy commitment is continued in the emerging Cheshire East Local Plan Strategy Submission Version 2014 that allocates the site through the local plan strategy via policy Site CS 2. The policy encompasses the greater site up to the existing ribbon residential development on Crewe Road.

The principle of the development is therefore acceptable.

Highways

This Outline Planning Application would cover the eastern part of Basford West. The remaining land to the west is to be developed for residential and mixed retail/leisure uses (13/0336N). The residential/mixed-use scheme was supported by a full Transport Assessment and covered the entire Basford West development site, including the employment land. Prior to this an outline permission had been granted in 2008 for an all-employment development of Basford West which remains valid by virtue of various *Reserved Matters* applications.

Vehicular access to the site would be by means of a new Spine Road that would run through Basford West, commencing at the A500/B5071 roundabout to the south and running in a northward direction to re-join the B5071 Crewe Road south of the Basford Railway Sidings. The residential/mixed-use development on the western part of the site would result in changes to the location of the Spine Road. As a consequence, the eastern employment development permitted by the 2008 Consent and subsequent *Reserved Matters* approval would no longer be implemented.

It is envisaged that the scheme would have a reduced traffic impact on the local highway network than was previously forecast in 2008. Within Basford West, capacity assessments of the proposed Spine Road junctions have been undertaken based on projections for the year 2020. These assessments seem to show that the spine road junctions would provide adequate capacity and would operate in a satisfactory manner.

The number of car parking spaces to be provided within the development has been optimised to ensure that Travel Plan objectives are met with the aim to achieve a balance between the need to provide sufficient operational car parking and the need to avoid encouraging excessive car use. The proposed development and associated transport and access strategies are supported by national, regional and local policies, which seek to locate major freight-generating developments where they can be served from the strategic highway network and where the impact on the local environment can be minimised.

A range of existing bus services pass close to the site. To maximise use of public transport, new bus stops and other infrastructure enhancements are proposed to enable employees at the site to access bus services. The site offers good opportunities for trips to be made by cycle and by walking. A new 3m wide footway/cycleway is proposed alongside the Spine Road together with pedestrian crossings and street lighting. Also proposed are upgrades to existing footways alongside the B5071 north of the site and diversion and upgrading of the existing public footpath that traverses the site to enable development users to access the residential areas to the west and the existing Crewe Road corridor. The provision of secure cycle parking within the site, located close to each building is also proposed. The public transport, pedestrian and cyclist access strategies would be complemented by a formal Travel Plan. It is envisaged that a Travel Plan Co-ordinator would be appointed to deliver the Travel Plan.

Environmental Impacts

The noise criteria for the nearest existing and proposed residential units has been discussed and agreed with the Environmental Health. The construction activities associated with the Employment Development and construction of the Spine Road will be controlled such that they do not exceed 70 dB at the nearest noise sensitive properties. The day and night-time noise predictions for the Spine Road in the year 2019 indicate that the majority of the adjacent residential site falls within NEG B. The land adjacent to the A500, Crewe Road and the Spine Road to the north of the roundabout that provides access to the Employment Development falls within NEG C, where noise mitigation is required. Appropriate noise mitigation in the form of sound insulation at the elevations of residential properties that face the roads is suggested in the submission. The operational noise levels from the proposed Employment Development are predicted to provide acceptable levels in the day and night-time periods at the adjacent residential Development and existing residential properties.

The worst case maximum noise level from the Employment area is predicted to be 59 dB at the residential development, which meets the requirements of the WHO guidelines at night. Mechanical services plant in the Employment area will be located well away from the nearby residential units and will be designed such that the noise impact meets the requirements of BS4142:1997. Noise mitigation measures including the 3m high bunding have been included in the masterplan to reduce the effects of road traffic and operational noise.

In terms of other matters it is considered that there are a number of environmental issues that require conditions to safeguard mitigation on the advice of the Environmental Health Officer. An environmental management plan covering noise and disturbance, waste management, dust generation would be required. A number of conditions are also proposed to control construction hours, lighting, the mechanical plants (described above), position of loading bays, noise assessment. The validity of the submitted air quality assessment is dependent on the Highways Officer being in agreement with the assumptions and estimates made in the transport assessment.

Layout and Design

The detail of layout and design would be a reserved matter but the indicative plan shows vehicular access would be taken from an existing roundabout off the A500 and a new spine road within the site, which would link with Crewe Road to the north. The substation would be located to the south west with screening with the pumping station would be located to the north. Landscaped bunds are shown along the spine road to provide a screen to the western boundary. Landscaping would be provided along the southern boundary with the A500. A series of swales would be provided along the spine road. Pedestrian linkages would also be provided from the site. A maximum building height of 18 metres is proposed across the site. All this is considered acceptable although the building height may be more appropriate at 15 metres in fringe locations. However this would be controlled via the reserved matters applications.

Landscape

It is accepted that the submitted scheme for the woodland/landscape and SUDs (sustainable urban drainage) area, between the employment land and the housing area, offers the highest degree of buffering that can be achieved without significantly compromising the viability of the scheme. Overall proposals for a robust boundary to the existing ecology mitigation area and a 25 – 40 metre wide strip of public open space (POS)/community woodland between the mitigation area and housing will both protect the mitigation area and provide an extensive visual separation between the houses on Crewe Road (that abut the residential site) and the new development. The landscape buffer along the spine road together with the POS/ecological mitigation area provides a robust landscape structure for the new development and an appropriate landscape for this important gateway into Crewe.

The Landscape Officer has commented that the application broadly accords with that submitted for the approved application 13/0336N (where the applications overlap) and other previous applications. On application 13/0336N the width of the landscaping/bunds/SUDs along the spine road was agreed on the basis that the buildings had a maximum height of 18m. This matter and potential solutions have been the subject of pre-application advice and should be subject to conditions.

In turn; the formation of the soil bunds adjacent to the SUDS ponds should be constructed using the “loose tip” method developed by the Forestry Commission, in order that soil structure is not damaged and therefore maximum growth rates can be achieved; a landscape scheme has been supplied for the spine road bunds, A500 bund and newt mitigation areas, but not within the outline area which will contain the built development – landscape details for these areas (plots) should be required to be submitted and approved prior to commencement of each plot; the landscape details submitted for the spine road bunds etc are not in full, so

submission of full details should be required by condition prior to commencement covering all aspects of the landscaping from plants to footpath design, street furniture, signage; the drainage drawing shows numerous surface water drainage culverts feeding into the SUDS ponds. These may require the creation of wayleaves through the planted bunds which could detract significantly from the screening impact of this planting –

The number of culvert pipes should be reduced to a minimum and where possible avoid running under planted bunds; application 13/0336N showed footpath routes across the bunds connecting between the bus stops and employment plots. These are not shown on submitted plans for this application, however if required they could detract substantially from the screen planting and should be routed where they will have minimal impact (to be agreed on submission of full landscape drawings); and the original Basford West planning permission contained a section 106 agreement concerning ecological mitigation, access and other matters.

Ecology

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.5 states *“the Local Planning Authority will protect, conserve, and enhance the natural conservation resource.”*

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

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

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the

LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case this site has been subject to numerous protected species surveys and mitigation strategies have been implemented on site in respect of bats, badgers and great crested newts with an ecological mitigation area being established on the western part of the broader Basford Site. No additional significant impacts associated with any of these species are anticipated in respect of the current application. This is an outline application however a plan submitted shows all of the landscape, habitat creation and associated infrastructure as being 'detailed elements of Hybrid application'. These elements of the development have previously been approved in detail in respect of 13/0336N for the adjacent residential/mixed use development and 12/1959N for the 'Mercer land' in the far south eastern corner of the site.

The site continues to offer opportunities for breeding birds, including those species which are Biodiversity Action plan priority species and hence a material consideration and conditions are attached. The established western ecological mitigation area is subject to a section 106 agreement to secure its management. As with the recent consent for the residential/mixed use scheme it is essential that if planning consent is granted for this latest application that the on-going management is again secured through an appropriate legal agreement and the appropriate conditions.

Flood Risk

It is considered that the Flood Risk Assessment (FRA) is compliant with the requirements of the National Planning Policy Framework (NPPF) as it demonstrates that the proposal is at an acceptable level of flood risk subject to flood mitigation strategies. The proposal would not increase flood risk to the wider catchment area as a result of suitable management of surface water discharging from the site. The Environment Agency has no objections to the scheme subject to the conditions that are attached. The comments of Network rail are also noted and appropriate conditions attached.

CONCLUSIONS

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore the proposals are acceptable in principle. It is also a preferred option in the emerging Development Strategy and the Crewe Town Strategy. Furthermore, the previous scheme for the greater site, which comprised entirely B1, B2 and B8 development, in accordance with the Local Plan allocation, sets a further precedent. The delivery of this site, as well as the contributions that it will make towards infrastructure is considered to be of vital importance to the delivery of "All Change for Crewe" as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site is therefore considered to be acceptable in principle and to be supported.

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, the railway, public rights of way, agricultural land, contaminated land, ecology, air quality, noise impact, layout and design and layout, drainage/flooding, landscape and forestry, and it therefore complies with the relevant local plan policy requirements and so accordingly the application is recommended for approval with the appropriate conditions. All Section 106 obligations are incumbent on the residential site

and thus to ensure the highways improvements are in place prior to the commercial development being implemented an appropriate condition is also proposed.

RECOMMENDATION

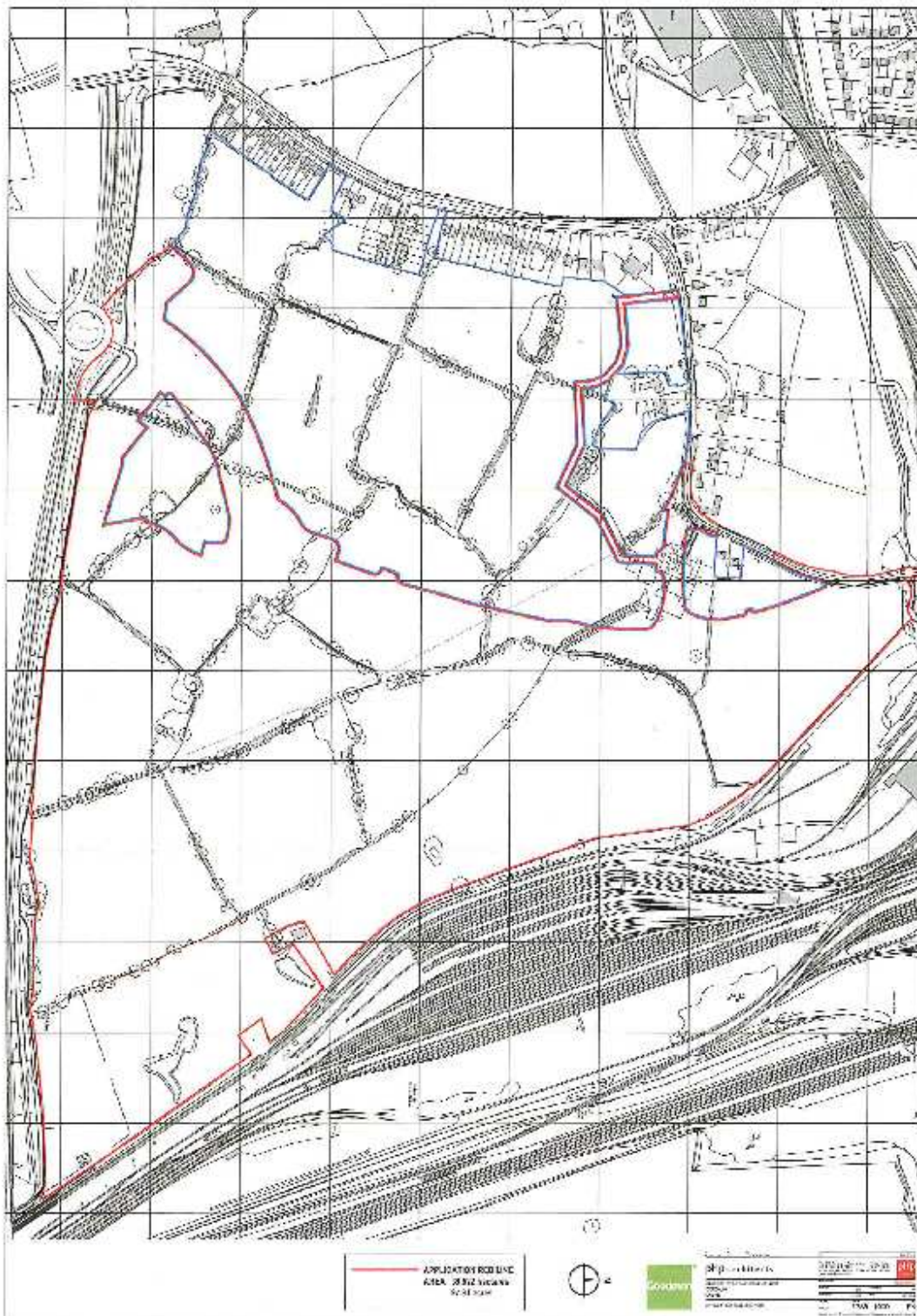
Approve subject to the following conditions

- 1. Standard outline (Phased)**
- 2. Residential S106 highway improvements in place prior to commencement of development.**
- 3. Approved plans**
- 4. Submission of phasing plan**
- 5. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.**
- 6. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.**
- 7. Submission / approval / implementation boundary treatment**
- 8. Submission / approval / implementation details of drainage**
- 9. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA).**
- 10. 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 increase the risk of flooding off-site.**
- 11. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events.**
- 12. Submission, approval and implementation of a method statement to deal with the treatment of the environmentally sensitive ditch, its aftercare and maintenance**
- 13. Submission, approval and implementation of a scheme to dispose of foul and surface water, including the provision and installation of oil and petrol separators**
- 14. This site must be drained on a total separate system in accordance with the FRA.**
- 15. The foul water discharge from the proposed site must discharge at an agreed point of connectivity within the public sewerage system and under details set out in submitted drawings.**
- 16. For the avoidance of doubt, no surface water run-off generated from the site shall communicate with the public sewerage system via direct or indirect means.**
- 17. Submission, approval and implementation of an Environmental Management Plan**
- 18. Submission, approval and implementation of low emission strategy**
- 19. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation.**
- 20. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting**
- 21. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.**
- 22. Submission, approval and implementation of travel plan**
- 23. Submission, approval and implementation of electric car charging points**

24. Mechanical service plants
25. Position of loading bays
26. Dust Control
27. Floor floating
28. Directional signage for pedestrians and cycles
29. Submission / approval / implementation of sustainable design statement
30. A detailed landscape scheme should be submitted for approval prior to commencement on site.
31. A tree survey and tree protection plan in accordance with BS 5837 (2012) should be submitted for approval prior to commencement on site.
32. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
33. No development should take place until details of all earthworks have been submitted and approved.
34. A management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works.
35. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works.
36. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
37. Submission / approval / implementation of footpath surfacing / lighting
38. Landscape scheme for spine road.
39. Submission of excavation works for approval close to railway boundary.
40. Surface Water Drainage Scheme to be submitted and approved.
41. Prior to development scheme for provision and management of undeveloped buffer zone alongside ditch to be submitted.
42. Contamination identification and remediation.
43. Breeding birds
44. Construction environment management plan
45. Habitat management plan
46. Wildlife underpass plan
47. Updated badger survey
48. Design of ponds

Application for Outline Planning

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



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Application No: 14/1200C

Location: LAND AT HASSALL ROAD, ALSAGER, STOKE-ON-TRENT

Proposal: Variation of condition 8 (energy requirements) on 12/1670C - Erection of 30No dwellings (including 9No affordable dwellings) vehicular access and associated landscaping

Applicant: Seddon Homes Limited

Expiry Date: 02-Jun-2014

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

**Compliance with Para 206 NPPF concerning conditions
Impact upon carbon reduction
Compliance with planning policy for energy reduction**

REFERRAL

This application has been referred to the Strategic Planning Board (SPB), as the application is for a variation of a condition on a scheme that was previously determined by the Board.

1. SITE DESCRIPTION

The site of the proposed development extends to 1.33 ha and is located to the north west of Alsager, circa 2km from the town centre. A primary school is directly opposite on the other side of Hassall Road, within the settlement boundary. The site is within open countryside. To the north and west is agricultural land. To the south is an established children's play area and the former sports grounds of the MMU campus. To the east is Hassall Road with 20th century residential development beyond. A public footpath (Alsager No 3) crosses the site.

The land is currently in agricultural use and there are a number of significant trees and remnant lengths of hedge on the periphery. Some of the trees on the Hassall Road frontage are subject to TPO protection; The Alsager Urban District Council (Pikemere Road / Hassall Road) TPO 1970 and The Manchester Metropolitan University Alsager Interim TPO 2008

2. DETAILS OF PROPOSAL

Full permission was granted on appeal on 12 December 2013 for the erection of 30 dwellings (including 9 affordable units) vehicular access and associated landscaping.

Condition 8 of the appeal decision requires:

‘Before the development begins details of a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the scheme relevant to that dwelling has been completed and made operational. The scheme shall be retained as operational thereafter’.

The Applicant seeks to amend the condition to read as follows:

‘Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies) A report confirming the achievement of specified design fabric shall be submitted to and agreed in writing prior to the commencement of development. The development shall be implemented in accordance with the approved details.’

3. RELEVANT PLANNING HISTORY

12/1670C - .Erection Of 30 Dwellings (Including 9 Affordable Dwellings), Vehicular Access and Associated Landscaping – Appeal allowed 12 December 2013

4. PLANNING POLICIES

National Planning Policy Framework

Local Policy

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 relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SE9 –Energy Efficient Development

Local Plan Policy

None specified

Other Material Policy Considerations

RSS Evidence Base
Climate Change Act 2008
Renewable Energy Directive 2009

5. OBSERVATIONS OF CONSULTEES

None Consulted

6. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council - None received at time of report preparation

7. OTHER REPRESENTATIONS

2 representations of objection to the housing proposal in principal.

8. APPLICANT'S SUPPORTING INFORMATION:

A covering letter which details the fabric first approach to minimising energy consumption will result in the same outcome as the Inspectors condition i.e. the scheme will achieve energy efficiency in accordance with the requirements of the Framework and the Development Plan.

They also cite earlier appeals where their suggested wording has been accepted by the Council.

9. OFFICER APPRAISAL

The previous Appeal Decision established the acceptability in principle of 30 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

Paragraph 206 of the NPPF requires conditions to be only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

In imposing the condition in the first place the Inspector commented at para 81 -

'...A number of conditions are suggested by the Council in the event of the appeal being allowed. These have been considered in the light of Circular 11/95,..... (the conditions) are necessary to comply with the advice on renewable energy contained in paragraphs 96 and 97 of the Framework (condition 8)...'

The stated reason for the condition within the Councils evidence to the Inquiry was to comply with Policy EM18 (Decentralised Energy Supply) of the North West of England Plan: Regional Spatial Strategy (RSS) to 2021. This policy stated that all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. The RSS was repealed during the hiatus of the Hassall Road appeal.

However, regardless of this the Inspector still imposed the 10% renewables condition in line with the requirements of the Framework. The Inspector was fully aware that the RSS had been repealed at the time of his decision.

The Inspector that granted the permission for the housing development on the site, clearly considered the issue of energy reduction and adaption to climate change. He clearly considered it necessary to impose conditions relating to the 10% renewable requirement having regard to the requirements of the Framework as part of the planning policy consideration.

Since that Appeal decision, the Council has also adopted the Cheshire East Local Plan Strategy – Submission Version for the purposes of development management. Whilst this is not the adopted plan, it is a material consideration and some weight can be attached to it as part of the decision making process.

The 2008 Climate Change Act establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.

Policy SE9 is directly relevant to this case and requires, inter alia, when a proposal involves more than 10 dwellings, as in this case, that,

‘.....it will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable...’

10. CONCLUSIONS

The condition is fair and reasonable and serves a legitimate planning function, namely the provision of at least 10% of energy requirements from renewable or low carbon sources.

The suggested condition from the applicant does not achieve this. No evidence is submitted to demonstrate that the requirements are in any way unviable or not feasible. The condition passes the tests in the NPPF.

RECOMMENDATION

REFUSE for the following reason

The suggested variation to the wording of condition 8 attached to 12/1670C would fail to deliver at least 10% of the predicted energy requirements from decentralised and renewable or low carbon sources, contrary to Policy SE9 of the Cheshire East Local Plan Strategy – Submission Version and the requirements of Paras 96 and 97 of the NPPF

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager, in consultation with the Chair of the Strategic Planning Board, to enter into a Deed of Variation to the planning agreement attached to permission 12/1670C in accordance with the S106 Town and Country Planning Act to attach the suggested revised condition to the original planning permission.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 28th May 2014
Report of: David Malcolm – Principal Planning Manager
Title: Land off Crewe Road, Haslington ref; 13/4301N

1.0 Purpose of Report

- 1.1 To seek authorisation to remove the suggested highways reason for refusal at the forthcoming appeal against non-determination for planning ref; 13/4301N which seeks outline planning permission (including details of access) for the demolition of existing structures and foundations and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works on land off Crewe Road at Haslington.

2.0 Decision Required

- 2.1 To agree to withdraw the third suggested reason for refusal in respect of impact on highway safety and to instruct the Principal Planning Manager not to contest the issue at the forthcoming public inquiry.

3.0 Background

- 3.1 Following agreement with the Chairman of the Strategic Planning Board and the Local Ward Member Cllr Hammond (Appendix 1 refers), the Council has outlined that they will be defending the forthcoming appeal against non-determination on the following grounds:

- i) Housing Land Supply
- ii) Loss of Agricultural Land
- iii) Impact on Highway Safety

- 3.2 It was agreed that the reasons for refusal would be as follows:

1. *'The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land*

in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.'

2. *'The proposal would result in loss of the 'best and most versatile agricultural land' and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the 'best and most versatile agricultural land' is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.'*
3. *'Insufficient information has been submitted to adequately demonstrate that the visibility splays at the point of access to the site could be achieved. The development would therefore cause a severe highway safety impact contrary to the NPPF.'*
- 3.4 Whilst it is proposed that the Council will continue to defend this appeal on grounds i) and ii) above, further work has been carried out with respect to ground iii) relating to the potential highways reason for refusal.
- 3.5 Following a considerable level of concern from residents regarding the safety of the access proposal and the visibility splays being provided, the Council has undertaken speed surveys at the location of the access point to validate the applicant's information provided in the Transport Assessment.
- 3.6 The results of these surveys indicate that the 85%ile speeds are 36.5mph eastbound and 35.5mph westbound, which are average speeds of vehicles over a day and do account for the wet weather reduction. This compares to the applicant's submitted figures of 37.7mph eastbound and 38.3 westbound with a similar wet weather reduction. Thus, the Council has found that the average speeds are actually lower.
- 3.7 The appropriate guidance for SSDs stopping sight distances is Manual for Streets where 85%ile speeds are up to 60 Km/h (37.2 mph). In cases where speeds are above this value, then the Design Manual for Road and Bridges can be used. As the speed survey results indicate that vehicle speeds are contained below 60km/h, then Manual for Streets should be used.
- 3.8 The proposed visibility splays indicated on Figure 6.1 indicate splays of 2.4m x 58.1m in the leading direction and 2.4m x 57m in the non-leading direction. Given the 85%ile vehicle speeds results; the proposed visibility splays meet with the standards in Manual for Streets.

3.9 As such, it is clear that it would not be possible to substantiate a highways reason for refusal based upon the safety of the access as the results of the Council's speed surveys demonstrates that the required visibility splays would be provided in accordance with the appropriate standards.

3.10 Consequently, it is considered that the Council should remove the highways reason for refusal.

4.0 Conclusion

4.1 On the basis of the above, it is considered that the Council should withdraw on highways 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 third reason for refusal in respect of highways and the Principal Planning Manager not to contest the issue at the forthcoming public inquiry.

6.0 Risk Assessment and Financial Implications

6.1 There is a risk that if the Council continues to pursue the highways reason for refusal at Appeal, when the outstanding highway issue can be adequately dealt with via conditions and Section 106 obligations, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

6.2 There would also be an implication in terms of the Council's own costs in defending this reason for refusal.

6.3 There are no risks associated with not pursuing the reasons for refusal at Appeal.

7.0 Consultations

Strategic Highways Manager

7.1 The Council's Strategic Highways Manager has been consulted and recommends the withdrawal of the highways reason for refusal.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Robert Law – Senior Planning Officer
Tel No: 01270 686758
Email: Robert.law@cheshireeast.gov.uk

Background Documents: Application 13/4301N

APPENDIX 01

**BREIFING NOTE RE: LAND OFF CREWE ROAD, HASLINGTON
(CONFIDENTIAL) PLANNING REF; 13/4301N**

Purpose of Report

- 1.1) The purpose of this note is to seek a resolution as to how to pursue the forthcoming appeal against non-determination for planning ref; 13/4301N.

Proposal

- 1.2) The proposal seeks outline planning permission (including details of access) for the demolition of existing structures and foundations and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works on land off Crewe Road at Haslington.

Site

- 1.3) The site is 11.91 hectares in size and comprises of three agricultural fields and a residential plot located adjacent to Crewe Road. The site is located on the north-eastern side of Haslington and adjoins the existing residential development of Haslington along its northern and western boundaries. These boundaries are well vegetated. Access would be brought in off Crewe Road in between no.s 194 and 204 Crewe Road.

Consultations

- 1.4) Consultation responses have been received from the following:
- **Highways** – No objection subject to the improvement of Crewe Green roundabout. This development is only acceptable in highway terms if it provides a substantial contribution for the scheme, the amount of £300,000 put forward by the applicant is not acceptable. Given the estimated cost of the scheme and the number of sites that can contribute to the works is limited, the contribution amount of contribution sought in respect of this development is £651,190.
 - **Education** – No objection subject to a contribution of £539,309 towards secondary provision
 - **Housing** – No objection. The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.
 - **Landscape** – No objection provided that the development is undertaken in accordance with the Scheme Parameters Plan

through appropriate conditions and the S106 agreement and reserved matters application/s

- **Trees** – No objection. Whilst some trees would be removed, the trees concerned are not exceptional and that losses would have limited local street scene impact. There would be opportunities for replacement planting to perpetuate tree cover on the road frontage.
- **Public Rights of Way (PROW)** – No objection
- **Nature Conservation Officer** – No objection subject to conditions and compliance with the proposed ecological mitigation
- **Archaeology** – No objection. No archaeological work could be justified
- **United Utilities** – No objection subject to conditions relating to foul and surface water
- **Environment Agency** – no objection subject to conditions
- **Environmental Protection** – No objection subject to conditions relating to land contamination, dust control, lighting, hours restricting construction and piling, bin storage and submission of an environmental management plan

1.5) **Representations**

Haslington Parish Council objects to this proposal on the following grounds:

- This application should be considered in the context of all of the other housing applications in Haslington
- Contrary to policy NE2 and pre submission core strategy PG5
- Would result in the loss of the most economically productive agricultural land
- Will increase urbanised area of the village
- Safe route to schools have not been demonstrated within the application
- Scale of development not commensurate with that of the village
- conservation and enhancement of the built environment has similarly been overlooked
- Would erode the gap between Winterley and Haslington
- Size of the overall range of developments is unsustainable
- Proposed provision for a medical centre demonstrates a lack of any strategic requirements for the settlement
- Sewage proposals have not been considered beyond the site boundary
- Traffic and Highways Issues
 - The speed readings offered by the applicant are not representative
 - Discrepancies in the transport statement
 - The required forward to visibility to the access and pedestrian crossing is incorrectly calculated and not adequate

- The speeds along the road means that Manual for Streets is not the correct advice to use it should be the Design Manual for Roads and Bridges
- No reference to road network and infrastructure e.g. Crewe Green Roundabout
- Increase in traffic
- No benefit of providing pedestrian crossing
- The application highlights the lack of adequate safe pedestrian footpaths within the village
- Issues with drainage
- Will impact negatively on wildlife and ecology
- Local schools are already oversubscribed which will be made worse by other development approved within the area
- Proposal does not offer any employment land allocated for “Local Service Centres and other settlements and rural areas” as advised by the Pre-submission core strategy

Over 700 representations have been made, including from Haslington Action Group (HAS) the majority objecting to this application. The main reasons for objection are as follows:

- The site is outside settlement boundary and is Greenfield within Open Countryside / Green Belt and not in accordance with Local Plan / Core Strategy
- Would result in the loss of the most economically productive agricultural land
- Brownfield / previously developed land should be used
- The village would take on an urban character
- Pedestrian and transportation arrangements to nearby facilities (e.g. safer routes to school) have not been followed
- No footpath on the site side of Crewe road with only be 1 crossing point
- Scale of development not commensurate with that of the village and not needed
- Size and range of developments (together with others) is unsustainable
- Bus services not sufficient
- Conservation and enhancement has been overlooked in respect of the nearby grade I listed Haslington Hall
- Would erode the gap between villages
- Proposed provision for a medical centre demonstrates a lack of any strategic requirements for the settlement
- Medical centre not needed
- Impact on Air Quality
- Impact on drainage and sewage has not been considered
- Existing traffic calming indicates that the village will not be able to cope with the additional traffic
- The impact on Crewe Green Roundabout and the Old / Mill Rd junctions will be significant

- The speed readings offered by the applicant are not representative of the access
- Discrepancies in the transport statement
- Existing highways network in both villages has not been considered and will not be able to cope with the increase in traffic
- Accident data does not account for unreported accidents
- Wider road network has had a number of collisions
- Proposed access will not support 250 houses
- Loss of trees / hedgerow / visual impact from public footpath
- Risk to flooding
- Will impact negatively on wildlife and ecology
- Local schools are oversubscribed and would not be able to accommodate the additional pupils generated by the development
- Highway contributions should be removed from the proposal for the purposes of integrity
- Will increase light / noise pollution
- Loss of view / light / privacy / property values
- No input from local residents
- Will undermine the purpose of the Haslington bypass
- There are no jobs in the area
- Previous application at the site has been refused

Recommendation

- 1.6) It is proposed that the Council will defend the appeal and argue that if it were to consider the application today, the Council would be 'minded to' refuse the application on the following grounds:

1.7) Housing Land Supply

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 and PG 5 of the *Cheshire East Local Plan Strategy – Submission Version*. The reason for refusal would be:

'The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure

development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.'

1.8) Loss of Agricultural Land

The majority of the site (11.11ha) has a Grade 3a Agricultural Land Classification which is the 'best and most versatile agricultural land'. Given that the Council can demonstrate a 5 year housing land supply, there is no justification to warrant or sustain the loss of 'best and most versatile agricultural land' and as such the proposal is contrary to Policy NE.12 and the NPPF. The reason for refusal would be:

'The proposal would result in loss of the 'best and most versatile agricultural land' and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the 'best and most versatile agricultural land' is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

Summary

- 1.9) To contest to the forthcoming appeal against non-determination for planning ref; 13/4301N on the grounds that the Council already has an adequate housing land supply and that the proposal results in the loss of the 'best and most versatile agricultural land'.

16 April 2014

Interim Planning & Place Shaping Manager meeting with Cllr Hammond, Parish Council and Local residents.

Reasons as above accepted as was the process however concerns over Highways and whether sufficient information in respect of visibility splays had been obtained at the point of access onto Crewe Road.

Further discussion with Highways followed and accepted that at this stage further work still being done in respect of the speed surveys and therefore additional reason should be added:

Insufficient information has been submitted to adequately demonstrate that the visibility splays at the point of access to the site could be

achieved. The development would therefore cause a severe highway safety impact contrary to the NPPF.

It is also recommended that authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should the appeal be allowed.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 28 May 2014

Report of: Adrian Fisher, Head of Strategic & Economic Planning

Title: Withdrawal of Reasons for Refusal

1.0 Purpose of Report

- 1.1 To consider a motion referred to Strategic Planning Board by Council meeting of 10 April 2014.
- 1.2 The motion proposed *"In view of the fact that planning officers have withdrawn reasons for refusal, given and voted upon by councillors at planning committees, without the consent of the members, before the matter comes to the relevant appeal hearing, council instructs the director to ensure that any future withdrawals are authorised before they are signed by the relevant planning committee in full session"*

2.0 Decision Required

- 2.1 To note the report and confirm that SPB and the Northern / Southern Committees continue to review any proposed withdrawal of conditions prior to appeals unless there are exceptional reasons / circumstances which prevent this for which discussion with the Chairman / Ward Councillor would be needed.

3.0 Background

- 3.1 Members will be aware that the Council has been subject to a high number of appeals over the last 18 months and that some of those applications subject to appeal have multiple reasons for refusal. Some of these are often considered to be 'technical' reasons which could be overcome by the submission of additional information or further evidence. For example, additional ecology surveys may be submitted before the appeal to overcome an ecological reason.
- 3.2 If such information is submitted and Officers are accepting of such details, then they will normally prepare a report for Committee which outlines the details of the updated information. They will then make a subsequent recommendation which seeks to withdraw a previous reason (or reasons) for refusal thereby negating the need to defend that issue at appeal.

3.3 Strategic Planning Board Members will certainly be familiar with this process during the recent plethora of appeals when the above scenario has resulted in a number of reasons being withdrawn leaving the main policy issues to be defended accordingly.

3.4 Officers are not aware of any recent circumstances whereby reasons for refusal from a Planning Committee have been unilaterally withdrawn without Member input. There may be circumstances due to the appeal process and the associated timetable where such a decision is not able to be brought before a Committee. This may be a rare occurrence, but if Officers found that this was the position then they would seek the views of the Chairman of Committee and Ward Members before progressing.

4.0 Conclusion

4.1 It is considered that the existing process of returning applications back to committee functions effectively. It gives the necessary authorisation and also transparency within the decision making process.

5.0 Recommendation

5.1 That the report is noted and that Officers continue to bring such decisions to Strategic Planning Board and Southern / Northern Committee as appropriate.

6.0 Financial Implications

6.1 There are no financial implications.

7.0 Legal Implications

7.1 There are no legal implications with the recommendation as any decision made to withdraw reasons would be based on its own merits.

8.0 Risk Assessment

8.1 There are no risks associated with this decision.

9.0 Reasons for Recommendation

9.1 To ensure transparency within the decision making process.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: David Malcolm – Principal Planning Manager
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk