

Strategic Planning Board

Agenda

Date:	Wednesday, 17th September, 2014
Time:	10.30 am
Venue:	The Capesthorne Room - 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 Previous Meeting** (Pages 1 - 16)

To approve the minutes of the meeting held on 20th August 2014 as a correct record.

Please Contact: Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

A period of 3 minutes is allocated for each of the planning applications for the following 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. **13/4049N - Land to the West of Wrenbury Heath Bridge, Nantwich Road, Wrenbury: Development of marina with associated dredging to accommodate this development; Associated marina amenities including facilities building, boat workshop, car parking and hardstanding, and landscaping; and A new access road and farmer's entrance to the existing field, footbridge and associated footpaths (Pages 17 - 34)**

To consider the above planning application.

6. **14/1579N - Land North of Cholmondeley Road, Wrenbury Frith: 2.37 hectare 200 berth marina basin with pump out facilities, lighting and landscaping, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal with new tow-path bridge over canal connection; a main sewer connection; a facilities building to include the following incidental/ancillary uses; boat hire/time share and brokerage; management offices, toilets, showers and laundry block and cafe with retail space and public toilets; chemical effluent and household waste recycling facilities; and existing site access onto Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and services areas; diversion and enhancement of public footpath no. 3, wildflower meadow and bat/barn owl tower (Resubmission of 13/4286N) (Pages 35 - 54)**

To consider the above planning application.

7. **14/3371M - Land North of Chelford Road, Ollerton WA16 8SA: Change in use of land and the construction of a single-storey building to create a golf driving range with associated car parking and new access (Pages 55 - 70)**

To consider the above planning application.

8. **14/3389N - Land North of Parkers Road, Leighton, Crewe: Application to vary condition 4 to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date. (Pages 71 - 86)**

To consider the above planning application.

9. **WITHDRAWN - 12/3948C - Land Bounded By Old Mill Road and M6 Northbound Slip Road, Sandbach: Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access (Pages 87 - 134)**

The above application has been withdrawn from the agenda.

10. **14/0134C - Land South of Holmes Chapel Road, Congleton: Development of land for up to 70 dwellings and associated works (Pages 135 - 170)**

To consider the above planning application.

11. **Imposition of Hours of Construction Condition (Pages 171 - 174)**

To consider the motion, as set out in the report, submitted by Councillor D Brickhill.

12. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

13. **Enforcement Action (Pages 175 - 182)**

To consider the report of the Planning and Enforcement Manager.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 20th August, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors Rhoda Bailey (Substitute), D Brickhill, D Brown, P Edwards, J Hammond, D Hough, J Jackson, B Murphy, D Newton, R West (Substitute), S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr A Fisher (Head of Strategic and Environmental Planning), Mrs N Folan (Planning Lawyer), Mr B Heywood (Major Applications Team Leader), Mr N Hlland (Planning Officer), Mr N Jones (Principal Planning Officer), Ms L Thompson (Senior Planning Officer), Mr N Turpin (Principal Planning Officer)

33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey, D Bebbington (substitute), P Hoyland and L Smetham.

34 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 14/1779C Councillor Rhoda Bailey declared that she was the Ward Member when this application was considered previously and had not taken part in any discussions, but that she had kept an open mind.

In the interest of openness in respect of application 14/1680C Councillor Rhoda Bailey declared that she knew a person from Worth Partnership (the applicant) and that she had not taken part in any discussions, but had kept an open mind.

In the interests of openness in respect of application number 13/4132N, Councillor J Hammond declared that he was a member of Haslington Parish Council and Cheshire Wildlife Trust who had been consulted on the application. However, he had not taken part in any discussions on the application.

In the interests of openness in respect of application number 14/1779C, Councillor J Wray declared that he knew the applicant and was a member of Betchton Parish Council who had been consulted on the application. However, he had not taken part in any discussions on the application.

In the interests of openness in respect of application number 14/1680C, Councillor J Wray declared that he had attended a display by the applicant's agent at Congleton Town Hall. He had met with one or two residents of Giantswood Lane, but had made no comments on the application and that he had kept an open mind.

In the interests of openness in respect of application number 13/4132N, Councillor D Hough declared that he was a member of the White Moss Liaison Committee, but had not attended any of the Liaison Committee meetings when this planning application was discussed. He had not pre-determined the application and had no set view. He had also been contacted by members of the public and had raised comments on this application, for inclusion in the Local Plan. As these comments were not included in this application today, he would take full part in the discussions.

In the interests of openness in respect of application number 14/1338M, Councillor Murphy declared that he had been lobbied by residents and had discussed some issues with Planning Officers and that he would consider the reports and take account of the information in the papers today.

In the interests of openness in respect of application number 14/1680C, Councillor Brown declared that he knew the landowner, but had not expressed an opinion.

In the interest of openness in respect of application 14/1779C, Councillors Hammond and West declared that they were Directors of Ansa Environmental Services who had been consulted on this application.

Councillor Corcoran declared that his wife was a GP in Alsager and, therefore, the application may affect her practice as it included a GP Surgery, but the interest was not prejudicial and he was declaring the matter in the interest of openness.

35 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED – That the minutes of the meetings held on 10th July 2014 and 23rd July 2014 be approved as a correct record and signed by the Chairman, subject to the following amendments:

10th July – Page 4 – “£195,233 towards Educational Facilities at Chelford and Peover Superior Primary Schools” and Page 7 – To include the Chairman’s name (Councillor Walton) on the final page of the minutes.

23rd July 2014 – Councillor Hough’s declarations of interest should read “In the interests of openness in respect of application number 13/4132N, Councillor D Hough declared that he was a member of the White Moss Liaison Committee, but had not attended any of the Liaison Committee meetings when this planning application was discussed. He had not pre-determined the application and had no set view. He had also been contacted by members of the public and had raised comments on this application, for inclusion in the Local Plan. As these comments were not included in this application today, he would take full part in the discussions.”

36 PUBLIC SPEAKING

That the public speaking procedure be noted.

37 13/4132N-OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF THE WHITE MOSS: INCORPORATING THE PROVISION OF UP TO 350 RESIDENTIAL DWELLINGS; EXTRA CARE FACILITY; RELOCATION AND REDEVELOPMENT OF EXISTING GARDEN CENTRE; PROVISION OF LOCAL SERVICES INCLUDING A1 USES: 465 SQUARE METRES CONVENIENCE STORE, 3NO. 95 SQUARE METRES RETAIL UNITS, D1 USES: CHILDRENS DAY CARE CENTRE AND DOCTORS SURGERY, PUBLIC HOUSE/RESTAURANT; AND, PROVISION OF PUBLIC OPEN SPACE AND ASSOCIATED HIGHWAY IMPROVEMENTS AND BIODIVERSITY ENHANCEMENT, LAND AT AND ADJACENT TO, WHITE MOSS QUARRY, BUTTERTON LANE, BARTHOMLEY, CREWE FOR MR LEE DAWKIN, RENEW LAND DEVELOPMENTS LTD

Mr B Haywood, Major Applications Team Leader, read out a statement submitted by Councillor Rod Fletcher (the Neighbouring Ward Councillor), who was unable to attend the meeting.

Councillor Sam Corcoran (the Neighbouring Ward Councillor), Councillor Derek Longhurst (on behalf of Alsager Town Council), Councillor Richard Hovey (on behalf of Haslington Parish Council), Honorary Alderman Derek Bould (representing ARAG), Sylvia Dyke (an objector), and Alan Thornley (the agent for the applicant) attended the meeting and addressed the Committee on this matter.

RESOLVED – That for the reasons set out in the report and in the written update, the application be APPROVED subject to the completion of a Section 106 Agreement to secure the following. The Chairman/Vice Chairman and the Head of Strategic and Economic Planning in consultation with Ward Members to agree the Section 106 contributions and affordable housing details

1. Affordable Housing
 - a. 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix and type of affordable dwellings:
 - i. A figure to be agreed of general needs dwellings, formed from a figure to be agreed of social or affordable rent & a figure to be agreed of intermediate tenure;
 - ii. A figure to be agreed of Affordable extra care dwellings formed from a figure to be agreed of social or affordable rent & a figure to be agreed of intermediate tenure
 - b. affordable units to be tenure blind and pepper potted within the development.
 - c. 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 openmarket 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
 - d. Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008
2. Minimum of 12,250sqm of public open space to include:
 - a. large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children

- b. The proposal should also provide a Multi Use Games Area marked out to include:
 - 1 basketball court and 1 5-a-side football pitch (D's and spots only).The Multi Use Games Area also needs to be floodlit.
- c. Specification for the above to be as set out in the Greenspaces consultation response
- d. Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.
- 3. Education Contribution (Amount £683,316)
- 4. Healthcare Contribution (Amount TBC)
- 5. Appropriate restoration of the adjacent quarry land including phasing.

And the following conditions:

- 1. Standard Outline.
- 2. Approved Plans.
- 3. Submission/approval and implementation of a detailed scheme of improvement works to upgrade Right of Way across the site.
- 4. Submission / approval and implementation of a detailed scheme of destination signage for cyclists and pedestrians.
- 5. Piling hours Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil.
- 6. Submission, approval and implementation of piling method statement.
- 7. Submission, approval and implementation of Construction Environmental Management Plan.
- 8. Hours of construction Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil.
- 9. Submission, approval and implementation of acoustic mitigation measures/detailed layout.
- 10. Submission, approval and implementation of Travel Plan.
- 11. Submission, approval and implementation of air quality mitigation measures/detailed layout.
- 12. Provision of Electric Vehicle Infrastructure.
- 13. Submission, approval and implementation of scheme to control dust emissions arising from construction.
- 14. Submission and approval of Phase 2 contaminated land investigation and submission, approval and implementation of any necessary mitigation.
- 15. Submission / approval and implementation of a programme of archaeological works.
- 16. Submission/approval and implementation of an amended restoration scheme for the part of the quarry lying outside the application site.
- 17. Submission / approval and implementation of detailed scheme for re-instatement of areas lowland raised bog and wet woodland.
- 18. Submission / approval and implementation of scheme of bat and bird boxes.
- 19. Submission / approval and implementation of residential travel plan.
- 20. Development permitted by this planning permission shall only be carried out in accordance with the approved FRA prepared by AMEC Environment and Infrastructure UK Ltd (dated 23 December 2013) and the following flood risk mitigation measures detailed within the FRA:
 - No building development or land raising to take place within the Flood Zone 3 (1% AEP flood) outline, as shown on the Environment Agency's Flood Maps.

- Finished floor levels of all residential dwellings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the
 - Environment Agency's Flood Maps, to be set no lower than 600 mm above the 0.1% flood level for Valley Brook (the 0.1% flood level being taken as the 1% climate change flood level), i.e. minimum of 78.95 m AOD.
 - Finished floor levels of all non-residential buildings within and adjacent to the Flood Zone 2 (0.1% AEP flood) outline, as shown on the Environment Agency Flood Maps, to be set no lower than 78mm above the 1% flood level for Valley Brook, i.e. minimum of 78.39m AOD.
 - Finished floor levels of all buildings to be set a minimum of 1200 mm above the maximum anticipated post-operational groundwater levels.
21. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development.
22. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.
23. Submission, approval and implementation of a plan detailing the protection of fish species within the ponds/lakes onsite. Fish within this pond are protected under the Salmon & Freshwater Fisheries Act (1975). The fishery protection plan shall be carried out in accordance with a timetable for implementation as approved.
24. Submission, approval and implementation of a scheme for detailed restoration, including long-term design objectives, management responsibilities and maintenance schedules.
25. Submission, approval and implementation of a scheme for the provision and management of compensatory habitat creation. The scheme shall include the following features:
- i. Design of the new ponds to benefit nature conservation
 - ii. The feasibility of using the new ponds as part of a SUDS scheme
26. Submission, approval and implementation of a remediation strategy that includes the following components to deal with the risks associated with contamination of the site:
- 1. A preliminary risk assessment which has identified:
 - ☐ all previous uses
 - ☐ potential contaminants associated with those uses
 - ☐ a conceptual model of the site indicating sources, pathways and receptors
 - ☐ potentially unacceptable risks arising from contamination at the site.
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

27. Submission, approval and implementation of a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
28. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.
29. Reserved matters to include arboricultural impact assessment.
30. Submission, approval and implementation of a scheme of tree protection.
31. Landscaping to include details of replacement hedge planting.
32. Reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development.
33. Submission of a willow tit mitigation method statement to be submitted in support of any future planning application.
34. Retention of three mature oak trees identified as having bat roost potential reserved matters application is supported by a detailed badger survey and detailed mitigation proposals.
35. Submission, approval and implementation of details of new pedestrian/ cycle routes within the site and maintenance arrangements.
36. Reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.
37. Submission, approval and implementation of sustainable design features.
38. Design code to be submitted with reserved matters.
39. No banking associated with flood mitigation to be located within the area identified for lowland raised bog/wet woodland without LPA approval
40. Reserved matters to incorporate cycle access to the north of the site to enable linkages into the national cycle network.
41. Removal of Japanese Knotweed.
42. Section 106 to include contribution to highway improvements on Butterson Lane B5077 and B5078 Radway Green Road.
43. Access to quarry to be from Butterson Lane B5077.
44. Restoration scheme to include levels information.
45. Bin Storage.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(The meeting adjourned for lunch from 13.15 pm until 14.00 pm)

(Following consideration of this item Councillor Jackson left the meeting and did not return).

(Prior to consideration of the next item Councillor Brickhill arrived to the meeting at 2.00 pm)

38 14/1338M-RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 162 DWELLINGS - ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD, MACCLESFIELD FOR CHRIS DOBSON, REDROW HOMES

Note: Prior to consideration of this item, Councillor West declared that he had worked with one of the company directors at Peaks and Plains, but had not discussed this case with him.

Kevin Richardson (Solicitor, on behalf of Pool End Action Group), Tom Gurney (on behalf of Denise Gurney, objector), Brian Jones (on behalf of DUMBAH Residents Association), and Paul Sinclair (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

RESOLVED – That for the reasons set out in the report and written update, the Application for Reserved Matters be APPROVED subject to the following conditions:

1. A25GR - Obscure glazing requirement
2. A01GR - Removal of permitted development rights
3. A12LS - Landscaping to include details of boundary treatment
4. A04TR - Tree pruning / felling specification
5. A02EX - Submission of samples of building materials
6. Development to be carried out in accordance with the approved plans
7. No dig retaining structures
8. Badger
9. Junction to be constructed in line within Section 278 Agreement prior to occupation of 1st dwelling.
10. Scheme to provide fluvial flood risk
11. Floor levels should be at a minimum level of 144.4mAOD
12. Road level should be minimum level of 144.0 mAOD,
13. A scheme to limit surface water shall be submitted
14. Scheme to manage overland flow of surface water shall be submitted.
15. Pile Driving

The following details shall be delegated to the Chairman/Vice Chairman and the Head of Strategic and Economic Planning in consultation with Ward Members to consider prior to a Decision Notice being issued:

- A Landscape and Habitat Management Plan
- A detailed scheme for a roundabout to be constructed at the access to the development from Manchester Road.

After discussion of this item, Councillor Murphy left the room at 3.25 pm and returned during consideration of the next application and did not take part in the debate or vote on the application.

39 REQUEST TO VARY THE UNILATERAL UNDERTAKING DATED 17TH SEPTEMBER 2012 FOLLOWING THE ALLOWED APPEAL AS PART OF APPLICATION 11/4549N, LAND ON ROPE LANE, SHAVINGTON

Consideration was given to the request to vary the Unilateral Undertaking dated 17th September 2012 following the allowed appeal as part of application 11/4549N.

RESOLVED – That the request to remove the valuation mechanism within the Unilateral Undertaking be APPROVED.

40 14/2155N-FULL PLANNING PERMISSION FOR THE ERECTION OF 171 DWELLINGS, PUBLIC OPEN SPACE, ALTERATIONS TO EXISTING ACCESS OFF LONDON ROAD, AND PLOT SUBSTITUTIONS FOR TWO DWELLINGS (PLOT 49 AND 50, APPROVED UNDER PLANNING PERMISSION REF: 12/1381N), LAND AT FORMER STAPELEY WATER GARDENS, LONDON ROAD, STAPELEY FOR DAVID WILSON HOMES (NORTH WEST)

Lorraine Davison (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

RESOLVED – That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement securing the following:

1. A scheme for the provision of 30% affordable housing – 50% to be provided as social rent/affordable rent with 50% shared ownership/homebuy. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A financial contribution of £314,542 towards improved primary school provision.
3. A scheme for provision of a Public Open Space to be maintained by a private management company in perpetuity. The scheme shall include:
 - Timing and delivery of POS and its phasing into the development
 - Long term maintenance and management

And the following conditions:

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees/hedgerows and aftercare
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Pump Station to be submitted
9. Submission of 10 year habitat management plan including proposals for monitoring
10. Implementation of recommendation made by the submitted Protected Species Survey undertaken by CES Ecology.
11. Survey for breeding birds
12. Features for Breeding Birds to be submitted and approved in writing by the LPA
13. Details of newt tunnels to be submitted and agreed in writing by the LPA
14. Parking to be provided prior to first occupation of the dwelling
15. Method Statement for pile driving to be submitted. All piling operations shall be restricted to - Monday – Friday: 09:00 – 17:30 hrs, Saturday: 09:00 – 13:00 hrs, Sunday and Public Holidays: Nil
16. Noise mitigation measures to be carried out in accordance with Acoustic Statement including provisions for ventilation
17. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
18. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
19. Removal of permitted development rights
20. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
21. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
22. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing
23. Details of phasing of development to be submitted and approved
24. Tree and hedgerow retention and protection scheme to be submitted and agreed in writing
25. A single Electric Vehicle Charging Point shall be provided in each property with designated parking spaces (including garages). Charge points to be suitable for overnight charging of electric vehicles.
26. A robust Travel Plan shall be developed for with the aim of promoting alternative /low carbon transport options. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and enforced throughout the use,

- reviewed every 5 years, with a report provided to the LPA annually on achievements against the agreed targets.
27. Details of external lighting to be submitted and agreed in writing with the LPA
 28. Full details of the footpaths/cycleways to be submitted and agreed in writing
 29. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.
 30. Upon completion of the 25th dwelling the developer will provide MOVA control at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.
 31. Upon completion of the 25th dwelling the developer will provide a UTC system at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.
 32. Upon completion of the 25th dwelling the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.
 33. Drainage Scheme to be submitted and agreed in writing
 34. Features for Hedgehogs to be incorporated into the scheme
 35. Prior to the commencement of development detailed proposals for the incorporation of a suitable access to be provided to the adjacent great crested newt mitigation area.
 36. Prior to the commencement of development details for a scheme for rainwater harvesting from the proposed residential properties to provide an additional source of water for ponds A2,A3 and A4 to be submitted to the LPA prior to the commencement of development.
 37. Bin Storage

41 14/1779C-DEMOLITION OF EXISTING SITE BUILDINGS, CONSTRUCTION OF A PURPOSE BUILT WASTE RECEPTION BUILDING, RELOCATION OF SITE OFFICE PORTACABIN, INSTALLATION OF TWO NEW MESSROOM/TOILET PORTACABINS AND INSTALLATION OF A WEIGHBRIDGE, BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON FOR TOM GARDINER, WILLIAM BEECH SKIP HIRE LTD

Consideration was given to the above application.

RESOLVED – That for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Skips stored on the site shall not exceed a height of 2.5m from ground level.
4. Submission of full details of the acoustic fencing. Installation and maintenance of the acoustic fencing.
5. Submission of a landscaping scheme including hedgerow details adjacent to the acoustic fencing.
6. Implementation of the landscaping scheme.
7. In addition, submission of a piling method statement to include details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works

taking place and shall be implemented in accordance with the approved details. The hours of any piling shall be restricted to 0900 hours to 1730 hours Monday to Friday, 0900 hours to 1300 hours Saturday with no working on Sundays and Public Holidays.

8. Submission of a scheme to minimise dust emissions during the demolition/construction stage of the works.
9. The hours of operation of the business/use hereby approved shall be limited to 0800 hours to 1700 hours on Monday to Friday and 0900 to 1300 on Saturday but at no time on Sundays or Public Holidays.
10. All tipping of waste shall take place within the new building.
11. Implementation of the Noise Action Plan contained within the noise assessment and supplement

(The meeting adjourned at 4.05pm until 4.18 pm for a short break)

42 14/1680C-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 96NO. DWELLINGS INCLUDING ACCESS, LAND BETWEEN MANCHESTER ROAD AND, GIANTSWOOD LANE, HULME WALFIELD, CONGLETON FOR WORTH PARTNERSHIP

Ms L Thompson, Planning Officer read out a statement submitted by Mike Hardy (an objector), who was unable to attend the meeting.

Liz Cowdray (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Board considered a report, a written update and verbal updates regarding the above planning application.

RESOLVED – That for the reasons set out in the report and in the written update, the application be APPROVED subject to completion of a Legal Agreement to secure the following:-

1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
2. The provision of Public Open Space with a Private Management Company in perpetuity.
3. The provision of LEAP play provision with a Private Management Company in perpetuity.
4. Highways contribution of £300,000 towards off site highways improvements.
5. Landscape Management Plan.

And subject to a Section 106 Agreement and the following conditions:

1. Outline – submission of reserved matters time limit.
2. Appearance Layout and Landscaping Reserved Matters to be submitted.
3. Approval of Reserved Matters within 3 years.
4. Drainage Scheme
5. Surface Water Flooding Scheme
6. Surface Water Run-Off Scheme
7. Noise Mitigation
8. Pile Driving

9. Dust Control
10. Environmental Management Plan
11. Protection for breeding birds
12. Implementation of ecological report
13. Construction of access
14. Visibility splays to be provided
15. No gates
16. Construction of highways including electric vehicle points
17. Protection of highway from mud
18. Construction method statement
19. Bat features
20. Wildlife buffer
21. Tree Retention
22. Tree Protection
23. Travel Plan
24. Contaminated Land
25. Safeguarding measures for Jodrell Bank
26. Design Code
27. Hours of operation
29. Informative protecting amenity for residents of Giantswood Lane
30. Provision of Bin Storage.

43 14/1160N-VARIATION OR REMOVAL OF CONDITIONS 48 - 51 INCLUSIVE OF PLANNING PERMISSION 12/3114N - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 400 DWELLINGS, LOCAL CENTRE OF UP TO 700 SQ M (WITH 400 SQ M BEING A SINGLE CONVENIENCE STORE), OPEN SPACE, ACCESS ROADS, CYCLEWAYS, FOOTPATHS, STRUCTURAL LANDSCAPING AND ASSOCIATED ENGINEERING WORKS, LAND SOUTH OF NEWCASTLE ROAD, SHAVINGTON FOR MACTAGGART & MICKEL HOMES LTD

Councillor Janet Clowes (the Ward Councillor) and Councillor P W Jackson (on behalf of Wybunbury Parish Council) attended the meeting and addressed the Committee on this matter.

RESOLVED – That for the reasons set out in the report and written update, the application be APPROVED subject to conditions and completion of a Deed of Variation to a Section 106 Agreement on application 12/3114N to secure:

1. Changes to reflect the latest plans, revised application number and any other relevant minor changes to the text.

And the following conditions:

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. No approval for indicative layout
5. Submission / approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water
6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA

7. Submission / approval and implementation of a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank. The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

8. The watercourse channel and corridor shall be constructed in accordance with a scheme to include the following:

- plans showing the extent and layout of the undeveloped buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
- Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site.
- Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.
- This undeveloped buffer zone shall be a minimum of 5 metres wide measured from bank top. This zone shall be without structure and domestic gardens.
- Details of planting schemes.
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term.

9. Reserved matters to make provision for houses to face waterfronts and footpaths

10. The site shall be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.

11. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).

12. The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil

13. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil

14. Submission approval and implementation of a piling method statement.

15. Submission approval and implementation of details of location, height, design, and luminance of any proposed lighting

16. Noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property

17. Submission approval and implementation of noise mitigation measures for properties adversely affected by road traffic noise from Newcastle Road to provide for

☐ the internal noise levels defined within the “good” standard within BS8233:1999.

- ☐ ☐ provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
- 18. Submission / approval and implementation of dust mitigation during development.
- 19. Submission of revised Air Quality assessment to take into consideration Nantwich Road and mitigation against any impact
- 20. Submission of archaeological report
- 21. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
- 22. Provision of sustainable design strategy / plan
- 23. Submission of construction details for access / roads
- 24. Provision of access / roads
- 25. Provision of visibility splays of 2.0m x 43m in both directions at each of the access points.
- 26. Provision of parking
- 27. Submission of contaminated land report
- 28. Development to be in accordance with principles set out in Design and Access Statement
- 29. Submission of Statement Design principles to take into account, the Master Plan, the Parameters Plan and Phasing Plan and to include the principles for:
 - ☐ ☐ determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - ☐ ☐ determining the hierarchy for roads and public spaces;
 - ☐ ☐ determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - ☐ ☐ the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - ☐ ☐ the design and layout of street furniture and level of external illumination;
 - ☐ ☐ the laying out of the green infrastructure including the access, location and general arrangements of the multi use games area, the children's play areas and allotments;
 - ☐ ☐ sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ☐ ☐ ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
- 30. Maximum number of units to be 360
- 31. Submission / approval and implementation of boundary treatment
- 32. Submission / approval and implementation of materials
- 33. Submission / approval of landscaping
- 34. Implementation of landscaping
- 35. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout
- 36. Submission of tree and hedgerow protection measures
- 37. Implementation of tree and hedgerow protection measures
- 38. Replacement tree/hedge planting
- 39. Reserved Matters to include details of bin storage
- 40. Breeding Bird Survey for works in nesting season
- 41. Provision of bird boxes
- 42. Retention and enhancement of the on-site ponds
- 43. Submission / approval and implementation of Construction management plan
- 44. Retention of no.90 Stock Lane

- 45. Any future reserved matters application to be supported by a survey and mitigation proposals
- 46. Provision and implementation of Travel Plan
- 47. Provision of new footway to Newcastle Road prior to first occupation
- 48. Prior submission of drainage plan for Dig Lane

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Although the Strategic Planning Board has resolved to remove the conditions relating to 3 storey development, the inclusion of a wildlife corridor behind Dig Lane and bungalows backing on to existing bungalows on Stock Lane, the applicant should be aware that the Board will scrutinise any reserved matters application very carefully to ensure that an adequate standard of amenity is maintained for existing residents.

As such the applicant is advised to avoid three storey development within the site and siting multi-storey dwellings alongside the existing bungalows in Stock Lane and is advised to include a Wildlife Corridor to the rear of the properties on Dig Lane, to ensure that adequate separation distances are maintained between existing and proposed dwellings and drainage concerns mitigated. This advice is given without prejudice to the Board's consideration of any formal reserved matters application.

44 WITHDRAWN-14/1161N-REMOVAL OF CONDITION 30 ON APPROVED APPLICATION 12/3114N - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 400 DWELLINGS, LOCAL CENTRE OF UP TO 700 SQ M (WITH 400 SQ M BEING A SINGLE CONVENIENCE STORE), OPEN SPACE, ACCESS ROADS, CYCLEWAYS, FOOTPATHS, STRUCTURAL LANDSCAPING AND ASSOCIATED ENGINEERING WORKS, LAND SOUTH OF NEWCASTLE ROAD, SHAVINGTON FOR MACTAGGART & MICKEL HOMES LTD

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

45 WITHDRAWN ADLINGTON NEIGHBOURHOOD AREA APPLICATION

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

46 URGENT ITEM - APPEAL AT GRESTDY ROAD, CREWE APPLICATION NUMBER: 13/2874N

Following the Chairman's approval to consider this urgent item, the Board considered a report to consider varying the Decision of the Strategic Planning Board of Wednesday 5th March 2014 as to the provisions of any future S106 Agreement that may be required with respect to application number 13/2874N.

RESOLVED/- That for the reasons set out in the report, APPROVAL be granted to authorise the Borough Solicitor to complete a Section 106 Agreement as set out in the recommendation below:

That the Resolution of the Strategic Planning Board of Wednesday 5th March 2014 relating to the provisions of any future S106 Agreement that may be required be varied in respect of the build cost to construct a new 1 form entry primary school which shall be amended from £1,713,714.00 to £3,224,893.00.

The meeting commenced at 10.35 am and concluded at 6.25 pm

Councillor H Davenport (Chairman)

Application No: 13/4049N

Location: LAND TO THE WEST OF WRENBURY HEATH BRIDGE, NANTWICH ROAD, WRENBURY

Proposal: Development of marina with associated dredging to accommodate this development; Associated marina amenities including facilities building, boat workshop, car parking and hardstanding, and landscaping; and A new access road and farmer's entrance to the existing field, footbridge and associated footpaths

Applicant: Mr Paul Beswick, Enzygo Limited

Expiry Date: 23-Dec-2013

SUMMARY RECOMMENDATION REFUSE

MAIN ISSUES

- Principle of Development
- Sustainable Development
- Loss of Agricultural Land
- Impact upon the Landscape
- Highway Safety
- Amenity
- Trees and Hedgerows
- Design
- Ecology
- Flood Risk

REASON FOR REFERRAL

The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is approximately 5.6 hectares).

DESCRIPTION OF SITE AND CONTEXT

SITE DESCRIPTION

The application site measures 5.66 hectares, is irregular in shape and comprises two fields of gently undulating pasture land bisected by hedgerows and bounded by Nantwich Road and the canal towpath of the Llangollen Branch of the Shropshire Union Canal (by Wrenbury Heath Bridge).

The site lies within the designated open countryside.

DETAILS OF PROPOSAL

The proposed development contains the following elements:

A new 178 berth marina with associated dredging to accommodate the development. All boats will be moored on floating pontoons, held in place by driven piles, permitting a rise and fall beyond the predicted 100 year flood levels. Pontoons will be linked together for stability and for the purpose of dry egress in time of flood. Three main types of mooring will be provided:

- Small leisure craft
- Narrow beam narrow boats 2 x 21m max
- Wide beam craft/Dutch barges 4 x 21m max.

Associated marina amenities including 392 sqm facilities building, Secondary Toilet Block, Service Compound and Bin Store and Recycling points around the site.

A new access road and farmer's entrance to the existing field, footbridge and associated footpaths.

RELEVANT HISTORY

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

12/3358N Development of marina with associated dredging to accommodate this development; Associated marina amenities including facilities building, boat workshop, car parking and hardstanding, and landscaping; and A new access road and farmer's entrance to the existing field, footbridge and associated footpaths Withdrawn

09/3429N Proposed New Marina, Facilities Building, Workshop, Associated Car Parking & Hardstanding, New Entrance off Nantwich Road and New Farmers Entrance to Existing Field Re-Submission of P08/1123 Withdrawn

P08/1123 Proposed Marina at Wrenbury Heath. Withdrawn

POLICIES

Crewe and Nantwich Replacement Local Plan 2011

Policy NE.2: Open Countryside

Policy NE.5: Nature Conservation and Habitats
Policy NE.9: Protected Species
Policy NE.11: River and Canal Corridors
Policy NE.12: Agricultural Land Quality
Policy NE.13: Rural Diversification
Policy NE.17: Pollution Control
Policy BE.1: Amenity
Policy BE.2: Design Standards
Policy BE.3: Access and Parking
Policy BE.4: Drainage, Utilities and Resources
Policy TRAN.4: Access for the Disabled
Policy TRAN.9: Car Parking Standards
Policy RT.6: Recreational Uses in the Open Countryside
Policy RT.8: Promotion of Canals and Waterways
Policy RT.9: Footpaths and Bridleways
Policy RT.10: Touring Caravans and Camping Sites

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

Policy MP 1 Presumption in Favour of Sustainable Development
Policy PG 5 Open Countryside
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy EG 2 Rural Economy

Policy EG 4 Tourism
Policy SC 1 Leisure and Recreation
Policy SC 2 Outdoor Sports Facilities
Policy SE 1 Design 1
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 6 Green Infrastructure
Policy SE 8 Renewable and Low Carbon Energy
Policy SE 9 Energy Efficient Development
Policy SE 13 Flood Risk and Water Management
Policy CO 1 Sustainable Travel and Transport
Policy CO 4 Travel Plans and Transport Assessments

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Cheshire East Visitor Economy Strategy

CONSULTATIONS AND REPRESENTATIONS

Environment Agency – no objections recommends conditions in respect of SUDS and biodiversity action plan

Archaeology – Based on previous Archaeological information submitted on the previous application, recommends conditions in respect of a watching brief and

Canals and Rivers Trust – No objections subject to conditions relating to the footbridge, lighting, landscaping and surface water drainage.

Visitor Economy - This new development is in line with the Cheshire East Visitor Economy Strategy agreed by Council in February 2011.

Natural England –recommends refusal as insufficient information in respect of Otters and GCNs and if proposals approved, inclusion of green infrastructure, habitat enhancement and landscape enhancement.

Environmental Health - no objections but recommends conditions in respect of the submission of an Environmental Management Plan, Noise Control, Dust Control, Contaminated Land, Construction Hours and Lighting

Highways – No objections

Inland Waterways Association – The applicant's Design & Access Statement says in paragraph 2.9.1 that 'The existing marinas along the Shropshire Union Canal network are not able to service the demand for offline moorings at present'. This is very misleading. Whilst

some parts of the Main Line (near Waverton, and south of Cheswardine) have an excess of on-line moorings, this is not an issue on the Llangollen Canal, where there are few on-line moorings. Furthermore, the existing marinas, one of which is only three miles east of the proposed site, have plenty of vacancies. I appreciate that over-supply is not in itself a valid planning reason for objection.

The main constraint on boating on the Llangollen Canal is the delay already experienced at many locks, in particular the 'staircase' at Grindley Brook, where delays of several hours already occur at peak periods. Because this canal is a branch, with the attraction of the Pontcysyllte World Heritage Site at the western end, the main boating movement is up the canal at the start of each week, and down the canal at the end. This is exacerbated by the number of hire bases on and near this canal — and most hirings start on Saturdays.

This canal is also the most popular in the country for first-time hirers. Thus any significant increase in the number of boats attempting to use the Llangollen Canal is likely to have the perverse effect of discouraging people from hiring for a second time or becoming boat owners. Granting planning permission could therefore be contrary to other planning aims of Cheshire East and neighbouring councils.

Cheshire East's policy is to refuse development in open countryside unless there is a net community benefit. In this instance the employment gains are negligible and the tourism aspects are in the long run negative. Although the applicant claims in 2.1.1 of the Design & Access Statement that creation of a marina would result in 'an enhancement of the landscape quality and biodiversity interest', it would seem that the landscape would be better left untouched.

Parish Council – that the Council objects to this application on the grounds that it would be detrimental to the highway safety owing to the adjacent two canal bridges; increased canal traffic to the detriment of waterway users owing to over-use along the canal; adverse effect on the listed Wrenbury Lift bridge with a large increase in the amount of time that the bridge was raised and thus the road was closed; the development will have a major visual impact on local landscape; and concerns regarding the environmental and highways impact during the construction phase and subsequent boat deliveries by road.

The lift bridge is one of only two in the country along public highways. The bridge is under constant use by highways as a major route into the village. When canal traffic is going through the bridge, the highway is blocked. Clearly as a main thoroughfare into the village this could hinder emergency and well as other vehicles entering the village. Currently there is an informal three barges through at a time and this is often insufficient during the summer in particular. This part of the canal is a cul-de-sac therefore there is only one way in and out of the basin. Therefore any additional canal traffic will cause severe pressure on the lift bridge and result in much longer highway closures and inconvenience to road users including emergency services.

REPRESENTATIONS

8 Letters of objection raising the following issues:

-Need

- Impact on Landscape
- Impact on Views
- Noise and Disturbance
- Impact on Highway Safety
- Impact on working of the canal bridge
- Crime
- Light pollution
- Health & Safety considerations
- Suggestions of Alternative Locations
- Intrusion into open countryside
- Consultation arrangements/ inaccuracies within submission
- Amenity issues

SUPPORTING INFORMATION

Agricultural Land Classification Assessment

The land comprises 3b which is not the “best and most versatile” agricultural land.

Sustainability Statement

Indicates proposals will utilise renewable energy and recycled materials where possible.

Need Assessment

There is a justified need to provide the moorings proposed within this application.

Design & Access Statement

Provides details on the proposals and concludes that it would have a positive impact upon the environment.

Transport Assessment& Travel Plan

These assessment reports upon the transport accessibility of the proposed development location, and assesses the impact of the likely traffic generation upon the road network. Travel Plan would encourage car sharing.

Biodiversity Enhancement Plan

Provides details on how habitat enhancement can be incorporated

Landscape Visual Impact Assessment

Slight change in character of the landscape

Planning Statement

Includes details on need and availability of other sites

Tree Survey

Poor category trees and removal necessary to facilitate the development but impact would be mitigated through landscaping scheme.

Contaminated Land Report

Limited evidence of contamination

Protected Species Survey

Impact on GCN mitigated and compensated for

Flood Risk Assessment

This assessment reports upon the flood risk and drainage proposals for the development and assesses any likely impacts

Statement of Community Involvement

Details how community were involved prior to submission of application.

OFFICER APPRAISAL**Principle of Development**

The site is allocated as Open Countryside (Policy NE2) within the Crewe and Nantwich Replacement Local Plan - the policies within that plan indicate that facilities required for the promotion of outdoor recreation would be permitted. This policy is in accordance with the NPPF and policy PG5 within the emerging Local Plan also considers facilities for outdoor recreation to be appropriate within the open countryside.

The construction of a marina with associated facilities would constitute facilities required in connection with outdoor recreation so it is considered that there is a presumption in favour of development.

Para 14 indicates that permission should be granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

These issues are considered below.

Sustainable Development

Paras 34 and 55 of the NPPF indicate that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist- Planners can use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

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

In this case the development fails to meet all of the standards with the exception of the railway station and bus stop where the proposals would constitute 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).

Public transport accessibility to the site is very poor. Even this limited analysis demonstrates, for day to day services and facilities that any visitor would need, the site fails more criteria than it passes and locationally must be regarded as being unsustainable.

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

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of

sustainability other than accessibility. These include, meeting demand for moorings and making a positive contribution towards the visitor economy, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development.

The Sustainability Statement provides some indication as to how principles of sustainable development / energy reduction would be met within the development. The Travel Plan would encourage car sharing and a taxi 'buddy' system. However, this would be ineffective in contributing to sustainable transport options because there are limited options in this isolated rural area.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a marina of this size would bring the usual economic benefit to the closest shops in Wrenbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new visitor's spending money in the area and using local services and a small number of new jobs as a direct result of the proposals.

To conclude, the benefits of recreational facilities and the positive contribution towards the visitor economy, which is in great need; do not outweigh the harm caused by virtue of the unsustainable location of the site.

Loss of Agricultural Land

Policy NE12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- The need for the development is supported in the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- Other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

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

The agent has advised that the site falls within category 3b which is deemed to be lesser quality agricultural land. Whilst the loss of any agricultural land is regrettable and the concerns of residents in this respect are duly noted, the benefits of the proposal in terms of provision of outdoor recreation facilities and the associated benefits to the tourism economy outweigh the loss of such land to agriculture.

Impact upon the Landscape

The site is in the East Lowland Plain Character Type and the Ravensmoor character area. The area has no landscape designations of national, regional or local importance.

The LVIA submitted with the application indicates that its sensitivity to alteration is low given that views of the site are limited and features such as hedgerows are of poor quality. The impact of the proposals has been considered in the short, medium and long term (15 years). However, given the scale of development proposed and the undeveloped nature of the site at present, appropriate landscape mitigation is required to minimise visual intrusion.

The worst effects would be during the construction period, with effects reducing to minor adverse once constructed – the LVIA considers that the mature boundaries provide screening and that the marina would fit in with the most dominant landscape feature- the canal. The longer term effects would be slight adverse once the landscape planting has matured.

The proposals would not have a significant adverse impact as the proposals would extent the impact of the canal which is seen as a positive component of the landscape. Infrastructure is sensitively located and the design and landscaping would be consistent with the character of the rural area.

The Council's landscape architect agrees with the conclusions of the LVIA but highlights the conclusions in respect of a moderate/substantial adverse residual impact on landform and moderate adverse residual impact on landscape character. In addition, concerns are expressed regarding the loss of some of the hedgerow. Moreover, this would open up views of the site which the landscape architect does not consider have been fully considered as part of the proposals. However the landscape architects main concern is the raising of levels by 5m which would raise the prominence of the site and in particular, the buildings.

Given the prominence of the site, its relatively isolated location and the changes in levels / amount of built development proposed this development is very capable of having a significant adverse impact upon the character of the area. Unlike the a similar proposal for a marina (application 14/1579N), no bunding is proposed, there is no masterplan for landscaping and the development would not be obscured from view due to the presence of existing built development.

On that basis, it is considered that the information submitted is not sufficient to demonstrate that the proposals would not have an adverse impact upon landscape character.

Highway Safety

The key issues regarding this application are accessibility, car parking, access and traffic generation.

Accessibility

The site is not particularly accessible by sustainable means of travel and would be reliant on cars, a taxi 'buddy' system proposed in the Travel Plan, infrequent bus services and potentially some albeit limited cycle usage.

It is not a particularly accessible site, and the measures mentioned within the Travel Plan would be unlikely to achieve a step change in travel patterns to and from the site.

Car Parking

The emerging Local Plan does not contain any standards in respect of car parking requirements for a marina. The marina would provide 139 spaces for the 179 berths proposed. This level of car parking is in excess of similar proposed marinas elsewhere i.e. at Coole Lane, Audlem and The Outlanes Church Minshull and that proposed for application 14/1579N. However, given the isolated nature of the location, it is expected that almost all traffic generation would be car borne travel and this level of car parking is necessary for the particular needs of this development.

Access

The site is accessed off Nantwich Road. The layout submitted indicates that the scheme would comprise one main point of access and an arterial road including a new footpath. A gated access is provided deeper into the site away from the main access.

The proposed access into the site features 7.5m (max) entry radii and a 6.3m carriageway width. The arrangement shown is acceptable and the construction of the access road beyond the access would serve to limit vehicle speeds.

Nantwich Road has a speed limit of 60mph and the drawings indicate that visibility splays of up to 2.4m x 70m (approx) are achievable in each direction. Therefore, the achievable visibility demonstrated from the proposed site access is acceptable based on vehicle speeds from a traffic survey conducted in 2009.

Traffic Generation

The applicant has submitted a Transport Statement indicating that traffic generation to the site would inevitably be via Nantwich Road where there would be sufficient capacity to accommodate the proposals.

However, it is noted that a number of residents and the Parish Council have concerns regarding the ability of the local highways network to accommodate the likely traffic generation- there is no evidence to support this view and the SHM indicates that the impact of the proposal is likely to be minimal during peak hours on the highway network.

Road Network

Given the sheer amount of excavation required to facilitate this development, the associated HGV movements could well have an adverse impact upon the condition of local roads. It is therefore considered appropriate to condition that a highway condition survey to be undertaken prior to works taking place and after earth works have been completed. The condition would require that the applicant would enter into a contract with CEC to undertake any repairs required.

Amenity

The main concerns of neighbours and consultees relate to:

- Impacts during construction period
- Overlooking
- Loss of Outlook
- Overshadowing
- Air Quality
- Noise for future occupants
- Contamination

Impacts during construction period

A development of this scale could well result in dust emissions, noise and disturbance and an impact upon air quality during the course of the construction period. To mitigate for the impacts, Environmental Health has recommended conditions relating to pile driving operations, hours of construction, dust control and the submission of an environmental management plan. These conditions are deemed necessary to mitigate the environmental impacts of the development.

Loss of Outlook

The concerns of neighbours are duly noted, but the planning system does not exist to protect private interests and there is no right to a view. Whilst overlooking a marina may not necessarily be to everyone's taste, such development is appropriate within the countryside and as noted by the Council's landscape architect, is attractive in its own way.

Moreover the applicant has gone to considerable lengths to set back the marina to minimise views from neighbouring properties.

Overlooking

The concerns of neighbours are duly noted however the combination of separation distances and proposed landscaping and retention of hedges would provide sufficient obscurity to neighbours and the buildings are set back within the site.

Air Quality

Air quality has not been specifically raised by Environmental Health as an issue, however given the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. Environmental Health has not recommended the submission of an air quality assessment however they have requested a condition requiring mitigation for any dust emissions during the construction period.

The Travel Plan has the potential to try to encourage uptake 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). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new developments.

Conditions in respect of Travel Planning and electric vehicle infrastructure are therefore considered appropriate.

Noise

Conditions have been recommended by Environmental Health regarding mitigation of noise during the construction period. Hours of operation conditions and restriction of particular works such as boat repairs would mitigate the worst effects of the development.

Contamination

As the site has been used as agricultural land, the Phase I investigation has indicated there is unlikely to be any contamination. However, the contaminated land officer has requested a condition requiring further investigation works – this would be conditioned accordingly.

Trees and Hedgerows

The applicant has submitted a Tree Report and Protected Species Survey in respect of the proposals.

None of the trees on the site are protected and only a few are of a quality worthy of retention. Those trees identified as having some amenity/ landscape value are scheduled for retention, with the majority of trees scheduled for removal being of limited value. The proposed landscaping would include tree planting which would compensate for this loss however a light touch approach is advocated as the existing character is of pasture land rather than woodland.

The hedgerows have not been assessed under the Hedgerow Regulations and the hedges could be classed as important. This requires further consideration.

Design

The landscape impact of the proposals has been considered separately, and the removal of the objection from the Canal and Rivers Trust suggests that they now consider the marina and its associated infrastructure to be in keeping with the canal corridor.

The facilities building which is the more prominent of the two buildings would be constructed of timber, and located adjacent to the roadside to ensure the visual impact of this is restricted to an already compromised area. The toilet block would extend further into the site however the combination of planting and its reduced size would reduce its visual impact and prominence within the site.

The amenity space areas provide welcome relief from the infrastructure, and the planting avoids the creation of wooded areas which would appear out of context within this area of undulating fields.

The design therefore respects the character of the surroundings.

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, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

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

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was evidence of Otters and Great Crested Newts on the site.

It however recommends mitigation in respect of BAP habitat and protected species.

The Council's ecologist and Natural England have raised concerns that further survey work is required and that without this information, the proposals would have an adverse impact upon protected species and that the Habitat Regs would not be satisfied. The proposals are therefore contrary to policy NE9 within the CNLP 2011 and guidance within the NPPF.

Flood Risk

The applicant has submitted a Flood Risk Assessment – whilst the site does not lie within an area of flood risk, the proposals relate to a major residential development.

The Environment Agency has no objections to the application subject to conditions relating to flood risk / drainage which would be imposed accordingly.

Other Matters: Need

Letters of representation and the applicant have raised the issue of need – the applicant thinks there is a defined need, whereas residents think that there is no demand for such a facility.

Need is not mentioned as a particular factor for consideration, however, if members are to give weight to this as a material consideration relating to economic growth, it should be noted that both the Parish Council and the Canal and Rivers Trust originally raised concerns regarding 'need' as they have been cited as providing information.

The Framework does not advocate a Sequential Test approach to development proposed in the countryside. There is no defined need for the proposals identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Notwithstanding that the Need Assessment carries no weight as a material consideration for the reasons noted above, there are nevertheless concerns regarding the robustness of the Need Assessment submitted. Therefore this is not considered to attract weight either positively or negatively.

Other Matters: Representations

Neighbours have raised concerns regarding the existing conflict between boat users and traffic along Cholmondeley Road and the impact of this development on this existing problem. Any development which results in either traffic generation or increases boat use of the canal would have an impact irrespective of whether this application is approved or not.

CONCLUSIONS AND REASON(S) FOR THE DECISION

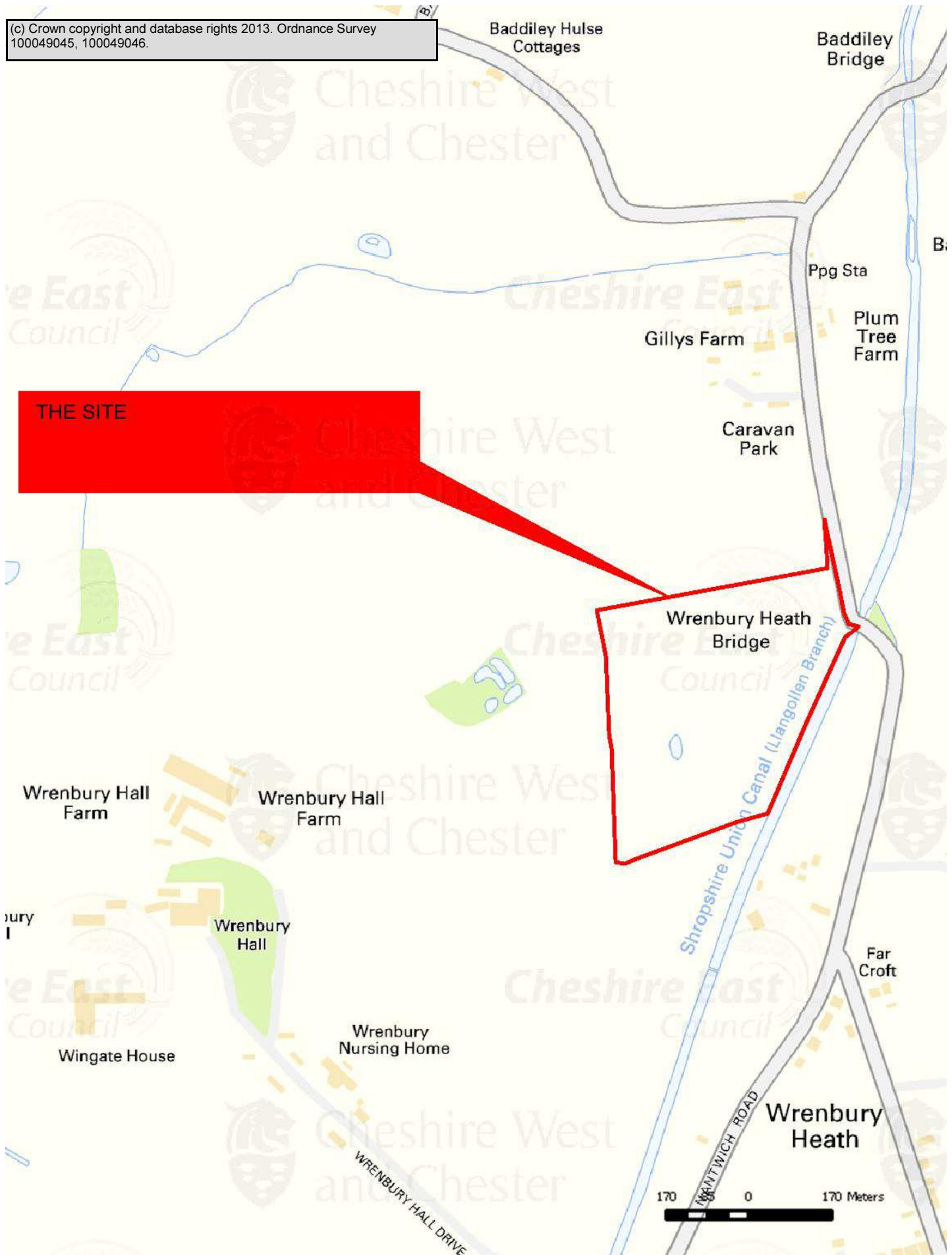
There are many economic benefits associated with the marina, however this is an inaccessible location and would be unsustainable. In addition, it would have an adverse impact upon landscape character and there are identified adverse impacts upon protected species. The Planning balance tips against the proposals and therefore the scheme is recommended for refusal.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. unsustainable form of development
2. proposals would have an adverse impact upon landscape character and insufficient information
3. insufficient information in respect of protected species and BAP habitat

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Application No: 14/1579N

Location: LAND NORTH OF, CHOLMONDELEY ROAD, WRENBURY FRITH

Proposal: 2.37 hectare 200 berth marina basin with pump out facilities, lighting and landscaping, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal with new tow-path bridge over canal connection; a main sewer connection; a facilities building to include the following incidental/ancillary uses; boat hire/time share and brokerage; management offices, toilets, showers and laundry block and cafe with retail space and public toilets; chemical effluent and household waste recycling facilities; and existing site access onto Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and services areas; diversion and enhancement of public footpath no. 3, wildflower meadow and bat/barn owl tower (Resubmission of 13/4286N)

Applicant: David Young

Expiry Date: 23-Jun-2014

SUMMARY RECOMMENDATION REFUSE

MAIN ISSUES

- Principle of Development
- Sustainable Development
- Loss of Agricultural Land
- Impact upon the Landscape
- Highway Safety
- Amenity
- Trees and Hedgerows
- Heritage and Design
- Ecology
- Flood Risk

REASON FOR REPORT

The application is to be determined by the Strategic Planning Board as the proposal is for a large scale major development (the site area is approximately 5.6 hectares).

DESCRIPTION OF SITE AND CONTEXT

The application site measures 5.68 hectares, is irregular in shape and comprises four fields of gently undulating pasture land bisected by hedgerows and sandwiched behind the properties along Cholmondeley Road (between the Cotton Arms PH and St Margarets Church) and the canal towpath of the Llangollen Branch of the Shropshire Union Canal (between Wrenbury Church Bridge and Wrenbury Lift Bridge).

There is a public footpath bisecting the site N to S from Wrenbury Church Bridge to St Margaret's Church.

The existing access gate to the field and proposed access track are located within the Wrenbury Conservation Area with the entire site located within the open countryside.

The site lies adjacent to the settlement boundary of Wrenbury with all of its shops and services and 65m away from a branch of the River Weaver although it is not within an area of flood risk.

DETAILS OF PROPOSAL

In summary, the proposals relate to the construction of a 2.37ha marina with associated facilities including a facilities building, car parking, access and landscaping.

In detail, it involves the following works:

1. Construction of a 2.37ha 200 berth marina basin to a depth of 1.4m with pump out facilities, lighting and landscaping, fuel pump and storage and waste pump out. Moorings will be provided by the construction of steel piled timber jetties. The edge treatment will also be a geotextile with an edge of reeds to be established.
2. A new canal connection to the Llangollen Canal including a large splay
3. New towpath bridge over canal connection measuring 24m in length. This would be constructed of black and white painted steel with timber boarding on reclaimed brick piers with stone caps. The bridge will be 3m above ground level with a 1.5m high handrail and will be accessed via a ramped path set on 1 to 3 grassed embankments. Footpath 25 will be diverted over a new towpath bridge with ramped surfaced path with a 1 in 20 gradient.
4. A facilities building to include the following incidental or ancillary uses: boat hire/timeshare and brokerage; marina management offices; toilet, shower and laundry block; and cafe with retail space and public toilets; chemical effluent and household waste disposal/recycling facilities and a terrace overlooking the marina. Although quite a large footprint (564m²), the building is small in scale, single storey with a flat green roof with a height of 3.67m. Construction is of timber cladding with some coloured render
5. Alterations to an existing access on to Cholmondeley Road including a footway to one side and a gate for security purposes leading to a new internal road to 85 car parking, 65 spaces in the main public car park adjacent to the facilities building and 20 for boat users to the east of the marina.
6. Diversion and enhancement of public footpath no. 3 the path surface will be gritstone or blinded stone in keeping with the rural setting. The entrance and new canal edge would be constructed of steel sheet piling. Footpath 3 will be diverted for a length of

150m around the eastern boundary and will be enhanced by surfacing in a 2m wide compacted stone surface with a timber edge to create an all weather route. The existing stile where the footpath enters the site from the north will be replaced by a mobility kissing gate.

7. A separate enclosed waste compound is also to be provided.
8. There will be no lighting along the access road, but some low level bollard lighting will be installed to the car parks and jetties and there will also be limited lighting to the building entrances.

PLANNING HISTORY

P97/0592 Use of land as recreation ground including football pitch.– Approved with conditions 18-Sep-1997

P02/0687 Removal of Condition 4 on Permission P97/0592- Approved with conditions 17-Sep-2002

13/4286N 2.37 Hectare 200 berth marina basin with pump out facilities; lighting and landscaping, fuel pump and storage and waste pump out; a new canal connection to the Llangollen canal with new towpath bridge over connection; a main sewer connection; a facilities building to include the following incidental or ancillary uses: boat hire/timeshare and brokerage; marina management offices; toilet, shower and laundry block; and cafe with retail space and public toilets; chemical effluent and household waste disposal/recycling facilities; an existing site access on to Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and service areas; diversion and enhancement of public footpath no. 3 - Withdrawn

POLICIES

Crewe and Nantwich Replacement Local Plan

Policy NE.2: Open Countryside

Policy NE.5: Nature Conservation and Habitats

Policy NE.9: Protected Species

Policy NE.11: River and Canal Corridors

Policy NE.12: Agricultural Land Quality

Policy NE.13: Rural Diversification

Policy NE.17: Pollution Control

Policy BE.1: Amenity

Policy BE.2: Design Standards

Policy BE.3: Access and Parking

Policy BE.4: Drainage, Utilities and Resources

Policy BE.7: Conservation Areas

Policy BE.16: Development and Archaeology

Policy TRAN.4: Access for the Disabled

Policy TRAN.9: Car Parking Standards

Policy RT.6: Recreational Uses in the Open Countryside

Policy RT.8: Promotion of Canals and Waterways

Policy RT.9: Footpaths and Bridleways
Policy RT.10: Touring Caravans and Camping Sites

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

Policy MP 1 Presumption in Favour of Sustainable Development
Policy PG 5 Open Countryside
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy EG 2 Rural Economy
Policy EG 4 Tourism
Policy SC 1 Leisure and Recreation
Policy SC 2 Outdoor Sports Facilities
Policy SE 1 Design 1
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 6 Green Infrastructure
Policy SE 7 The Historic Environment
Policy SE 8 Renewable and Low Carbon Energy
Policy SE 9 Energy Efficient Development
Policy SE 13 Flood Risk and Water Management
Policy CO 1 Sustainable Travel and Transport
Policy CO 4 Travel Plans and Transport Assessments

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Cheshire East Visitor Economy Strategy

CONSULTATIONS (External to Planning)

PROW Unit – No objections recommends informative

Visitor Economy - This new development is in line with the Cheshire East Visitor Economy Strategy agreed by Council in February 2011.

United Utilities - No objections but recommends conditions

Natural England – no objections but recommends inclusion of green infrastructure, habitat enhancement and landscape enhancement.

Environmental Health - no objections but recommends conditions in respect of the submission of an Environmental Management Plan, Noise Control, Dust Control, Contaminated Land, Construction Hours and Lighting

Environment Agency – objects as no FRA and no survey information in respect of depressed river mussels

Archaeology – As the early settlement may well have extended into the application site archaeological investigation and mitigation is required however this can be secured via a condition.

English Heritage – No objections

Barn Owl Trust – recommends a number of conditions regarding Barn Owl mitigation

Canals and River Trust – Recommends conditions in respect of finished levels, landscaping, lighting, contamination, construction management plan and surface water. Raises concerns regarding discrepancies/ some of the assumptions made within the Planning Statement and Design & Access Statement.

VIEWS OF THE TOWN COUNCIL

Concerns as follows:

- Impact of conflict between cars and boat users at the lift bridge
- limited visibility at point of access
- road inadequate for HGVs
- impact of traffic generation on highway safety
- impact of earth movements and displacement on local road condition

- impact on the wildlife and vegetation. This would be caused by increased sound and light pollution, disturbance and loss of habitat
- impact to Conservation Area and the setting of the church and of a second listed lift bridge carrying a footpath across the canal;
- contrary to Policy RT6 which requires a development to improve community life and to have beneficial outcomes.
- increased pollution of the canal
- concerns site used to bury animals with anthrax and then foot and mouth and associated impact upon public health associated with disturbance of these contaminants.
- deep water is a health and safety hazard
- would have an adverse impact upon local businesses as the attractiveness of the canal and the village would be impaired.
- people using the marina would shop elsewhere
- impact on caravan site
- no genuine demand for more moorings on an already crowded canal

OTHER REPRESENTATIONS

278 letters of objection raising the following issues:

- Need
- Impact on Landscape
- Impact on Views
- Noise and Disturbance
- Impact on Heritage Assets
- Impact on Nature Conservation
- Impact on Highway Safety
- Impact on working of the canal bridge
- Concerns relating to timing of application
- Impact on local businesses/ tourism
- Increased risk from flooding
- Light pollution
- Health & Safety considerations
- Suggestions of Alternative Locations
- Increased Risk of Subsidence
- Intrusion into open countryside
- Request café use not restricted to boat owners
- Impact of Waste
- Consultation arrangements
- Impact upon Drainage
- Odour and other amenity issues
- Pollution of water courses
- Impact on canal through flow

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Agricultural Land Classification Assessment

Land is Grade 2 with a small area of Grade 3a (0.5ha)

Design & Access Statement

Provides detail of consultation, planning policy, energy efficiency measures and improvements to biodiversity in addition to details regarding the nuts and bolts of the proposals.

Transport Assessment

Considers access to achieve good visibility and concludes that the site is highly accessible by a range of means of transport. Car parking levels appropriate and traffic generation would have only a minor impact upon the highway network.

Landscape Visual Impact Assessment

Hedgerows at the site are poor specimens and views of the site from the environs are limited. It has no distinctive characteristics and is therefore not particularly sensitive. Due to the topography and intervening features such as hedges, few views would be impacted upon as a result of this development. The proposed landscaping would mitigate and compensate for impacts identified.

Planning Statement

There is a defined 'need' for the proposals, promotion of tourism facilities should be viewed positively, spin off benefits to local economy and is proposed in a sustainable location.

Tree Survey

Category B trees identified, all of which would be retained and protected throughout the course of the development.

Archaeological Desk Based Assessment

Although it is expected that the proposed marina development will impact directly upon thirteen sites of archaeological interest, the majority are hedgerows and are deemed to be of local importance which are poor specimens. Another feature of interest is a mound but its value is ecological. There would be an adverse impact upon the setting of the listed bridge however this impact would be minimised by the retention of features such as the hedgerow and trackway and the reduced size of the boat entrance to the marina. The impact would therefore be of such a low level that further assessment/ mitigation is not required.

Contaminated Land Report

Site unlikely to be contaminated as an undeveloped field.

Protected Species Survey

Depressed mussel survey identifying mussels but proposing mitigation, GCN unlikely to be present, Bats not present at time of survey but some trees have bat potential, barn owls, water voles and otters not present at time of survey, however evidence of Otter and Barn Owl activity in the area.

OFFICER APPRAISAL

Principle of Development

The site is allocated as Open Countryside (Policy NE2) within the Crewe and Nantwich Replacement Local Plan - the policies within that plan indicate that facilities required for the promotion of outdoor recreation would be permitted. This policy is in accordance with the NPPF and policy PG5 within the emerging Local Plan also considers facilities for outdoor recreation to be appropriate within the open countryside.

The construction of a marina with associated facilities would constitute facilities required in connection with outdoor recreation. It is considered that there is a presumption in favour of development.

Para 14 indicates that permission should be granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

These issues are considered below.

Sustainable Development

Paras 34 and 55 of the NPPF indicate that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist- Planners can use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

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

- railway station (2000m).

In this case the development meets all of the standards with the exception of the railway station where the proposals would constitute 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). However, all residents within the village inset of Wrenbury would fail to meet this distance with the exception of those towards south east of the settlement – the railway station is not located within the village and is a considerable distance outside of the village.

Clearly, visitors would not have to travel very far for everyday services and certainly unlikely to be significantly more than residents within the village. Public transport accessibility to the site is good with good access to day to day services and facilities that any visitor would need, the site passes more criteria than it fails and locationally must be regarded as being sustainable.

There are, in addition, 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:

- Economic role;
- Social role; and
- Environmental role

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general need for moorings in an attractive and desirable part of the south Cheshire countryside, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development.

The Design and Access Statement and the Transport Statement submitted provide an indication as to how principles of sustainable development / energy reduction would be met within the development. Conditioning the submission of a Travel Plan would ensure that the development would contribute to sustainable transport options.

Bringing forward this large development would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. In addition to the jobs created during the construction period, the proposals would bring the usual economic benefit to the shops in Wrenbury during the construction period and there would be significant economic and social benefits by virtue of visitor's spending money in the area and using local services.

Providing additional recreation facilities would improve the social wellbeing of the village by contributing towards mixed communities and making the area more resilient to change.

In this instance balancing issues of sustainability - the combination of the positive contribution towards economic growth and the benefits identified above, but in a sustainable location with access to exist facilities are considered to outweigh the harm caused by the loss open countryside.

Loss of Agricultural Land

Policy NE12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- The need for the development is supported in the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- Other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

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

The agent has advised that the site falls within category 2 and 3a which is deemed to be good quality agricultural land. Whilst the loss of Grade 2 and 3a agricultural land is regrettable and the concerns of residents in this respect are duly noted, the benefits of the proposal in terms of provision of outdoor recreation facilities and the associated benefits to the tourism economy could be considered to weigh in favour of supporting the proposal.

Impact upon the Landscape

The site is in the East Lowland Plain Character Type and the Ravensmoor character area. The area has no landscape designations of national, regional or local importance but the south western part of the site falls within the Wrenbury Conservation Area.

The LVIA submitted with the application indicates that its sensitivity to alteration is low given that views of the site are limited and features such as hedgerows are of poor quality. The impact of the proposals has been considered in the short, medium and long term (15 years). However, given the scale of development proposed and the undeveloped nature of the site at present, appropriate landscape mitigation is required to minimise visual intrusion into Wrenbury Conservation Area and to neighbours.

The Council's landscape architect considers that the character of the site would completely change from a quiet pastoral landscape to a busy, more vibrant place with people, boats, vehicles and low level lighting. However, it is considered that it would not have an adverse impact on the character of the wider landscape especially once the proposed landscape scheme has matured, and would be an attractive landscape. On that basis, the proposals would sit comfortably with the existing settlement pattern.

The Council's landscape architect has however recommended conditions relating to details such as levels, retention and protection of trees and hedges, submission of a detailed landscape masterplan, SUDs, the footpath/cycleway network, full landscaping and boundary treatment and a management plan to ensure the impact to landscape character and visual intrusion to neighbours would be minimised.

The concerns of neighbours in respect of the loss of the landscape character of the site are duly noted, however this site is not particularly unique nor does it have any intrinsic value that ought to be protected in the public interest – hence why it does not have any particular landscape character designation.

Given that the worst impacts are mitigated, the change in character would not in itself constitute a reason for refusal particularly owing to the overriding benefits of the proposals.

Highway Safety

The key issues regarding this application are accessibility, car parking, and access and traffic generation.

Accessibility

The site is within walking distance of Wrenbury a local service centre and easily accessible by train, bus, cycle and by car. It is highly accessible which would encourage linked trips and alternative modes of transport. The improvements proposed to the footpath running across the site would enhance the accessibility of the site.

Car Parking

The emerging Local Plan does not contain any standards in respect of car parking requirements for a marina. The marina would provide 85 spaces for the 200 berths proposed. There would be 6 full time members of staff required and therefore the proposals would provide significantly more parking than that required for staff alone. Similar levels of car parking were permitted at marinas elsewhere i.e. at Coole Lane, Audlem and The Outlanes Church Minshull.

Access

The site is accessed off Cholmondeley Road. The layout submitted indicates that the scheme would comprise one main point of access and an arterial road including a new footpath. Gates are shown across the access 10.5m back from the carriageway. To prevent queuing traffic it is considered appropriate to condition that these gates remain during the hours of operation.

The proposed access into the site features 7.5m (max) entry radii and a 6.3m carriageway width. The arrangement shown is acceptable and the construction of the access road beyond the access would serve to limit vehicle speeds.

Cholmondeley Road has a speed limit of 60mph and the drawings indicate that visibility splays of up to 2.4m x 90m are in fact achievable in each direction. Therefore, the achievable visibility demonstrated from the proposed site access is acceptable.

Traffic Generation

The applicant has submitted a Transport Statement indicating that traffic generation to the site would inevitably be via Cholmondeley Road where there would be sufficient capacity to accommodate the proposals.

However, it is noted that a number of residents and the Parish Council have concerns regarding the ability of the local highways network to accommodate the likely traffic generation- whilst there is no evidence to support this view, the provision of a Travel Plan would help to improve the sustainability credentials of the development and potentially reduce pressure on the network.

Road Network

Neighbours and the Parish Council have raised concerns regarding the impact of earth movements on the local highways network. Given the sheer amount of excavation required to facilitate this development, the associated HGV movements could well have an adverse impact upon the condition of local roads. It is therefore considered appropriate to condition that a highway condition survey to be undertaken prior to works taking place and after earth works have been completed. The condition would require that the applicant would enter into a contract with CEC to undertake any repairs required.

Comments from the Strategic Highways Manager have not been received however, comments will have been received, and an update provided to members before the meeting.

Amenity

The main concerns of neighbours and consultees relate to:

- Impacts during construction period
- Overlooking
- Loss of Outlook
- Overshadowing
- Air Quality
- Noise for future occupants
- Contamination

Impacts during construction period

A development of this scale could well result in dust emissions, noise and disturbance and an impact upon air quality during the course of the construction period. To mitigate for the impacts, Environmental Health has recommended conditions relating to pile driving operations, hours of construction, dust control and the submission of an environmental management plan. These conditions are deemed necessary to mitigate the environmental impacts of the development.

Loss of Outlook

The concerns of neighbours are duly noted, but the planning system does not exist to protect private interests and there is no right to a view. Whilst overlooking a marina may not necessarily be to everyone's taste, such development is appropriate within the countryside and as noted by the Council's landscape architect, is attractive in its own way.

Moreover the applicant has gone to considerable lengths to set back the marina and provide bunding which would obscure it from views from neighbouring properties.

Overlooking & Overshadowing

The concerns of neighbours are duly noted however the proposed bunding and retention of hedges would provide sufficient obscurity to neighbours and the buildings and bunding proposed are set back within the site to ensure the proposals would not result in overshadowing.

Air Quality

Air quality has not been specifically raised by Environmental Health as an issue, however given the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. Environmental Health has not recommended the submission of an air quality assessment however they have requested a condition requiring mitigation for any dust emissions during the construction period.

The Travel Plan would encourage uptake 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). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new developments.

Conditions in respect of Travel Planning and electric vehicle infrastructure are therefore considered appropriate.

Noise

Conditions have been recommended by Environmental Health regarding mitigation of noise during the construction period. Hours of operation conditions and restriction of particular works such as boat repairs would mitigate the worst effects of the development.

Contamination

As the site has been used as agricultural land, the Phase I investigation has indicated there is unlikely to be any contamination. However, as the site may have been used as a burial ground, the contaminated land officer has therefore requested a condition requiring further investigation works – this would be conditioned accordingly.

Trees and Hedgerows

The applicant has submitted a Tree Report and Protected Species Survey in respect of the proposals.

None of the trees on the site are protected and only a few are of a quality worthy of retention. Those trees identified as having some amenity/ landscape value are scheduled for retention, with the majority of trees scheduled for removal being of limited value. The proposed landscaping would include tree planting which would compensate for this loss however a light touch approach is advocated as the existing character is of pasture land rather than woodland.

The formal comments from the Council's Forestry Officer were not received at the time of writing the report however it is anticipated that these comments and recommended conditions will be received before the meeting of Strategic Planning Board.

The Forestry Officer has also requested that the hedgerows be assessed under the Hedgerow Regulations however this has been undertaken as part of the Ecological Report- the hedges are not classed as important, and both mitigation and compensation are proposed which would be conditioned accordingly.

Heritage & Design

Heritage

The majority of the site lies beyond the Conservation Area however the Conservation Area boundary spans along Cholmondeley Road therefore it is the point of access and part of the access road that would be located within the Conservation Area.

The Conservation Officer has commented that in terms of the impact upon the Conservation Area, the canal is an important feature of the countryside and the proposals would enhance the prominence of this to the Conservation Area which need not necessarily have an adverse impact. The worst visual impacts would be mitigated through landscaping and bunding. The access point and access road (which are located in the Conservation Area) could have an impact, but appropriate choice in materials and gate design would ensure that this respects the character of the environs. The impact upon the character of the Conservation Area would be neutral rather than adverse. On that basis the proposals preserve the character of the Conservation Area.

Turning to the impact upon listed buildings, the proposals would impact upon the listed lift bridge, and St Marys Church and Churchside Cottage.

The proposed footbridge would be located in close proximity to the lift bridge however the design has been amended following comments from the Conservation Officer and the Canals and Rivers Trust and is now considered to respect the character and not detract from, this listed building.

The impact upon the Church and Churchside Cottage would be limited given that bunding and landscaping would obscure the marina from view.

Design

The landscape impact of the proposals has been considered separately, and the removal of the objection from the Canal and Rivers Trust suggests that they now consider the marine and its associated infrastructure to be in keeping with the canal corridor.

The facilities building which is the more prominent of the two buildings would be constructed of timber and located adjacent to the roadside to ensure the visual impact of this is restricted to an already compromised area. The toilet block would extend further into the site however the combination of planting and its size would reduce its visual impact and prominence within the site.

The amenity space areas provide welcome relief from the infrastructure, and the planting avoids the creation of wooded areas which would appear out of context within this area of undulating fields.

The design therefore respects the character of the surroundings.

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, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

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

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was no evidence of protected species on the site although there was some evidence of depressed mussels along the canal corridor.

Mitigation measures are proposed.

The Council’s ecologist has no objections to the application subject to conditions to secure the following:

- Construction hours
- Badger Survey
- Lighting Scheme
- Replacement Hedgerow
- Barn Owl Tower
- Landscaping
- Depressed Mussel Mitigation

These conditions would be imposed accordingly. As there would be no adverse impact upon protected species, there is no requirement to consider the Habitat Regs.

If members are minded to approve the proposals against the Officer recommendation of refusal, it is recommended that the decision be deferred - the Council's ecologist has indicated that some additional information is required which may result in additional conditions being proposed. In addition the Environment Agency have not commented on the additional information in respect of Depressed Mussels (notwithstanding that this has been considered by the Council's ecologist). Whilst this is not in itself a reason for refusal, the information would need to be provided before a positive decision is made.

Flood Risk

The applicant has not submitted a Flood Risk Assessment – for this major development.

The Environment Agency has objected in the absence of this information, which is a material consideration.

The applicants were aware of this objection before the application was submitted and have been given since the submission date until now to resolve this objection.

There is insufficient information in relation to flood risk and therefore the proposals are contrary to policy NE20 within the CNLP.

Other Matters: Need

Letters of representation and the applicant have raised the issue of need – the applicant thinks there is a defined need, whereas residents think that there is no demand for such a facility.

Need is not mentioned as a particular factor for consideration, however, if members are to give weight to this as a material consideration relating to economic growth, it should be noted that both the Parish Council and the Canal and Rivers Trust originally raised concerns regarding 'need' as they have been cited as providing information.

The Framework does not advocate a Sequential Test approach to development proposed in the countryside. There is no defined need for the proposals as submitted identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Notwithstanding that the Need Assessment carries no weight as a material consideration for the reasons noted above, there are nevertheless concerns regarding the robustness of the Need Assessment submitted. Therefore this is not considered to attract weight either positively or negatively.

Other Matters: Representations

Neighbours have raised concerns regarding the existing conflict between boat users and traffic along Cholmondeley Road and the impact of this development on this existing problem. Any development which results in either traffic generation or increases boat use of the canal would have an impact irrespective of whether this application is approved or not.

Health and Safety issues would be a matter for the operator.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed marina will be a significant change in the character and landscape of the area, however as indicated it is not considered that the development would be detrimental to the countryside subject to appropriate conditions. It will lead to the loss of best and most versatile agricultural land but this must be balanced against the potential economic benefits that the scheme could bring to the area particularly given its locational proximity to Wrenbury which makes the scheme (unlike some others) sustainable. Given support for sustainable development within the NPPF it is considered that the balance weighs in favour of the scheme.

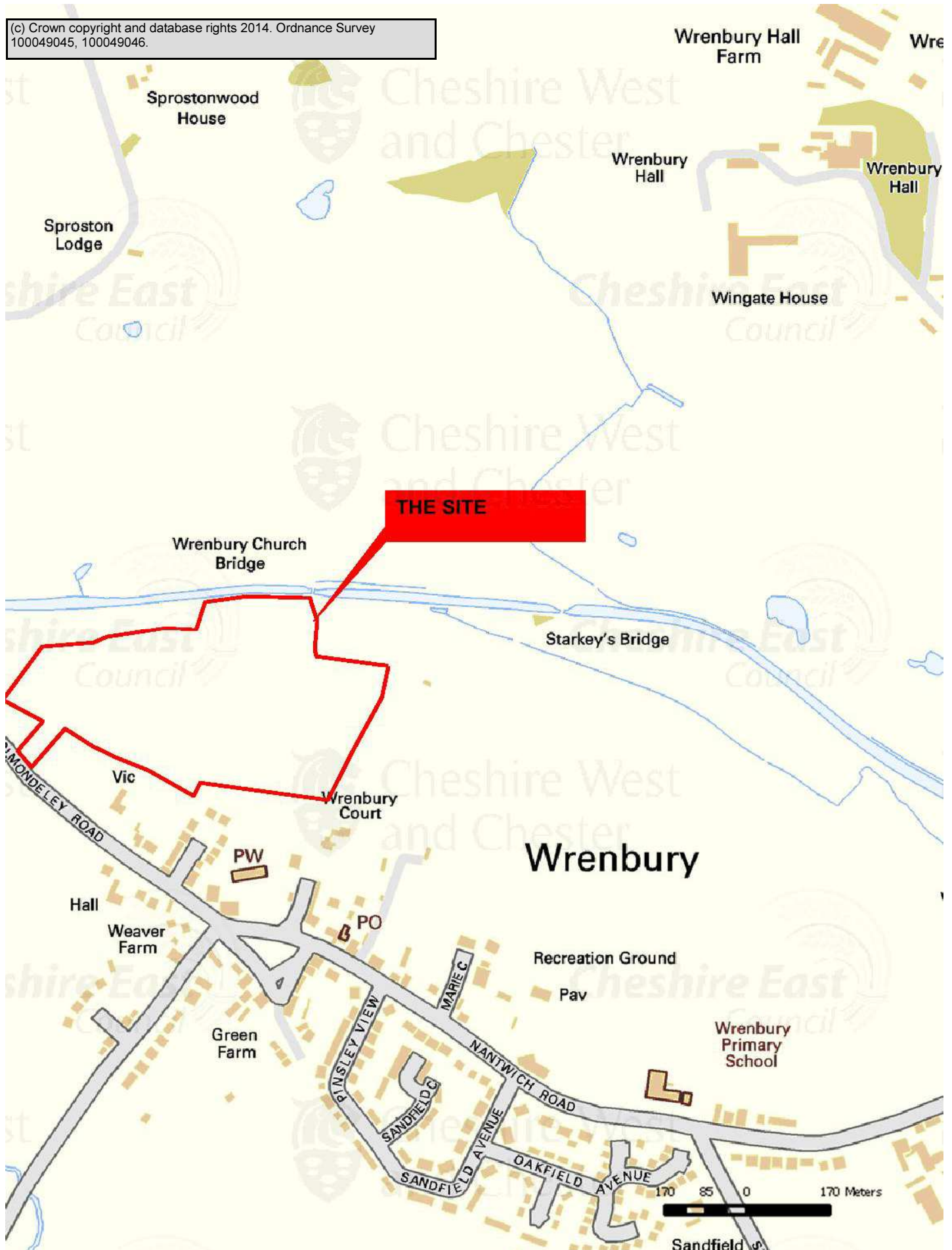
However, there remains an outstanding objection from the Environment Agency due to the lack of a flood risk assessment. The nature of the scheme makes such a submission fundamental to assessing its acceptability. It is also a matter that is known to the applicant/agent. Therefore without such an assessment a recommendation for refusal is made.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Insufficient information in respect of flood risk

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Application No: 14/3371M

Location: Land North Of, CHELFORD ROAD, OLLERTON, WA16 8SA

Proposal: Change in use of land and the construction of a single-storey building to create a golf driving range with associated car parking and new access

Applicant: Mr Brian Coutts

Expiry Date: 14-Oct-2014

SUMMARY RECOMMENDATION

Approve subject to the prior completion of a S106 legal agreement

MAIN ISSUES

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm to the Green Belt
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposed use is sustainable in this location
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping

REASON FOR REPORT

As the application site is a 5 hectares site, it constitutes a large scale major application which, in accordance with the Council's constitution, is required to be dealt with by the Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a piece of agricultural land located to the north of Chelford Road, in the parish of Ollerton. The land forms part of the agricultural holding of Beeches Farm, with other land located adjacent to the application site and on the opposite side of Chelford Road. There is an existing field gate providing access onto Chelford Road at the eastern end of the site boundary with Chelford Road. There are a number of existing trees and hedges on the site and a number of ponds are located within adjacent fields. A public footpath runs to the

west of the application site, with another footpath located to the east of the site. The site is generally relatively flat, with the topography of the site running downhill from south to north, though there are areas of undulation throughout.

There are three residential properties fronting Chelford Road located to the east of the site. Oakwood Nurseries is also located to the east of the site and contains a dwelling.

The site lies in the Green Belt.

DETAILS OF PROPOSAL

Planning permission is being sought for a golf driving range. The proposal is to provide a 20 bay, single storey driving range building and associated facilities including a new vehicular access off Chelford Road, the creation of a 40 space car park, a mini pitch and putt and a putting green. The fairway would consist of small mounds created through the importation of material. The range would be unlit and would not contain netting fencing.

No proposed hours of opening are stated on the application form. Should permission be granted the following hours of opening are proposed:

- 08.00 - 16.00 hours during the months of November, December and January;
- 08.00 -18.00 hours during February, March and October;
- 08.00 -20.00 hours during April and September;
- 08.00 -21.00 during May;
- and 08.00-22.00 hours during June, July and August.

These hours are consistent with those attached to applications 08/0332P and 12/1147M (see below).

Additionally the hours of use condition would state "All lighting in for the development shall be turned off no later than 15 minutes after the permitted closing time". Again this would be in line with the previous consents and relates to any lighting within the range building and ancillary lighting to the car park etc and does not relate to the range itself which would be unlit.

RELEVANT HISTORY

10/3232M

Golf driving range and building with 9 hole golf course.

Withdrawn 24.01.11

There have also been 3 applications for a similar proposal made by the applicant on land owned by him on the opposite side of Chelford Road. They are:

12/1147M

EXTENSION OF TIME TO APPLICATION 08/0332P

Approved 11.07.12 (remains extant until 11.07.15)

08/0332P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused and appeal allowed 27.05.09

07/1856P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused 24.10.07

The applicant has stated that, if approved, the intention is to only implement one of the golf driving range schemes (12/1147M or current proposal), not both. As such, no objections would be raised to a legal agreement which would ensure that only one planning permission for a golf driving range is implemented, not both.

POLICIES

Local Plan Policy

NE2 Landscape Protection and Enhancement

NE11 Nature Conservation

NE17 Nature Conservation

BE1 Design Guidance

GC1 New Buildings

RT18 Golf Courses

T2 Integrated Transport Policy

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC13 Noise

DC33 Outdoor Commercial Recreation

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

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

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

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

The following policies are relevant:

MP1 Presumption in Favour of Sustainable Development
PG3 Green Belt
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG2 Rural Economy
SC1 Leisure and Recreation
SC2 Outdoor Sports Facilities
SE1 Design
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland

Other Material Considerations

National Planning Policy Framework
National Planning Policy Guidance

CONSULTATIONS (External to Planning)

Highways: no objections subject to conditions regarding parking, access and visibility splays.

Environmental Health: no objections subject to conditions regarding construction hours restriction, submission of lighting plan if lighting proposed in the future, pile driving and floor floating controls.

Environment Agency: reference to standing advice for this type of development.

Public Rights of Way Unit: no objection subject to the imposition of an advice note.

Flood Risk Manager: not aware of any significant flood risk issues associated with the site.

Leisure: no comments received.

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council: object to the proposal on the following grounds:

- Lack of current robust business plan
- Enterprise is not viable
- Business is not sustainable
- Lack of land contour survey – land has a natural fall away from the driving range building and if land is to be levelled through commercial tipping, this would create traffic and disturbance for a prolonged period of years
- Openness of the space will be altered
- Loss of amenity to neighbouring properties
- Contrary to Village Plan
- Concern that applicant seeking to obtain brownfield status for the land

OTHER REPRESENTATIONS

No representations had been received at the time of writing the report.

APPLICANT'S SUPPORTING INFORMATION

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Planning, Design & Access Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment and Sustainable Drainage Scheme
- Arboricultural Statement
- Ecological reports
- Geological report
- Transport statement

OFFICER APPRAISAL

Principle of Development

Paragraphs 89 and 90 of the NPPF lists the types of development that are considered to be acceptable in the Green Belt. Paragraph 89 deals with the construction of new buildings and states that these are generally inappropriate but lists a number of exceptions including:

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. (this differs slightly from the wording of Local Plan Policy GC1 which allows for “essential facilities for outdoor sport and recreation”).

Paragraph 90 of the NPPF relates to other forms of development, including engineering operations, but does not make reference to the change of use of land. As such it is

considered that the principle of the construction of new buildings and associated building operations in connection with outdoor sport and recreation can be acceptable in principle subject to them being “appropriate facilities”. Engineering operations are not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. However, the change of use of land is not acceptable in principle as there is no provision within the NPPF for such a change of use of land. In order for this element of the proposal to be acceptable, very special circumstances would need to be demonstrated that outweigh the harm caused by inappropriateness and any other harm to the Green Belt.

Policy

All relevant policies are listed earlier in the report.

Local Plan policy DC33 deals specifically with proposals for outdoor sport and recreation uses such as golf driving ranges and sets out various criteria against which proposals will be assessed. Some of the criteria listed are not relevant to the site but the following criteria are considered relevant.

- The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential/non-sensitive buildings to minimise visual impact
- The site should be able to accommodate any necessary lighting without undue intrusion or significant adverse impact upon the immediate locality or wider environment
- The proposal should not have a significant adverse impact upon existing residential amenity
- Car parking provision and access into the site should be to the satisfaction of the Local Planning Authority. The site should have good access to an existing network of main roads (A Roads)
- Full details of existing and proposed contours, public rights of way, tree and vegetation cover and proposed landscaping should be submitted with the application

Green Belt

Buildings and building operations

The proposed driving range building would be of a similar scale and appearance to that allowed at appeal on the opposite side of the road under application reference 08/0332P. Whilst the range building proposed by this application is slightly larger, the increase in size is not considered significant (floorspace increase of appx 33 sq m from 576 sq m to 609 sq m) and in any event the relevant test is now whether the facilities are “appropriate” rather than “essential” i.e. a lesser test than that previously applied. As such the proposed golf driving range building is not considered to be inappropriate development in the Green Belt.

The formation of the proposed access and car parking areas as building operations can also be considered under Paragraph 89 of the NPPF. Whilst the proposed car park would be slightly larger than that considered at appeal on the other side of Chelford Road (40 spaces

as opposed to 30), the car park together with the access facilities are considered to be appropriate facilities and as such not inappropriate.

Other development including change of use of land

The formation of the mounds and green areas of the driving range together with any works to form the mini pitch and putt and putting green would constitute engineering operations. As these works would not conflict with the purposes of the Green Belt and provided that they preserve openness (see below), then these aspects of the proposal would not be inappropriate and would be compliant with Paragraph 90 of the NPPF.

However the change of use of land to form a golf driving range, a mini pitch and putt and a putting green is considered to be inappropriate development in the Green Belt. As stated above, this is due to the fact that paragraph 90 of the NPPF makes no provision for this type of development in the Green Belt.

Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on the openness of the Green Belt

As stated above, the proposed range building is of a similar size to that allowed at appeal on the other side of the road. As with the appeal proposal a new access is proposed together with a parking area adjacent to the building. The main change being that this proposal includes a 40 space car park, 10 spaces more than the appeal proposal. Additionally this proposal would involve some changes in levels across the site.

When considering the previous appeal the Inspector noted that "the substantive use of the site would maintain the openness of the Green Belt" further commenting that "the proposed access and car park would cause a small loss of openness, especially when cars are present on them, but they would occupy a relatively small part of the site and be necessary for the development". It was not considered that the driving range building would impact on openness.

As with the similar scheme on the opposite side of the road, it is not considered that the proposal would have a significant impact on openness. Whilst this site is arguably more prominent, the scale and design of the proposal is such that it is considered that the openness of the Green Belt would be maintained.

Very Special Circumstances

The applicant's agent recognises that the change of use of land element of the proposal is inappropriate development in the Green Belt, for which very special circumstances are

required. A number of very special circumstances have been put forward and are summarised below:

- The proposed development cannot be accommodated within the existing built up area or on land outside of the Green Belt;
- The proposed development would meet the requirements of paragraph 28 of the NPPF by assisting in the sustainable growth, expansion and diversification of the rural economy;
- The proposed development would meet the requirements of paragraph 81 of the NPPF by making beneficial use of the Green Belt for sport and recreation;
- It would deliver a sport/recreation use in an accessible location, assisting to promote the health and well being of the community and meeting the requirements of paragraph 73 of the NPPF
- There is an extant consent for a very similar development on land also owned by the applicant on the opposite side of the road. This remains extant and capable of implementation until July 2015.

With regard to very special circumstances, particular reference is made to a High Court Judgement (Fordent Holdings Ltd v Secretary of State for Communities and Local Government and Cheshire West and Chester Council [2013] EWHC 2844) which considered the issue of a change of use to a leisure use.

As stated, harm to the Green Belt has been identified as the proposed change of use constitutes inappropriate development in the Green Belt to which significant weight should be attached. No other harm to the Green Belt has been identified that would need to be outweighed by very special circumstances.

Having considered the very special circumstances put forward and having regard to the Fordent Holdings Ltd judgement, it is considered that the very special circumstances put forward in this case are sufficient to outweigh the harm to the Green Belt. In particular, significant weight is attached to fact that the proposed change of use would provide an opportunity for outdoor sport and recreation and would be in accordance with paragraph 81 of the NPPF. Additionally significant weight is attached to the extant consent that exists for a similar proposal on the opposite side of the road.

Visual Impact

A Landscape and Visual Impact Assessment has been submitted with the application. This has been undertaken in accordance with the 'Guidelines for Landscape and Visual Assessment' (3rd Edition). It concludes that the implementation of the development proposals will not have a detrimental effect upon the landscape setting and character of the site or surrounding area.

The Council's Landscape Officer has been consulted on the application and broadly agrees with the Landscape and Visual Impact Assessment that has been submitted and raises no objections to the application on landscape and visual impact grounds.

It is considered that the proposed building and associated access and car park have been designed so as to minimise their visual impact. The use of appropriate facing and surfacing

materials will help the development integrate with its surroundings. These matters could be controlled by condition.

A landscape plan has been submitted with the application. Whilst the details included within it are generally considered to be acceptable, there is some concern regarding proposed tree planting along the access drive and trees/hedging around the car park. Therefore unless satisfactory alterations can be made to the landscape plan prior to determination, should permission be granted, a landscaping condition would be imposed requiring the submission of an amended landscape scheme.

Whilst there will be some change in levels across the site, the mounds proposed are between 0.5m and 3.5m high, with the largest being located at the north west corner of the site, which is the lowest part of the application site. This is much lower than what was proposed as part of the previously withdrawn scheme (up to 8m high and with mounding close to Chelford Road). The levels changes now proposed are considered to be acceptable as it is not considered that they would adversely affect the landscape character of the area.

Highways

A new vehicular access is to be formed off Chelford Road providing access to the site. A 40 space car park is also proposed.

As previously stated, a Transport Statement has been submitted with the application and the Strategic Highways Manager has been consulted. He notes that the proposed access is suitable for the development proposal and that the traffic impact of the development proposal will be relatively minor with only a very modest level of peak hour traffic movements at the site access. The level of car parking provision is considered to be sufficient, though it is considered that 2 disabled spaces should be included within the spaces proposed. Although the proposal is not particularly well located to make use of sustainable modes of transport for access, the use is primarily a car-borne recreational activity in any case and employee levels are low.

Subject to conditions regarding the provision of parking and provision of the new access and associated visibility splays, the Strategic Highways Manager raises no objections to the proposal.

Design

The design of the proposed range building is broadly similar to the one that was allowed on appeal and to other range buildings elsewhere and as such no objections are raised to it on design grounds.

Amenity

As stated, there are a number of residential properties located adjacent to the site. Local Plan policies DC3 and DC33 address the impact of proposals on residential amenity and state that there should be no significant adverse impact upon existing residential amenity. Local Plan policy DC13 specifically relates to noise generating developments.

3 residential properties are located to the east of the application site and front onto Chelford Road. The proposed site access would be located approximately 80m away from the nearest residential property, approximately 50m away from the garden boundary of this property. Given the scale of the development proposed, the likely amount of traffic that would be generated by the proposal, existing traffic levels on Chelford Road, the distances involved and given the existing screening along the garden boundaries, it is not considered that the proposal would result in a significant adverse impact on the amenity of the occupiers of these properties.

The only other residential property located close to the site is the dwelling at Oakwood Nurseries which is located approximately 30m to the east of the application site. However, given the distances involved and extensive boundary screening, it is not considered that the amenity of the occupiers of the dwelling at Oakwood Nurseries would be significantly affected by the proposal.

To date, no objections have been received from nearby residential occupiers.

Trees

The site contains a number of trees and hedgerows and the Council's Forestry Officer has been consulted on the application.

He states that the development proposals seek to utilise an existing and relatively open area of pasture land bordered by hedgerows and mature trees.

The only direct impact in terms of losses, relates to the removal of the length of hedgerow located on the Chelford Road frontage, and identified within the submitted Arboricultural Statement. Removal of the identified 50 metre length is required to facilitate access into the site. No details have been provided in respect of the 1997 Hedgerow Regulations in order to assess if this hedge is "important". This information is required in order to fully assess the impact of this loss of hedgerow. It has been requested from the applicant and any additional information received will be reported to Members in the form of an update.

All the existing trees can be retained and protected in accordance with current best practice BS5837:2012.

Subject to the receipt of additional information demonstrating that the loss of hedgerow is acceptable, the proposal raises no significant issues in relation to trees.

Ecology

A Great Crested Newt Survey and Mitigation Report and a Badger Survey Report have been submitted with the application and the Council's Nature Conservation Officer has been consulted.

Great Crested Newts

A number of ponds are located within 250m of the proposed development. Small numbers of great crested newts have been identified at a number of these ponds. However the

application site offers limited habitat for great crested newts. In order to address the risk posed to great crested newts the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' and designed-in mitigation measures. The Council's Nature Conservation Officer advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. If planning permission is granted, a condition is required to ensure that the development is carried out in accordance with the submitted great crested newt report.

Badgers

A badger sett has been recorded just outside the red line of the application site. To avoid any potential impacts upon the sett the applicant's ecologist recommends that an undeveloped 30m buffer zone be marked out on the ground prior to the commencement of development. If permission is granted a condition is required to ensure that the development is carried out in accordance with the submitted Badger Survey Report, including the provision of the 30m buffer area.

Hedgerows

Hedgerows are a UK biodiversity action plan priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site entrance. The Nature Conservation Officer advises that this loss could be compensated for by the proposed screening planting provided appropriate species are used. This matter may be dealt with by means of a standard landscaping condition if planning consent is granted.

Breeding Birds

If planning consent is granted a condition would be required regarding breeding birds to ensure that surveys for nesting birds are carried out if vegetation is to be removed between 1st March and 31st August.

Ecological enhancements

The submitted ecological reports include proposals for ecological enhancements including the construction of a new wildlife pond and the enhancement of the existing ponds. If planning consent is granted a condition is required in order to ensure that the ecological enhancements including the creation of a new wildlife pond, the enhancement of the existing ponds and associated terrestrial habitat are provided to the satisfaction of the Council prior to first use of the golf driving range facility.

Subject to the conditions recommended above, no objections are raised to the proposal on ecological grounds.

Public Rights of Way

As previously stated, there are two public rights of way within the vicinity of the site, the nearest one, Ollerton No.17, being located approximately 50m to the west of the site.

The Council's Public Rights of Way Unit have been consulted on the application and raise no objections to it subject to the addition of an informative regarding the public right of way should permission be granted.

Flood Risk

A Flood Risk Assessment (FRA) and Sustainable Drainage Scheme (SuDS) has been submitted with the application. The FRA concludes that whilst no flood data is available for the site, as it falls within Flood Zone 1, the risk of flooding is low. The conceptual SuDS scheme has been designed so as to ensure that the proposed development of the site does not increase the flood risk and that the main flooding risk from pluvial (surface water) flooding on the highway on Chelford Road will continue to soakaway to ground.

The Environment Agency and the Council's Flood Risk Manager have been consulted on the application. The Environment Agency has referred to its standing advice for this type of development. The Council's Flood Risk Manager states that he is not aware of any significant flood risk issues associated with the site.

Other Matters

A number of other matters, not already considered within the report have been raised by the Parish Council. These will be dealt with in turn.

A number of the concerns raised by the Parish Council relate to the sustainability/viability of the proposed business and lack of a robust business plan. As previously stated by the Inspector when dealing with the appeal against the refusal of 08/0332P, the viability of the business is a matter for the commercial judgement of the applicant and is not a material planning consideration to be given weight in the determination of this application.

Concern has been raised regarding the lack of a contour survey and queries regarding commercial tipping and the impact that would have in terms of traffic and disturbance for what could be a considerable length of time. With regard to levels information, the Council's Landscape Officer is satisfied with the information regarding levels that has been provided with the application. Whilst reference is made within the submitted Planning Statement to the importation of material to enable the formation of small mounds within the proposed fairway, given the relatively limited scale of the mounds, it is not anticipated that this would involve commercial tipping on a large scale. The applicant's agent has confirmed that there would be no commercial tipping on the land.

The Parish Council state that the proposal is contrary to the Village Plan. Whilst the Ollerton with Marthall Parish Plan is a material planning consideration and whilst it states that there is concern regarding the proliferation of businesses and markets affecting the A537 the plan also indicates that the matters of prime concern to residents are the appearance of, and noise and light pollution and traffic associated with commercial uses. For the reasons outlined within the report, it is not considered that the proposal would result in an adverse visual appearance or a significant increase in noise, light pollution or traffic.

Finally it is stated that the application is an attempt to remove the land from agricultural use and achieve brownfield status within the Green Belt. Whilst the land would become brownfield if permission is granted and implemented for the proposal, any future redevelopment of the site would need to be assessed against relevant policies and assessed on its own merits. Any speculation as to the applicants intentions is not a matter to be considered as part of the assessment of this application.

With regard to the conditions suggested by Environmental Health, it is not considered that these are necessary given the nature and location of the proposal and given that other proposed conditions are considered to adequately address the issue of lighting.

Heads of Terms

Should Members be minded to approve this application, as it would not be acceptable in planning terms to grant planning permission to the same applicant for very similar developments in close proximity, a S106 legal agreement is required to secure the following:

- Mechanism to ensure that either this proposal or that approved under application reference 12/1147M be implemented, not both.

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 mechanism to ensure that only one permission for a golf driving range is implemented is necessary to make the development acceptable in planning terms and in particular to protect the Green Belt. It is directly related to the development and is fair and reasonably related in scale and kind to the development having regard to relevant policy, including the NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This application is for an outdoor sport and recreation facility within the Green Belt. The proposal is considered to be a sustainable form of development.

The proposed golf driving range and associated facilities is, in part, inappropriate development in the Green Belt. It is not considered that the proposal would have a significant impact on openness. It is considered that very special circumstances exist to outweigh the harm caused by inappropriateness. In reaching this conclusion, particular regard was had to that fact that in providing an opportunity for outdoor sport and recreation the proposal is compliant with paragraph 81 of the NPPF and to the fact that there is an extant consent for a very similar proposal on the opposite side of the road. It is not considered that the proposal would adversely affect the visual amenity of the area and the proposal does not raise any significant concerns with regard to design, amenity, highways or ecology. Further information

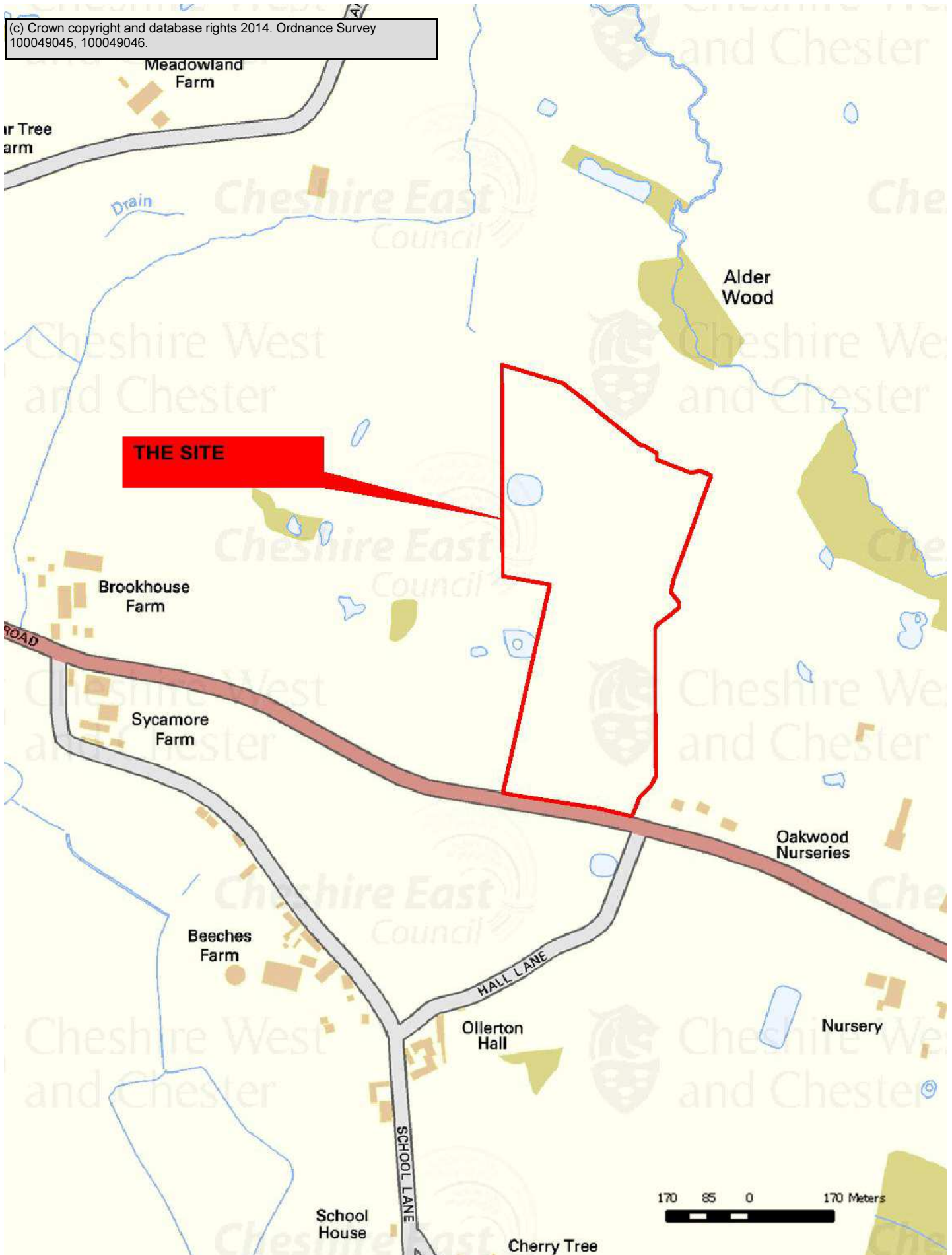
is required regarding a loss of hedgerow, subject to this issue being resolved, the application is recommended for approval subject to appropriate conditions and the prior completion of a S106 legal agreement.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A15LS - Submission of additional landscape details
6. A16LS - Submission of landscape/woodland management plan
7. A13TR - Retention of existing trees
8. A02HA - Construction of access
9. A03HA - Vehicular visibility at access (dimensions)
10. A01AP - Development in accord with approved plans
11. A02NC - Implementation of ecological report
12. A06NC - Protection for breeding birds
13. Layout of car park
14. Extraneous matter
15. No ancillary uses
16. Lighting
17. Control over additional lighting
18. Fencing/Netting
19. Opening times
20. Development in accordance with Badger Survey including provision of a 30 buffer zone
21. Ecological enhancements to be agreed and implemented

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Application No: 14/3389N

Location: Land north of , Parkers Road, Leighton Crewe

Proposal: Application to vary condition 4 to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date.

Applicant: Jordan Clarke, Bloor Homes North West

Expiry Date: 16-Oct-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Sustainability

Affordable Housing

Highway Implications

Amenity

Landscape

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

PROW

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to the variation of the approved plans condition on a largescale major development which was originally determined by the Strategic Planning Board.

1. DESCRIPTION OF SITE AND CONTEXT

The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym's Lane and the village of Bradfield Green to the North West.

At the time of the case officers site visit work had commenced on the approved development as part of application 11/1879N. In terms of the site clearance and access construction works.

2. DETAILS OF PROPOSAL

11/1879N is a "hybrid" application (i.e. part outline and part full planning permission). Full planning permission was granted for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was granted for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings is being applied for.

This application seeks to vary the approved house types on the development and reduce the number of units on Phase A from 131 to 126. The approved highways layout and location of the open space would remain very similar to that approved as part of application 11/1879N with just some minor design changes. There would be no change to the approved access point.

3. RELEVANT HISTORY

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date – Approved 1st May 2014

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Nantwich Town Strategy

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

Environment Agency: No comments received as part of this application. As part of the last application they stated that:

'No objection in principle to the proposed development but requests that any approval includes the following planning conditions.

- *The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2011/817B/Lees Roxburgh Consulting Engineers and the following mitigation measures detailed within*

the FRA:

- Limiting the surface water run-off generated by the development to a maximum discharge rate off the site to a maximum of 88 litres/second (calculated to be the existing greenfield run-off rate for the area of the site).
- Provide acceptable means of on-site surface water attenuation to cater for the 100-year critical rainfall event - plus allowances to deal with the impact of climate change.
- Raise floor levels of buildings a minimum of 150mm above surrounding ground levels.
- The development hereby permitted shall not be commenced until such time as a detail design for a surface water regulation scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority'

United Utilities: No comments received as part of this application. As part of the last application they stated that:

No objection to the proposal provided that the following conditions are met: -

- *This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities will require the flow to be attenuated to a maximum discharge rate determined by United Utilities.*
- *Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability. United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -*
 - a. *The Local Authority takes responsibility for the maintenance of the pond*
 - b. *The freehold of the land on which the pond lies is transferred to the Local Authority*
 - c. *That measures have been taken to prevent flooding of properties*
 - d. *That a legal agreement is in place between all parties.*

Strategic Highways Manager: No comments received as part of this application. As part of the last application they stated that:

- *The first junction is from Parkers Road and will provide a properly designed priority junction which will incorporate a ghost island right turn lane with a pedestrian refuge.*
- *In addition this junction will incorporate a right turn lane improvement for the diagonally opposed junction into Becconsall Drive which will improve traffic management between the two junctions.*
- *Also on this frontage, the developer will be providing a PUFFIN crossing on the notional pedestrian desire line to the local facilities, school and shop.*
- *The second junction onto Flowers Lane will again be a simple priority junction and this will be supplemented by an extension to the street lighting on Flowers Lane which will effectively extend the 30 mph speed limit for the full frontage of the site.*

- *The junction will be well lit and the approach speed to the new roundabout design will be reduced.*
- *In addition the treatment of Flowers Lane will see significant footway improvements on both sides of the road together with the provision of a zebra crossing between the new access and the roundabout which will improve pedestrian safety.*
- *Bradfield Road/Parkers Road traffic signal junction: The provision of an improvement in the signal controller with the introduction of MOVA software which will improve traffic management and make the signals responsive to traffic load on the separate arms of the junction and allow more efficient queue reduction at times of peak flow.*
- *Bradfield Road/Flowers Lane/Smithy Lane roundabout: A new roundabout is proposed at this location to improve the capacity allowing the development traffic to be accommodated whilst offering some overall betterment to the general junction capacity. It is a non-standard roundabout design but is acceptable in terms of design and safety.*
- *This improvement will be made within land owned by the applicant and land which falls within the public highway.*
- *Flowers Lane/A530 traffic signals: A minor improvement to the signal junction has been proposed by the developer and this is now agreed by the Highway Authority.*
- *Smithy Lane/A530 junction: The proposal at this junction is for the provision of traffic signals to replace the existing priority junction with a ghost island right turn lane. The Highways Development Management Team consider this to be an effective proposal and the space available at the junction will accommodate an effective signal design. The design of this junction is agreed by the Highway Authority*
- *Financial Note: These highway improvement proposals have been broadly costed and the value of the works will be in the region of one million pounds.*
- *Contribution to the wider highway network: In addition the developer is also offering financial contribution to the wider highway network and has provisionally offered a sum of £300,000 towards the Remer Street corridor upon which this development proposal is shown to have an impact.*
- *The Transport Assessment offers a detailed analysis of the modal choice and sustainable links which will serve this site.*
- *It does show that the site has reasonable connectivity across the town of Crewe despite its location on the north west side of the Crewe area.*
- *There have been some lengthy discussions between the developer and the Highways Development Management team regarding the accessibility of the site and the improvements being offered.*
- *Improvements take the form of improved footpath links local to the site and some cycleway provision.*
- *The provision of the PUFFIN and zebra crossings also aid connectivity.*
- *Moss Lane: It is important at this point to inform members about the issues surrounding Moss Lane and the local concern about traffic impact from this development. Clearly Moss Lane is a narrow country lane which should not be burdened with additional through traffic from a new development. The development guards against this through the provision of two points of access which can be utilised from anywhere within the site. This means that if generated traffic is to travel in the direction of Middlewich or Winsford, it will use the Flowers Lane access and will not need to use Moss Lane which would be a longer and slower route.*
- *If generated traffic is to travel in the direction of Crewe or Warrington it will use the Parkers Road access and will not need to use Moss Lane which would be a longer and slower route.*

- *The Strategic Highways Manager is confident that there will not be a problem with traffic from the development using Moss Lane.*
- *The Strategic Highways Manager does not object to the planning application subject to the applicant entering into a S106 Agreement for the sum of £300,000 towards highway improvements on the strategic road network.*
- *The applicant will need to enter into a S278 Agreement with the Highway Authority to provide the junction improvements identified in this report.*
- *Highways have investigated the design of the new roundabout in safety terms and although it is a non-standard roundabout they are now content with the design and capacity of the new roundabout.*
- *All of the improvements can now be delivered through the S278's the only S106 contributions are the £300,000 and the travel plan*

Environmental Health: No comments received as part of this application. As part of the last application they stated that:

No objection to the application subject to the following conditions:

- *Phase II investigation and remediation should planning permission be granted.*
- *Due to the size of the development, recommend an Air Quality Impact Assessment prior to the development commencing.*
- *The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.*
- *Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.*
- *Any external lighting of the proposed site should be submitted to and approved by the LPA before being installed*
- *The information supplied in Appendix 13.1 of the Environment Statement is not a noise assessment but a prediction in the increase of traffic noise. Therefore we need to know the current noise levels generated from traffic noise so we can determine what level of protection, if any, is required in the proposed development.*

Public Open Space: No comments received as part of this application. As part of the last application they stated that:

No objection subject to:

- *A private management company to be set up by the developer to maintain the open spaces within the development.*
- *The development to incorporate an equipped children's play area conforming to NEAP Standard. This means that there need to be a minimum of 8 pieces of equipment, plus 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate. Railings to be painted green; pedestrian gates to be yellow.*
- *The equipment must be predominantly metal, inclusive, and conform to BS EN 1176. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177. The surfacing between the wetpour to be tarmacadam with pre-cast concrete edging surround.*
- *Access paths to gates to be tarmacadam.*

- *With regards to the open space play area, the Greenspaces Officer would wish to see equipment that caters for the needs of older children in the area, and which provides significant play value. For longevity, the Greenspaces Officer would wish that the equipment is primarily constructed of steel, rather than wood.*
- *Grass earthwork mounds are extremely difficult to establish and maintain. They featured on some of the Playbuilder year 1 sites in Cheshire East, and have since had to be removed.*

Natural England: No comments received as part of this application. As part of the last application they stated that they do not necessarily disagree with the overall conclusions of the survey information. Natural England would expect that the LPA ensures that they are satisfied with the submitted surveys.

With respect to Great Crested Newts, Natural England were satisfied that the comments had been taken into account with regard to additional newt mitigation enhancements. Any trapping of newts from the development footprint will require a licence from Natural England and therefore it is for the authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence.

Education: No comments received as part of this application. As part of the last application they stated that:

By applying the pupil yield of 0.162 this development will generate 65 primary school places and CEC pupil projections have 28 surplus places in the "local schools" (i.e. schools within a 2 mile walking distance).

Therefore a contribution has been sought for the additional 37 pupils which cannot be physically accommodated.

This equates to a payment of £398,990.

6. VIEWS OF THE PARISH/TOWN COUNCIL

Minshull Vernon and District Parish Council: No comments received.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 6 local residents raising the following points:

- The original development should never have been approved
- The works being undertaken to install the sewage pipes have resulted in Parkers Road being closed for a number of weeks which is causing access issues
- The original objections have been disregarded
- Bloor Homes have a number of unfinished developments in the area
- Brownfield sites should be developed first
- The local Primary Schools are already full
- The hospital and doctors surgeries are very busy
- The road infrastructure cannot cope and it is difficult for emergency services to access the hospital
- Increased traffic

- Impact upon wildlife
- Increased noise
- Noise disturbance
- HGVs parking on Parkers Road
- Environmental impact
- Poor access
- Impact upon trees and hedgerows
- Opposed to Phase B. Only Phase A should be allowed.
- Increased speeding
- Lack of consultation
- Inconvenience to local residents
- Poor quality works to Parkers Road
- Lack of facilities in the area
- Impact upon the Green Belt

8. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been accepted following the approval of the hybrid application 11/1879N. This application will only consider the impacts of the alterations to the house types and minor layout changes on Phase A.

Sustainability

The site was considered to be a sustainable site as part of the earlier application and this conclusion remains unchanged.

Affordable Housing

The location of the affordable housing units has been amended slightly. However the location is still acceptable in the view of the Strategic Housing Manager. The unit types 1 x 4 bed, 6 x 3 bed and 6 x 2 bed are acceptable with a provision of 10% affordable housing on Phase A which accords with the original S106 Agreement.

Highways Implications

The point of access would not be altered as part of this application and the wider traffic impact was considered as part of the original application with contributions secured to mitigate the traffic impact.

The highways layout is largely the same as the original application with just some minor design changes. The design of the internal highways layout is considered to be acceptable.

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided for Phase A demonstrates that distances in excess of 25m will be maintained to the nearest neighbouring dwellings on the opposite side of Parkers Road to the south. A distance of approximately 35m will be maintained between the nearest proposed dwelling and The Gables Nursing Home which is situated to the east of the site. An even greater separation will be achieved between the proposed development and the properties to the east in Thorn Tree Drive and the other dwellings on Bradfield Road and Flowers Lane to the west. Intervening landscaping both existing and proposed will also help to mitigate any adverse effect on amenity of existing dwellings outside the site.

As a result the development would accord with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

Landscape

The landscape impact was considered as part of the original application and there would be no change in the landscape impact from the original approval.

Trees and Hedgerows

There would be no greater tree or hedgerow loss as part of this application to alter the house types on this site. As a result the impact upon the trees/hedgerows is considered to be acceptable and would comply with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

Design

The previous application was submitted by Bloor Homes and Linden Homes. In this case Linden Homes will no longer develop the site and it would be developed solely by Bloor Homes. As a result it is necessary to replace the Linden Homes house types with Bloor Homes House types. Furthermore some of the Bloor Homes house types have also been modified on the application site.

Phase A of the development would still be laid out with 4 blocks of properties along the southern boundary facing on to Parkers Road, and a number of detached dwellings on the eastern boundary orientated towards Moss Lane. This still creates an active frontage to both roads, which adds visual interest and improves the security of this area. The main gateway to the development is from a T-junction access mid-way along the Parkers Road frontage with a main spine road running due north from this junction and bisecting the site. This provides a welcoming and interesting gateway to the development.

Moving through the development the site has been subdivided into a number of blocks of houses by a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Shared surfaces have been utilised in accordance with Manual for Streets best

practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

At the heart of the development, as stated above, is a large central formal open space, incorporating a children's play area. This is overlooked by properties, and will benefit from natural surveillance as a result, as well as contributing to a pleasant residential environment.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

In this case specific advice was sought from the Council's Ecologist as part of the original application who commented that all of the surveys have been undertaken to a high standard by suitably experienced ecological consultants.

Great Crested Newts

The amendments to the house types would not affect the original assessment in terms of Great Crested Newts which is as follows:

'Great Crested Newts, a European protected species, have been recorded breeding at a number of ponds in close proximity to the proposed development.

In the absence of mitigation the proposed development would pose a significant risk of killing/injuring any animals on the site and would result in the loss of significant areas of terrestrial habitat and potentially isolate a known breeding pond from the surrounding terrestrial habitat. No breeding ponds will be lost as a result of the proposed development.

To mitigate the risk of great crested newts being directly harmed by the proposed development the applicant is proposing their exclusion from the development footprint through the implementation of pit fall traps and amphibian exclusion fencing. This approach is in accordance with standard best practice methodologies.

To mitigate and compensate for the loss of terrestrial habitat and isolation of the ponds all immediate terrestrial habitat (within 50m of each pond) will be retained and enhanced, a new pond will be created and a buffer strip of tree planting/vegetation/ open space has been provided along the northern boundary of the site.

However, the proposed mitigation includes limited habitat creation and the strategy relies on newts having access to the open countryside to the north of the proposed newt habitat area. As such its success would be extremely vulnerable to any further development on land to the north of the site. However given that the land to the north does not benefit from any allocation or extant planning permissions for development, the proposal must be assessed on its own individual merits, and as such is considered to be acceptable. It should also be noted that Natural England appears to be supportive of the proposed mitigation and have not objected to the application. To ensure the success of the newt mitigation area the public must be excluded from accessing it and management proposals must be provided to ensure its long term viability. These can be secured by condition'

Bats

The amendments to the house types would not affect the original assessment in terms of Bats which is as follows:

'Bats are a protected species and a BAP priority species and were recorded foraging around the site. However there was no evidence of roosting bats being present. The proposed new pond and planting to the north of the site will at least partially compensate for any loss of foraging habitat and the Council's Ecologist does not anticipate that the proposed development having a significant impact upon bats'

Breeding Birds

The amendments to the house types would not affect the original assessment in terms of Breeding Birds which is as follows:

'The hedgerows and trees on the proposed development site are likely to support breeding birds including Biodiversity Action Plan Priority species. If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and birds as part of the development. Specifically, prior to undertaking any works during nesting season, a detailed survey is required to check for nesting birds and a scheme for the incorporation of features suitable for use by roosting bats and breeding birds including house sparrow and swifts, should be submitted, approved and implemented'

Hedgerows

The amendments to the house types would not affect the original assessment in terms of Hedgerows which is as follows:

'Hedgerows are a local BAP habitat and a material consideration. The proposed development will result in the significant loss of hedgerows. However, this could be partly compensated for through the provision of newly planted native species hedgerows on the northern boundary of the site, which could be secured by condition'

Public Open Space

As per the original approval the proposed layout makes provision for a large central formal open space, incorporating a children's play area within Phase A. Other peripheral areas of informal open spaces are also proposed.

The S106 will secure the same amount of public open space provision and an equipped children's play area conforming to a NEAP standard with a minimum of 8 pieces of equipment and future management of the POS and NEAP.

Education

This issue was dealt with as part of the original application as there is a capacity issue at the local primary schools. The mitigating contribution (£398,990) will be secured as part of a S106 Agreement.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses

of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment was submitted as part of the original application.

The Environment Agency and United Utilities raised no objection to the application as part of the earlier application and the change in house types would not raise any flood risk/drainage issues.

Public Rights of Way

This application would have no greater impact upon the PROW within the vicinity of the site.

LEVY (CIL) REGULATIONS

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

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

In this case the S106 was considered to satisfy this CIL tests as part of the last application and a deed of variation will be required to secure the same obligations.

10. CONCLUSIONS

The principal of development has already been accepted as part of the approvals on this site.

The amendments to the house types would not raise any amenity, design or highway issues and comply with the local plan.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, education, sustainability and flood/risk drainage, there would be no greater impact and the mitigation will be secured through the use of planning conditions and a S106 Agreement.

11. RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 11/1879N:

- 1. Provision of education contribution of £398,990**
- 2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the layby to be requested after commencement)**
- 3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:**
 - a. A minimum of 8 pieces of equipment,**
 - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.**
 - c. Railings to be painted green and pedestrian gates to be yellow.**

- d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.
- e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.
- f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.
- g. Access paths to gates to be tarmacadam
- 4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.
- 5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.
- 6. Overage clause
- 7. Travel Plan Monitoring Fee £5000
- 8. Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.

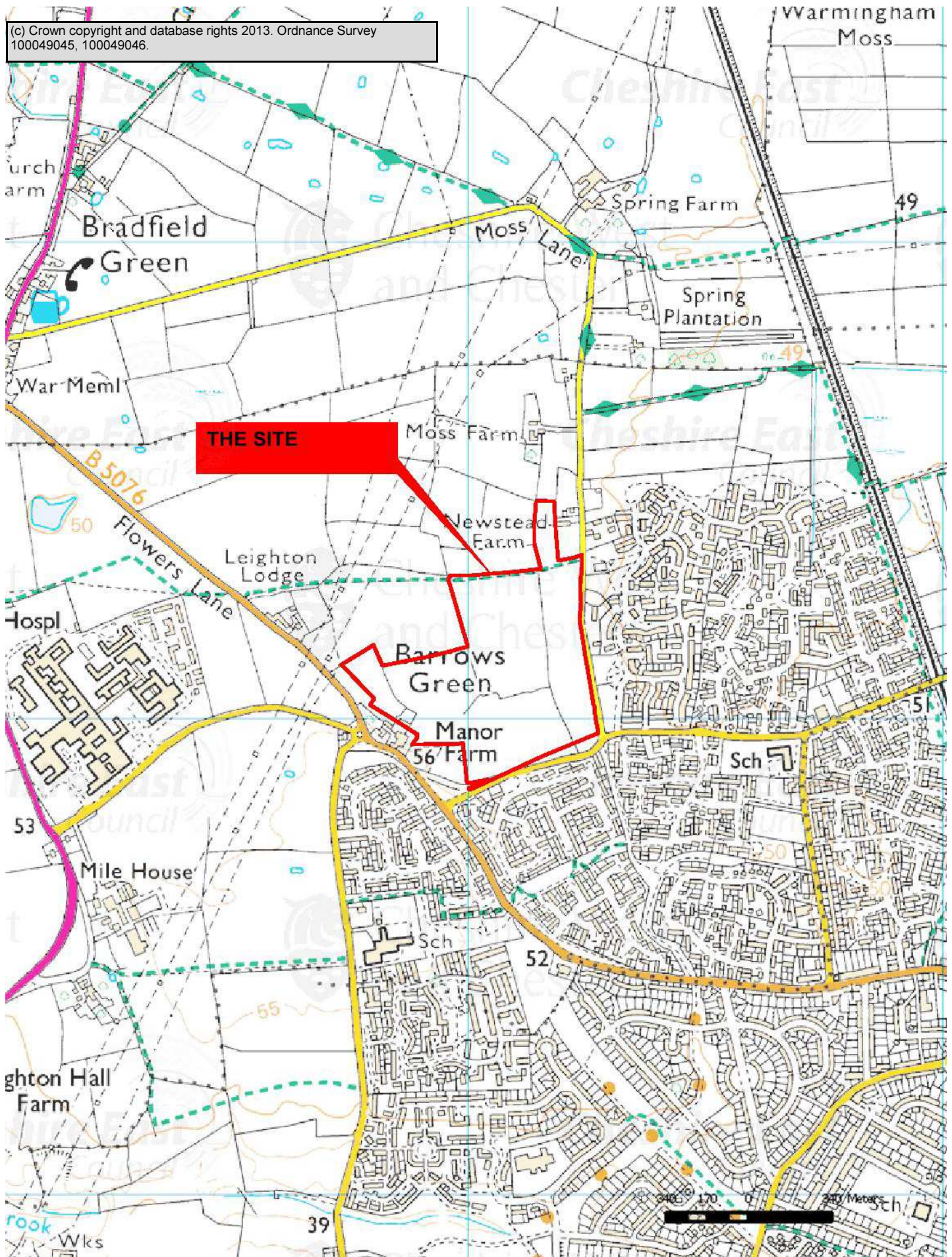
And subject to the following conditions:-

- 1. Standard outline time limit (Phase B)
- 2. Submission of reserved matters (Phase B)
- 3. Plans
- 4. Materials
- 5. Boundary Treatment
- 6. Landscaping submission
- 7. Landscaping implementation
- 8. Features for use by birds and bats
- 9. Habitat creation and management plan
- 10. Design of proposed pond in accordance with plan reference G3333.04a
- 11. Design and layout of the proposed newt mitigation area including proposals to ensure no public access.
- 12. Bin Storage to be provided to the rear garden of each plot
- 13. Archaeology investigation / report
- 14. Compliance with flood Risk Assessment
- 15. Restrict surface water run-off
- 16. Surface water attenuation
- 17. Minimum Floor Levels
- 18. Surface Water Regulation Scheme
- 19. Site to be drained on a separate system
- 20. Phase II contaminated land investigation and remediation
- 21. Travel Plan
- 22. Updated Air Quality Impact Assessment
- 23. Limit hours of construction to 08:00 – 1800 Monday to Friday and 0900 – 1400 on Saturday with no working on Sunday or Bank Holiday
- 24. Details of external lighting to be submitted and approved
- 25. Construction of access and highway improvements in accordance with plan reference SCP/11531/D100 Rev E

26. **Provision of Parking**
27. **Highway Construction details to be submitted**
28. **Replacement hedge and tree planting**
29. **Tree / hedge protection measures**
30. **Implementation of Tree / hedge Protection**
31. **Arboricultural Method Statement**
32. **Code for Sustainable Homes Level 3**
33. **Noise Impact Assessment**
34. **Compliance with apprenticeship scheme**
35. **Provision of Bungalows in Phase B**
36. **A Highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 12/3948C

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

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

Applicant: W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

Date Report Prepared: 8 September 2014

SUMMARY RECOMMENDATION

Approval is recommended subject to the prior completion of a s106 agreement and conditions

MAIN ISSUES

- Provision of “enhanced” roundabout to J17

REASON FOR REPORT

At the Strategic Planning Board meeting on 25 June 2014, Members resolved to approve this application subject to s106 agreement and conditions.

This update relates specifically to conditions 34 and 36 listed in the approved minutes, which state:

34. Prior to commencement of the development hereby approved, the roundabout which is subject of the planning permission 14/0043c, and which provides access into the site shall be completed in accordance with the details approved under that permission.

36. No more than 50% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 25% of the non-residential element of the site. No more than 75% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 50% of the non-residential element of the site. No more than 85% of the dwellings shall be occupied until an access road is provided from the new roundabout access on Old Mill Road to within 10m of the south western boundary of the site.

Condition 34

Members will be aware that the Highways Agency (HA) has secured pinch point funding for the improvement of J17 of the M6 motorway, and these works were scheduled to be completed by March 2015. These works would provide a roundabout to the northbound slip road of the M6, but they would not facilitate access into the application site. The works would also provide a traffic signal junction serving the southbound slip roads.

An “enhanced” roundabout was approved under planning application 14/0043C to provide this access into the site, which subsequently led to condition 34 above. All parties agree that the enhanced roundabout is a significantly better highways solution than the pinch point scheme.

The applicants are now seeking to vary condition 34 to state:

Prior to first occupation of the development hereby approved, the roundabout which is the subject of planning permission 14/0043C shall be completed in accordance with the details approved under that permission.

The change being that the enhanced roundabout is completed prior to the first occupation of the development, rather than prior to commencement of the development.

Throughout the course of this application, the timetable set out by the Highways Agency for the provision of the pinch point roundabout by 31 March 2015 was always thought to have been a date that had to be met otherwise the funding would be lost. The applicants were attempting to work within these timescales to provide the enhanced roundabout. However, it has become clear that the enhanced roundabout could not be provided by 31 March 2015 and therefore the possibility of delivery of one roundabout and then replacing it with another larger one has become a possibility.

The applicants have raised the following points on this scenario:

- i. Significant benefits of the enhanced roundabout over the pinch point scheme (highways benefits and access to employment site).
- i. Unnecessary expense to tax payer of paying for a pinch point scheme in the short term that would not be required in the medium term.
- ii. Unnecessary disruption to the highway network during two sets of roadworks.
- iii. Such a situation would stymie the applicants from carrying out the proposed commercial / residential development.
- iv. Uncertainty created by not delivering the enhanced scheme would affect investment decisions of those looking to occupy the commercial element of the scheme.

Whilst it is now clear that the enhanced roundabout cannot be completed by the end of March next year, it has also become evident that the Highways Agency schedule could be

amended. Indeed they have been examining alternative mechanisms to provide the J17 improvements with the applicants and the Council.

The applicants are therefore now proposing:

- i. Applicants provide a contribution (via s106 agreement) of £1 million to the 'enhanced scheme' junction works which will allow it to be implemented;
- i. Identify an agreed timescale with fixed backstop for delivery of the improved junction (via s106 agreement);
- ii. A change to condition 32 linking first occupation of the development to completion of the highway access works, not scheme commencement, as noted above.

The £1million is not the total sum of the cost of the works but the applicants advise that this is what the Highways Agency are asking for in terms of a commitment from the applicants. A further contribution for the balance of the works will also be required.

Third party land will also need to be provided by the applicants together with appropriate arrangements for the transfer of this land to the Council or the Highways Agency. The applicant has confirmed that they have an agreement with the land owners for the transfer of the land required to accommodate the enhanced roundabout. This will need to be included within the s106 agreement.

The provision of the enhanced roundabout is fundamental to the commercial uses coming forward on this site. It is also in the interests of the Council as the Highways Authority, the Highways Agency and the applicants that it is provided in a timely manner. The applicants are willing and able to provide the necessary land and to fund the construction of the enhanced roundabout over and above the pinch point funding, and the Highways Agency are willing to delay works on the pinch point scheme in order to provide the time for the enhanced roundabout to be constructed.

Highways Agency position

The Highways Agency has confirmed that they remain committed to seeing an improvement to Junction 17. However, the proposed enhanced roundabout is almost entirely on the local road network, and they no longer feel that the Highways Agency are best placed to deliver this element of the improvement.

They are now proposing the following way forward:

- HA deliver the traffic signal element of the scheme (Eastern side) by end March 2015 as currently planned.
- HA make a contribution to Cheshire East equivalent to the amount that they would have spent on the current pinch point roundabout element of the scheme (Western side). This scheme is currently being priced, and they expect to be able to quantify this contribution exactly by the end of September. If they can find a mechanism for doing so, the HA would be prepared to make this contribution 'up front' in the current financial year, although there would clearly need to be safeguards put in place in relation to how this funding was spent.
- Cheshire East would enter into a Section 278 agreement directly with the developer to cover the preparation and construction of the enhanced roundabout.

Although the Highways Agency is unlikely to be willing to deliver the enhanced roundabout on behalf of Cheshire East, they have undertaken some preliminary work to determine an approximate programme for its delivery via their contractor. This work indicates that a realistic completion date for the enhanced roundabout would be towards the end of the 2015/16 financial year. The construction element of this programme accounts for about 6 months.

Therefore, in terms of timescales for the enhanced roundabout to be provided, this is estimated to be completion by March 2016. For this reason, the applicants are seeking the variation of condition 34 from prior to commencement, to prior to occupation. This would allow the commercial and residential development to proceed during this intervening period.

CIL regulations

The financial contributions and the provision of land for the enhanced roundabout are necessary as the development is reliant on the roundabout to provide an acceptable access into the site. They are directly related to the development and are fairly and reasonably related in scale and kind to the development.

Condition 36

The applicants are also seeking to amend condition 36 as listed in the minutes. The proposed variations to this condition include:

- Inclusion of the term *“unless otherwise agreed in writing by the local planning authority”* as all matters are reserved the applicant does not know where the non residential elements will be;
- Change of 85% trigger to 100%;
- Change from providing road to within 10 metres of the south western boundary to 20 metres due to topography of the site.

There is no objection in principle to changing the triggers as outlined above. However, the inclusion of the term *“unless otherwise agreed in writing by the local planning authority”* is not considered to be necessary as any alterations to the timing of the triggers should be the subject of an application to vary the condition at that time.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original recommendation of APPROVAL remains, subject to the completion of a Section 106 Agreement securing the following:-

- Financial contribution towards primary education of £292,850
- Financial contribution towards secondary education of £539,309
- Contribution of £10,000 (air quality mitigation) towards the implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.

- Provision of 15% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Area of land across wildlife corridor transferred to Highway Authority
- Financial contribution of £500,000 towards bridge to cross wildlife corridor
- Clawback mechanism (in the event additional monies become available)
- Initial contribution of £1million towards construction of access roundabout
- Balance of construction costs of access roundabout
- Third party land required for construction of access roundabout to be transferred to Highway Authority / Highway Agency

And subject to the following conditions:

Application for Outline Planning

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

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources
16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system

21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement
27. Details of phasing of whole development and associated roundabout to be submitted
28. Provision of pedestrian crossing to Old Mill Road
29. Provision of footway/cycleway to south side of Old Mill Road
30. Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway
31. Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction
32. Details of public access to wildlife corridor to be submitted
33. Provision of cycleway / footway from site to High St along Old Mill Road
34. Prior to first occupation of the development hereby approved, the roundabout which is the subject of planning permission 14/0043C, and which provides access into the site shall be completed in accordance with the details approved under that permission.
35. Proposals for public right of way to be submitted and approved
36. No more than 50% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 25% of the non residential element of the site. No more than 75% of the dwellings shall be occupied before all services / utilities / inf

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APPENDIX A

Application No: 12/3948C

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

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

Applicant: W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

Date report prepared: 13 June 2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

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

REASON FOR REPORT

The application has been referred to Strategic Planning Committee because it is a large scale major development. The application was deferred from the meeting on 2 April to reassess the viability of the scheme and to review the whole strategic site. The information submitted since the previous committee meeting is listed under the applicant's submission section below.

DESCRIPTION OF SITE AND CONTEXT

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

DETAILS OF PROPOSAL

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

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

RELEVANT HISTORY

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

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

05/0502/FUL - 40 bed hotel, 180 cover restaurant, 2,500 sq m. B1 office space, new access road, associated car parking and landscaping – Approved 01.08.2005

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

33295/1 - B1 BUSINESS PARK AND HOTEL – Approved 04.11.2002

27355/3 - DEVELOPMENT OF FACTORY OUTLET SHOPPING CENTRE AND TOURIST INFORMATION CENTRE AS PHASE 1 OF MIXED USE DEVELOPMENT – Refused 12.03.1996

27354/1 - MIXED USE DEVELOPMENT COMPRISING FACTORY OUTLET SHOPPING CENTRE, B1 BUSINESS UNITS AND TOURIST INFORMATION CENTRE (DUPLICATE APPLICATION) – Refused 12.03.1996

21393/1 - BUSINESS CENTRE IN ACCORDANCE WITH LOCAL AUTHORITY DEVELOPMENT BRIEF PRIMARILY WITHIN CLASS B1 – Approved 30.05.1990

With the exception of the roundabout permission (14/0043C), all permissions have now expired.

POLICIES

Congleton Borough Local Plan First Review 2005

PS8 (Open countryside)
GR1 (New Development)
GR2 (Design)
GR3 (Residential Development)
GR4 (Landscaping)
GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR11 (Development involving new roads and other transportation projects)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

Other Material Considerations

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

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

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

CONSULTATIONS (External to Planning)

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

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

Natural England – No objections

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

Highways Agency – No objections

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

Environmental Health – No objections subject to conditions

Housing Strategy & Needs Manager – Affordable housing should be in line Interim Planning Statement

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

Archaeology – No objections subject to condition

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

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

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

- The prospects for this business park are looking more hopeful than for a decade. Single developer controlling the site.
- The government has agreed to pay for J17 improvements.
- Developers will not put forward plans for a business park when they have the prospect of being allowed to build houses.
- There are now 0.51 jobs for every worker in Sandbach.
- The J17 site should be for laboratories and offices.

- If more people live, work and shop locally then this has benefits for community spirit as well as for the environment.
- More employment sites are needed in Sandbach
- We should not abandon the long term future of Sandbach so that developers can make a short term profit.
- In the public consultation in 2012 the site was approved as a business park site by 161 to 41, which shows the strength of feeling in favour of a site to provide employment.
- In the public consultation in 2013 the plans for houses on Sandbach Heath were overwhelmingly rejected and the plans for a business park were supported.
- There was also strong support for protecting and enhancing the wildlife corridor.

VIEWS OF THE TOWN COUNCIL

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

OTHER REPRESENTATIONS

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

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

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

- Impact on local house prices
- Impact on local businesses (e.g. convenience stores)
- Existing empty office space in Sandbach
- No need for pubs, hotels and cafes
- If approved a minimum code level 4 housing should be built
- Spoil gateway to Sandbach
- The SBI must be protected at all costs, especially from the possibility of contamination, including creep.
- A534 is a significant barrier for pedestrians
- Housing on this site has already been rejected on two occasions, namely the "Strategy for Jobs and Sustainable Communities" and the "Sandbach Town Local Strategy".
- Site not allocated for housing in Congleton Local Plan
- Application attempts to pre determine the Local Plan
- Commercial side appears to be a mini service area
- Lack of social housing
- Ideally positioned to attract investment in a business park
- Traffic noise for future residents
- Transport Assessment does not comply with national guidance
- Employment land review and Employment land assessment identify a significant demand for employment land in Sandbach and a shortfall in supply.
- Little weight should be afforded to emerging local plan
- No bus services along Old Mill Road
- More sustainable sites on the edge of Sandbach town centre.
- Application suggests that vehicle trip rates will be reduced through sustainable transport measures, however no information is provided (timescales / agreements with bus operators etc)
- Suggestion that 10% of residents in the proposed housing will work in the employment development is not justified
- Overall reductions in trip rates are not justified
- Existing capacity problems at local junctions are not identified
- Housing dilutes employment land prospects
- 5,300 additional jobs need to be generated in the town to provide jobs for the town's residents of working age
- Draft Core Strategy suggests 240 houses on the entire Sandbach Heath site. An outline planning application for 50 houses has already been approved off Hawthorne Drive. Therefore this application is for housing in excess of the Core Strategy allocation for the site.
- Loss of trees and hedgerows
- Brings more costs than benefits
- Discrepancies in the trip generation section of the TA
- Distribution of development traffic is not made clear in the TA, leading to potential under assessment at junctions
- Given that 60% of trips to / from the site will come from the motorway, reductions are unlikely as other more sustainable transport is not a realistic alternative
- Validity of the model used to test the impact of the development is questioned
- Queue lengths will increase at Old Mill Road / The Hill junction
- No impediments to the development of the site for solely employment generating uses

- Land ownership is no more an issue for a wholly employment development than a mixed use development
- No revenue from commercial / employment uses is identified in the viability report
- An industrial logistics development would return a positive land value at a level similar to that identified in the viability report, and would be viable
- No guarantee employment elements will come forward
- Improvements to J17 will be undertaken by the Highways Agency and is not a constraint
- Contrary to policy E2 of Local Plan and paragraph 20 of the NPPF
- Transport Chapter of the Environmental Statement does not sufficiently address the traffic situation of the site
- Accessibility by non-car modes are very limited
- TA does not consider road safety and accident records
- Information in TA relating to bus services is incorrect
- Insufficient ecological surveys have been submitted with the application
- Loss of habitat in wildlife corridor contrary to policy NR4 and NPPF
- Flood risk and associated impact on wildlife and existing properties
- The developer does not need houses to make a profit - residual land value for the business section plus house is LESS than the land value for a business park
- Protection and enhancement of wildlife corridor needs more detail
- Route of existing right of way through the site is unclear
- On and off site safe cycle provision needs to be incorporated
- No sequential assessment has been undertaken
- Impact upon town centre is not properly considered
- Viability appraisal carried out by interested party identifies that a scheme including a mix of 220,000 sq ft of big box industrial units and 200,000 sq ft of smaller light industrial units would be financial viable, delivering a land value of approximately £200,000 per net acre, which is comparable with prevailing market values.
- Residential element not required
- Given that the Council currently believes it can demonstrate a five-year supply of deliverable housing land, to approve the application now would be premature.
- The Council have undertaken a Viability Assessment of the emerging Local Plan Strategy document. This document summarises the viability of each of the proposed Strategic Site Allocations in the draft plan at that time. For this site it confirms that both a 10ha and 20ha development would be viable, with a residual land value more than 25% above the benchmark land value of £200,000 per acre that is considered to represent viability.
- If the Viability Assessment is as fundamentally flawed as the recommendation for this application would suggest, then the whole Local Plan Strategy process is called into serious doubt. Viability is not an optional part of plan-making, it is fundamental to it. Without a robust Viability Assessment, a plan cannot possibly be sound. Yet that is the position that this recommendation acknowledges that the Council must be in.

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

- Ideal location for business park
- Understand how viability could be compromised if residential element was not included
- Cyclists and pedestrian crossings required at desire lines across Old Mill Road to Congleton Road

- Covered cycle parking required at the car sharer's car park opposite the Texaco petrol station
- Investigate if Betchton footpath 6 could be used to gain rear access for cyclists to the Service Station on the M6. This would be a good location for lift sharing and could be reached within 10 minutes from Sandbach by bicycle.
- Extending the speed limit on Congleton Road up to its junction with Old Mill Road (A534)

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application:

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

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

Following the deferment of the application further information has been submitted which sets out the impact upon s106 contributions with varying amounts of affordable housing. 15% affordable is now being proposed with s106 contributions totalling £1,100,000.

A masterplan drawing has also now been submitted and a market summary report.

In addition the applicants make the following comments in a supporting letter:

Mix of uses

- Housing development reduces need to travel and subsidises construction of the new roundabout for the employment land.
- Without the roundabout the employment development will not take place.
- 14,500 sqm of commercial space provided in 12 units of varying sizes.
- Employment proposals have been a long standing ambition of the Council.
- Units would be suitable for office, research & development, and small scale manufacturing.
- Submitted market summary illustrates the demand for such facilities in the area.
- No large scale distribution warehouses. These provide relatively low skilled employment not in line with Council ambitions or employment land study.
- Letter written on behalf of Himor (an objector) confirms that there is a need for high quality new development in strategic locations.
- Hotel, pub, restaurant not a motorway service station, but are essential supporting facilities for high quality business space.
- Housing element is supported by emerging local plan.

Masterplan

- Submitted masterplan shows the overall intention for the development of the wider site. The current application will provide the necessary supporting infrastructure.
- Previous permissions have not been implemented due to cost of infrastructure. Housing enables this barrier to be overcome.

Housing delivery

- The Council's *Five Year Housing Land Supply Position Statement* document identifies a capacity for site CS24 of 450 units, 200 of which are to be available in next 5 years.
- Refusal of this application will undermine housing land supply figures, which would lead to further unplanned sites coming forward.
- 50 units approved at Hawthorn Drive is separate to CS24 capacity for next 5 years.

Financial viability

- Viability appraisal submitted on behalf of Himor is based on a development of "big box" units followed by smaller industrial units. This is not a direct financial comparison with higher quality proposals within the current application.
- Access to the site is only costed at £500,000, whereas in reality these costs are over £1,000,000. Costs for utilities also significantly underestimated and costs of works to fuel pipeline have been omitted.
- Suggestion that site can be brought forward for employment without housing is fundamentally flawed.
- Funding has been provided to relieve congestion at J17 as part of the Highways Agency pinch point programme. These works are committed but do not provide the access to the application site.
- The roundabout granted under 14/0043C is required to provide that access and no additional funding has been identified to deliver this.
- The access proposals rely on the development that is currently before the Council.
- These proposals can be implemented alongside the pinch point proposals, delivered at a lower cost and with minimal additional disruption.
- Any delay in the implementation of the access works means that they will not be coordinated with the Pinch Point works resulting in a significant increase in cost and disruption.

Ecology

- Extensive survey work has been undertaken to properly understand the context of the wildlife corridor which crosses the site.
- There is sufficient flexibility available within the design of the scheme to ensure the wildlife corridor is appropriately protected at the detailed design stage.

Planning Gain

- Should the Council be content with an affordable housing provision of less than 20% as originally proposed additional s106 monies would be available
- 15% affordable would provide contributions of £1,100,000.

Timeframe for Reserved Matters

- Further work has already commenced on marketing information and detailed design for the employment land.

- It is intended to submit this in the summer to be able to have employment land available to meet the identified need.

Planning Balance

- The proposals deliver strategic infrastructure improvements to J17 in addition to the forthcoming pinchpoint works which will open up a strategic employment site that will ultimately deliver 700 new jobs.

OFFICER APPRAISAL

Principle of Development

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

In terms of the very small proportion of the site within the open countryside, the proposed development would not fall within any of the categories of exception to local plan policy PS8 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

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

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

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

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

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

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

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

And the following site specific principles of development:

- a. Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.
- b. The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.
- c. Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.
- d. Provision for improved access off Old Mill Road and a new bridge across the Brook.
- e. Contributions to education and health infrastructure
- f. Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.
- g. Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.
- h. A desk based archaeological assessment will be required for this site.
- i. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

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

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

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

- 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 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 Councils 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 approximately 8 years supply. (It should be noted that these figures are dynamic and are subject to small changes).

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 CS24 is one of the Strategic Sites included within the latest housing supply figures. 200 dwellings are expected over years 1-5.

VIABILITY

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

Paragraph 173 of the Framework states that:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The viability information submitted has been independently assessed by an external consultant appointed by the Council. The majority of the abnormal costs facing the developer of this site are the provision of the roundabout at J17. This together with the road widening to accommodate the right turn lane required for the residential access add up to over £1.7m. The proposed roundabout is an enhanced version of Highways Agency “pinch point” funded scheme, which will also provide the required access to the development site. The various costs and sales values set out within the development appraisal are accepted. Since the deferral of the application the applicants have submitted additional information to demonstrate the effect of varying the affordable housing upon total s106 contributions.

20% affordable housing was initially proposed on a 50:50 tenure split, which enabled s106 contributions totalling £595,144. This did result in considerable compromise in some areas.

It is now proposed to provide 15% affordable housing, still on a 50:50 tenure split, but this will allow s106 contributions of £1,100,000 to be made.

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

EMPLOYMENT / COMMERCIAL USES

The application site has been allocated for commercial development for many years, but despite previous planning permissions for employment uses, development has never been brought forward on the site. It is understood that the reasons for the site not being developed relate to multiple land ownerships and viability. Both of these issues are addressed within the current application.

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

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

The 5ha of employment / commercial land included in this application will make some contribution to the 20ha of employment land allocated on this Strategic Site in the emerging local plan. The masterplan that has now been submitted provides an insight into how the balance of the employment land will be realised in the future.

Paragraph 24 of the Framework requires local authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and not in accordance with an up to date local plan. Whilst the principle of either residential or employment development within a settlement zone is acceptable in accordance with policy PS4 of the Local Plan, the local plan dates from 2005 and cannot be considered to be up to date.

The applicant has submitted a sequential statement, which reports on considerations arising from the pub, hotel and café uses. Office uses, which are a town centre use, are not referred

to. Notwithstanding this, there are no known sites that would provide a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet having regard to the strategic location of this employment site immediately adjacent to J17, and its offer to end users. The site has also been identified as a strategic site within the emerging local plan for the proposed range of uses.

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

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

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

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

The former *Practice Guidance on need, impact and the sequential approach*, which has now been superseded by the National Planning Practice Guidance, acknowledged that a hotel associated with a motorway service area is likely to cater for a distinct market compared to a traditional city centre hotel. Similarly, a town centre office development will serve a different function and market compared to a business park. The roadside uses within the current proposal are not intended to be a service station; they are ancillary features to the business park. However, given its location, the commercial uses including the hotel will inevitably serve the motorway “market”, and the scale of the employment proposals that will adopt the form of a business park will cater for a different market to established town centre uses, and as such will not be competing with them. It should also be emphasised that the site has been allocated for employment uses for a considerable period of time. The potential for town centre (office) uses, and their potential impact on the town centre, has long been accepted in this location. The proposal is therefore not considered to have a significant adverse impact upon the vitality and viability of town centres.

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

Phasing

The allocation of this site within the emerging local plan identifies that a housing element is required to enable the delivery of the employment uses, which are the primary intention for the site. It follows therefore that the residential provision should be phased to ensure the provision of the employment uses. However, this issue has been discussed at some length with the applicants. The problem identified is that all of the abnormal spending (junction and associated infrastructure) is right at the start of the project. The delivery of the housing is required to cover these costs. Therefore, other commitments have been sought from the applicants to provide some assurance that the employment uses will be delivered. The

provision of further infrastructure is considered to be the next best alternative. This would be in the form of a section of the access road leading from the new roundabout access, which would go some way further towards providing a serviced employment site. This could be dealt with by a condition that required details of a length of adoptable highway extending into the employment area to be submitted for approval and then implemented prior to the occupation of a percentage of the dwellings. Officers believe that this figure should be at 80% which gives a reasonable balance – recognising the initial outlay for the developers.

The applicants remain confident that their roundabout works can tie into the proposed pinch point funding timetable, in which case the roundabout permission 14/0043C will be implemented well before the construction of any dwellings. However, a condition is considered to be necessary to ensure, at least, the implementation of the roundabout permission prior to the commencement of this development. Similarly, if for any reason the roundabout that is the subject of application 14/0043C is not provided, or the costs are less than set out in the viability assessment, a mechanism needs to be in place to allow for the claw back and uplift of contributions given the significant contributions the applicants are making to the roundabout and the associated viability issues surrounding the application. This will form part of the s106 agreement and is listed under the heads of terms.

Masterplan

A masterplan for the whole site has now been submitted, which provides an indication of how the site is envisaged to be developed in the future. This has been prepared in consultation with Persimmon Homes who have control of the southern part of the site off Hawthorn Drive, in order to provide the most comprehensive proposals for the site.

The masterplan proposals do not form part of the application, but are provided for information purposes. The primary focus is on the provision of further employment land across the majority of the site. However, some additional residential proposals are also included. The particular merits of these proposals will need to be considered as and when applications are submitted.

Importantly, the masterplan provides a suggested route across the wildlife corridor from the main access road through the employment site, which is what is required to open up the remainder of the site for development. Without this crossing, the remainder of the site will not be accessible. It is proposed to bridge the wildlife corridor which is considered to have the least impact upon nature conservation interests, however, it does represent a substantial development cost. The crossing has been approximately costed at £2.5 million and these costs are not included within the development costs associated with the current proposal. Therefore this is a further significant cost that will need to be covered at some time. This could potentially lead to further applications for housing, which would further dilute the employment uses across the site. Consequently, the applicants have agreed to “dedicate” an area of land across the wildlife corridor to the Highways Authority to give the Council control over when and how the crossing is provided. In addition a further £500,000 contribution towards the construction costs of the bridge has been agreed with the applicants. This has been agreed by the applicant as it has been identified as a “Phase 2” cost for them, and as such falls outside of the viability issues for the current application. The contribution is in line with the policy for site CS24 as it is required to facilitate the delivery of the employment uses. This commitment will provide further assurance that the employment uses will come forward and not just the residential element.

AFFORDABLE HOUSING

The site is in Sandbach which is within the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment update 2013. This showed a need of 94 affordable homes per annum for the period 2013/14 – 2017/18. This can be broken down to a requirement for 18x 1bd, 33x 2bd, 18x 3bd, 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation.

In addition to this information from Cheshire Homechoice, shows there are 348 live applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 126x 1bd, 143x 2bd, 55x 3bd and 9x 4/5bd units. 15 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states 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 Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

As noted previously the policy compliant level of affordable housing cannot be provided in this case in addition to the other required s106 contributions and associated infrastructure improvements. It is now proposed to provide 15% affordable housing on a 50:50 tenure split as part of the proposal. This level of affordable housing provision is justified and can be accepted in this case in order to provide a balanced package of benefits to contribute towards achieving a sustainable form of development.

ACCESSIBILITY

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

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

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

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

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

The provision of walking and cycling infrastructure should be completed prior to the occupation of employment or residential sites in order that travel habits can be developed as the new sites are occupied. Consideration of this would need to be afforded across the proposed phasing of the development.

Given the revised affordable housing offer it will now be possible to provide a footway / cycleway between the site and traffic light junction at Old Mill Road / High Street to improve safe accessibility to the town centre.

EXISTING PUBLIC RIGHTS OF WAY

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

HIGHWAY SAFETY & TRAFFIC GENERATION

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

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

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

Development Traffic Impact

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

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

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

Distribution

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

Direction to/from	%Total Residential Trips
M6 (North)	45%
M6 (South)	16%
Congleton Road (East)	18%
Congleton Road (North)	0%
Old Mill Road (West)	21%

The Vissim model coverage included the following junctions:

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

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

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

Model Delay Results

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

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

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

Sustainable Transport

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

Highways Conclusions

There are two distinct uses proposed in this application with both having a separate access to serve the each one. The commercial development is situated close to the M6 motorway and would be served by a new enlarged roundabout with a separate arm into the scheme. The residential application for 250 units has a priority junction access onto Old Mill Road some

250m away from the proposed new roundabout. There is no internal vehicular link shown on the indicative plans between the commercial and residential schemes.

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

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

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

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

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

- A new toucan crossing on the A534 near to the residential junction access.
- An upgrade of the footway to footway/cycleway on the north side of Old Mill Rd from the site access to Congleton Road.
- New footway/cycleway to south side of Old Mill Road (outside of site)
- Provision of a new footway/cycleway from the residential site access to the junction with the High Street on the north side of Old Mill Rd. Ownership issues will prevent the footway to Swettenham Close and Alderley Close being upgraded.
- The provision of a pedestrian refuge to aid crossing near to the junction with Congleton Road.

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

The costs of a new footway / cycleway from the site to High Street can now be afforded by the development in light of the reduced affordable housing provision. This route is a significant

benefit to the proposal and increases the accessibility of the site for pedestrians and cyclists by providing a direct route to the town centre. Therefore all of the measures to improve the accessibility of the site recommended by the Strategic Highways Manager can now be provided.

AIR QUALITY

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

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

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

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

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

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

Whilst raising no specific objections, Environmental Health recommend conditions relating to travel plans and electric car charging points and a financial contribution of £10,000 towards

implementing the Air Quality Action Plan in Sandbach in order to mitigate for the air quality impact of the development, and to comply with policy GR7 of the local plan.

NOISE IMPACT

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

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

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

Residential and Commercial Noise Mitigation

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

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

CONTAMINATED LAND

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

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

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

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

LANDSCAPE & TREES

Landscape

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

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

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

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

Trees

Arboricultural information has been provided in stages throughout the course of the application. The submission now includes a BS 5837:2012 Tree Survey and Arboricultural

report / consideration of buffer zones. The stated purpose of the latter document is to provide further information on trees that were surveyed as groups and woodlands during the initial survey in 2011; specifically, to provide accurate root protection areas (RPAs) for woodland boundary trees.

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

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

In respect of the residential layout, at face value it appears that a development could be accommodated whilst generally respecting root protection areas for existing trees. Nevertheless to the south of the site in particular, some plots are shown in positions where it appears they could be dominated and overshadowed by adjacent TPO trees. Such a situation would provide poor private amenity and would be likely to result in threat to the long term retention of the trees. At the reserved matters stage it will be necessary to improve this relationship and it would be desirable to secure an undeveloped buffer to the woodland, outside of residential plots. This could impact on the capacity of the site to accommodate the number of dwellings proposed, the scale of the buildings, or their orientation. It is also noted that the density of the residential development to the north is high with a layout which would provide limited opportunities for meaningful full tree planting.

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

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

Hedgerows

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

ECOLOGY

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

Arclid Brook Local Wildlife Site and Sandbach Wildlife Corridor

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

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

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

The submitted Environmental Statement initially prescribed a 2m buffer from the edge of the woodland habitats. The submitted indicative layout plan also shows residential gardens backing onto the woodland and also access roads in close proximity to the woodlands forming the wildlife corridor and local wildlife site. The proposed development as indicated by the submitted illustrative master plan therefore had the potential to have an adverse impact upon both the wildlife corridor and the SBI in the ways described above.

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

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

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

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

Buffer zone specification

Section A (southern most section of corridor)

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

Sections B and D (projecting fingers of corridor)

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

Section C (central section)

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

Section E (eastern section of corridor)

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

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

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

General Specification

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

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

Otter and water vole

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

Great Crested Newts

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

Breeding Birds

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

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

Bats

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

Badgers

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

LAYOUT & DESIGN

With all matters reserved for subsequent approval only an illustrative layout has been submitted. This illustrative layout has been amended during the course of the application to

allow for changes to the proposed site access. The illustrative layout shows the provision of 247 dwellings.

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

Employment / mixed use

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

Housing

The Old Mill Road frontage needs landscape reinforcement to retain the essence of its green character beyond the site entrance, a softened profile to housing but where landscape is still a dominant characteristic. Similarly the gateway into the site needs to be appropriately scaled and landscaped to help waymark the scheme but also set a positive gateway context. The relationship to existing tree groupings needs to be positive, responding to both design and ecological considerations. A significant challenge for the applicant will therefore be to provide up to 250 residential units and deliver a character of housing appropriate to the site and its wider context.

A lower density of housing would better suit the site’s position and character and provide greater opportunity to retain landscaping as the dominant characteristic, but given the outline nature of the application a refusal on these grounds would not be justified at this time. The options would therefore be to reassess the mix of housing, providing smaller units to provide more space across the site, or reduce the number of houses. Both of these options would inevitably impact upon the viability of the development. In addition, the housing mix outlined in the viability information identifies the open market housing to be all 3, 4 or 5 bed properties, and the affordable units to be all 2 bed properties. Such an approach cannot be considered to provide tenure blind affordable units, nor are the units shown to be pepper potted across the site on the indicative layout. Therefore greater consideration will need to be given to the integration of the affordable units.

Integration between uses

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

Integration between application site and remainder of the strategic site

The first phase of the development of this strategic site will inevitably be divorced to some degree from the wider site due to the presence of the wildlife corridor. The recently submitted masterplan does now provide an indication of vehicle and pedestrian links across the wildlife corridor. The existing landscaping has to be a strong feature within the scheme and the

reserved matters need to ensure that connections to the wider site are acknowledged, given that the emerging local plan sees this as a single site, albeit with a strong landscape infrastructure.

Integration with the wider town and town centre

Previously concerns were raised with regard to the absence of proposals to link both the residential and mixed use elements to the wider area and the town centre. Separating the vehicular access from the originally proposed nodal point at Congleton Road presents an opportunity to significantly enhance pedestrian and cyclist facilities and present a more positive gateway into the town. The provision of the footway / cycleway from the site to High Street will help to achieve this connectivity.

Gateway/landmark character

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

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

AMENITY

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

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

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

FLOODING

The Environment Agency has no objection in principle to the proposed development but do

advise that the discharge of surface water from the proposed development should mimic that which discharges from the existing site. As recommended in the Flood Risk Assessment (FRA) contained within Chapter 15 of the Environmental Statement infiltration tests should be undertaken to confirm the feasibility of such an approach for the disposal of surface water and rates.

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

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

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

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

OPEN SPACE

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

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

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

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

The Parks Management Officer (Streetscape) has commented on the application and calculated the open space requirements for the site in accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS

Provision for New Residential Development” 2008. This has identified a deficit of Amenity Greenspace provision and Children and Young Persons provision.

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

Amenity Greenspace (AGS)

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

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

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

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

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

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

Children and Young Persons Provision

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

Consequently there is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one larger on site facility would be preferred. This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing. This would typically

occupy an area of approximately 1000sqm. Landscaping should be kept to a minimum to ensure the best natural surveillance possible. Consideration should also be given to the design in respect of minimising future maintenance costs.

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

Open space conclusions

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

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

EDUCATION

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

Primary

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

Secondary

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

The applicants had questioned the need for the full contributions for secondary education given the very high levels of 'out of catchment' children at the two local secondary schools and there is other surplus available at other nearby schools.

However, the requirements are for the full contributions and agreement has now been reached with the applicants to provide this. The figures above can be afforded by the development with the 15% affordable provision.

ARCHAEOLOGY

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

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

AGRICULTURAL LAND

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

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

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

HEADS OF TERMS

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

- Financial contribution towards primary education of £292,850
- Financial contribution towards secondary education of £539,309
- Contribution of £10,000 (air quality mitigation) towards implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.

- Provision of 15% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Area of land across wildlife corridor transferred to Highway Authority
- Financial contribution of £500,000 towards bridge to cross wildlife corridor
- Clawback mechanism (in the event additional monies become available)

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing, provision of public open space and associated management and air quality mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have at best only limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

It has to be acknowledged that the viability of the development does compromise the sustainability of the development, and therefore the issues need to be carefully balanced. However, the employment opportunities that are created and the associated highways improvements arising from the proposed roundabout do weigh heavily in favour of the proposal. The current proposal presents an opportunity for the long-term intention for the use

of this site for employment purposes to be realised and provides potential for the wider strategic site as a whole to capitalise on its strong links to the M6, attract investment and skills to locate in the town and deliver a high quality urban extension. These matters are considered to outweigh the concerns raised above to the extent that they can be considered at this outline application stage. A recommendation of approval is therefore made subject to the Heads of Terms above and the conditions listed below.

Application for Outline Planning

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

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation details to be submitted with reserved matters
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources
16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system
21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes

23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement
27. Details of phasing of whole development and associated roundabout to be submitted
28. Provision of pedestrian crossing to Old Mill Road
29. Provision of footway/cycleway to south side of Old Mill Road
30. Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway
31. Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction
32. Details of public access to wildlife corridor to be submitted
33. Provision of cycleway / footway from site to High St along Old Mill Road
34. Prior to commencement of development, roundabout permission 14/0043C to be implemented
35. Proposals for public right of way to be submitted and approved
36. Provision of section of access road prior to occupation of 80% of dwellings



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Application No: 14/0134C

Location: Land south of Holmes Chapel Road, Congleton

Proposal: Development of land for up to 70 dwellings and associated works

Applicant: Marc Hourigan, Hourigan Connolly

Expiry Date: 03-Apr-2014

SUMMARY RECOMMENDATION**Minded to Refuse****MAIN ISSUES**

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

REASON FOR REFERRAL

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

The Applicant has appealed against non determination of this application so the decision on this application has been placed in the hands of the Secretary of State. The purpose of this report is to seek a resolution from the Board as to how the Council would wish to defend the appeal.

No date has been set for the appeal.

1. DESCRIPTION OF SITE AND CONTEXT

This 3.9 hectare site is located close to the junction of Sandy Lane with Holmes Chapel Road within the Parish of Somerford. The Loach brook itself forms the western boundary, beyond which is the site of the open space and landscape features/ponds etc which were part of the Loachbrook Farm 200 housing unit development granted planning permission on appeal.

The site comprises 100% Best and Most versatile agricultural land.

The land is generally level with a gentle fall towards Loach Brook. A group of mature trees on a mounded landscape feature, previously a Scheduled Ancient Monument are prominent within the Loachbrook farm site adjoining when viewed from the Holmes Chapel Road frontage, which are covered by Tree Preservation Order. Hedgerows are prominent boundary features around the site with some hedgerow trees. Beyond the site to the south west lies Sandy Lane which has a pastoral landscape.

2. DETAILS OF PROPOSAL

This is an outline application with all matters reserved except access for up to 70 dwellings.

The density is indicated at 30 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed.

The indicative layout indicates 2 access points onto Holmes Chapel Road with three distinct blocks of development and 2 areas of open space, one of which has a balancing pond indicated and a smaller area more centrally located within the site has a LEAP.

3. RELEVANT HISTORY

The site immediately adjoins the Loachbrook Farm Development which is relevant

Loachbrook Farm

11/0736C - Redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure. Outline permission granted on appeal 16 August 2012

13/2604C-Reserved matters application for access/appearance/landscaping/layout and scale on outline application 11/0736C - Redevelopment of land for up to 200 dwellings, community facilities and associated infrastructure. Granted 18 October 2013

4. 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

5. CONSULTATIONS (External to Planning)

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

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.
- A public sewer crosses this site and we will not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement will be required.

United Utilities also advise that as a public sewer crosses the site, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Strategic Housing Manager : No objection subject to the provision of 30% affordable housing in a 65%:35% split with a variety of unit sizes within each tenure

Strategic Highways Manager: Objects on grounds of insufficient information

Sustrans : Offer the following comments if permission is to be granted

1) The site abuts Holmes Chapel Road, a busy A road. Significant traffic management measures on Holmes Chapel Road, A54, along with crossings, and connections to adjacent existing and proposed residential areas will be required to promote walking and cycling for local journeys in line with the advice in the National Planning Policy Framework (NPPF) clauses 34, 35.

We would also like to see the design include a separate entry off Holmes Chapel Road for pedestrians/cyclists away from traffic, tied in with any crossings.

2) The design of the estate should restrict vehicle speeds to less than 20mph.

3) The design of any smaller properties without garages should include storage areas for residents' buggies, bikes.

4) We would like to see travel planning set up for the site with targets and monitoring and a sense of purpose following advice in NPPF clause 36.

Jodrell Bank : No objection subject to the use of features to shield Telescope from electromagnetic interference within the design of dwellings

Environment Agency: No objection in principle to the proposed development but we would request the following conditions

- The development hereby permitted shall not be commenced until such time as; a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority.

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

No development shall take place until a scheme for the provision and management of an 8 metre wide undeveloped buffer zone alongside the waterbodies shall be submitted to and agreed in writing by the local planning authority. This undeveloped buffer zone should be measured from bank top, bank top is defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths, formal landscaping etc; and could form a vital part of green infrastructure provision. The schemes shall include:

- *plans showing the extent and layout of the undeveloped buffer zone. Including cross sections.*
- *details of any proposed planting scheme (for example, native species).*
- *details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- *details of any proposed footpaths, fencing, lighting etc.*
- No development until a detailed method statement for removing or the long-term management / control of Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Environmental Health: Conditions suggested in relation to environmental management plan, external lighting, noise mitigation measures (to protect future residents from noise from road traffic), travel plan, dust control and contaminated land (phase II report). In terms of air quality conditions are requested in terms of electric car charging points and travel planning.

Public Open Space (amenity greenspace childrens playspace) : No objection subject to the provision of on site amenity greenspace and a LEAP (minimum 5 pieces of equipment). – all of which to be maintained by private management company in future since the areas contain water features

Public Rights of Way (Countryside Improvement Team) :

The Development Framework plan depicts a proposed 3m shared pedestrian/cycle path along Holmes Chapel Road. To be of use to new and existing residents, this would need to form part of a coherent network of pedestrian and cyclist routes between the site and town centre and other facilities. Contributions would be sought towards the improvement of this route for non-motorised users, including the continuation of the River Dane walkway between West Heath and the town centre.

The legal status of new routes would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.

The transport assessment states that there is a continuous pavement along the northern side of the Holmes Chapel Road. The development is on the southern side and so pedestrians would need to cross this road, as would cyclists heading from the proposed shared use route on the southern side of the road into the town centre . Therefore the existing Puffin pedestrian crossing would need to be upgraded into a Toucan facility for use by both pedestrians and cyclists. The upgrade would cost £40k.

Archaeologist : No objection. Advises that a significant amount of archaeological mitigation has been carried out in connection with the consented housing development to the west of the Loach Brook. In particular, available areas of arable were subject to systematic fieldwalking with, it must be admitted, very limited results. In these circumstances, it is accepted that further archaeological work would be difficult to justify and no further archaeological mitigation is required

Education: No contribution to education is required in this case

6. VIEWS OF THE PARISH COUNCIL

Somerford Parish Council: Objection on grounds that the Parish Council are very much against the erosion of Somerford any further. The houses are not wanted and yet again destroying open country side, the development will have a high environmental impact and the road safety issues will be severely affected. The design is unacceptable and has taken no consideration for the best use of space. In addition there are no provisions for heath care and schooling. The shortage of housing now should not apply after the SPB have passed the five year supply plus 20%.

Congleton Town Council: Objection on grounds of site not being included in the local plan for development. Support comments made by Somerford Parish Council

7. OTHER REPRESENTATIONS

Circa 18 representation of objection from local addresses and a local residents group (SPRAG) have been received raising the following points:

Principal of development

- The site is outside the settlement boundary

- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- The site is entirely outside the infill boundary line of the settlement
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
 - There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Adverse impact on landscape character and appearance
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- The requirement for affordable housing within the whole of the Congleton Rural area has already been more than satisfied by the approved development at the adjacent Loach Brook Farm and the proposed development is too far from local services and facilities for this class of occupancy

Highways

- Increased traffic congestion
- Impact upon highway safety.
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site

Green Issues

- Loss of green land
- Increased flood risk
- The site is prone to flooding, which will be worsened by the proposed development
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees/hedgerows
- Loss of agricultural land (grade 2 and 3a)
- Loss of Hedgerows/ trees as an ecological issue
- Creation of ponds to assist drainage would risk the safety of potential residents and, particularly, children

Infrastructure

- Increased pressure on local schools
- The local schools are full
- Doctors are full
- The sewage system is overstretched
- There is little in terms of leisure facilities

- Adverse impact upon local drainage infrastructure

Amenity Issues

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

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Impact upon archaeology – Impact on Scheduled Ancient Monument on site adjacent
- The development would impair the efficiency of the radio telescope at Jodrell Bank
-

An objection has been received from SPRAG which raises the same issues as outlined above and considers the proposal to be economically, environmentally and socially unsustainable.

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

8. APPLICANT'S SUPPORTING INFORMATION

Reports covering the following:

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

These reports can be viewed on the application file. In précis it is the Applicants case that the site is sustainable and the Inspector at Loachbrook Farm considered that site to be sustainable and this site being immediately adjacent displays the same issues as those found

to justify permission by the Loachbrook Farm Inspector. The Applicant does not consider the Council can demonstrate a 5 year housing land supply and therefore there is a presumption in favour of this development.

8. OFFICER APPRAISAL

Main Issues

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

Since the publication of the Housing Position Statement in February 2014 there have now been a number of principal appeal decisions which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

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.

Landscape Impact

The application site occupies an area of approximately 3.9 hectares and is located on the western edge of Congleton within land defined in successive Local Plans’ including the Submission Version of the Core Strategy as being Open Countryside.

The 200 house Loachbrook Farm development on the site to the north of the application site has commenced and it is in the context of the finished Loachbrook development that this assessment has been undertaken by the Council’s Landscape Architect.

However, it is also important to recognize that the area of built development within the Loachbrook Farm Development itself terminates some distance to the south of this site on the other side of the Loach Brook itself. The area of land within the Loachbrook Farm development site immediately adjacent to the application site is entirely open public space as designed within the Loachbrook Farm Development, which would be entirely open when viewed from Holmes Chapel Road.

The Loachbrook Inspector identified the (now de-designated) Scheduled Ancient Monument as being important feature within the landscape. This feature is a well tree’d mound which within the context of the current proposals lies to the west of the proposed housing .

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and ‘Landscape Character Assessment. Guidance for England and Scotland’ (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England’s Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The site description identifies that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be ‘an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival from Congleton from the west’.

The Councils Landscape Architect has considered the detail of the application Landscape and Visual Character Assessment.

The assessment identifies that there would be a moderate/major adverse effect upon the site's landscape character at the construction phase. The Landscape Architect agrees with this.

The assessment identifies that upon completion there would be a minor adverse landscape effect upon this localised part of the Brereton Character Area, this appears to be based on consideration of the already approved site to the south having an impact on the immediately surrounding landscape, and because the assessment considers that this landscape contains no significant features. I would disagree with this.

The assessment correctly identifies that 'the existing character of the site is dominated by its current use as agricultural farmland' and has also identified the former Scheduled Ancient Monument, a mound approximately 130m long and 25m wide, which 'forms an important element in the landscape. Its distinctive form can be clearly seen from the surrounding area and forms part of the view upon arrival into Congleton from the west'. This would appear to indicate that it is indeed a 'significant feature'. Nevertheless, the assessment notes that the overall significance of effects on the local landscape will be minor adverse, I feel that it would in fact be more adverse than this.

As part of the visual assessment a number of viewpoints have been identified (Viewpoints 1-11). At the construction phase the assessment identifies that there would be a moderate to major adverse visual effect. The Landscape Architect concurs with this assessment.

Upon completion the assessment identifies that for those residential receptors on Holmes Chapel Road that there would be a negligible/minor to moderate/major significance. The Visual effects table notes that this would reduce to Moderate Adverse.

It is accepted that here are a small number of properties on Holmes Chapel Road, the Councils Landscape Architect is of the opinion that the significance would be moderate/major for most of these properties and would remain so upon completion.

The assessment also identifies that the operation visual effect on public rights of way will be moderate adverse and will remain so, and will also be minor adverse, and remain so for users of vehicles along Holmes Chapel Road. It should be noted that there is a footway along Holmes Chapel Road, the visual effects for walkers along this route would be, and would remain greater than minor adverse. Similarly, Sandy Lane is assessed as having a moderate adverse visual effect, reducing to minor adverse. Sandy Lane is a recognised cycle route and the Landscape Architect considers that the visual effect would remain greater than minor adverse.

The submitted Landscape and Visual Impact assessment identifies that relevant policies in the Congleton Borough Local First review are Open Countryside PS8 and Landscape GR5. Policy PS8 identifies suitable developments and that they should preserve the openness of the countryside and maintain or enhance its local character (II).

The submitted Landscape and Visual Impact Assessment notes that the surrounding landscape is predominantly pastoral with some areas of woodland, as well as the tree covered mound, formerly a Scheduled Ancient Monument, which is acknowledged to be 'an important element in the landscape and also notes that the most significant changes arising to the site's landscape character during the construction process would result from the change in land use from agricultural to residential, and that this would 'cause a noticeable change upon entrance to the town'.

The assessment notes that there will be a moderate major adverse landscape effect at construction and that this will remain as minor adverse upon completion. The assessment notes that the development will have an adverse landscape effects and that this will remain adverse., also acknowledging the most significant change, that of agricultural land to residential. This is considered to be contrary to Policy PS8.

Policy GR5 notes that Development will be permitted only where it respects or enhances the landscape character of the area. Development will not be permitted which in the view of the Borough Council, would be likely to impact adversely on the landscape character of such areas or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal. Particular attention will be paid to the protection of features that contribute to the setting of urban areas.

The landscape effects have been described and as adverse which is considered to be contrary to Policy GR5. The Councils Landscape Architect also considers that notable features also appear to have been undervalued in the landscape assessment submitted.

In addition the visual assessment identifies that the visual effects will be moderate adverse and remain so for residential receptors along Holmes Chapel Road and also be moderate adverse, and remain so for users of the existing public footpath between Sandy Lane and Sandbach road and that there will also be adverse visual effects for users of Sandy Lane and of Holmes Chapel Road. Clearly the acknowledged adverse landscape character and adverse visual effect are also contrary to Policy GR5.

The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The acknowledged adverse landscape and visual effects will also be contrary to policy SE4.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

- post box – (466m) 29 Longdown Road
- amenity open space (on site)
- public park / village green (965m) - Quinta Park
- public open space - on site
- bus stop (Holmes Chapel Rd)

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

- post office (1287m), Martin McColl West Heath Shopping Centre
- leisure facilities (3500m), Congleton Library
- medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m) .
- primary school (1287m) (Quinta School Ullswater Road, CW12 4LX
- child care facility (1287m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX
- bank / cash point (1287m), Martin McColl West Heath Shopping Centre
- public house (1287m (Heath farm Padgbury Lane)
- Pharmacy (1287m) – West Heath Shopping Centre
- Railway Station (4800m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY.
- a local shop selling food or fresh groceries (1287m), Martin McColl West Heath Shopping Centre

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 Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally sustainable site.

This is also the opinion of the Inspector who granted planning permission for the 200 dwellings at Loachbrook Farm – the site immediately to the south and south-east of this site who commented :

..'Overall, the site is in a sustainable position with reasonable access to local services and facilities, with public transport available for those facilities located at a greater distance away. It would form a sustainable site for development in respect of policy contained within the Framework.

More recently 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 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, subject to the provision of additional footways or through connections into the Loachbrook Farm development or a short bus journey from West Heath Shopping Centre (as noted by the Inspector at Loachbrook) This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

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

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. Employment opportunities are therefore available within reasonable walking distance or a short bus journey from the site

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 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, the impact upon the rural, pastoral landscape character and the loss of agricultural land.

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

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy

fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility.

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 and the adverse impact that the proposal will have upon the landscape character of the site and its surroundings.

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

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

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

This equates to a requirement for 54 affordable dwellings on this site, with 35 provided as social or affordable rent and 19 provided as intermediate tenure (based on a maximum of 180 units with a pro rata reduction should overall density be reduced).

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

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved the Strategic Housing Manager would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above.

The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing Manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage rather than merely the provision of 2 and 3 bedrooomed units.

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

Affordable Housing

This site is located in the Somerford Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes).

In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation. For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation).

In addition to the information taken from the SHMA I have also checked the number of applicants on Cheshire Homechoice: -

There are currently 2 applicants on the housing register who require social or affordable rented housing have Somerford as their first choice, these applicants require 2 x 1 beds.

There are currently 564 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 333 x 1 beds, 167 x 2 beds, 56 x 3 beds and 7 x 4 beds.

The Interim Planning Statement: Affordable Housing (IPS) advises – ***that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size.*** It also advises ***that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.*** For sites in settlements with a population below 3,000 there is also a requirement for 30% affordable housing however the thresholds are 0.2 hectares or 3 dwellings or more.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 21 affordable dwellings on this site, with up to 14 provided as social or affordable rented dwellings and 7 provided as intermediate tenure. (pro rata)

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

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore ‘pepper-potted’ and be tenure blind and also not be segregated in discrete or peripheral areas.

The Affordable Housing Review and Statement submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% Affordable Rent and 35% intermediate split which is acceptable.

The Affordable Housing Review and Statement (AHRs) gives an indicative breakdown of the sizes of affordable housing proposed. The Strategic Housing Manager welcomes the broad range of sizes of accommodation proposed but would also be looking for some accommodation to meet the needs of older people and would look for the intermediate units to be either 2 or 3 beds.

Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above and in the Council's IPS. Including the following: -

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards. (This is required for intermediate units as well as rented units, the AHDP confirms that only the rented units will be built to the required standard)
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

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

The Planning Statement submitted in support of the application states that the affordable units will be delivered by condition in the same way as the Loachbrook Farm site.

However, the Council's IPS requires affordable housing to be secured by of s106 agreement and as such a condition would not be in line with this policy. Accordingly it is recommended that this matter be the subject of S106 Agreement.

Highways Implications

The Highways Department has previously produced a VISSIM micro simulation model of the corridor which demonstrates that any additional traffic on the corridor would have a severe impact on the highway network if improvements are not implemented. The applicant's highway consultant, as part of this application, has not provided junction modelling to assess the impact on the corridor; however, their traffic distribution calculations suggest that the majority (79.6%) of traffic generated by this development would use the A34 corridor.

Therefore, it is considered that the development would have a material impact on the already seriously congested A34 corridor, and the applicant should liaise with the Highways Department as to appropriate mitigation of this impact. Without such mitigation, the Highway Authority object to the proposals.

No such liaison or negotiations have taken place and the site was not the subject of any form of pre-application submission. As the Applicant has appealed, the determination is taken out of the hands of the Planning Authority

However, for the purposes of the appeal. There are matters of detail that are relevant at this stage, and information required before the Highway Authority could support this proposal :

The proposed junctions with the south-west (outside) side of the bend in Holmes Chapel Road would benefit from good visibility.

Two access junctions with Holmes Chapel Road are envisaged. Given the low traffic flows, and the potential benefits of a lower accident rate, a single junction should be investigated. Emergency access provision would be needed to be considered as part of reserved matters layout.

An analysis of the local traffic accident history should be included in the Traffic Assessment – it is not possible to assess the likely safety aspects of the proposed junctions without this information.

Concerns are expressed regarding poor vehicular visibility and consequent danger for vehicles exiting the residential driveways opposite the development site on the north-east (inside) side of the bend in Holmes Chapel Road.

As a pre-requisite to the Highway Authority potentially exercising its powers to trim planting on private land under S.154 of the Highways Act 1980, a speed survey of south-east bound traffic must be undertaken (at several points, given the transition from a 50mph. speed limit to 40mph.) and the results used to establish on a plan forward visibility for the bend and visibility splay lengths for the individual driveways. Any necessary works must be funded by the developer via S.106/278 agreements with CEC/Highway Authority.

Pedestrian access to the existing Holmes Chapel Road bus stops must be considered. On the south-west (development) side, the existing stop is established by a pole and sign in the grass verge, and therefore would require pedestrian access and upgraded facilities. Facilities are required for pedestrians to cross Holmes Chapel Road and use the west-bound bus stop, currently unmarked. Footway/cycle routes within the development would be assessed at the reserved matters stages.

The Strategic Highways Manager is concerned about the impact of the proposed development on the A34 corridor. Given the lack of information identified within the Transport Assessment and his concerns about the implications of the proposal for the A34 Corridor, the Highways Manager recommends refusal on grounds of lack of information.

Amenity

In terms of the surrounding residential properties, whilst there are a small number of dwelling adjoining the southern part of the site on Padgbury Lane. Between the nearby residential properties to the north, to the rear of the pub are a linear area of public open space, and a belt of trees. Due to these intervening features and the separation distances involved it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Congleton SPD for residential layouts. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to an environmental management plan, external lighting, noise mitigation and contaminated land.

Air Quality

The EHO considered the information and advises that the scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, there are a number of Air Quality Management Areas (AQMA's) within Congleton where levels of Nitrogen Dioxide (NO₂) presently exceed the tolerance at sensitive receptors.

There is also concern that the cumulative impact of developments in the Congleton area will lead to successive increases in pollution levels thereby increased exposure.

The assessment uses ADMS-Roads to model NO₂ and PM₁₀ impacts from the additional road traffic associated with this proposal and other permitted developments.

The model predicts that the proposed residential development will be below the air quality objectives.

Regarding existing receptor impact, the assessment concludes that there will be a negligible increase in NO₂ and PM₁₀ exposure at all 8 receptors modelled.

Four of these receptors are within the Congleton AQMA's. It is this department's opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to our Local Air Quality Management objectives.

In addition, taking into account the uncertainties with modelling, the impacts of the development could be significantly worse

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

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

The EHO (Air Quality) would recommend the conditions be attached to any permission for the scheme concerning travel planning, Electric Vehicle infrastructure and dust control

Ecology

The Councils ecologist has considered the Ecological report submitted with the application and raises no issues other than suggesting conditions for breeding birds and the provision of an 8m buffer zone from bank top of the Loach Brook

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.

Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

On this basis, the proposal is considered to be acceptable in ecological terms.

Trees and Hedgerows

Policy NR1 of the Congleton Local Plan states that proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Any permission given will include conditions for their protection during development where appropriate by requiring submission and implementation of detailed method statements for construction and arboricultural works.

Policy SE5 of the Local Plan Strategy Submission Version re-affirms this with the additional requirement that , in respect of trees, hedgerows and woodland, where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting.

An Illustrative Parameters Plan has been submitted in support of the application showing two new accesses onto Holmes Chapel Road a Play Area, Public Open Space, pedestrian and cycle links.

Supporting Arboricultural Information

The site is located to the south of Holmes Chapel Road and is agricultural land with a mixed species hedge on the roadside and an off site hedge to the east. There are 4 mature trees on the northern boundary and trees off site to the south along the banks of Loach Brook.

The submission is supported by an Arboricultural Assessment dated December 2013. The reports states that the tree survey and assessment of existing trees have been undertaken in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.

A total of eleven individual trees, four groups of trees and three sections of hedgerows were surveyed as part of the assessment. Four mature Beech trees adjacent to Holmes Chapel Road as the most notable arboricultural features of the site and describes the trees as being visually prominent. Trees adjacent to Loach Brook include Alder, Oak, Silver Birch, Hawthorn and Sycamore. An over-mature crack willow is identified outside of the site with the crown overhanging the site.

Hedgerows are reported to be formed of native species such as hawthorn, alder and oak and have been regularly maintained. The survey assesses the trees as 1 individual tree grade U, 1 tree group grade A, 7 individuals plus 3 groups grade B and 3 individuals and 3 groups grade C.

The prominent Beech Trees are all afforded Grade B in the survey. Nevertheless, the report indicates that 2 of these specimens, T1 & 3, are infected with Ganoderma fungus. Taking into account the risk factors associated with the fungus, the juxtaposition to the road and proposed future use of the site, in the survey further decay investigation is recommended for these trees.

An Arboricultural Impact Assessment has been based upon the Development Framework plan (drawing reference 5912-L-03 FPCR) and suggests that whilst there would be two sections of roadside hedge removed to allow access, there would be no tree losses to facilitate the layout illustrated because the residential development is accommodated centrally in the site with buffers to the margins.

The mature Beech trees are shown retained pending more detailed examination, with a comment to the effect that the roadside buffer would provide an opportunity to secure replacement planting to create a new tree lined approach to Congleton. The report recommends new tree planting as part of a landscape scheme for the site with protection measures for retained trees.

The full arboricultural implications of development of this site would only be realised with a detailed layout at reserved matters stage, although the impact of the proposed access points needs to be considered at this stage. Should the principle of development be accepted, the Council's Arborist considers it would be essential to maintain the character of a tree lined approach to Congleton, to secure the retention of the trees along Loach Brook corridor and to secure new tree planting to maintain tree cover and help integrate development into the landscape.

Nevertheless, taking into account the overall condition and maturity of the existing roadside Beech trees, it needs to be acknowledged that the specimens are unlikely to have a long safe life expectancy. Other trees of similar age and character in the vicinity have already failed.

However, the Arborist has raised concerns about the discrepancies within the Application plans. For instance, the position of the proposed eastern point of access varies on different plans. The access points on the Illustrative Masterplan and detailed plan (Proposed access arrangement plan 3.2) within the transport assessment do not accord with those on the Development Framework plan 592-L-03 E and Tree retention plan 5912-A-03 or the various plans in the D&A statement.

Any implications for existing trees and the roadside hedge directly relating to the access and associated visibility splays can not be properly assessed and given that the Applicant has appealed on grounds of non-determination, the application is no longer in the hands of the Council to deal with. It appears that the eastern access would require the removal of one of the mature Beech trees.

Taking into account the indicative proposals, the Arborist considers the submitted Arboricultural Assessment presents an overly optimistic view in relation to the feasibility of retention of the existing hedgerow and trees on the Homes Chapel Road frontage.

Whilst the proposal to provide a landscape buffer to Holmes Chapel Road is welcomed, the buffer as indicated does not appear to encompass the full root protection area of the mature Beech trees, it gives the impression that the existing hedge could be retained, and yet shows a proposed shared 3m wide footway/cycle adjoining Holmes Chapel Road and would also need to afford space to accommodate trees of species which at maturity, replicated the stature and character of the existing trees. It is questionable how successfully this could be achieved.

Hedgerows

It is not clear from the submission to what extent the roadside hedge would be impacted by the proposed access points and associated visibility splays on Holmes Chapel Road.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'.

The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission includes an ecological assessment which suggests that the hedge does not meet the ecological criteria in the Regulations. There appears to be no assessment of historic criteria although having viewed the historic maps in the Archaeological Assessment, the Arborist anticipates the northern hedge line may be judged to have historic importance.

Given the issues raised by the Landscape Architect, together with these concerns of the Arborist, the lack of and the conflicting information in relation to trees and hedgerows on site, this is considered to represent a reason to be minded to refuse this application.

Urban Design

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

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

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural.

There are also established landscape features that are extremely important to the character of the site, not least the strong t hedge lined frontage to Holmes Chapel Road and the fringe landscape along the west of the site, Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application has been submitted for 'up to 70' units at an average net density of 30 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are referred to as being 2.5 storeys. In this case there is no testing layout.

This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality

From a design perspective, the information submitted provides a decent basis on which to develop detailed design proposals. The following issues have been highlighted by the Urban Design Officer, which would be for reserved matters if permission were granted-

- There is a pinch point in relation to separation from Loach Brook, to the west of the area of open space and LEAP, which could be exacerbated by the site topography. In urban design terms it is suggested that a more generous separation between the Brook and the building line would be appropriate at detailed stage (this would require a modest reduction in plots)
- The street alignment of the Avenue along the northern frontage is a little contrived, this creates the potential for awkwardly positioned plots and visible gables to buildings not really intended in public view. It could also lead to odd shaped areas of landscaping. It would be better to reflect the linearity presented by Holmes Chapel Road and the linear arrangement of the established properties opposite. This linearity would allow the avenue planting to be completed to the south of the street, even if it is as part of the boundary planting of plots
- There are more focal building opportunities than are shown in the DAS The corner to the south east of the play open space is one such location (there could be others)
- The north western tip of the site should be defined by a bespoke plot responding to the site's shape and relationship to the open space. This and the focal/landmark building opportunities should be exploited to provide genuinely legible features within the scheme
- Is there scope for a further pedestrian route alongside Loach Brook? (see comment above about the pinch point)
- The reference to self build plots within the Design and Access Statement (DAS) is welcomed in urban design terms
- Some of the precedent images in the DAS are uninspiring. Character should be drawn from positive local examples, as opposed to more recent development that hasn't responded to local sense of place or context
- Visitor parking should be designed into streets where possible – to provide for occasional parking and as part of the traffic calming
- Locally responsive materials/landscape should underpin both the materiality of the dwellings but also landscape and boundary solutions
- The sustainable design section doesn't commit to a significant amount although it is positive that it is at least discussed. There need to be much firmer arrangements in place (see comments in relation to conditions below)
- In terms of Building for Life it is very hard to properly evaluate at this level of detail. The comments identified above flag up certain potential issues for the detailed design stage and therefore I think that saying the application achieves 12 greens at present is a little presumptuous...the devil is in the detail.

The Urban Designer advises that a design coding condition should be attached to any outline permission requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted

Public Open Space (Amenity Greenspace)

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

Based on 70 dwellings the quantity of Amenity Greenspace required would be 1680m². Two areas of Open space are identified on the masterplan (page 41 of the Design and Access Statement) but the size of the areas are not quantified.

The open space to the North of the site contains an attenuation pond. Whilst it is appreciated this promotes bio-diversity and due to regulatory requirements to comply with SUD's it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended that any areas of this type should be transferred to a residents management company or other competent body.

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The Masterplan (Page 41 of the D&A Statement) shows a green open space with a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company. However, subject to these conditions, that could form part of reserved matters no objection is raised to the provision of the public open space

Loss of Agricultural Land

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

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

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

A survey has been provided to by the applicant which indicates that the entire 3.9 hectares of the site is Best and Most Versatile Agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of

housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a greater than 5 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of such land in the open countryside when there is no necessity to do so in housing land supply terms.

The proposal is therefore considered to be contrary to policy SE2 of the and the provisions of the NPPF in respect of loss of agricultural land.

Flood Risk and Drainage

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

The Councils Flood Risk Manager has also been consulted and is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed.

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.*'

NHS England advice on recent applications submitted in the area is that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site is not one of the planning sites. Another 70 dwellings in the area will therefore have an impact.

However, at the time of writing the report, the exact financial contribution required by NHSE has yet to be received and will be the subject of an update report

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the ecological mitigation, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local road network which would require an engineered solution in the form of highways improvements. By appealing on the grounds of non-determination, the Applicant has not allowed Highways Officers the ability to negotiate upon highways improvements that may mitigate for the impact of this development in this area.

However, for the purposes of the appeal it is considered that any financial contribution to address the capacity issues within the local road network would be fairly and reasonably be related to the impact of this development, as is a contribution to replace the existing puffin on Holmes Chapel Road with a toucan to allow for greater use by cyclists and residents from the development .

On this basis S106 financial contributions to Health Infrastructure, and highways mitigation 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 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. 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.

Furthermore, the proposal would result in the loss of best and most versatile agricultural land. even though at 3.9 hectares this is not significant. However, in the absence of a need to

develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land

The proposed development has a cumulative impact upon highways congestion in the area, and it is considered that the application cannot be considered in isolation from the other committed schemes in the area. No pre-application discussions took place and the information submitted in support of this application is lacking in terms of safety and congestion matters. In addition the Strategic Highways manager considers the Transport Assessment to be lacking in detail.

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

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

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

Policy requirements in respect of public open space provision can be met within the site. A contribution has been secured to enhance primary school provision in the area to mitigate the proposed development.

However, these matters are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the loss of agricultural land and adverse landscape impact of the proposals and the lack of and conflicting information submitted with regard to trees and hedgerows, and the implications of this within the landscape. As a result the proposal is considered to be unsustainable and contrary to Policies H6, PS8, GC1 NR3 and NR4, GR5, GR3 of the local plan, Policy PG5, SE3, SE5 SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

MINDED TO REFUSE for the following reasons:

- 1 The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission**

should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character thereby failing to recognise the intrinsic character and beauty of this site and the contribution to the wider landscape setting is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework
4. Insufficient information has been submitted to demonstrate that the proposal will have an acceptable impact upon the operation of the highway network in the vicinity in terms of safety and congestion impacts and lack of data in the Transport Assessment contrary to Policies GR9 and GR10 of the Congleton Borough Adopted Local Plan First Review 2005
5. Insufficient information has been submitted to demonstrate that the scheme would provide for the retention and protection of existing trees of amenity value and no assessment of historic hedgerows has been provided therefore the applicant has failed to demonstrate that the proposal complies with Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.

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 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 to secure:-

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 1, 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 1680m2 sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Commuted Sum (to be negotiated) 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 – amount to be confirmed
- Commuted sum of £40000 to upgrade existing Puffin Crossing to Toucan Crossing
- Commuted Sum payment in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton- amount to be confirmed

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 17 September 2014
Report of: Adrian Fisher, Head of Strategic & Economic Planning
Title: Imposition of Hours of Construction Condition

1.0 Purpose of Report

- 1.1 To consider a motion submitted by Councillor D Brickhill for consideration by SPB.
- 1.2 In accordance with the procedure rules relating to Committees and Sub-Committees: Procedure Rule No 34-Agenda Items submitted by Members, any Member of the Council may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee. Councillor D Brickhill has submitted in writing a request that an item relating to an hours of construction condition be included on the Strategic Planning Board agenda.
- 1.3 The motion being *'that on all approvals by Cheshire East Officers or committees for buildings a times of NO construction working condition be imposed. This should normally be from 6 pm on a weekday night until 8 am on the following weekday morning. On Saturdays the no working period shall be from 2pm until 8am on the following Monday morning. Further there shall be no working on a statutory bank holiday or on a Sunday, Committees may make an exception to this rule for building by the owner of a single house or extension.'*

2.0 Decision Required

- 2.1 To note the contents of the report and that members agree to the proposed approach that informatives are used on decisions to advise of the agreed hours of construction for developments.

3.0 Background

- 3.1 It is common that developments require some form of construction to enable the development to take place. Consideration therefore needs to be given to the proximity of other property and whether noise generating activity will impact on that property and their occupiers – with a particular reference to residential amenity.

- 3.2 There has been much confusion over the years about the appropriate method for controlling construction noise and whether planning conditions should be used or whether it falls under other legislation outside of the Planning Acts. This position is not helped by Inspectors at appeal also taking differing approaches with some accepting conditions and others advising that it is not appropriate or necessary.
- 3.3 What is clear is that conditions should not be imposed on planning applications where this is covered and controlled by other legislation as it would be deemed *unnecessary* and fail one of the legal tests for imposing a planning condition.
- 3.4 At present the planning applications are judged on their merits and consideration given to amenity issues and where necessary applying appropriate conditions, including on occasion an hours of construction condition or an informative. On larger schemes this can include an Environmental/Construction Management Plan condition which seeks wider controls including deliveries to site, site parking, times of deliveries, defined routes for construction vehicles. This will often follow consultation with Environmental Health who will advise of certain conditions or informatives that should be considered in approving an application. (It should be noted an informative is not a condition but an advisory that is included on the decision notice)
- 3.5 The appropriate control for noise does fall under environmental health legislation as any complaints about noise would be addressed under the Control of Pollution Act 1960. The current standard advice from Environmental Health in respect of hours of construction is as follows, with the recommendation that this be included as an informative not a condition:

It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

- 3.6 It is not considered appropriate to include this as a condition on all approvals. Firstly, it may not be necessary in all situations – such as where there are no near neighbours and therefore impact on amenity. Secondly, given that it is controlled under Environmental Health legislation it is not considered appropriate to include it as a condition.

4.0 Conclusion

- 4.1 Given that noise is controlled under other it is recommended that the following approach be used, which broadly reflects those that are currently in place and operate effectively.
- 4.2 Where there are concerns about the potential impact of construction, judged on a case-by-case basis, an informative be added to decision notices which advises of the following:

It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

- 4.3 For larger schemes Environmental/Construction Management Plan schemes should continue to be used.

5.0 Recommendation

- 5.1 That the report is noted and Members agree to the proposed approach that informatives are used on decisions to advise of the agreed hours of construction for developments.

6.0 Financial Implications

- 6.1 There are no financial implications.

7.0 Legal Implications

- 7.1 No direct legal implications. However it should be noted that any condition imposed must meet the legal tests for a planning condition advocated within the Planning Practice Guidance. If not, they could be challenged at appeal.

8.0 Risk Assessment

- 8.1 There are no risks associated with this decision.

9.0 Reasons for Recommendation

- 9.1 To ensure that the appropriate approach is adopted in dealing with amenity issues associated with hours of construction.

For further information:

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