

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 15th October, 2014</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

**3. Minutes of the Previous Meeting (Pages 1 - 10)**

To approve the minutes as a correct record.

**4. Public Speaking**

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

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

A period of 3 minutes is allocated for each of the planning applications for the following 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. **12/3948C-Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access, Land Bounded by Old Mill Road & M6 Northbound Slip Road, Sandbach for W and S (Sandbach) Ltd (Pages 11 - 56)**

To consider the above application.

6. **WITHDRAWN BY OFFICERS 14/2247N-Installation of ground mounted photovoltaic solar arrays to provide circa 14 MW generation capacity together with inverter stations; sub station; landscaping; stock fencing; security measures; access gate; and ancillary infrastructure, Land to the North East of, Combermere Abbey, Combermere Park Drive, Dodcott Cum Wilkesley, Whitchurch, Cheshire for INRG (Solar Parks) 13 Ltd (Pages 57 - 80)**

To consider the above application.

7. **14/2991W-Change of use to allow the transfer of waste from the applicants skip hire business, Ant Skip Hire, Turf Lane, Macclesfield for Mr Ant Henshaw, ANT Skip Hire (Pages 81 - 88)**

To consider the above application.

8. **14/1326N-Outline planning permission for up to 150 residential dwellings to include access. All other matters reserved for future consideration Subject to an Environmental Impact Assessment, Land to the north of Wistaston Green Road, Wistaston for Harlequin (Wistaston) Ltd (Pages 89 - 118)**

To consider the above application.

9. **14/2685C-Outline application for development of land for up to 70 dwellings and associated works (resubmission), Land South of, Holmes Chapel Road, Somerford for Mr Marc Hourigan, Hourigan Connolly (Pages 119 - 154)**

To consider the above application.

10. **14/3034C-Outline planning for Residential Development of Site to Accommodate up to 100 Dwellings, amenity areas, landscaping, and associated infrastructure (resubmission of 14/0132C), Saltersford Farm, Macclesfield Road, Holmes Chapel for Russell Homes (UK) Limited, G.J & M.J P (Pages 155 - 182)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 17th September, 2014 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

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

Councillors D Brickhill, P Edwards, J Hammond, D Hough, P Hoyland, J Jackson,  
W Livesley (substitute), B Murphy, D Newton, L Smetham, A Thwaite (substitute),  
S Wilkinson and J Wray

### **OFFICERS IN ATTENDANCE**

Mr D Malcolm (Development Control Manager), Mr D Evans (Principal Planning Officer), Mrs N Folan (Planning Lawyer), Mr P Hooley (Planning Enforcement Manager), Ms B Wilders (Principal Planning Officer), Mr N Jones (Principal Development Officer) and Ms L Thompson (Senior Planning Officer)

### **47 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rachel Bailey and David Brown.

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

It was noted that in respect of application 14/1579N Members had received correspondence relating to this application.

In the interest of openness in respect of application number 14/3371M Councillor Walton declared that he vaguely knows the applicant. However, he had not taken part in any conversations with him on this application.

### **49 MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 20<sup>th</sup> August 2014 be approved as a correct record and signed by the Chairman, subject to the following amendments:

Page 2 – Councillors Hammond and West declaration should read “As application 14/1779C related to a waste site application, in the interests of openness, Councillors Hammond and West declared that they were Directors of Ansa Environmental Services.”

Page 6 – Condition 42 to be deleted and an additional requirement be added to the Section 106 Agreement on page 4 to secure:

“6. An appropriate level of funding should be made available to mitigate the highway safety impact of the development on the B5077 Butterson Lane and the B5078 Radway Green Road including the Level Crossing. (This should be in

addition to the £342,000 to complete other schemes arising from previous permissions given in Alsager). Such mitigation and level of funding to be agreed by the Head of Strategic and Economic Planning in consultation with the Chairman and Vice Chairman and Ward Members.

Access to the remaining quarry site should be from the Main B5077 Road and not from the rear of the site. (This is to protect the amenity of residents of Nursery Road and Close Lane which are narrow country lanes)."

## **50 PUBLIC SPEAKING**

That the public speaking procedure be noted.

### **51 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**

Councillor Jack MacEvoy (on behalf of Wrenbury-cum-Frith Parish Council) and Chris Whitehouse (on behalf of the applicant) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That the application be DEFERRED for further discussion with the applicant on landscape, sustainability and highways.

### **52 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 HEW 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)**

Councillor S Davies (Ward Councillor), Councillor Jack MacEvoy (on behalf of Wrenbury-cum-Frith Parish Council), Mr R Copping (on behalf of Save Wrenbury Action Group), Neil Palmer (objector) and Mr D Taylor (the agent) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That the application be REFUSED for the following reasons:

1. There is insufficient information to determine if the proposals would have an adverse impact on flood risk as no suitable flood risk assessment has been supplied. The LPA has an obligation to consider the recommendations of statutory consultees. On that basis the proposals are contrary to policy NE20 within the CNRLP 2011 and guidance within the NPPF.
2. There is insufficient information in respect of the impacts of the development upon highway safety. As such it cannot be demonstrated that this major development would not have a significant adverse impact upon highway safety. The proposals would be contrary to policy BE3 within the CNRLP 2011 and guidance within the emerging Local Plan and NPPF.
3. The proposals constitute a major development in a rural location which would have a significant adverse impact upon the open countryside in this location contrary to policy NE2 within the CNRLP 2011, PG5 within the emerging Local Plan and guidance within the NPPF.
4. This major development adjacent to the village of Wrenbury would have a significant adverse impact upon the character of the village, conservation area and surrounding countryside contrary to policies BE2, NE2, BE7 within the CNRLP 2011, policies SE1, SE4, SE7 within the emerging Local Plan and guidance within the NPPF

*(The meeting adjourned for lunch from 13.00 until 13.45)*

**53 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**

Mr R Gascoigne (the agent) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement to prevent the implementation of the extant permission for a driving range on the opposite side of the road 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 including type and source of materials to be used in any mounding
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

**54 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.**

Councillor D Bebbington (Ward Councillor) and Mr L Horne (supporter) attended the meeting and addressed the Board on this matter.

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

**RESOLVED** – That authority be delegated to the Chairman/Vice Chairman of the Strategic Planning Board and the Head of Strategic and Economic Planning in consultation with Ward Members, to **APPROVE** the application for the reasons set out in the report, subject to comments from the Parish Council and the



completion of a Section 106 Deed of Variation securing the same obligations as 11/1879N as follows.

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 lay-by 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. A 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 and Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) 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.

The Planning Officer to contact the developers about fencing on Flowers Lane.

- 55 **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**

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

- 56 **14/0134C - LAND SOUTH OF HOLMES CHAPEL ROAD, CONGLETON: DEVELOPMENT OF LAND FOR UP TO 70 DWELLINGS AND ASSOCIATED WORKS**

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

RESOLVED – That for the reasons set out in the report, the Strategic Planning Board are MINDED TO REFUSE the application 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 of £68,000.

*Councillor Newton left the room for 5 minutes during consideration of this item and did not take part in the debate or vote on the application.*

*Following consideration of this item, Councillor Murphy left the meeting and did not return.*

**57 IMPOSITION OF HOURS OF CONSTRUCTION CONDITION**

*Councillor Wray left the meeting for 10 minutes during consideration of this item and did not take part in the debate.*

Consideration was given to the motion that had been submitted by Councillor Brickhill and referred to the Strategic Planning Board.

RESOLVED – That a further report be brought back to the Strategic Planning Board after creation of Considerate Contractors Scheme and further discussions with Environmental Health.

**58 URGENT ITEM - 13/4904N LAND OFF WRENS CLOSE, NANTWICH**

The Chairman reported that he had agreed to the consideration of this item as a matter of urgency, as a decision is required prior to the appeal hearing which is scheduled for 23 September 2014.

The Board considered a report for the withdrawal of one reason for refusal relating to planning application 13/4904N for a proposed residential development of 11 dwellings including access and associated infrastructure.

RESOLVED – That for the reasons set out in the report:

- That the second reason for refusal in respect of reptiles be withdrawn and that the Principal Planning Manager be instructed not to contest the issues at the forthcoming hearing;
- That a Section 106 be entered into in respect of the forthcoming Appeal to secure the Heads of Terms as set out below:
  - £3,387.00 for off-site habitat creation/restoration
  - £21,693 for primary education

**59 URGENT DECISION - LAND AT WAGGS ROAD, CONGLETON**

The Board received and noted a verbal report on the details of an urgent decision relating to Land at Waggs Road, Congleton, which had been taken outside of the meeting by the Chairman and Vice-Chairman of the Strategic Planning Board in accordance with Procedure Rule 25 and Appendix 4 of the Council's Procedure Rules.

**60 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(B)(2) 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.

## 61 **ENFORCEMENT ACTION**

*Prior to consideration of this item, Councillor Hoyland declared that he had received correspondence from residents about the Enforcement Action.*

Councillors Howard Murray and Jo Saunders (ward councillors) attended the meeting and addressed the Board on this matter.

Members considered this item and received and noted the Enforcement Action report and agreed a way forward.

The meeting commenced at 10.30 am and concluded at 4.45 pm

Councillor H Davenport (Chairman)

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

**SUMMARY RECOMMENDATION**

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

**MAIN ISSUES**

- Timing of 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 a 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 are 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 the occupation of the 50<sup>th</sup> dwelling 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 occupation of the 50<sup>th</sup> dwelling, 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 improvements 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 is now clear that the enhanced roundabout cannot be provided by 31 March 2015, and therefore the pinch point roundabout will be initially provided. The alterations to provide the enhanced roundabout will follow at a later date.

The possibility of commencing the pinch point scheme and then switching to the enhanced scheme during the construction period has also been investigated, but given the timescales involved it is likely that the pinch point scheme will be completed prior to the work on the enhanced roundabout being commenced. The result being that as the resolution currently stands the applicants are prevented from carrying out any works that are the subject of the current application until the enhanced roundabout is completed. The timing for which is now largely out of their control. This is considered to be an unreasonable restriction upon the development.

The National Planning Practice Guidance advises that care needs to be taken when considering using conditions that prevent **any** development authorised by the planning permission from beginning until the condition has been complied with.



Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. In this case, the development will be served by two access points, and, even though the application is outline with all matters reserved, it is evident that the residential element of the proposal can be accessed without the roundabout being provided. The reasoning for the condition is to guarantee that the access to the commercial site is provided, in order to enable the delivery of the employment site (in line with the requirements for strategic site CS24 in the submission version of the local plan), and to ensure that it is not just the residential aspect that is delivered.

Clearly there needs to be some incentive built into the permission to ensure that the roundabout is provided, as the delivery of the roundabout is essential to the acceptability of the proposal. However, the provision of the roundabout is not fundamentally required prior to the commencement of any development. As such, the condition as it currently stands is considered to be unreasonable. The National Planning Practice Guidance clearly states that conditions which unreasonably impact upon the delivery of the development should not be imposed.

A restriction upon the numbers of dwellings to be occupied before the roundabout is provided would serve the purpose of the condition equally well. This would allow the development to commence and still facilitate the delivery of the roundabout at the appropriate time. The enhanced roundabout works would now be carried out by the developer under a s278 agreement with the Highways Authority. This would be secured separately by a planning condition.

The proposed variation to condition 34 is therefore considered to be acceptable.

### **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)

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  
A02OP - Implementation of reserved matters  
A03OP - Time limit for submission of reserved matters  
A06OP - Commencement of development  
A01AP - Development in accord with approved plans  
A22GR - Protection from noise during construction (hours of construction)  
A32HA - Submission of construction method statement  
A08OP - Ground levels to be submitted with reserved matters application  
A19MC - Refuse storage facilities to be approved
2. Environmental Management Plan to be submitted  
Details of external lighting to be submitted  
Updated contaminated land Phase II report to be submitted  
Noise mitigation  
Submission of residential and business travel plans

Energy from decentralised and renewable or low-carbon energy sources  
Scheme to limit the surface water runoff to be submitted  
Scheme to manage the risk of flooding from overland flow of surface water  
Scheme to dispose of foul and surface water to be submitted  
Wildlife corridor buffer zone  
Site to be drained on a separate system  
Provision of electric car charging points  
Reserved matters application to incorporate public right of way routes

Provision for pedestrians and cyclists  
Submission of arboricultural details  
Written scheme of archaeological investigation to be submitted  
Hedgerow retention and enhancement  
Details of phasing of whole development and associated roundabout to be submitted  
Provision of pedestrian crossing to Old Mill Road  
Provision of footway/cycleway to south side of Old Mill Road  
Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway  
Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction  
Details of public access to wildlife corridor to be submitted  
Provision of cycleway / footway from site to High St along Old Mill Road  
Prior to the occupation of the 50th dwelling 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.  
Proposals for public right of way to be submitted and approved  
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 / infr



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	<b>PROJECT INFORMATION</b>	
	<b>PROJECT NAME</b>	<b>PROJECT NO.</b>
	<b>CLIENT NAME</b>	<b>CLIENT NO.</b>
	<b>PROJECT TYPE</b>	<b>PROJECT NO.</b>
	<b>PROJECT TYPE</b>	<b>PROJECT NO.</b>
	<b>PROJECT TYPE</b>	<b>PROJECT NO.</b>
	<b>PROJECT TYPE</b>	<b>PROJECT NO.</b>
	<b>PROJECT TYPE</b>	<b>PROJECT NO.</b>

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

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure



CO4 Travel plans and transport assessments

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

**CONSULTATIONS (External to Planning)**

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

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

Natural England – No objections

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

Highways Agency – No objections

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

Environmental Health – No objections subject to conditions

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

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

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

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

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

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

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

And the following site specific principles of development:

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

It is evident that the site has a long history of employment proposals and allocations, and this is reflected in existing policy in the form of the SPG for Sandbach Business Park (1989), and in the emerging local plan strategy. 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:

<b>Direction to/from</b>	<b>%Total Residential Trips</b>
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 (NO<sub>2</sub>). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The assessment uses BREEZE Roads CAL3QHCR to model NO<sub>2</sub> impacts from the predicted additional road traffic and changes to traffic flows associated with this proposal and other permitted developments. The report considers the impact of the M6, Old Mill Road and from the two proposed access roads on the phase 1 development and the impact of the proposed phase 1 development on existing receptors in the area.

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

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

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

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

Whilst raising no specific objections, Environmental Health recommend conditions relating to travel plans and electric car charging points and a financial contribution 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, 2<sup>nd</sup> Edition, 2002.

As part of the assessment the baseline landscape is referred to, the assessment identifies the National Character Area in which the application site is located, as well as the local landscape type, in this case Lower Farms and Woods 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 6<sup>th</sup> forms) and contributions towards secondary provision are now being sought from developers on a per pupil basis. Therefore a contribution of £539,309 will be required to accommodate the pupils of this age to be generated.

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: 14/2247N

Location: LAND TO THE NORTH EAST OF, COMBERMERE ABBEY,  
COMBERMERE PARK DRIVE, DODCOTT CUM WILKESLEY,  
WHITCHURCH, CHESHIRE, SY13 4AJ

Proposal: Installation of ground mounted photovoltaic solar arrays to provide circa  
14 MW generation capacity together with inverter stations; sub station;  
landscaping; stock fencing; security measures; access gate; and ancillary  
infrastructure.

Applicant: INRG (Solar Parks) 13 Ltd

Expiry Date: 11-Sep-2014

#### **SUMMARY RECOMMENDATION**

**Refuse**

#### **MAIN ISSUES**

**Impact of the development on:-**

- Principle of Development
- Relevant Appeal Decisions
- Renewable Energy Production
- Highway implications
- Amenity
- Impact Upon Local Heritage Assets
- Landscape
- Trees and Hedgerows
- Ecology
- Flood Risk & Drainage
- Archaeology
- Agricultural Land Quality
- Aircraft Safety
- The impact upon the Public Right of Way
- The impact upon the Hazardous Installation

#### **REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board as it is a major development that includes an Environmental Impact Assessment.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site extends to 28.6 hectares and is located to the west of the A530 (Whitchurch Road) within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan. Directly to the south of the site is an Area of Special County Value.

The application site lies adjacent to Combermere Historic Park & Garden which is listed as Grade II. There are a number of listed buildings in the grounds of that park (Grade I listed Combermere Abbey, Grade II\* Game Larder, Grade II Sundial, the Grade II listed North Service Wing and Grade II listed South Service Wing, the Grade II Stable Block and the Grade II Ice House.). Adjacent to the site to the south is the Grade II New Lodge and directly to the south of that is the Grade II Kennelwood.

Comber Mere SSSI (Site of Special Scientific Interest) is located about 100m from the proposed development at the closest point. Newhall Cut Local Wildlife Site (LWS) is located on the eastern boundary of the application site. The LWS supports a regionally significant population of white clayed crayfish. Combermere Big Wood LWS is located on the western boundary of the application site.

The application site is in agricultural use and is split into two fields with a wooded pond located in the south-western field. A water course (Newhall Cut) runs along the eastern boundary of the site.

There is a pipeline crossing the site which is identified as a hazardous installation.

There is a number of PROW in the vicinity of the site including PROW (Newhall FP16) which runs across part of the eastern boundary of the site.

## **DETAILS OF PROPOSAL**

The development proposal is for a circa 14MW Solar Park laid out across approximately 28.6 hectares of agricultural land within the agricultural holding of Combermere Abbey Estate. This would provide the annual power needs of approximately 3,000 households and the Environmental Statement identifies that this would save in the region of 8,200 tonnes of carbon dioxide that may be otherwise be generated through the burning of traditional fossil fuels.

The photovoltaic panels would be mounted on a supporting metal framework orientated south. The panels would be laid out in arrays (rows) running east to west across the field enclosures. The maximum height of the arrays will respond to topography and will be capped at approximately 2.2m above ground level. The arrays are supported at approximately 3m intervals by posts which are driven into the ground.

A total of 10 Inverter cabinets and transformer cabinets are required to ensure that the DC energy produced by the PV arrays is converted into AC energy, as required by the national grid and ensure it is transferred from low to medium voltage. A sub-station would be positioned within the development site to house the equipment that connects the PV plant to the local energy distribution network.

The development would have an operational lifespan of around 25 years.

In this case the application is accompanied by an Environmental Statement.

## **RELEVANT HISTORY**

14/1202S – EIA Scoping Letter

14/1135S – EIA Screening Letter – EIA Required

## **POLICIES**

### **National Planning Policy**

The National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

BE.14 – Development Affecting Historic Parks and Gardens

BE.16 – Development and Archaeology

BE.21 – Hazardous Installations

NE.2 – Open Countryside

NE.3 – Areas of Special County Value

NE.5 – Nature Conservation and Habitats

NE.6 – Sites of International Importance for Nature Conservation

NE.7 – Sites of National Importance for Nature Conservation

NE.8 – Sites of Local Importance for Nature Conservation

NE.9 – Protected Species

NE.11 – River and Canal Corridors

NE.12 – Agricultural Land Quality

NE.17 – Pollution Control

NE.19 – Renewable Energy

NE.20 – Flood Prevention

RT.9 – Footpaths and Bridleways

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

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

SE6 – Infrastructure  
SE7 – The Historic Environment  
SE8 – Renewable and Low Carbon energy  
SE9 – Energy Efficient Development  
IN1 – Infrastructure  
IN2 – Developer Contributions

**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  
Circular 02/99: Environmental Impact Assessment  
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

**CONSULTATIONS (External to Planning)**

**English Heritage:** No comments received at the time of writing this report.

**Environment Agency:** No objection in principle to the proposed development. However the EA request that the following planning condition is attached to any approval:

- No development shall take place until a scheme for the provision and management of the undeveloped buffer zone alongside New Hall Cut is submitted to and agreed in writing by the local planning authority.

An informative should be attached to any decision notice.

**Natural England:** Originally objected due to lack of information.

Following the receipt of additional information they have stated that:

Natural England has reviewed the additional information submitted. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Comber Mere SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

The Local Authority should assess the impact upon local sites of biodiversity/geodiversity, local landscape character and local or national BAP Habitats and species.

For advice on protected species refer to the Councils standing advice.

**United Utilities:** No comments received.

**Strategic Highways Manager:** The application form says there will be a new access however the D&A statement says the site will be accessed via the existing entrance and then onto the A530 which suggests the new access is not to the public highway.



In response the Strategic Highways Manager would require any new access to the public highway to be subject to an informative as follows:

**Informative:-** Prior to first development the developer will enter into and sign a Section 184 Agreement under the Highways Act 1980 and provide a new vehicular crossing over the adopted footpath/verge in accordance with Cheshire East Council specification. The developer should contact: [CEHSouth@cheshireeasthighways.org](mailto:CEHSouth@cheshireeasthighways.org)

**Environmental Health:** Informatives suggested in relation to hours of operation and contaminated land.

**Health and Safety Executive:** The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Archaeology:** It would appear that below-ground disturbance will be limited and restricted to the trenches for the cables, the service track, the footprints of the ancillary buildings, and a number of other installations. These represent a fairly small percentage of the site's total area and the Councils Archaeologist does not consider that further archaeological mitigation would be appropriate in this instance.

**Shropshire Council:** No comments received.

**Garden History Society:** No comments received.

**National Grid:** No comments received.

**Cheshire East PROW:** Informative to be attached to the decision notice.

**Mid-Cheshire Footpath Society:** No comments received.

**Civil Aviation Authority:** No comments received at the time of writing this report.

**Manchester Airport:** No objection.

## **VIEWS OF THE PARISH COUNCIL**

**Newhall Parish Council:** Support the application.

**Dodcott cum Wilkesley Parish Council:** No comments received.

**Wrenbury Parish Council:** Wrenbury-cum-Frith Parish Council object to this application. The PC is concerned about the loss of agricultural land in the area, exacerbated by the number of solar parks currently proposed. There is also concern about the visibility of the site and the detrimental effect on the visual amenity of the area.

## **OTHER REPRESENTATIONS**

No representations received.

## APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Environmental Statement
- Design and Access Statement
- Supporting Planning Statement
- Tree Survey
- Statement of Community Involvement
- Waste Statement

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Principle of Development

#### National Planning Policy

The proposed development should be considered against the NPPF. This document identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

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

The National Planning Policy includes the core planning principles of encouraging 'the use of renewable resources (for example, by the development of renewable energy)' and 'recognising the intrinsic character and beauty of the countryside'.

Paragraph 98 of the NPPF then goes on to state that local planning authorities should approve applications for energy development unless material consideration indicates otherwise if its impacts are or can be made acceptable.

There is further guidance within the Planning Practice Guidance which states as follows:

*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:*

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

#### Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and NE.19 (Renewable Energy).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

*'within the open countryside 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 be clearly contrary to Policy NE.2.

Policy NE.19 is considered to be consistent with the NPPF in that it is intended to ensure that such proposals cause minimum harm to the countryside, ensuring a quality environment for all residents of the Borough. Amongst other things policy NE.19 states that development will only be permitted where:

- *The development would cause no significant harm to the character and appearance of the surrounding area;*
- *The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest*

### Emerging Policy

The most relevant policy of the Cheshire East Local Plan Strategy Submission version is Policy SE8 (Renewable and Low Carbon Energy) which states that *'the development of renewable and low carbon energy schemes (including community-led initiatives), together with any ancillary building(s) and infrastructure, will be positively supported and considered in the context of sustainable development and any impact on the landscape'*.

The Policy then goes on to state that weight will be given to the wider environment, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

*'The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses'*.

The justification to the Policy then goes on to identify the technologies that will be most viable and feasible including *'solar thermal and photovoltaics on south facing buildings throughout the Borough. Ground mounted schemes may be more appropriate where they do not conflict with other policies of the plan'*.

### Need for Renewable Energy

In relation to need, paragraph 98 of the NPPF makes it clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

### Conclusion

In this case the principle of the proposed development would be contrary to the Policy NE.2 contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy. As a result it is necessary to consider whether other material considerations indicate if the development is acceptable.

### **Relevant Recent Appeal Decisions**

This is the first application of this type within Cheshire East and it should be noted that there may be many more applications to follow with EIA Screening letters submitted or issued for some 17 sites within the Southern part of the Borough.

Each application should be determined on its own merits but it is prudent to draw Member attention to the following similar appeal decisions which have been issued since the publication of the Planning Practice Guidance;

- Suffolk Coastal District Council – Hacheston (Appeal reference 2193911) – 22<sup>nd</sup> May 2014 – Application for a solar panel farm on 51 hectares of land within the open countryside. As part of this decision which was recovered and dismissed by the SoS it was concluded that; *‘there would be a major/moderate adverse impact on the landscape as perceived from the north side of the development and a similar visual impact for local recreational walkers’* and *‘there is significant doubt that maintenance and retention of the mitigation planting could be ensured for the 25 years of the scheme on the basis that the Unilateral Undertaking and associated agreements carry little weight. This is a critical consideration because of the site’s location in an area of countryside that is of special quality. The Secretary of State places significant weight on the harmful visual impacts’* and *‘the loss of a substantial area of productive agricultural land for at least 25 years is another negative factor’*
- Babergh District Council (Appeal Reference 2204846) – Wherstead – 2<sup>nd</sup> June 2014 – Application for a solar panel farm on 38.4 hectares of land within the open countryside. As part of this decision which was dismissed the Inspector concluded that; *‘the proposal would result in a significant, localised, adverse impact on the landscape in the short term, and whilst this impact would gradually reduce over time, it would nonetheless remain a considerable detraction from the rural character of the area. Therefore, the development does not respect the landscape’* and *‘it has not been demonstrated that the development of the agricultural land comprising the site is necessary. Nor has it been demonstrated that no suitable brownfield sites or sites of lower agricultural quality are available. Consequently, the Appellant has not complied with the sequential test set out in the PPG and, therefore, the proposal is not in accordance with Government guidance in this respect and is contrary to paragraph 112 of the Framework’*
- Swale Borough Council – Littles Farm, Kent (Appeal reference 2212592) – 13<sup>th</sup> June 2014 – As part of this decision which was dismissed the Inspector concluded that; *‘in view of the Planning Practice Guidance I have referred to, I conclude that the site’s use of BMV land, and its loss to most crops which rely (or crop most heavily) on such land, would significantly and demonstrably outweigh the renewable energy, biodiversity, employment, farm diversification and other benefits of the scheme and its accordance with certain elements of national and local policy. I therefore conclude that the scheme is not the sustainable development for which the Framework indicates there is a presumption in favour’*. In terms of the landscape impact the inspector found that the landscaping would take 5-7 years to take effect and would cause harm to the landscape during this period. It was found this added weight to the appeal decision but in view of the relatively limited period during which the harm would be likely to be experienced, it was not a determining factor in the decision.

## Renewable Energy Production

The Environmental Statement submitted in support of this application identifies that the development would have *‘the potential to generate up to 14 MW of power (the equivalent to the annual energy consumption of about 3000 households)’*.

This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

## Highway Implications

### Policy issues

The test contained within the NPPF is that:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*

The development would use an existing access onto Whitchurch Road and the main impact upon the highway network would be of a temporary nature from construction traffic. The submitted Environmental Statement states that the proposed development will *'have an impact of less than 10% on the local highway network and the level of impact is considered to be minor or negligible and as such not significant'*.

In this case the Councils Strategic Highways Manager has considered the application and raised no objection to this development subject to the imposition of an informative.

## Amenity

Given the isolated rural nature of the site there are no residential properties in close proximity to the application site. As a result it is not considered that the proposed development would raise any issues such as noise and disturbance.

## Impact upon the setting of the Local Heritage Assets

As stated above there are a number of heritage assets in close proximity of the proposed developments and it is necessary to consider the impact upon the setting of these heritage assets. The heritage assets are as follows:

- Combermere Historic Park & Garden which is listed as Grade II.
- The Listed Buildings in the grounds of Combermere Historic Park & Garden (Grade I listed Combermere Abbey, Grade II\* Game Larder, Grade II Sundial, the Grade II listed North Service Wing and Grade II listed South Service Wing, the Grade II Stable Block and the Grade II Ice House.).
- To the south of the site to the south is the Grade II New Lodge and directly to the south of that is the Grade II Kennelwood.
- Other Listed Buildings located in Wrenbury and Aston

### Combermere Historic Park & Garden

The proposed solar arrays are to be located to the east of the Historic Park & Garden and will not be visible from within the park given the presence of the large area of adjacent tree planting within the Historic Park and Garden.

The proposed solar arrays will however have a modest degree of impact on the setting of the Historic Park & Garden in views from the footpath adjacent to its curtilage and in views of the Historic Park & Garden from routes leading to it and when viewed from afar. There may be scope to mitigate this in the case of the former for those using the footpath by the introduction of planting, and for the latter in terms of views from afar by planting trees in existing hedgerows and by good landscaping shields.

The Councils Conservation Officer does not consider that the proposed solar arrays will have an impact on the intrinsic merit of this Historic Park & Garden.

### The Listed Buildings

As above, the proposed solar arrays will not be visible from within the park or the Listed Buildings given the presence of the large area of adjacent tree planting within the Historic Park and Garden. The solar arrays will therefore not have a direct visual impact on the listed buildings within the park.

Similarly the proposed solar arrays will not have a direct visual impact on the adjacent Grade II listed New Lodge or Kennelwood to the south for the same reason.

In addition the distance between the proposed solar arrays and the Grade II listed buildings to the east of the site in Aston and in the southern part Wrenbury will similarly serve to minimise the direct impact of the proposed solar arrays on these listed buildings.

### **Landscape**

A key issue in the determination of this application is the landscape impact of this large scale development upon the open countryside and landscape character. This is a core principle of the NPPF and also identified within the Planning Practice Guidance and Local Plan Policies.

In the Cheshire Landscape Character Assessment 2008, the site falls within two different landscape character types and character areas. The western field falls within the Estate, Woodland and Mere Character type and the Cholmondeley character area and the eastern field is within the East Lowland Plain character type and the Ravensmoor character area.

Changes in farming including pressure to diversify is listed as an issue affecting landscape character within both the East Lowland Plain and the Estate, Woodland and Mere character types.

The applicant's agent has carried out a desk-based assessment of the local landscape character within a 2km radius of the site which reviews the sensitivity and capacity of the local landscape to accommodate the proposed development using defined criteria. It concludes that due to the low nature (i.e. height) of the proposals the landscape scale, landform, enclosure, skylines, and inter-visibility would not be affected by the proposed development.

It then states that on the site itself, the proposed development would result in a slight increase in complexity, built infrastructure and perceived human influence. The Councils Landscape Officer disagrees with this view and considers that there would be a major increase in these aspects on the site itself.

Within the local landscape of the 2km study area it considers that the development would represent a minor increase in complexity, built infrastructure and perceived human influence.

The assessment concludes that the landscape value of the area is medium and the overall sensitivity of the local landscape to the proposed development is medium.

The sensitivity to the proposed development of the various site elements and features were also assessed separately. These are: topography, trees and hedgerows, herbaceous vegetation, water bodies, public rights of way & highways.

The effects on the local landscape character and the site elements and features are assessed at the construction phase, at year 1 and at year 5 by considering the sensitivity and the magnitude of change. In EIA only substantial or major impacts are considered to be significant.

The L&VIA concludes the following:

- The effects of the development are reversible, any effects would be short to medium-term and there would be long-term residual beneficial effects through mitigation planting.
- The development could be accommodated within the existing landscape pattern and assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity or existing landscape attributes.
- Significant effects would apply to the public right of way FP16 and the permissive footpaths. Mitigation planting would reduce the effect on the public right of way over time.
- The landform and enclosure of the site make this a location ideal for a solar installation of the type proposed and short-term local effects could be moderately mitigated by the proposed planting measures.

The proposed development would be for up to a 25 year period which is long-term but the solar panels and all infrastructure (except the access track) could be relatively easily removed and any adverse impacts are therefore reversible.

The existing site features would not be affected and the hedgerows would be enhanced through the proposed mitigation scheme.

The development would obviously have a major adverse impact on the landscape character of the site itself which would change from an agricultural character to an almost industrial character.

The development area is extensive (28.6 hectares) but due to the enclosure provided by the woodland to the south, the topography of the area and the abundance of trees and hedgerows in the landscape the Council's Landscape Architect feels that it would have a relatively low impact on the visual character of the wider landscape i.e. the Ravensmoor and Cholmondeley character areas and the ASCV.

The development would not affect the adjacent listed Combermere Park & Garden which is well screened by Brickbank wood, though users of the permissive footpaths within the wood would have filtered views of the development.

There would be an adverse impact on users of the public footpath FP16 which would in the short to medium-term be mitigated by the proposed landscape scheme.



There would be a long-term adverse visual impact on users of the permissive footpaths around the site – but these are only permissive routes.

There are relatively few residential properties in the area and due to distance, orientation, intervening landform and vegetation it is unlikely that any occupiers would have a significant adverse visual impact.

Views from the A530 Whitchurch Road (which is fast and busy) are well screened by roadside hedges and other intervening vegetation including Brickbank wood.

It is difficult to assess whether the solar panels located on the more elevated parts of the site would be discernible in longer distance views from the north but any views would be against a backdrop of Brickbank wood and are unlikely to be prominent.

Reflection and glare would not have an impact in the wider landscape as the panels are said to have no discernible reflection or glare and would be orientated towards Brickbank wood.

There are no objections to the proposed development from a landscape point of view subject to the imposition of planning conditions.

### **Trees and Hedgerows**

The submitted Arboricultural Impact Assessment/Draft Tree Protection Plan states that no trees are proposed to be removed for the development. However in respect of those trees to be retained in and adjacent to the site the submission does not appear to have addressed or demonstrated the impact or otherwise of shading and solar access from existing trees and Brickbank Wood to the south on the long term efficiency of the proposed array. If it is to be assumed that the 20 metre shading zone shown in yellow on the site layout plan takes into account maximum existing and potential shading from trees and this allows for the array to work effectively without the requirement for future management of trees (pruning/topping/lopping/felling etc) then on this element of the application there would be no significant objections to be made from an arboricultural point of view. The lack of any discussion/evidence in the Arboricultural report on this matter leaves a question mark over the future management of trees in this location.

The Arboricultural report has indicated that the existing farm access to the site will be suitable and that facilitation pruning will be required to 2 Oak trees (T1 and T8 ) and trees within W2 and W3. The report states that such pruning will be minimal for ground clearance of construction traffic and lowest branches have been recorded in the Tree Survey at 4 and 5 metres. This should be acceptable provided it accords with the requirements of BS3998:2010. There are no details provided in the report as to the type of Construction vehicles that will use the farm access, so the comment that the existing farm access will be suitable cannot be verified.

As a result there are no tree objections to this development subject to the imposition of planning conditions.

### **Ecology**

Comber Mere Site of Special Scientific Interest (SSSI)

The SSSI is located about 100m from the proposed development at the closest point.

Natural England has provided initial consultation comments on the potential impacts of the proposed development on the features for which the SSSI was designated. As a result of Natural England's comments the applicant has now submitted detailed breeding and wintering bird surveys.

A small number of the bird species for which the adjacent SSSI was designated have been recorded on site during both the winter and summer. These bird species are however associated with habitats on site that that would be retained on site as part of the proposed development.

In this case both Natural England and the Councils Ecologist state that it appears unlikely that the proposed development would have an adverse impact upon Comber Mere SSSI.

#### Newhall Cut Local Wildlife Site (LWS)

Newhall Cut Local Wildlife Site is located on the eastern boundary of the application site. The LWS supports a nationally significant population of white clayed crayfish.

There are unlikely to be any direct impacts on the LWS, however the submitted ES has identified a potential adverse impact occurring if there is any additional run off caused during periods of heavy rain. The Crayfish population present is of national importance consequently if any adverse impact were to occur as a result of run-off etc the impact of this it would be moderate significance. An 8m fenced buffer is proposed adjacent to the LWS.

The Councils Ecologist advises that the potential impacts on Newhall Cut could be further mitigated by means of a condition requiring the submission of a construction environment management plan prior to the commencement of development.

#### Combermere Big Wood LWS

This Local Wildlife Site is located on the western boundary of the application site. The submitted ES has identified a Minor adverse impact resulting from damage to tree roots, installation of security fencing, and the potential impacts of runoff and dust associated with the development.

#### Adjacent Woodlands

The proposed works compound is located immediately adjacent to the woodland located to the south of the application site. A letter from the applicant states that the works compound has been relocated however the submitted site layout plan (revision 8) appears to show the temporary works compound in the same location as previously. This issue could be resolved through the imposition of a planning condition.

#### Ephemeral ponds

A number of small ephemeral ponds occur on site. The submitted ES states that there are 4 in total.

The Councils Ecologist advises that small ephemeral ponds can be of considerable nature conservation value and ponds of this nature are regarded as being a Local Biodiversity priority habitat.

In accordance with the earlier consultation comments from the Councils Ecologist two of the ephemeral ponds have now been shown as being retained as part of the proposed development.

#### Permanent pond

The main pond located in the centre of the site has been identified as a Great Crested Newt breeding pond and will be retained as part of the proposed development. A minor negative impact is anticipated by the submitted ES due to construction related disturbance. The submitted ES proposes a 6m buffer be provided around the retained ponds to mitigate this impact.

The submitted ES states that sheep grazing which may occur on site once the solar arrays are operational may result in a minor negative impact on the pond and proposes the pond be fenced to mitigate this impact.

The Great crested newt report however recommends that the southern aspect of the pond be opened up to allow more light to penetrate the pond and the Councils Ecologist advises that some access by grazing animals to the south of the pond would be beneficial in ensuring that the this aspect of the pond remains open.

#### Hedgerows

It appears that the existing hedgerows on site would be retained as part of the proposed development. The submitted ES however anticipates a minor negative impact during construction phase due to dust, run off and disturbance.

#### Summary of potential impacts on Habitats and Designated Sites

In summary, the ES identifies a number of potential impacts occurring as a result of disturbance and dust etc during the construction phase. It should be born in mind however that these impacts would not be significantly greater than those associated with the existing agricultural operations on the site. These impacts could be mitigated through the implementation of a Construction Environmental Management Plan, outline details of which are included with the ES. The Councils Ecologist advises that if planning consent is granted a condition should be attached requiring the submission and agreement of the Construction Environment Management Plan prior to the commencement of development.

#### Protected and Priority Species

##### Breeding and Wintering Birds

As a result of the recently completed Wintering and Breeding bird surveys the application site has been assessed as being of 'District' value for birds with a number of notable bird species being present many of which are a material consideration for planning . The value of the site reflects the range of habitats present on and adjacent to the site which include; woodland, scrub, hedgerows, marshy grassland and open agricultural fields.

The Councils Ecologist advises that much of the habitat utilised by some of the species of breeding and wintering birds on site would be retained as part of the proposed development.

There would however be a loss of habitat for those species associated with the open agricultural fields. Some bird species associated with this habitat may adapt to the presence of the solar panels, but those specialist open habitat species are likely to be deterred from using the application site once the solar panels were installed. The number of individual birds affected by the development is relatively small and the application site presents only a proportion of the available habitat. The application has been assessed by the submitted ES as having a moderate adverse impact upon these specialist bird species at the district scale.

The submitted bird surveys recommends that the residual adverse impacts of the development be compensated for through either off site habitat enhancement works or by means of a commuted sum (which appears to be the preference of the applicant). The Councils Ecologist advises that in the event that planning consent were granted, this approach would be acceptable to address the residual impacts of the proposed development in the event that planning consent is granted.

#### Great Crested Newts

Great Crested Newts have been recorded at a number of ponds within 250 of the proposed development. The cluster of ponds supports a medium sized meta-population of Great Crested Newts. No Great Crested Newt breeding ponds will be affected by the proposed development and the terrestrial habitat lost as a result of the proposed development is of low value for this species.

The proposed development could however, in the absence of mitigation, result in the killing or injuring of Great Crested Newts during the construction phase.

To mitigate the potential impacts of the proposed development the applicant is proposing to retain the more important areas of terrestrial habitat and the Councils Ecologist advises that the change of land use from the existing arable usage to permanent grassland would lead to an increase in the available terrestrial habitat for amphibians.

Considering the poor quality of the terrestrial habitat offered by the proposed development site, the submitted ES advises that the proposed development could potentially proceed without resulting in a significant risk of great crested newts being killed or injured if the works are completed between 1<sup>st</sup> November and the 28<sup>th</sup> February when Great Crested Newts are likely to be in hibernation outside the application boundary.

If planning consent is granted the Councils Ecologist recommends that a condition be attached limited operations on site to this period. Provided this condition is attached the Councils Ecologist advises that the proposed development would not pose a significant risk of an offence occurring under the Habitat Regulations and the Council would not be required to have regard to the requirements of the regulations during the determination of the application.

#### Common Toad

This UK BAP species which is a material consideration for planning has been recorded during the Great Crested Newt surveys. The Councils Ecologist advises that the potential impacts of the

proposed development upon this species would be adequately addressed through the proposed great crested newt mitigation described above.

#### Other Protected Species

An acceptable survey has been submitted. A main sett has been recorded on site. To mitigate the potential impacts of the development a 25m undeveloped standoff from the sett is proposed by the Environmental Statement and is shown on the submitted revised layout plan. The submitted ES identifies a minor negative impacts anticipated due to minor disturbance, temporary loss of foraging, installation of security fencing etc. The ES states that this impact will be mitigated through the provision of a 200mm gap beneath the security fence which would enable badgers to access the application site for foraging purposes. This approach is acceptable.

The Councils Ecologist advises that if planning consent is granted a condition be attached to ensure that a further badger survey is undertaken prior to the commencement of development. A condition should also be attached requiring the provision of the 200mm gap beneath the security fence.

#### Bats

The Councils Ecologist advises that on balance roosting bats are unlikely to be significantly affected by the proposed development to any greater extent than the existing agricultural usage of the application site.

#### Barn Owls

The Case Officer witnessed a Barn Owl on an adjacent field during the site visit. In this case the Councils Ecologist does not anticipate that the proposed development is likely to have a significant impact upon this species subject to a condition to secure a suitable scheme for breeding and roosting barn owls.

#### Water Voles and Otter

A survey for these species was undertaken in November which is a poor time of year for determining the presence /absence of water voles. These species are unlikely to be directly affected by the proposed development. However there is the potential for minor disturbance of Otters to occur (if the species was present) during the construction phase of the development. The Councils Ecologist advises that this disturbance is unlikely to be significant and would not, in respect of otter, be likely to result in an offence under the Habitat Regulations.

#### Brown Hare and Hedgehog

These two priority species may potentially occur on site. The greatest majority of habitat for these species would be retained upon site and cessation of ploughing may increase the available habitat. The site would not however be accessible to some species due to the need for security fencing resulting in a minor impact on hares. The proposed gap under the security fence, required for badgers, would however assist in mitigating the potential impacts of the development upon these species.

There is very low risk of juvenile hares being killed during the construction phase.

#### Landscape and Ecological Management Plan

A management plan has been submitted in support of the application. This includes a suite of mitigation proposals to be implemented during the construction phase to minimise the potential impacts of the development upon ecological interests and also proposals for the on-going management of the site.

The Councils Ecologist advises that the implementation of these measures, together with the required Construction Environment Management Plan would mitigate the majority of potential adverse impacts of the development and potentially lead to an overall gain for nature conservation.

#### **Flood Risk/Drainage**

In this case the area to be developed site is located within Flood Zone 1, as identified by the Environment Agency Flood Maps. This defines the site as having less than 1 in 1000 years annual probability of flooding in any 1 year.

The submitted Flood Risk Assessment concludes that *'the proposed change of use will provide a real contribution to soil improvement and biodiversity, and a significant reduction in runoff from the site, bringing significant overall benefits to the environment and renewable energy. The site will be safe and durable and is not at risk of flooding'*.

The Environment Agency has considered the Flood Risk Assessment and has raised no objection subject to the imposition of a planning condition.

#### **Archaeology**

The application is supported by a Cultural Heritage study which has been prepared by Cotswold Archaeology on behalf of the applicants.

The report considers data held in the Cheshire Historic Environment Record and also contains the results of an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that in view of the lack of designated and undesignated Heritage Assets from within the application area, the fact that the study has not highlighted any new areas of archaeological potential, and the limited below-ground impact of the development further archaeological mitigation will not be required.

The Councils Archaeologist has stated that he had initially thought that in view of the size of the site and the disturbance that would be caused by the construction process, this final conclusion might be open to question. However having studied the information in more detail with particular reference to the *Site Layout* plan and the *Section* plan the Councils Archaeologist concludes that below-ground disturbance will be limited and restricted to the trenches for the cables, the service track, the footprints of the ancillary buildings, and a number of other installations. These represent a fairly small percentage of the site's total area and the Councils Archaeologist does not think that further archaeological mitigation would be appropriate in this instance.

## Agricultural Land Quality

The Combermere Abbey Estate extends to 425 hectares of which 220 hectares are farmland with the majority down to pasture with small areas of arable use. The Environmental Statement identifies that the site was in arable use until the winter of 2013/14 and during Spring 2014 the land was reseeded as pasture for mixed grazing and wildlife conservation.

The Environmental Statement identifies that the site will not be available for livestock or grass conservation during the construction period but will remain capable of continued agricultural production, being grazed by sheep or for the rearing of free range turkeys or hens during the operational phase.

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by 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
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The Planning Practice Guidance states that Local Planning Authorities should consider '*where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

The guidance references a Ministerial speech of April 2013 by the Rt Hon Gregory Barker MP which includes the *statements "Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more. But not at any cost... not in any place...."* And *"Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...."*

The environmental Statement submitted in support of this application states that the development would utilise the following areas of land;

- Grade 2 – 9.2 hectares – 32% of total site area
- Grade 3a – 8.6 hectares – 30% of total site area
- Grade 3b – 10 hectares – 35% of total site area
- Non agricultural/other – 0.8 hectares – 3% of total site area

Therefore the proposed development would result in the loss of 17.8 hectares of best and most versatile agricultural land for the 25 year lifetime of the development.

The issue of loss of BMV was a key issue at the three appeals listed above where the solar panels were proposed for 25 years resulting in the loss of BMV. As part of two appeals (Swale District Council and Bebergh Borough Council) the Inspector concluded that the word *necessary* requires

a developer to provide a sequential test to support their application, which demonstrates that there are no more suitable alternative sites (brownfield and then greenfield) within the vicinity. The Inspectors also concluded that the search area should not be confined by district boundaries.

In respect of both appeals, the Inspector was very dismissive of the lack of evidence provided by the developer to justify the use of a greenfield as opposed to a brown field site and agricultural land of an inferior quality. The Inspectors set a very high bar in respect of what was needed to demonstrate that the proposal was *necessary*.

In this case the applicant has not undertaken any search for non-agricultural land which could include Cheshire East's or Shropshire's industrial areas, including distribution and warehousing buildings or the attached to the roofs of the large agricultural buildings which are located throughout the two Boroughs. This approach is far from robust and is completely inadequate. Consequently, the applicant has not demonstrated that the use of agricultural land is necessary.

Even if the use of agricultural land were considered to be necessary, the Applicant has not demonstrated that poorer agricultural land has been chosen in preference to higher quality land.

The application statement that the land could still be used for agriculture (grazed by sheep or for use by free range turkeys or hens) is not accepted. The use by hens or turkeys would require agricultural buildings (for welfare and protection from predators and unpredictable events e.g. weather, low flying aircraft) which are not present on site and such uses may require close supervision with provision of an agricultural workers dwelling. The use of land for sheep grazing was also discounted as part of the Swale District Council decision where the Inspector found that *'sheep grazing which is proposed for the site could take place on almost any agricultural land, including potentially on a non BMV site also used for solar arrays'*

### **Aircraft Safety**

At the time of writing this report a consultation response was awaited from the Civil Aviation Authority. However Manchester Airport had raised no objection to the development.

### **Impact upon the Public Right of Way (PROW)**

Public Right of Way (Newhall FP16) runs across part of the eastern boundary of the site. The proposed development would not encroach onto the PROW or obstruct any users of the PROW. No objection has been raised on these grounds from the Councils PROW Officer.

In this case the main impact would be the visual impact for users of the PROW which is considered within the landscape section above.

### **Impact upon the Hazardous Installation**

There is an underground pipeline which runs through the application site which is classed as a hazardous installation. In this case the proposed development would not be located above the pipeline and the HSE does not advise, on safety grounds, against the granting of planning permission in this case.



As a result the proposed development is considered to be acceptable and complies with Policy BE.21 of the Crewe and Nantwich Replacement Local Plan.

## **CONCLUSIONS**

The proposed development would provide a source of renewable energy to power 3000 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

It is not considered that the development would have a detrimental impact upon the pipeline which crosses the site.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The impact upon the built heritage including the Historic Park and Garden and the archaeology of the site is considered to be acceptable.

However in this case the proposed development would result in the loss of 17.8 hectares of best and most versatile agricultural land for the 25 year lifetime of the development. It is considered that this loss would outweigh the benefits of the scheme and as such the development is recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE for the following reason:**

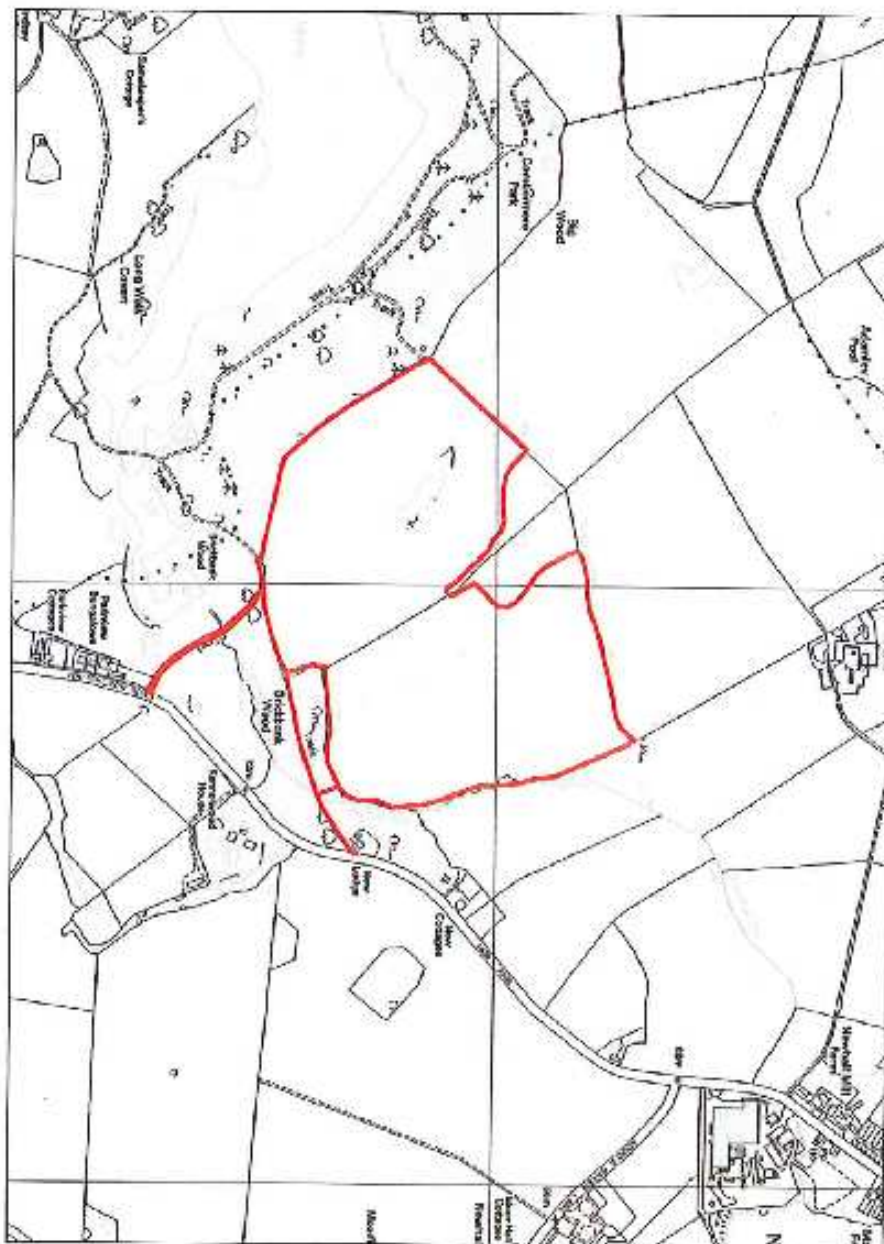
- 1. The proposal would result in loss of the best and most versatile agricultural land and there is no evidence that the development could not utilise brownfield land or agricultural land of an inferior quality. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011, Paragraph 112 of the National Planning Policy Framework and guidance contained within paragraph 13 of the Renewable and Low Carbon Energy Section of the Planning Practice Guidance.**

**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 her absence the Vice Chair) of the Strategic Planning Board and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

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

**Heads of Terms**

- Provision of an Ecology Contribution (Sum TBC) to mitigate the impact upon wintering and breeding birds**



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Combermere Abbey,  
Whitchurch

Site Location Plan

(MOC-2000-23)

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Application No: 14/2991W

Location: ANT SKIP HIRE, TURF LANE, MACCLESFIELD

Proposal: Change of use to allow the transfer of waste from the applicants skip hire business.

Applicant: Mr Ant Henshaw, ANT Skip Hire

Expiry Date: 21-Oct-2014

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

- Principle of the Development
- Highways
- Residential Amenity
- Visual Amenity
- Design

**REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board, as the scheme involves major waste application.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises an area of land 0.17 hectares in size and is situated at the southern end of Turf Lane, Macclesfield. It currently operates as a car breakers yard and skip hire business. The surrounding area is a mix of industrial premises including two neighbouring waste and scrap metal businesses. The access road from Moss Lane is a narrow track in a poor state of repair.

The site is designated as being within the settlement boundary of Macclesfield and land identified for the South Macclesfield Development Area in both the adopted local plan and the emerging local plan strategy. The site is also within preferred site WM13 – Lyme Green, Macclesfield in the Cheshire Replacement Waste Local Plan.

**DETAILS OF PROPOSAL**

The application seeks full planning permission for a waste transfer station. The proposal would comprise the sorting of skip waste by hand and machine into various recyclable

materials, namely cardboard, timber, plastics hardcore, soils and metals. The materials would then be sent off site to facilities that re-process them into raw materials.

The amount of waste anticipated to be received at the site is 5,000 tonnes per annum with vehicle movements of 50 per day (25 in 25 out).

Concrete bays would be constructed within the site for the sorting and short term storage of the waste and a new perimeter fence would be erected.

## **RELEVANT HISTORY**

80036P      1995   Certificate of lawful existing use as car breakers yard

## **POLICIES**

### **Local Plan Policy**

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MBLP).

The relevant development policies are:

#### ***Cheshire Replacement Waste Local Plan (CRWLP)***

- Policy 1:      Sustainable Waste Management
- Policy 2:      The Need for Waste Management Facilities
- Policy 4:      Preferred Sites for Waste Management Facilities
- Policy 5:      Other Sites for Waste Management Facilities
- Policy 12:     Impact of Development Proposals
- Policy 14:     Landscape
- Policy 17:     Natural Environment
- Policy 18:     Water Resource Protection and Flood Risk
- Policy 23:     Noise
- Policy 24:     Air Pollution; Air Emissions Including Dust
- Policy 25:     Litter
- Policy 26:     Odour
- Policy 27:     Sustainable Transportation of Waste
- Policy 28:     Highways
- Policy 29:     Hours of Operation
- Policy 32:     Reclamation
- Policy 36:     Design

#### ***Macclesfield Borough Council Local Plan (2004)(MBLP)***

- BE1:   Design Guidance
- T6 and T10: Highway Improvement and Traffic Management
- DC1: New Build
- DC3:   Amenity
- DC6:   Circulation and Access
- DC13 and DC14: Noise
- DC16: Provision of Facilities

DC17, DC19, DC20: Water Resources  
E6: New Employment Land Allocations

***National Planning Policy and Guidance***

National Planning Policy Framework (2012) (NPPF)

PPS 10: Planning for Sustainable Waste Management (PPS10)

**Other Material Considerations**

The revised EU Waste Framework Directive 2008 (rWFD)

Government Review of Waste Policy in England 2011 (WPR)

Waste Management Plan for England 2013 (WMP)

Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020

Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

Consultation on updated Planning Policy Statement 10

**Cheshire East Local Plan Strategy – Submission Version (CELPS)**

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.

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 11 Sustainable Management of Waste

SE 12 Pollution, Land Contamination and Land Instability

PG 1 Overall Development Strategy

EG 1 Economic Prosperity

EG 3 Existing and Allocated Employment Sites

**OBSERVATIONS OF CONSULTEES**

**Environmental Health:**

No objection subject to conditions relating to hours of construction, hours of operation and details of external lighting.

**Environment Agency:**

No objections but advise that the applicant will need to apply to them for a new permit.

**Highways:**

Recommends refusal of the application on the grounds of lack of information and severe highway impact.

**VIEWS OF SUTTON PARISH COUNCIL**

Do not support this application.

**OTHER REPRESENTATIONS**

At the time of report writing approximately 6 representations have been received including ones from Cllr Druce and the Civic Society. These express concerns about the following issues:

- Pollution
- Noise
- Odour
- Litter
- Dust
- Highway safety
- Vibration from heavy vehicles using the access road
- The area is already blighted by a glut of recycling and waste management facilities
- Unsuitable access road
- Dangerous access to Moss Lane

**Engine of the North:**

Object to the application on the grounds of substandard access, impact on residential amenity and conflict with the emerging proposals in the South Macclesfield Development Area.

**OFFICER APPRAISAL**

**Principle of the Development**

The proposal is for alterations at the site and for its operation as a waste transfer station. In terms of local plan policy, the site is within preferred site WM13 – Lyme Green in the Cheshire Replacement Waste Local Plan (CWRLP), where waste transfer stations are identified as potential uses and therefore the proposal would be in compliance with Policy 4 of the CRWLP.

It is acknowledged that the site lies within the South Macclesfield Development Area (SMDA), which promotes a range of uses including residential, open space, leisure and retail. However this is an existing industrial site and it is considered that allowing its use as a waste transfer station, would not jeopardise the future of the SMDA as it does not involve any increase in the size of the site.



## **Highways**

This application does not offer a Transport Statement and the comments in the Design and Access statement regarding access issues are very limited and vague in detail. It is stated that up to 25 trips will visit the site for 5.5 days per week however trips are usually stated as an even number representing one in and one out per vehicle.

There is doubt therefore that this means 'trips' and probably means vehicles which would double the number of trips. This would elevate the number of visiting vehicles to approximately 140 per week and with no designation on the vehicles it must be taken that they will be heavy commercial given the proposed facility.

The junction of the unadopted track called Turf Lane with Moss Lane does not meet any recognised standard and turning movements are severely restricted. In addition the junction cannot support opposed turning movements of any two vehicles and this will impact on the safe use of Moss Lane if opposed HGV's are reversing and manoeuvring within Moss Lane to negotiate this sub-standard junction mouth.

Due to this lack of information and poor access the Strategic Highways Manager has stated that he cannot support this application. Given the apparent impact and lack of a Transport Statement it is considered that this proposal will be likely to have a severe impact on Moss Lane, both in volume and turning movements, which will be detrimental to highway safety.

The Strategic Highways Manager has therefore recommended refusal of this development due to severe highway impact contrary to Policy B1 (7) of the Macclesfield Borough Local Plan.

## **Residential Amenity**

The site is an existing car breaking and skip hire business not immediately adjacent to residential properties. However, the access road does pass in close proximity to dwellings adjacent to the junction with Moss Lane.

The proposed development is for increased waste handling operations at the site. The nearest sensitive receptor to the site is at the northern end of Turf Lane which is located approximately 240 metres from the site. This residential property, however, is approximately 7 metres from the site access road.

A noise assessment has been submitted with the planning application. It considers the existing noise levels and estimates the potential impacts from the proposed operations and associated vehicle movements. The noise from waste operations on the site are not predicted to have a noticeable impact at the nearest sensitive receptor due to the distance involved although the predictions take into account the sound attenuation due to an effective acoustic barrier at the site. The report refers to the deteriorated state of repair of the existing site fence and refers to the likelihood of an improved fence. It is recommended that the design, installation and maintenance of an effective site barrier is required as a planning condition should planning permission be granted.

The report states that there is a proposed increase in the number of vehicles accessing the site of ten skip vehicle movements and two 32 tonne HGV movements. It is assumed here that a 'movement' means one vehicle in and out. Therefore there would be a total of 50 additional vehicles passing the most sensitive receptor. This additional traffic is unlikely to have a noticeable increase on long term noise statistics nor the maximum noise level (Lmax) for any vehicle pass on existing levels. However, the Lmax for each vehicle movement is relatively high and the number of high noise episodes would increase accordingly. It is considered that this would cause an increase in disturbance at the residential property on Turf Lane. Site observations are that the noise from passing vehicles is exacerbated by the poor state of the road surface on Turf Lane. This causes impact noises and the re-suspension of dust particles and this could be considered as intrusive to residents. An increase in heavy vehicles on this road is also likely to decrease the quality of the road surface. Consideration should also be given to the residential areas near to Moss Lane which is already used by HGVs serving existing industrial sites.

Given the concerns relating to traffic impacts it is considered that planning conditions are attached to any planning permission should consent be granted. These should relate to the repair and maintenance of the road surface on Turf Lane, the number of vehicles accessing the site and the hours of operation/hours of vehicle access.

### **Visual Amenity**

The actual site of the facility is in an existing industrial area and it is considered that the use as a waste transfer station and the sorting bays would not have any significant additional adverse impact on the visual amenity in the area. The development is therefore considered to be in compliance with Policy NR3 of the Macclesfield Borough Local Plan.

### **Design**

The alterations at the site comprise the provision of concrete waste bays and concrete and steel panels on the boundaries. The waste bays would be 3m in height and the replacement fencing 2.5m in height. It is considered that these would appear appropriate in their context and the replacement fencing would represent an improvement to the appearance of the site. The proposal is therefore considered to be acceptable in design terms and in compliance with Policy BE1 of the Macclesfield Borough Local Plan.

### **CONCLUSIONS**

In conclusion, the proposal is acceptable in design and visual amenity terms. Impacts on residential amenity could be controlled and mitigated by the imposition of conditions.

The development would however, result in severe harm to highway safety due to the increase of vehicle movements on a sub-standard access road and sub-standard junction with Moss Lane.

Therefore, the application is recommended for refusal.

### **RECOMMENDATION**

**Refuse for the following reason:**

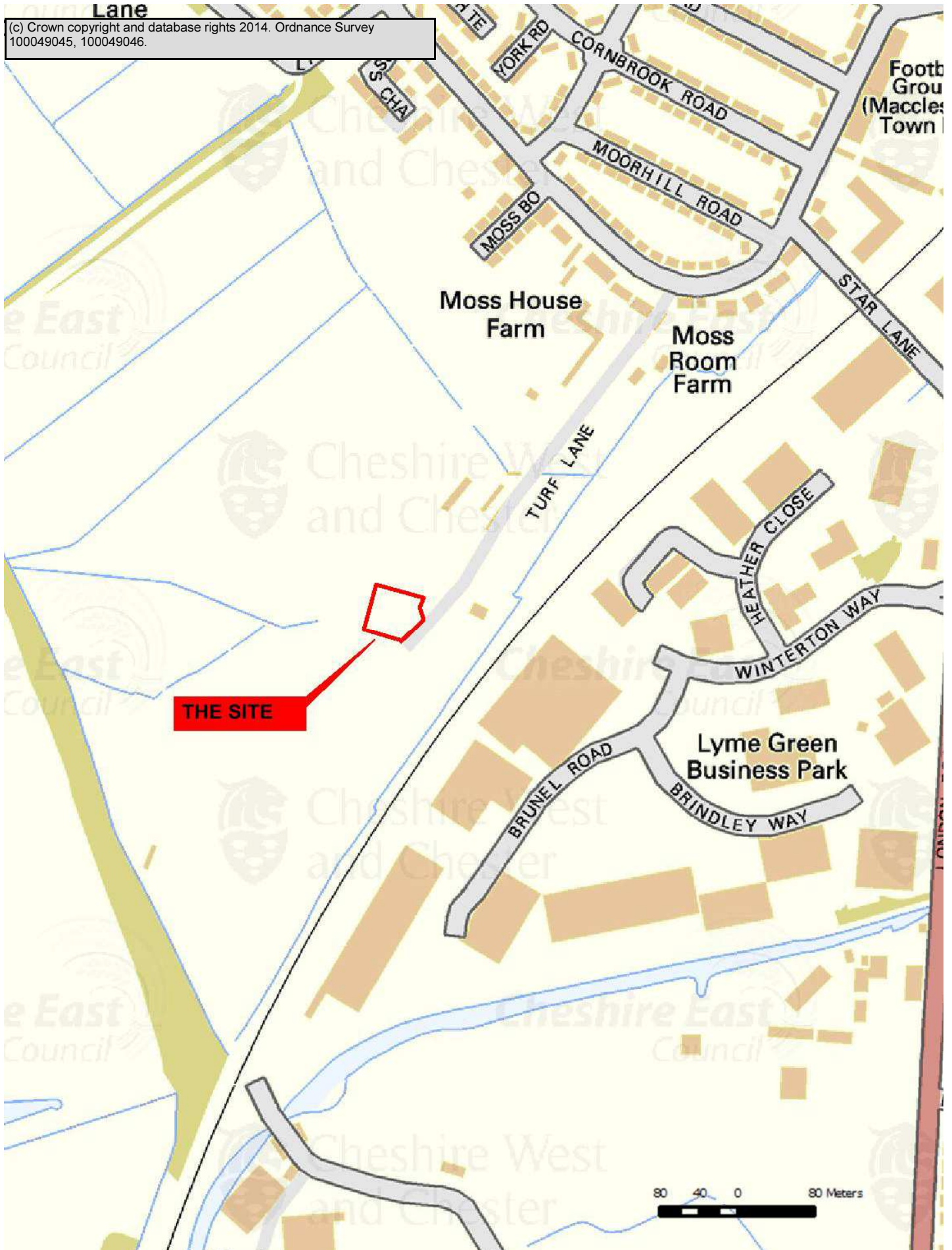
- 1. The proposed development would be contrary to the interests of highway safety since it would result in an intensification of the use of Turf Lane and the junction of Turf Lane and Moss Lane which are both sub-standard, contrary to the requirements of Policy DC3 (7) of the Macclesfield Borough Local Plan and Policy SE 12 of the Cheshire East Local Plan Strategy - Submission Version..**

Application for Full Planning

RECOMMENDATION:

1. R12HW            - Use of sub-standard access
2. L  
Plan

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Application No: 14/1326N

Location: Land to the north of Wistaston Green Road, Wistaston

Proposal: Outline planning permission for up to 150 residential dwellings to include access. All other matters reserved for future consideration Subject to an Environmental Impact Assessment

Applicant: Harlequin (Wistaston) Ltd

Expiry Date: 26-Jun-2014

#### **SUMMARY RECOMMENDATION**

#### **REFUSE**

#### **MAIN ISSUES**

##### **Impact of the development on:-**

**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**

**Education**

**Flood Risk and Drainage**

**The Planning Balance**

#### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a significant major development which is a departure to the Crewe and Nantwich Borough Local Plan.

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

The application site covers an area of approximately 7.6 ha and is located on the western side of Crewe at Wistaston approximately 3.2km from the town centre. It lies to the north of Wistaston Green Road, while the Nantwich Road A530 is located along the western boundary of the application site. Wistaston brook forms the northern boundary.

The proposed development is formed by two separate pockets of development, one to the north and one further south, with 'Little West End' situated between the two parcels of the application site. Each of the two areas of development has a separate access onto Wistaston Green Road. The smaller northern part of the site is under cultivation and the larger southern parcel is uncultivated (indicated to accommodate up to 35 units in the indicative layout)

Levels drop significantly in the northern direction away from the Brook (circa 7m in the smaller part of the site and 8m in the larger parcel).

The lower part of the valley is within the EA flood zone and Wistaston Brook is classified as a main river. Many of the trees on both sides of the brook are protected by TPO (1985 Old Gorse Covert).

A number of services cross the site – a pylon line, low voltage cables on poles and a sewer. A grade II\* listed building – Magpie Manor lies to the south of the site adjacent to the 90 degree bend in Wistaston Green Road.

### **DETAILS OF PROPOSAL**

This is an outline application with all matters reserved except for access for up to 150 dwellings within 2 separate parcels of land interspersed by a dwelling known as Little West End.

An Illustrative Parameters Plan has been submitted in support of the application showing 2 new accesses onto Wistaston Green Road, one linear area of POS under the route of the pylon that traverses the central part of the site and a smaller parcel of POS to the eastern edge of the site, habitat areas and pedestrian and cycle links

The density is indicated at circa 20 dwellings per hectare in a mix of types of dwellings and a block of flats of sizes ranging from 2-5 bedrooms. 30% affordable housing provision is proposed with a mix to be agreed. The scheme as described allows for a mix of 2 and 3 storey properties.

### **RELEVANT HISTORY**

None of relevance

### **POLICIES**

#### **National Policy**

National Planning Policy Framework

#### **Local Plan policy**

NE.2 (Open countryside)

NE.4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

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)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
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  
Cheshire East Development Strategy  
Cheshire East SHLAA

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG3 – Green Belt  
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

### **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** Raises no objection subject to conditions to require the provision of signal works to the junction of the Rising Sun.

**Environment Agency:** No objection subject to conditions related to ecology, compliance with the submitted FRA and the provision of an 8m wide buffer to Wistaston Brook

**Environmental Health:** Conditions suggested in relation to construction management plan, hours of operation, external lighting, noise mitigation, travel plan, electrical vehicle infrastructure and dust control. An informative is suggested in relation to contaminated land.

**Archaeology :** No objection subject to condition

**Education:** No objection subject to financial contribution towards primary education (27 x 11919 x 0.91 = £292,850)

**Sustrans:** Offer the following comments if permission is to be granted

1) The site lies immediately adjacent to the Crewe-Nantwich greenway. We would like to see in the layout of the estates a linear greenway for pedestrians/cyclists to the same standard as the Crewe - Nantwich greenway from the Wistaston Green Road junction to the easternmost end of the site at the Wistaston Brook bridge/car park.

2) The design of the estate should restrict vehicle speeds to less than 20mph.

3) The design of any smaller properties should include storage areas for residents' buggies/bikes.

4) We would like to see a scheme of this size make a contribution to further improvements of the Crewe - Nantwich greenway such as the Alvaston Hall crossing.

**Greenspace Manager** - No objection subject to the provision of a LEAP of 5 pieces of equipment and a private management agreement for future maintenance.

**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

**PROW Countryside Access Team :** Proposal does not affect PROW. It should be noted that, considering the distances to be travelled to reach key destinations, travel by bike would be a mode of relative high importance and therefore routes should be design to accommodate both pedestrians and cyclists. A direct link on to the Connect2 Crewe to Nantwich Greenway would offer residents of the proposed northern site direct access to this route for pedestrian and cyclist access towards Crewe and Nantwich.

The legal status of new routes and bridge proposed within the development site would require agreement with the Council as Highway Authority and it would be anticipated that future maintenance be undertaken by the management company of the public open space of the site.

## **VIEWS OF THE PARISH COUNCIL**

**Wistaston Parish Council:** Objection on following grounds –

- The site is located within the Green Belt shown on Figure 8.2 of the emerging Local Plan



- It is on site NPS11 of Cheshire East Council's Local Plan Strategy
- Non-preferred sites justification paper March 2014.
- The proposed site is on good quality agricultural land.
- It will erode the last Green Belt remaining around Wistaston and create urban sprawl with Crewe.
- The sites access and egress points are within 50m of the A530
- junction of Middlewich Road / Wistaston Green Road and between two bands which obscure the vision of drivers joining Wistaston Green Road.
- Wistaston Green Road has at its northern end a junction with the A530, the main road between Nantwich and Middlewich. This is a hazardous junction with many accidents, some of which have involved fatalities.
- Wistaston Green Road is a narrow lane. To the south of the proposed development there is a bad bend leading down to a single lane bridge where drivers have to give way and then the road is obstructed by parked vehicles along its length into Church Lane
- The infrastructure in Wistaston and its surrounding network of roads already struggle to manage existing traffic

## OTHER REPRESENTATIONS

161 Letters of objection have been received from residents and a local group called Hands off Wistaston (HOW) raising the following points:

### **Principle of development**

Loss of Green Gap

Loss of open countryside

Housing would not blend in with the existing residential environment

There is a greater than 5 year housing land supply

The proposal is contrary to the Local Plan

The proposal is contrary to the emerging Plan

The proposal would harm the rural character of the site

Adverse impact on landscape character and appearance

The proposal is contrary to the NPPF

### **Highways**

Increased traffic congestion

Impact upon highway safety.

Future residents would be dependent on the car

Pedestrian safety

### **Green Issues**

Loss of green land

Increased flood risk

Impact upon wildlife  
Impact upon protected species,  
Impact upon local ecology badgers, bats and newts, have been evidenced in and adjacent to the site in question  
Loss of trees/hedgerows  
Loss of agricultural land

#### **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 and from new dwellings  
Increased noise caused by vehicular movements from the site  
Adverse visual impact The elevated position of the proposed site; and its relationship to the highly regarded and well used public amenity open space along the Joey the Swan to Queens Park footpath

The full content of the objections is available to view on the Councils Website.

#### **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

An Environmental Impact Assessment incorporating the following -

Design and Access Statement  
Planning Statement  
Statement of Community Involvement  
Air Quality Assessment  
Transport Statement including supplementary Technical Note  
Flood Risk and drainage Assessment  
Ecology Survey and Assessment  
Noise Assessment  
Energy Report  
Utilities report  
Ground Investigations report

These documents are available to view on the application file.

#### **OFFICER APPRAISAL**

##### **Main Issues**

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 and the impact upon the green gap, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Principle of Development**

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

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.

### **Green Gap**

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

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

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

In allowing a recent Appeal relating to a site at and adjoining Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

Given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. However, it is also respectfully considered that the Inspector, Mr Baird, was mistaken. Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy, rather Green Gaps have their own specific function, albeit that it overlaps in terms of the protection of the Countryside for its own sake (as well as separating settlements).

The Plans which included the adopted Green Gaps were formulated by first considering appropriate gaps between settlements that were required to be maintained, that is, in circumstances when these areas of land are required to achieve this important planning aim. Thereafter, Open Countryside was designated on land outside settlements, which did not have the Green Gap function. The logic of the Rope Lane Inspector would require these events to be reversed (in other words, Open Countryside designation first, then Green Gap). That would not make sense since it is the Green Gap that has the fundamental strategic planning function to avoid settlements merging.

This stance is supported by Ousley J in the Barwood case (CD 58) who draws a distinction between general open countryside policy and policies which protect gaps between settlements. Paragraph 14 of the Judgement states: Such very general [open countryside] policies contrast with policies designed to protect specific areas or features, such as gaps between settlements, the particular character of village or a specific landscape designation, all of which could sensibly exist regardless of the distribution and location of housing or other development.

This proposed development will clearly erode the physical gap between Wistaston and Nantwich and the proposal would therefore clearly be contrary to Policy NE.4. It will also adversely affect the visual character of the landscape. (The impact on the landscape is discussed in greater detail below.) The judgement of Lindblom J. in the case of Bloor, established that such development is not sustainable. He states at paragraph 179 of the Judgement:

*“On any sensible view, if the development would harm the Green Wedge by damaging it’s character and appearance or its function in separating the villages of Groby and Ratby, or by*

*spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraph 18 to 219 of the NPPF.”*

The case of Davis held that paragraph 14 of the NPPF only applies to a scheme which has been found to be sustainable development and it is therefore concluded that, regardless of the housing land supply in evidence, at any particular time, the presumption in favour of sustainable development cannot be applied to this scheme.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council’s housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

Therefore, the proposal remains contrary to Open Countryside and Green Gap 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 local topography, vegetation and agricultural character, with pastoral and arable land use means that this is an integral part of the wider open countryside. But it also serves to physically separate and prevents the physical merging of Wistaston and Wistaston Green, maintaining them as distinct settlements. This is not an urban fringe or derelict landscape in need of enhancement, but a functioning agricultural landscape, and the very features that give this area its attractive character, its topography, hedgerows, mature oak trees, vegetation and Wistaston Brook, are the very things that contrast and separate it so clearly from Wistaston to the south and east and Wistaston Green to the north.

Located towards the edge of the Cheshire Plain the site displays many of the characteristics of the Cheshire Plain, and the Cheshire Landscape Assessment characterises the wider area as being a predominantly flat, large scale landscape with relatively few hedgerow trees or dominant hedgerows. This combines with the low woodland cover typical of this landscape type, to create an open landscape with long views in all directions to a distant skyline. At this location this is a landscape of contrasts with many variations, and in places the relatively dense settlement pattern is very obvious, as well as the areas of woodland associated with Wistaston Brook and the blocks of woodland to the north of Wistaston Brook, which follows the north eastern boundary of the application area. Generally the southern part of the site is influenced by its close proximity to Wistaston.

A Landscape and Visual Impact Assessment (LVIA) has been submitted which indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 17 East lowland Plain , specifically ELP5

Wimboldsley Character Area. The assessment identifies that the can be properly described as open countryside.

The LVIA notes that the topography of the site falls from the western, Wistaston Road boundary where it is up to approximately AOD 43.0m levels in the region of AOD 32m along Wistaston Brook, which forms the northern boundary. The Crewe- Nantwich Greenway follows a route along the northern bank of Wistaston Brook, before a section of the Greenway crosses over the brook along the very northern part of the application site. The site consists of a number of fields characterised by the local topography, hedgerows and trees, especially along Wistaston Brook.

The assessment identifies that the site is designated in the Crewe and Nantwich Borough Council Replacement Local Plan 2011 as NE4, Green Gap. The assessment also indicates that a number of trees and groups of trees on and adjacent to the northern boundary of the site have tree Preservation Orders (TPOs).

The LVIA notes that the potential effects have been based on the proposals as shown on the submitted Illustrative Masterplan (Drwg: 13-089-MP01 Rev B). This is an illustrative Masterplan and the LVIA notes that there will be adverse impacts in both visual and character terms as the current character of this land is arable fields (5.1.9); the LVIA indicates that loss of the landscape resource will have a minor adverse impact.

The LVIA notes that there will be a moderate adverse effect on the visual amenity of the residential area to the north, a moderate adverse effect on the footpath adjacent to the northern boundary, a major adverse visual effect on the public footpath directly adjacent to the western boundary, a major adverse impact on users of Wistaston Green Road and Middlewich Road, at the junction to the south west boundary, a moderate adverse effect on users of Wistaston Road to the south east boundary as well as a major adverse effect to users of users to the car park and footpaths to the east.

The LVIA identifies that the predicted visual impacts at completion would be minor adverse for the residential areas to the north, a minor adverse effect on the footpath adjacent to the northern boundary. The LVIA also notes that what will be a major adverse effect on footpath adjacent to the west boundary, which would reduce to moderate with mitigation, and after 5 to 7 years; moderate adverse for users of Wistaston Green and Middlewich Road, minor adverse for users of the Wistaston Green Road to the immediate south and south east of the site, moderate adverse for users of the car park and public footpaths to the east. Paragraph 5.2.14 indicates that the overall visual impact of the proposed development after mitigation would be negligible.

Character effects are dealt with separately from Landscape effects and the assessment notes that the character of the surrounding land is residential with rural countryside in the distance, although in reality the assessment has already acknowledged that the application site is currently agricultural land also. The assessment indicates that there would be a moderate adverse effect without mitigation.

The Council's Landscape Architect agrees with the LVIA that the immediate character of this area will change from an open landscape to residential land use (5.2.10). The LVIA notes that there would be a minor adverse landscape effect, the Landscape Architect considers the that

the effect will be more adverse than a minor one. The LVIA also notes that there will be an adverse residual visual effect on the receptors identified. It is considered that it would be more adverse for most of the receptors identified.

The proposals will clearly result in an adverse landscape impact as well as an adverse visual impact.; It is considered that this would be more adverse than the LVIA identifies. Policy NE4 states that within Green Gaps approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would, 'Adversely affect the visual character of the landscape', since the proposals will have an adverse impact, they are contrary to Policy NE4 of the Crewe and Nantwich replacement local Plan 2011.

## **Sustainable Development**

Paragraph 34 of the NPPF states 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. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

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

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."

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

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

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



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

The sustainability checklist distances have been measured from a specific point to the periphery of parcel 2. In this case, in that specific location, the development meets the standards in the following areas:

- local meeting place / community centre – The Rising Sun, Middlewich Rd CW2 8SB 338m
- public house- The Rising Sun, Middlewich Rd CW2 8SB 338m
- bustop - The Rising Sun, Middlewich Rd CW2 8SB 338m
- bank or atm - The Rising Sun, Middlewich Rd CW2 8SB 338m
- Public Right of Way - Wistaston FP4 accessed off Wistaston Green Rd
- Amenity Open Space – on site as part of development and allotments Wistaston Green Rd 338m
- Playground/amenity area – Joey the Swan and park off Wistaston Green Rd -338m
- Childrens playspace – on site (would be required by condition if permission were granted)

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:

- railway station – Crewe 3920m
- child care facility Wistaston Green Primary School 1416m
- leisure facilities Wistaston memorial hall1332m
- medical facilities The Eagle Bridge Health and Wellbeing Centre Dunwood Way – 3485m
- Primary School – Wistaston Green Primary School 1416m
- Secondary school St Thomas More CW2 8AE
- Pharmacy Rowlands Pharmacy 7 Kings Dr CW2 8HY
- Post box 36 Windermere Rd CW2 8RJ
- Supermarket – Morrisons CW1 3AW

Clearly, existing residents in the area would have to travel the same distance to most everyday services.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainability in the context of the three strands of sustainability referred to in the NPPF:

At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and non members. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'.

At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

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:

**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. 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.

No energy report has been submitted with the application, however, it is accepted that energy efficiency and carbon reduction measures could be required as part of any scheme. No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

### **Affordable Housing**

The Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013 identified a preferred tenure split of 65% social/affordable rented and 35% intermediate tenure affordable dwellings across Cheshire East. The SHMA Update 2013 identified a requirement for 217 new affordable homes each year between 2013/14 – 17/18 in the Crewe sub-area, this is made up of a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4+ bed and 12 x 1 bed older persons dwellings & 20 2 bed older persons dwellings each year. (There is an oversupply of 2 bed general needs accommodation).

In addition to this information taken from the SHMA, Cheshire Homechoice is used as the Choice Based Lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 293 active applicants who have selected Wistaston or Wistaston Green as their first choice, these applicants require – 63 x1 bed, 132 x 2 bed, 85 x 3 bed, 12 x 4 bed and 1 x 5 bed properties.

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 45 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (29 units) and 35% intermediate tenure (16

units), the affordable housing should be provided on site. The applicant has agreed to this tenure split. This should form part of a S106 Legal Agreement to comply with the IPS.

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 not be segregated in discrete or peripheral areas.

### **Highways Implications**

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

*'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;*

*the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*

*safe and suitable access to the site can be achieved for all people;*

*and*

*improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The development is split into two areas, the western end of the site has 35 units and the eastern section has 115 units. Each of the development areas will have their own individual access from Wistaston Green Road.

There are no highway issues raised concerning the priority junction arrangements for these access points and the visibility splays proposed at each access point are sufficient for the speed limit of 40mph. As this is an outline application, the indicative access design for each of the land parcels is capable of serving the number of units shown on the masterplan.

The applicant has used the Trics database to determine the likely traffic generation of the site onto the road network and this has produced figures of 88 am and 95 pm trips. Due the high number of recent residential applications CEC has undertaken its own surveys of residential

sites to determine local trip rates and the results of these would increase the generation to 114 am trips and 110 pm trips.

The development traffic from the site has been split between three routes on the road network, 50% using Middlewich Road, 28% on Nantwich Road and 22% on Wistaston Green Road.

With regard to the junction assessments that have been undertaken by the applicant, the two access junctions have been assessed and there are no capacity problems associated with this access points. I would not have expected any capacity issues with these two access points. The existing priority junction with the A530 Middlewich Road/Wistaston Green Road close to the Rising Sun PH has been modelled and the results indicate that the morning peak hour is a problem with the junction operating over capacity and the RFC figures are likely to be slightly higher should the CEC traffic generation figures be used.

Considering the wider impact of this site on the road network, there are existing extensive queues on the A530 Middlewich Road towards the Alvaston roundabout in both peaks and this development would only add to these congestion issues. It is the view of the applicant that the development traffic would only have a small percentage impact on the junction being approximately 30 trips in the peaks travelling through the roundabout, the SHM would accept this view if the junction did not have such a severe congestion problem as further development just increases the delay and congestion through the junction.

On this basis the SHM originally objected to this application. In the light of these objections, the Applicant has provided an update to the submitted transport statement and has accepted that it will be necessary to undertake signal improvements at the Rising Sun junction as a direct result of the application.

The Strategic Highways Manager has considered this updated information and proposed highways works and has concluded that he can no longer object to this application.

The site can be accessed by non-car modes and there is a reasonable public transport service close to the site.

### **Amenity**

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking. This would be a detailed matter that could be dealt with at reserved matters stage

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The Environmental Health Officer (Air Quality) feels it 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 home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

### **Contaminated Land**

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The Environmental Health Officer has requested a Phase 1 Contamination Assessment in relation to land contamination.

### **Trees and Hedgerows**

Selected groups of trees to the north west boundary of the application site adjacent to Wistaston Brook are afforded protected by the Crewe and Nantwich Borough Council (Old Gorse Covert) TPO 1985.

The Tree Quality Survey has identified eleven individual trees and eleven groups of trees associated with the application site. Three trees identified in the Survey as T1 (Alder), T3 (Willow) and T6 (Willow) and parts of Groups G4 (Willow, Hawthorn, Alder), G6, G8 (Hawthorn, Ash, Oak, Alder, Holly), and G12 (Willow, Alder) form part of the 1985 Tree Preservation Order. In accordance with the Tree categorisation assessment (Table 1 BS5837:2012) The Survey has identified that the majority of the trees (90%) are either A (High Category) or B (Moderate Category) trees, with 10% in the C (low category), although much of the higher category trees were located off-site as part of a plantation of mature Willow and Alder within the north west corner of the site (G4).

The retention of A and B category trees including those protected by the Tree Preservation Order should therefore be given priority and inform the overall concept and site layout design of the scheme.

The application is supported by an illustrative masterplan overlying an aerial photograph showing the layout of internal roads and indicative positions of dwellings and open space provision. The plan shows that generally the built development will not impact upon existing protected trees to the north west of the site, where they will be integrated into public open space.

There are inconsistencies in the submitted Planning Statement which states at Paragraph 6.18 that the proposed scheme retains all existing trees within the application site, although at paragraph 6.45 and 6.46 it is stated that tree removals will be required along the southern boundaries for highway and pedestrian access and for the internal highways arrangement.

These losses are partially qualified in the Tree Quality Survey at *Section 3.13 Overall Development Implications* which identifies the loss of two sections of hedgerow along Wistaston Green Road in the north and southern sections of the site to enable access provision. The submitted Ecology survey at para 4.7 identifies that this hedge (H5 and H6) is not deemed to be Important under the Hedgerow Regulations 1997. Two further hedgerows identified (H2 and H7) situated to the north east boundary section of the site appear to form part of the open space provision when assessed against the illustrative masterplan and a section of Hedgerow H2 may form part of a boundary to proposed residential curtilage. Any final layout at reserved matters shall ensure that these hedgerows do not form part of a residential boundary.

The Survey also refers to minor tree losses to facilitate access/pedestrian routes at the eastern edge of the site (within Group G9) although there are no specifics in terms of numbers of trees; it is stated the extent of losses would be subject to a more detailed form of highway access.

Whilst the submitted layout is indicative only any detailed layout design shall take into account the impact of proposed development on retained trees (para 5.3.4 BS5837:2012 applies) to maximise their long term retention, allowing space for future growth and avoidance of excessive shading of private amenity space. Particular areas of concern are proposed development to the south of the site (to offsite trees within Group G9) and adjacent to proposed open space and protected trees along the eastern boundary sections of the site.

The Tree Officer has no objections to the principle of development on the site subject to a satisfactory layout that ensures the long term retention of those A and B category trees identified in the information provided.

Should the principle be approved any subsequent reserved matters application would need to be supported by a detailed Arboricultural Impact Assessment (AIA), Tree Protection Plan and Arboricultural Method Statement (AMS) in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*

## **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.”

In this case the density of the site at 19.7 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Wistaston.

The application is in outline form and the indicative layout shows that the development would be designed with the majority of the dwellings in the two parcels of land designed in a similar way to the estate on the other side of the Brook with linear open spaces running to the

northern boundaries of both parcels with the Brook and dwellings fronting the linear POS under the pylons that traverse the site (Although there could be some improvements to the layout). There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage and the development applied for is 'up to' 150 dwellings.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

The Council's Ecologist advises that in relation to the following :

### *Wistaston Brook*

Wistaston Brook is located on the northern boundary of the application site. The brook has the potential to support a number of protected species. To avoid any potential impacts on the brook or species associated with it, if planning consent is granted a condition be attached requiring a 10m undeveloped buffer zone to be provided adjacent to the brook.

### *Badger*

An outlying badger sett has been recorded on site. The sett appears disused at the time of the submitted survey. If the sett continues to be disused the proposed development is unlikely to have a direct impact upon any badgers associated with it. The proposed development is however likely to result in the loss of habitat potentially used by badgers for foraging. The retention of an area of grassland adjacent to the brook would however allow badgers to continue to access the site and retain some suitable foraging habitat.

As the status of badgers on a site can change within a short timescale it is therefore recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey report. The report should include mitigation proposals for any adverse impacts identified.

### *Ponds*

Two ponds are present on site. Both of these ponds are shown as being retained on the submitted indicative layout plan. This is supported by the ecologist.

### *Grassland Habitats*

An area of habitat described by the submitted Phase one habitat survey as 'tall ruderals by the brook' supports a number of species which are indicative of UK Biodiversity Action plan priority neutral grassland habitat. This area of habitat could potentially qualify as a Local wildlife site. The ecologist advises that the nature conservation value of this habitat is potentially undervalued by the submitted ecological assessment. An accurate assessment of the nature conservation value of this habitat would require a further more detailed botanical survey to be undertaken at the optimal time of the year.

This area of habitat is however shown as being retained on the submitted indicative layout plan. A significant amount of tree planting is being proposed in this area which I advise would be to the significant detriment of this habitat.



In order to safeguard this area in ecological terms, the ecologist would like to see the area of planting be removed. If planning consent is granted, once this change has been made, the ecologist recommends that a condition be attached requiring the retention of the habitat and submission of a habitat management plan to ensure the long term viability of this area of habitat.

#### *Hedgerows*

Hedgerows are Biodiversity Action Plan priority habitat and hence material consideration.

Based on the submitted indicative layout plan it appears feasible that much of the existing hedgerows could be retained as part of the proposed development. The Hedgerows are species poor. There are however likely to be some losses associated with the access to the site. If outline consent is granted any losses of hedgerow should be compensated for through the inclusion of appropriate native species hedgerow planting at the reserved matters stage via an appropriate landscaping scheme.

#### *Great Crested Newts and Reptiles*

Detailed surveys have been undertaken for both of these species. No evidence of these species was recorded and the ecologist advises that they are unlikely to be present or affected by the proposed development.

#### *Barn Owl*

Barn owls are known to occur in this general locality. The submitted phase one habitat survey identifies a tree on site which may have the potential to support roosting barn owls. The ecologist advises that whilst this tree may be retained as part of the proposed development the close proximity of the proposed works may cause any barn owls associated with the tree to desert it.

As no survey information has been submitted it is considered that insufficient information has been provided to assess the impact of the proposal on barn owls and that this forms a reason to refuse this application.

Regardless of whether barn owls are present on site the loss of semi-improved grassland habitat associated with the proposed development may potentially result in the loss of foraging habitat for barn owls present in the surrounding area.

If planning consent is granted the ecologist also recommends that this impact of the loss of the semi improved grassland be offset by means of a commuted sum that could be utilised, in partnership with the local barn owl group, to fund offsite habitat improvements for barn owls. This may include the erection of barn owl boxes at suitable sites. A sum of £2,000 would be appropriate. This should be secured by means of a UU/section 106 agreement.

#### *Otter and water vole*

Otters and water voles may be associated with Wistaston Brook however provided an appropriate buffer zone is implemented the proposed development is unlikely to significantly affect these species if present.

#### *Bats*

A bat activity survey has been undertaken on site. Bats are active on site but the site does not appear to be especially important for bats. The ecologist advises that there may be some potential impacts on this species group resulting from additional lighting and the loss of semi-improved grassland associated with the proposed development. However, the retention of habitats along Wistaston Brook and the provision of additional wetlands as part of the SUDS scheme for the site would at least partially mitigate this impact.

#### *Brown Hare, Polecat, Hedgehog*

These three Biodiversity Action plan priority species have all been recorded in general area of this application site. These species were not however recorded during the submitted ecological surveys. I advise that the proposed development would be likely to result in the loss of habitat for these species if they were present on site.

#### *Breeding Birds*

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

The POS is indicatively located to a central part of the site underneath the pylons that traverse the site. The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

### **Infrastructure**

Policy BE5 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 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 the development is expected to generate 27 primary aged pupils and 20 secondary pupils.

The primary schools within 2 miles which have been considered for capacity are :-

Underwood West, Wistaston Church Lane, St Michaels, Gainsborough, Wistaston Green, Beechwood, Edleston, Leighton, Pebble Brook, St Marys, Vine Tree, Willaston, The Berkeley, Highfields, St Oswalds

The secondary schools within 3 miles which have been considered for capacity are:-  
Brine Leas, Sir William Stanier, Kings Grove, Malbank, Shavington, St Thomas More, Ruskin

Whilst there is adequate capacity within local secondary schools to meet the impact of this proposal. As such no financial contribution is required towards secondary provision. However local primary schools are either at or close to capacity and as such the following is required to mitigate for the impact of the development

Primary 27 x 11919 x 0.91 = £292,850

This would need to be delivered early in the development phase to allow for the necessary lead in times for the addition provision.

### **Agricultural Land**

An Agricultural Land report has been provided which advises that 0.719 ha of this 7.389ha site comprises Grade 4 land and the remainder comprises Grade 3 land. A more detailed classification report has been requested to ascertain whether this is grade 3a or grade 3b land.

The applicant is of the view that the underlying soil conditions are clay and as such the Agricultural Land report identifies significant drainage issues on site which is the result of clay being abundant within the sub-soil which they posit cannot be adequately ploughed due to above and below ground constraints.

These factors in their view point towards the site falling within Grade 3B of the Agricultural Land Classification on the basis of a limited number of core samples throughout the site. The applicant considers this to be an intrusive survey of the site which justifies no further action on their part.

However, the area generally, they readily accept has a considerable amount of Grade 3a land. The report submitted is however, insufficiently detailed to accept the applicants assertions. This will form a reason for refusal.

### **Archaeology**

The application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage on behalf of the developers. The report considers information held in the Cheshire Historic Environment Record and also describes the results of an examination of aerial photographs and historic mapping, including the Wistaston tithe map of 1840 and Ordnance Survey maps from the 19<sup>th</sup>-century onwards. It concludes that there is some potential for archaeological deposits to be present across the site and particularly draws attention the structures depicted in the tithe map, which occupied plots on Wistaston Green Road to the south of the extant buildings at Little West End.

The report concludes that the archaeological potential of the site is not sufficient to sustain an archaeological objection to the development or to justify further pre-determination archaeological work. It does, however, conclude that in the event that planning permission is granted the site should be subject to a geophysical survey, in order to identify any areas of interest that merit further, targeted investigation.

This represents an appropriate approach but it is also recommended that sufficient information is already available to identify two locations where further, targeted archaeological mitigation can already be defined in detail.

These are the structures depicted on the tithe map and consist of a barn at SJ6760 5497 and a dwelling with associated croft at SJ6760 5488. At the barn it is recommended that a watching brief should be maintained during works in this area whilst at the second location, 'Garden' on the tithe map, an area measuring 20m by 20m should subject to a strip and record exercise prior to development. A report will also be required, however, this could be controlled by condition

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted as part of the application, the majority of the site is located in Flood Zone 3. The Environment Agency suggest conditions pertaining to compliance with the Flood Risk Assessment. Likewise United Utilities suggest conditions. Subject to compliance with the suggested conditions, the proposal will not have any undue flooding implications.

### **LEVY (CIL) REGULATIONS**

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals 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, POS and children's play space is a requirement of the Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for school places in the secondary school catchment. In order to increase capacity of the school which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development. The mitigation in terms of the barn owl contribution will mitigate for the impact on site by funding boxes elsewhere in the vicinity.

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

## **CONCLUSIONS**

The proposal involves the erection of a new residential development in the open countryside and also located within the Green Gap where it would have an adverse impact on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011

The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy and therefore Green Gap policy remain up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development.

Furthermore, the proposal would result in the loss of agricultural land. The submitted information fails to provide sufficient information that this is not amongst the best and most versatile grades of land. In the absence of any established need to develop the site in order to meet housing land supply requirements, it is considered that insufficient information has been submitted to demonstrate that the benefits of development would outweigh the loss of agricultural land.

In terms of the highways impact of the proposal, subject to conditions and the provision of signal improvements at the Rising Sun junction, the Strategic Highways Manager is satisfied that the proposal will not have any impact that would justify a refusal of planning permission.

In terms of Ecology there would be no ecological issues associated with this application other than the fact that insufficient detail has been submitted with regard to Barn Owls.

The indicative design and layout of the site is considered to be in keeping with the existing mixed character of the area and matters of detail would need to be addressed as reserved matters

The proposed development would provide adequate public open space, education contributions and the necessary affordable housing requirements. Likewise, subject to the negotiated highways mitigation at the Rising Sun junction, this proposal will not result in severe highways impacts.

The education impact could be accommodated within local schools with a financial contribution to fund additional secondary education provision.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be no different that of the existing residential community in the area, however, this is but one element of sustainability

The proposed development would provide adequate public open space, education contributions and the necessary affordable housing requirements.

The overall benefits of the proposal in terms of the affordable housing and continuing supply of housing to the housing supply chain and the economic contributions new housing would bring are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the loss of open countryside, agricultural land and upon the spatial importance of the green gap between Crewe and Nantwich given the housing land supply position of the Council, and in the absence of a need to develop the site in order to meet housing land supply requirements.

The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE.2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to new dwellings within the open countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside. The development is therefore contrary to Local Plan policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly.

As a material consideration the proposal is also contrary to Policies PG3 and PG5 of the Submission Version of the Local Plan Strategy.

## **RECOMMENDATION**

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

**The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year**

supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Nantwich and Crewe, in an area that is also designated as being within the designated Green Belt within the Local Plan Strategy Submission Version and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy PG3 (Green Belt) of the Local Plan Strategy Submission Version and guidance contained within the NPPF.

In the absence detailed site survey information the applicant has failed to demonstrate that the proposal will not 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 also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

Insufficient information has been submitted with the application to determine the impact of the proposal on barn owls. As the Local Planning Authority can demonstrate a 5 year supply of housing land there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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.

Should this application be the subject of an appeal, authority be 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 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.

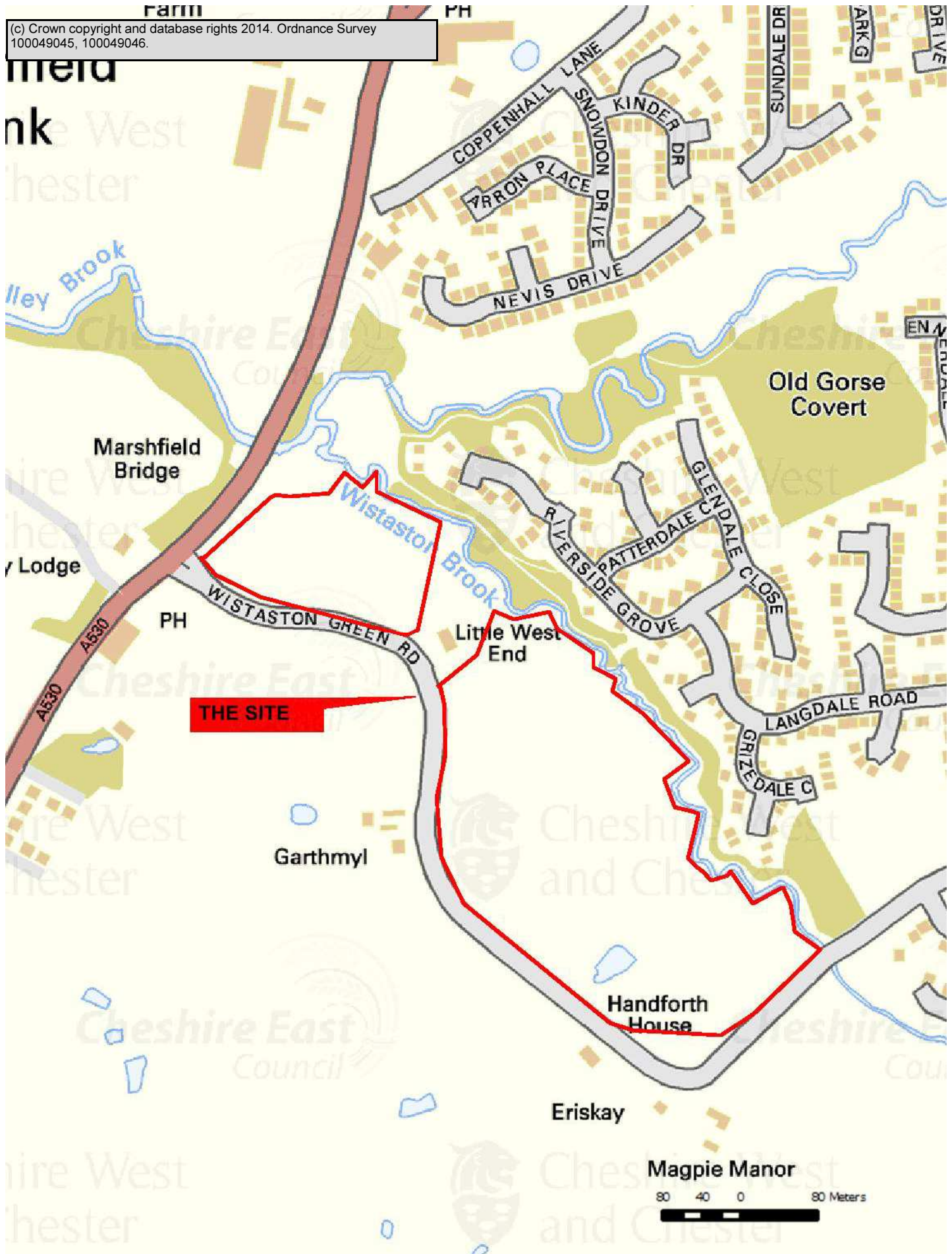
**S106 Heads of Terms:**

A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. 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. Provision of POS and a LEAP with 5 pieces of equipment and a scheme of management.
  3. Commuted Sum payment in lieu of secondary education provision £292,850
  4. Commuted Sum payment of £2000 in lieu of ecological mitigation for loss of grassland



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Application No: 14/2685C

Location: Land South Of, HOLMES CHAPEL ROAD, SOMERFORD

Proposal: Outline application for development of land for up to 70 dwellings and associated works (resubmission)

Applicant: Mr Marc Hourigan, Hourigan Connolly

Expiry Date: 01-Sep-2014

**SUMMARY RECOMMENDATION****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**  
**Planning Balance**

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

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. This is an ongoing development site being constructed by Bovis Homes.

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.

## **1. DETAILS OF PROPOSAL**

This is an outline application with all matters reserved except access for up to 70 dwellings. This is a resubmission of an application that is the subject of an appeal due to be held in February. SPB resolved to be minded to refuse the application on 17 September 2014. The information and plans submitted as part of this application is identical to the information previously submitted.

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.

## **2. RELEVANT HISTORY**

14/0134C - Outline application with all matters reserved except access for the development of land for up to 70 dwellings and associated works – Undetermined – currently under appeal.

The site immediately adjoins the Loachbrook Farm Development which is also 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

## **3. POLICIES**

## **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **Policies in the Local Plan**

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

## **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

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

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

### **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC3 – Health and Wellbeing

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 - The Landscape

SE5 – Trees, Hedgerows and Woodland

SE9 –Energy Efficient Development  
IN1 - Infrastructure  
IN2 – Developer Contributions

#### **4. CONSULTATIONS (External to Planning)**

**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:** Repeat their previous advise. 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

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

Somerford Parish Council: Objection. Cheshire East have their housing supply confirmed for 5 years. The site is not identified as a preferred site on the CE Local Plan. The remaining open country side should be retained as open green space as the original development has already taken over so much rural area in Somerford.

The houses are out of character opposite the current style of houses on Holmes Chapel Road currently, there are totally different style houses and would lead to a loss of privacy.

The key objection is a lack of sustainability. Section 106 monies should be requested to give back to the Parish. The schools need support in funding to extend and increase for more pupils (Blackfirs, Quinta and Congleton High School). There are no village amenities in the Parish, there will be a necessity for a Village hall or meeting hall.

The Parish has increased by over 300% so the Council members feel a contribution should be given back to the community for the total lack of facilities and community hub.

**Congleton Town Council:** Objection on grounds of site not being included in the local plan for development and outside settlement boundary. Cumulative traffic impact with the Loachbrook development will exacerbate existing problems in the area.

## **6. OTHER REPRESENTATIONS**

Circa 18 representation of objection from local addresses and a local residents group (SPRAG) have been received raising the following points:

### Principle 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, this is a policy which is not a housing supply policy (Sandbach Road North appeal) and is not time expired
- 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
- Will add to existing problems
- Poor public transport service to site

### Green Issues

- Loss of green land
- Increased flood risk
- Impact upon wildlife
- Impact upon protected species

- Impact upon local ecology
- 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/increased flooding

#### 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
- The house design and density and layout is out of keeping and character with the local area

#### Other issues

- 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.

## **7. 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. This is not accepted.

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, however it is considered 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 periphery 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.

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.

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, 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**

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 Strategic Highways Manager (SHM) previously advised that he recommended refusal of the application for this site in terms of the appeal. The information submitted within the Transport Statement in support of the current application has not been updated to address those concerns. The advice of the SHM on the previous application is therefore equally pertinent to this application.

Previously the SHM advised that the Highways Department has 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.

There are matters of detail that are relevant 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.

The Transport Assessment, as previously noted, contains several errors and does not take into account all related issues:

- Trip rates are lower than local development TA's and should be revised.
- Not all committed development is taken into account within the TA.
- The baseline traffic flows used are old and more recent flows should be used.
- The scope of network assessment junctions does not take into account crucial junctions on the A34 corridor which the Authority VISSIM model shows to be under significant stress.
- Similar to other recent applications immediately local to this site there should be at least a sensitivity test agreed with Strategic Highways against the Authority VISSIM model on agreed junctions.
- The %-age calculation of traffic impact does not use agreed figures and needs discussion to ensure agreed accuracy.
- The access strategy for the site has not been agreed with the Highway Authority and two points of access are not necessarily considered to be the most appropriate.

The Transport Assessment therefore falls short of information necessary for the Strategic Highways Manager to properly assess this development proposal and whilst it is recognised that this information can be reasonably provided, no such information has been provided.

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, there are a small number of dwellings 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 (NO<sub>2</sub>) 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 NO<sub>2</sub> and PM<sub>10</sub> 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 NO<sub>2</sub> and PM<sub>10</sub> exposure at all 8 receptors modelled.

Four of these receptors are within the Congleton AQMA's. It is the EHO officers opinion that any increase of concentrations in an AQMA is considered significant as it is directly converse to the Council's 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 r 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. It is the same as previously submitted. 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 shelf 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 Holmes 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 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 need to be addressed in any reserved matters application 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 1680m<sup>2</sup>. 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 resident's 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. (24% is Grade 2 in the centre of the site and the remainder is Grade 3A 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 Submission Version of the Strategy and the provisions of the NPPF in respect of loss of agricultural land.

### **Flood Risk and Drainage**

The Environment Agency 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 commented 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 so will add to the demand that has not been catered for. Another 70 dwellings in the area will therefore have an impact.

NHSE confirmed in the advice upon the previous application that a commuted sum was required. There are no material changes in the current application and whilst NHSE has yet to comment on this application, it is not anticipated that the mitigation would be materially different

The Planning Statement includes no details regarding the provision of healthcare.

Therefore and because there is no indication of house types with the application the usual standard adopted of 2.3 persons per home within NHSE response to the Local Plan and Infrastructure Delivery Plan will be used in these considerations. However it is likely that these will be family homes and families also place a higher than average demand on local health services creating further pressure on health service delivery.

Applying this ratio to the 70 homes proposed for at the site indicates 161 persons. The introduction of a further 161 patients in this locality (potentially in addition to the 8050 anticipated by the Cheshire East Council Local Plan Strategy) will have a very significant impact on the physical infrastructure necessary to provide health services to the local population. The premises already operate above capacity and additional premises infrastructure would be essential to deliver health services to these patients.

This capacity issue was recognised in the Congleton Town Plan Health Impact Assessment which stated that in relation to Primary Care/Community and Hospital Services 'the amount of development proposed is likely to increase the demand for these services, however, the document also identifies the need to increase provision if services in line with current/future need.'

The Appendix to this statement sets out the CIL and IDP formula as it applies to this application and demonstrates the health infrastructure impact of the sites is together an additional:

- 161 persons with high healthcare demands



- 0.09 GPs
- 27 sq. metres of health infrastructure
- Additional Health Infrastructure cost £68,000

Therefore the cost of the additional health infrastructure solely for the application site is estimated at: **£68,000**

This is additional to the £3,350,000 health infrastructure capital costs to support the Local Plan Core Strategy Sites. Furthermore, the impact of additional revenue costs and also of secondary and mental health are not reflected in these costs.

## **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 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. No negotiations have taken place.

However, for the purposes of the ongoing appeal upon the same site 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 .

In terms of the health related mitigation, the existing health infrastructure cannot accommodate the additional demand as a result of the development. NHSE planned investments relate to existing capacity shortfalls only. The suggested mitigation is fairly and reasonably related in scale and kind to the development as the evidence based average health infrastructure costs are requested reflecting necessary additional health infrastructure solely and directly related to each residential 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. This proposal would be detrimental to the open countryside in this location

Furthermore, the proposal would result in the loss of best and most versatile agricultural land. even though at 3.9 hectares this is not large. 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. The applicant is aware of this concern from the previous scheme. 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**

**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

- **Commutated sum of £40,000 to upgrade existing Puffin Crossing to Toucan Crossing**
- **Commutated Sum payment of £68,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton**

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Application No: 14/3034C

Location: Saltersford Farm, MACCLESFIELD ROAD, HOLMES CHAPEL, CW4 8AL

Proposal: Outline planning for Residential Development of Site to Accommodate up to 100 Dwellings, amenity areas, landscaping, and associated infrastructure (resubmission of 14/0132C)

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

Expiry Date: 23-Sep-2014

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:**

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

**REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an agricultural field of some 3.6 hectares located in a triangular shaped site which is sandwiched between Macclesfield Road to the south and east and the railway line to the north and west. The site is located within designated open countryside although it adjoins the settlement boundary. Manor Road is located opposite

Macclesfield Road and the site is circa 700m to the east. The site is relatively flat but the site elevates in northerly direction as surrounding land falls away towards Twemlow.

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

## **1. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of up to 100 dwellings with open space and associated infrastructure. A four arm roundabout is proposed at the junction of Macclesfield Road, the site and Manor Lane. Approval is also sought for the means of access. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application. This is a re-submission of an application that was refused by SPB on 28 May 2014 and is the subject of a forthcoming appeal. The indicative layout and indicative house styles have been amended and a small section of land adjoining the main road (which was previously removed from the appeal scheme due to Network Rail ownership) is included.

## **2. RELEVANT HISTORY**

14/0132C Outline application with all matters reserved apart form access for development of residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure – Refused 28 May 2014

## **3. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **Policies in the Local Plan**

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision



GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

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

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

## **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC3 – Health and Wellbeing  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE9 –Energy Efficient Development  
IN1 - Infrastructure  
IN2 – Developer Contributions

## **4. CONSULTATIONS (External to Planning)**

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

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

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

single rate of discharge is proposed, this is to be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

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

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

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

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

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

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

**National Health Service England :** Previously advised of need for commuted sum for identical proposal

**Jodrell Bank :** Previously raised no objection subject to the use of electromagnetic insulation within new properties

**Public Open Space and Childrens Play Space:**

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

**Strategic Housing Manager:** No objection subject to the provision of 30% affordable housing in a 65%:35% split with a variety of unit sizes within each tenure

**Network Rail:** Network Rail land has been included within the red edge of the application site. This was previously removed in the last application. No objection subject to the developer contacting their Asset Protection Team regarding working next to railway and removing Network Rail land from the application site

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

- 1) This site, whilst close to the town centre, is bounded by the Crewe - Manchester railway line and the A535. Therefore promoting walking and cycling as recommended in the National Planning Policy Framework (NPPF) clause 35 will only be achieved with some significant traffic management measures on the A535 to make the road corridor more suitable for walking, cycling, and to promote a safe crossing into Manor Lane for the station.
- 2) Within the site itself the design of the roads should restrict vehicle speeds to less than 20mph.
- 3) The design of any smaller properties without garages should include storage areas for residents' bikes/buggies.
- 4) We would like to see travel planning set up for the site with targets, monitoring and a sense of purpose (NPPF, clause 36).
- 5) We would like to see the proposed pelican as a toucan crossing with a shared footway/cycle track from the estate entrance to the crossing.
- 6) On the east arm of the roundabout we would like to see a splitter island crossing over the A road for pedestrians and cyclists. Safe and convenient crossing points for everyday journeys should take preference over designing a town centre junction for the occasional abnormal HGV load.

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

**Holmes Chapel Parish Council** - Objection on the following grounds:

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

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

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

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

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

**Twemlow Parish Council:** Objection on grounds -

Contrary to National Planning Policy Framework;

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

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

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

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

Would remove good agricultural land from use.

Have serious effects on local infrastructure.

Highways concerning as there are serious access issues

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

## **6. OTHER REPRESENTATIONS**

Circa 53 representations of objection have been received to the application raising the following points;

### Principle of the development

- Loss of Greenfield land
- Loss of open countryside
- Contrary to the SHLAA
- The site is beyond the boundary for development in the village. By extending this boundary it will start the process of development on the eastern side of the railway.
- Contrary to the National Planning Policy Framework and there are already sufficient planning permissions within Holmes Chapel to meet housing need - fewer than 25% of the 224 homes currently built/under construction have been sold. Holmes chapel now sits within a new 5 year plan, and has already committed to its 'share' of housing. each area needs to be considered within the whole plan, not its individual boundary.
- Too many large dwellings and no bungalows proposal to maintain a mixed community
- There are several sites previously identified as developable within the village remaining available. Including an extensive brownfield site literally across the road

#### Highways

- Increased traffic congestion
- Highway safety – this stretch of Macclesfield Road is dangerous
- NO Consideration of crossing on Manor Road

#### Infrastructure

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

#### Ecology

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

#### Amenity

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

#### Other issues

- No demand for new houses
- Affordable housing for local needs catered for by committed developments
- The sustainability credentials are over stated
- Increased flooding from the site
- Need - fewer than 25% of the 224 homes currently built/under construction have been sold

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

To support this application the application includes the following documents;

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

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

## 9. OFFICER APPRAISAL

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

### **Principle of Development.**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

### ***Housing Land Supply***

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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.

### **Loss of Agricultural Land**

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

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

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

The National Planning Policy Framework highlights that the use agricultural land should be taken into account when determining planning applications. It advises local planning authorities that, ‘significant developments’ should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has submitted an agricultural land classification study which concludes that the site is an area of Grade 3a land. They have stated the farmer who utilises the site has extensive land holdings in the area and the loss of this site will not effect the functioning of the farming activity.

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

### **Affordable Housing**

The site falls within the Holmes Chapel Parish and is within the Holmes Chapel sub area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 10 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 2x 1bd, 12x 3bd, 1x 4+bd general needs units and 4x 1bd older persons accommodation. There is an oversupply of 2 bed general needs and older persons accommodation.

In addition, information taken from Cheshire Homechoice shows there are currently 98 applicants registered who have selected the Holmes Chapel lettings area as their first choice. These applicants require 25x 1bd, 47x 2bd, 22x 3bd and 4x 4bd accommodation.

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 proposal is for up to 100 dwellings. This equates to a requirement for 30 affordable units in total on the site, with 20 to be provided as affordable or social rent and 10 as intermediate tenure. The applicant offering 30% of the total units as affordable with a tenure split of 65% rented and 35% intermediate tenure. This is acceptable and in line with policy.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings. Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007) (the emerging Local Plan allows for the affordable homes to be constructed to the latest standards required by the HCA).

The IPS states that: -

"The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

The IPS goes on to state: -

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

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

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate

- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at Reserved Matters application stage that includes full details of the affordable housing on site including location, type and size
- requires them to transfer any rented affordable units to a Registered Provider
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007) (the emerging Local Plan allows for the affordable homes to be constructed to the latest standards required by the HCA).

## Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

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

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

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

Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Holmes Chapel and are accessible to

the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

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

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

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

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

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

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

### **Environmental role**

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

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

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

### **Economic Role**

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

Paragraph 19 states that:

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

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

“the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

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

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

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

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

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

### **Social Role**

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

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

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

### **Landscape Impact**

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

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

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

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

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

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

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

impacts on the character of the wider landscape or have any significant adverse visual impacts.

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

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

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

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

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

## Design

The application is outline form with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. An indicative layout has been provided with circa 95 individual units indicated in cul de sacs accessed off a single central road/access drives.

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people*



*and places and the integration of new development into the natural, built and historic environment.”*

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

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

## **Highways Implications**

### **Safety**

The Application involves access to the site. Although an indicative layout has been provided, this assessment is based on the access to the road network. A four arm roundabout is proposed at the junction of Macclesfield Road and Manor Lane.

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

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

It should be noted that a five-arm arrangement at this junction to incorporate access to existing dwellings at Saltersford Corner (as suggested by some objectors) would not be considered a safe or appropriate design for this location. Such an arrangement would result in vehicles entering a fifth arm to Saltersford Corner at an acute angle, resulting in difficulty for heavy vehicles. Such an arrangement would also require a disproportionate land take for the vehicle flows at the location.

### **Traffic Generation**

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

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

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

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

### **Sustainable Transport**

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

The junction layout shows a combined footway/cycleway leading into the site, connecting to a signal-controlled Toucan crossing on the western junction arm and an additional footway/cycleway on the south-western corner of the junction. The provision of this facility is considered to provide a reasonable level of provision to make walking and cycling a realistic option for accessing the site, and therefore this must be included as part of the s.278 works at Manor Lane/Macclesfield Road.

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

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

In short the SHM raises no objection to the proposal subject to the provision of the 4 arm roundabout.

### **Amenity**

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. In terms of Air Quality, conditions

concerning electric vehicle charging and travel planning are requested. These conditions could be attached if planning permission were approved.

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

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

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

### **Trees and Hedgerows**

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

The application is supported by an Arboricultural Implication Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development. Importantly, this report indicates the removal of 2 category A trees (T26 and T34) that the previous application (currently under appeal) retained. This layout is therefore materially different to the scheme under appeal.

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

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

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

the proposed Tree Removal Master Plan (Ref 4677.02). As a consequence it is possible to determine the direct or indirect impact of the proposed access and road layout on trees. The Council's Arborist is of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

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

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

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

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

## **Ecology**

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

## **Hedgerows**

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

## **Public Open Space -Amenity Greenspace (AGS)**

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

It should be noted that as this is an outline application persons are based on an average of 2.4 per dwelling, if the number of bedrooms change, new calculations would need to be

made. It is understood that an amount of AGS is to be provided on site, however few details including size of area or landscaping are available as it is proposed that landscaping will be submitted in a reserved matters application.

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

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

### **Children and Young Persons Provision**

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

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

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

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

Due to the complex management required for play facilities and in accordance with policy, the Greenspace Manager considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. If however, the decision is made to transfer the play facilities to a residents management company then a full maintenance plan should be submitted prior to commencement of any works.

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

### **Flood Risk and Drainage**

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

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

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

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

### **Infrastructure**

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

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

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

### **Impact upon Health Infrastructure**

It is noted that the local Health Centre has raised concern previously upon an identical application and whilst not formally objecting, previously making the point that the Holmes Chapel Medical Centre is operating near capacity. They have previously advised that £96,907 will be required for the provision of health care within Holmes Chapel Medical Centre, with the contribution to be provided upon commencement of development

### **LEVY (CIL) REGULATIONS**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

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

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

## **10. CONCLUSIONS**

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

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

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

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

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

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

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space/play space and equipment, the necessary affordable housing requirements to the requisite tenure mix, monies to mitigate for the impact upon health care provision should the National Health Service England advise of the need to mitigate for the

impact of an additional 100 dwellings upon Holmes Chapel Medical Centre and the requirement for the future maintenance of the open space and playspace on site

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

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

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

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

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

## **11. RECOMMENDATIONS**

### **REFUSE:**

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

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5



years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

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

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

- **Affordable housing:**
  - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
  - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
  
- Provision of minimum of 2,380 sqm of shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment
- Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
  
- The payment of £96,907 for the provision of health care within Holmes Chapel Medical Centre – upon commencement of development

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