

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 18th March, 2015</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. **WITHDRAWN-14/3892C- Redevelopment of the site to provide up to 200 homes and a community facility, Land West Of, Crewe Road, Sandbach, Cheshire for HIMOR (Land) Ltd, Simon Foden, Paul Fode (Pages 11 - 36)**

To consider the above application.

6. **14/0977C-Outline Application for the Erection of Up To 120 Dwellings, Public Open Space, Green Infrastructure and Associated Works, Land to the South of, Hind Heath Road, Sandbach for Mr Paul Campbell, Richborough Estates Partnership LLP (Pages 37 - 56)**

To consider the above application.

7. **14/5120C-Reserved matters application for The construction of 160 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works, Land North of Congleton Road, Sandbach for Taylor Wimpey UK Limited and Seddon Home (Pages 57 - 68)**

To consider the above application.

8. **14/2973N-Erection of 4 No broiler rearing units with associated feed bins, boiler rooms, feed blending rooms, water tank, hardstandings, and upgraded highway access, Land North of Smeaton Wood Farm, Pinsley Green Road, Wrenbury for David Charlesworth (Pages 69 - 82)**

To consider the above application.

9. **14/1158M-Construction of a subterranean car storage facility with ancillary above ground office development and associated demolition and landscaping, Appleton Air Field, Crowley Lane, High Legh, Knutsford for How Planning (Pages 83 - 102)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 18th February, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors D Brickhill, D Brown, P Edwards, S Gardiner (Substitute),  
J Hammond, D Hough, O Hunter (Substitute), J Jackson, B Murphy,  
L Smetham, S Wilkinson and J Wray

### **OFFICERS IN ATTENDANCE**

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic and  
Economic Planning), Mrs N Folan (Planning Solicitor), Mr P Griffiths (Principal  
Transport Officer) Mr N Jones (Principal Development Officer), Mr D Malcolm  
(Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

### 106 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs Rachel Bailey,  
P Hoyland and D Newton.

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

In the interest of openness in respect of applications 13/4683W and  
13/4685W, Councillor J Hammond declared that he was a Member of  
Haslington Parish Council and the Cheshire Wildlife Trust who were  
consultees on the applications, however he had not made any comments  
on either of the applications.

In the interest of openness in respect of the same applications, Councillor  
Mrs L Smetham also declared that she was a Member of Cheshire Wildlife  
Trust who were a consultee on the applications, however she had not  
made on comments on either application.

In the interest of openness in respect of the same applications, Councillor  
D Brickhill declared that he was well acquainted with the applicant and  
therefore would sit in the public gallery when both of the applications were  
being considered.

In the interest of openness in respect of applications 14/3649C and  
14/3657C, Councillor D Brown declared that he had received  
correspondence from a number of action groups, however he had  
expressed no opinion. It was noted that the majority of Members had

received correspondence in respect of applications 14/3649C and 14/3657C.

In the interest of openness in respect of applications 13/4683W, 13/4685W and item 12 Land adjacent to Heath End Farm, Hassall Road, Alsager, Councillor D Hough declared that he was a Member of Alsager Town Council.

In the interest of openness in respect of application 14/4296N, Councillor D Brickhill declared that he spoken to Councillor Mrs J Clowes, the Ward Councillor and Mr Heler, an objector about the application, however he had only discussed the application in principal and not in detail.

In the interest of openness in respect of the same application, Councillor G Walton declared that he had received an email from Mr Heler who was an objector to the application.

In the interest of openness in respect of application 14/5338C, Councillor Mrs L Smetham declared that she had friends living in the vicinity of the application.

In the interest of openness in respect of application 14/4296N, Councillor S Gardiner declared that he knew some of the speakers speaking on the application.

108        **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman.

109        **PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

110        **14/3649C-OUTLINE APPLICATION FOR DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON FOR UP TO 120 DWELLINGS, UP TO 180 SQ. M OF HEALTH RELATED DEVELOPMENT (USE CLASS D1), COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE - (RESUBMISSION OF APPLICATION REFERENCE 13/4219C), LAND WEST OF PADGBURY LANE, CONGLETON, CHESHIRE FOR LOUISE WILLIAMS AND KATHLEEN FORD**

Consideration was given to the above application.

(Councillor R Domleo, the Ward Councillor, Councillor Mrs Rhoda Bailey, a visiting Councillor, Town Councillor Paul Bates, representing Congleton Town Council and James Green, representing West Heath Action Group attended the meeting and spoke in respect of the application).

## **RESOLVED**

That the application be refused for the following reasons:-

1. 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.
2. The proposed development when taken cumulatively with other committed developments in the Congleton area would exceed the spatial distribution of development for Congleton as identified within Policy PG6 (Spatial Distribution of Development) of the Local Plan Strategy Submission Version. This is supported by comments made by the Inspector at Paragraphs 70-80 of the Inspectors Interim views on the legal compliance and soundness of the submitted Local Plan Strategy. As such the proposal would result in an unsustainable form of development. Given the advanced stage of the emerging Cheshire East Local Plan Strategy, the proposed development would also be premature as a result and contrary to National Policy Guidance.
3. The proposed development would have an adverse cumulative impact on ecology and protected species which cannot be appropriately mitigated contrary to Policy NR3 of the Congleton Borough Local Plan and biodiversity policies within the NPPF.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for a short break).

111      **14/3657C-OUTLINE APPLICATION FOR DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON FOR UP TO 150 DWELLINGS, COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF 13/4216C), LAND WEST OF PADGBURY LANE, CONGLETON, CHESHIRE FOR NORTHERN PROPERTY COMPANY LIMITED**

Consideration was given to the above application.

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

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.
2. The proposed development when taken cumulatively with other committed developments in the Congleton area would exceed the spatial distribution of development for Congleton as identified within Policy PG6 (Spatial Distribution of Development) of the Local Plan Strategy Submission Version. This is supported by comments made by the Inspector at Paragraphs 70-80 of the Inspectors Interim views on the legal compliance and soundness of the submitted Local Plan Strategy. As such the proposal would result in an unsustainable form of development. Given the advanced stage of the emerging Cheshire East Local Plan Strategy, the proposed development would also be premature as a result and contrary to National Policy Guidance.
3. The proposed development would have an adverse cumulative impact on ecology and protected species which cannot be appropriately mitigated contrary to Policy NR3 of the Congleton Borough Local Plan and biodiversity policies within the NPPF.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for lunch from 1.00pm until 1.45pm).

112      **13/4683W-REMOVAL OF CONDITION 11 (HOURS OF OPERATION) ON APPROVED APPLICATION 7/2006/CCC/19 (DEVELOPMENT FOR THE WINNING AND WORKING OF SAND AND PEAT), WHITE MOSS QUARRY, RADWAY GREEN, ALSAGER FOR LAND RECOVERY LTD**

Consideration was given to the above application.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sylvia Dyke, representing Residents Around White Moss Quarry Group and Cath Mainwaring, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed hours of plant maintenance do not conform with those stipulated in the development plan and special circumstances have not been demonstrated to justify any deviation from the policy. As such the proposal conflicts with the provisions of policy 37 of the Cheshire Replacement Minerals Local Plan;

2. Insufficient information has been provided to demonstrate that the proposed variation would not have an adverse impact upon the amenity of nearby residential properties which is contrary to policies 9 and 26 of Cheshire Replacement Minerals Local Plan, and policies and NE. 17 and BE.1 of Crewe and Nantwich Local Plan and guidance within the NPPF.

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

113      **13/4685W-REMOVAL OF CONDITION 24 ON APPROVED APPLICATION 7/2008/CCC/8 - AGGREGATE RECYCLING OPERATIONS, TO ALLOW FLEXIBILITY FOR ESSENTIAL SITE MAINTENANCE OF PLANT. TO ALSO ALLOW PLANT MAINTENANCE 07.30 - 18.00 ON SUNDAYS, WHITE MOSS QUARRY, RADWAY GREEN, ALSAGER FOR LAND RECOVERY LIMITED**

Consideration was given to the above application.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sylvia Dyke, representing Residents Around White Moss Quarry Group and Cath Mainwaring, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed hours of plant maintenance do not conform with those stipulated in the development plan and no exceptional

circumstances have been demonstrated to justify any deviation from the policy. As such the proposal conflicts with the provisions of policy 29 of the Cheshire Replacement Waste Local Plan;

2. Insufficient information has been provided to demonstrate that the proposed variation would not have an adverse impact upon the amenity of nearby residential properties which is contrary to policies 12 and 23 of Cheshire Replacement Waste Local Plan, and policies and NE. 17 and BE.1 of Crewe and Nantwich Local Plan and guidance within the NPPF and NPPW.

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

114      **14/5338C-VARIATION OF CONDITION 4 AND REMOVAL OF CONDITIONS 35 AND 36 TO PLANNING APPLICATION 13/2746C - ERECTION OF UP TO 180 DWELLINGS, PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE AND ASSOCIATED WORKS, LAND BETWEEN, BLACK FIRS LANE, CHELFORD LANE, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON FOR RICHBOROUGH ESTATES PARTNERSHIP LLP**

Consideration was given to the above application.

**RESOLVED**

That the application to vary condition 4 and remove conditions 35 and 36 to planning application 13/2746C be refused. The reason for this decision was to ensure that the Reserved Matters application provided a form of development which respected the character of the existing area and respected the amenity of the existing residents.

(This decision was contrary to the Officer's recommendation of approval).

115      **14/4296N-INSTALLATION OF A SOLAR PARK WITH AN OUTPUT OF APPROXIMATELY 8.28 MW ON LAND ASSOCIATED WITH HATHERTON LODGE FARM, AGRICULTURAL LAND AT,**



**HATHERTON LODGE FARM, HUNTERSTON, ROAD, HATHERTON,  
NANTWICH FOR MR MARKUS WIERENGA, GREEN SWITCH  
DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor Mrs J Clowes, the Ward Councillor, Parish Councillor C Knibbs, representing Hatherton & Walgherton Parish Council, Mr Frodsham, representing Stand Together Against New Development, STAND, John Bache, an objector, John Dwyer, an objector, Mike Heler, an objector and Simon Newall, the agent for the applicant attended the meeting and spoke in respect of the application.

**RESOLVED**

That the application be refused for the following reasons:-

1. The development of the proposed solar park would have a significant adverse impact on the landscape character of the site. In particular the views from public footpath 9 and 12 Hatherton and 2 Hunterston. This adverse impact significantly and demonstrably outweighs the benefits of the scheme in terms of renewable energy production. The proposal is therefore contrary to paragraph 98 of the NPPF and Policies NE.2, and NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposal would result in loss of the best and most versatile agricultural land. 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.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for a short break. Councillor B Murphy left the meeting and did not return).

116 **LAND TO THE WEST OF GOLDFINCH CLOSE, CONGLETON**

Consideration was given to the above report.

(Peter Minshall, representing Congleton Sustainability Group attended the meeting and spoke in respect of the application).

**RESOLVED**

That reasons one and two be amended as follows:-

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.

2.The proposal would result in loss of the best and most versatile agricultural land. 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.

(This decision was contrary to the Officer's recommendation to remove reasons one and two and to instruct the Principal Planning Manager not to contest the issues at the forthcoming Appeal).

**117 LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER**

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

Consideration was given to the above report.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sue Helliwell, an objector and Steve Irvine, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Principal Planning Officer on behalf of Councillor R Fletcher the Ward Councillor).

**RESOLVED**

That for the reasons set out in the report, the Board withdraw the following reasons for refusals and instruct the Principal Planning Manager not to contest the issues at the forthcoming Appeal:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside) of the Congleton Borough Local Plan First Review 2005, 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.

2. The proposed development would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

**118 CHESHIRE FRESH, MIDDLEWICH: APPROVAL SOUGHT FOR DELEGATION TO CHESHIRE WEST AND CHESTER COUNCIL**

Consideration was given to the above report.

**RESOLVED**

That authority be delegated to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.

The meeting commenced at 10.30 am and concluded at 5.50 pm

Councillor H Davenport (Chairman)

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Application No: 14/3892C

Location: Land West Of, Crewe Road, Sandbach, Cheshire

Proposal: Redevelopment of the site to provide up to 200 homes and a community facility

Applicant: HIMOR (Land) Ltd, Simon Foden, Paul Fode

Expiry Date: 01-Dec-2014

**SUMMARY**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, improvements to the PROW infrastructure in the area, a community facility and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

The adverse environmental impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

## **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is an outline planning application for up to 200 dwellings and a community facility. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Crewe Road to the east of the site. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types varying from 1-5 bedroom units with a gross density of 20 dwellings per hectare and a net density of 39 dwellings per hectare. The development would include 3.09 hectares of green infrastructure. The indicative layout shows that the community facility would accommodate a primary school.

The land to the north is known as 'Abbeyfields' and has been subject to an extensive planning history. Planning applications 10/3471C and 12/1463C have given outline approval for 280 dwellings on this site.

This application is accompanied by an Environmental Statement.

## **SITE DESCRIPTION**

The site of the proposed development extends to 10 hectares and is located to the west of Crewe Road and the south-west of Park Lane. To the north-west of the site is Abbeyfields a Grade II Listed Building. The Wheelock Rail Trail is located to the south of the site within a cutting. To the north-east and east are residential properties which front onto Park Lane and Crewe Road and to the south-east are properties which front Hind Heath Lane. To the west of the site is agricultural land.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. Some of these trees are subject to TPO protection.

## **RELEVANT HISTORY**

14/1826S - EIA screening opinion for 450 dwellings and a primary school – EIA Required

22740/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2<sup>nd</sup> January 1991

22739/1 - 18 Hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2<sup>nd</sup> January 1991

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 Settlement Hierarchy

PG5 Open Countryside

PG6 Spatial Distribution of Development

SC4 Residential Mix

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

SC5 Affordable Homes

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE 8 Renewable and Low Carbon Energy  
SE 9 Energy Efficient Development  
SE 13 Flood Risk and Water Management  
IN1 Infrastructure  
IN2 Developer Contributions

**Supplementary Planning Documents:**

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  
Sandbach Town Strategy

**CONSULTATIONS**

**Environment Agency:** Refer to Environment Agency Standing Advice.

**CE Flood Risk Manager:** No objections. Conditions suggested.

**United Utilities:** Drainage condition suggested.

**Strategic Highways Manager:** No objection subject to a contribution of £166,000 towards a scheme of mitigation of traffic impact on the A533/A534 to contribute to an identified improvement schemes to that traffic corridor.

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land and an environmental management plan.

**NHS England:** No comments received at the time of writing this report.

**Ansa (Public Open Space):** 200 new homes will generate a need for 4,800 sq m of Amenity Green Space based on an average of 2.4 persons/bedrooms per dwelling in line with policy. At this outline stage, any more than the aforementioned amount of Amenity Green Space is above policy requirements.

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new NEAP play facility.



Ansa considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility and amenity green space should be secured for public use and transferred to the Council together with a 25 year commuted maintenance sum of £143,280 and this should be provided before 75% of the dwellings are occupied.

**Natural England:** Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features of Sandbach Flashed SSSI. As such the SSSI does not represent a constraint in the determination of this application. For advice on protected species refer to the Natural England Standing Advice.

**Archaeology:** The limited archaeological potential of the site is acknowledged and no further archaeological mitigation is advised.

**Countryside Access Team:** Requests that the following contributions are sought from the developer:

- Improved access to the Wheelock Rail Trail from Hind Heath Lane, as the barriers and steps currently in place are restrictive for cyclists and less mobile pedestrians or those with pushchairs.
- High-quality green-coated 8' high metal mesh fencing along the southern boundary of the proposed development to ensure that no informal access points are made onto the Wheelock Rail Trail and that the dumping of garden waste etc is deterred.
- Resurfacing of part of Public Footpath No. 21 between Mill Hill Lane and Coronation Crescent. The developer should be tasked to contribute to this improvement to make the route a more accessible and attractive option for potential residents.
- A further aspiration is for the opening of some sections of this Public Footpath to cyclists. A feasibility study would be required in order to ascertain the scope and feasibility of this aim, and the developer would be asked to contribute towards the cost of this study.
- A further aspiration is for the creation of an east-west route for cyclists between Park Lane and Abbey Road as an alternative to the A533 Middlewich Road, an aspiration which could be partly achieved through the provision of an on-site route as part of this development proposal.

**Cheshire Brine Board:** The Board requires the incorporation of structural precautions to minimise the effects of any settlement which could occur in the future. As this is a statutory requirement, the Board expect to see this included as a condition in relation to any planning consent for this development.

**Education:** This development would be expected to generate up to 36 primary aged pupils and 26 secondary aged pupils. The following contributions should be secured:

Primary =  $36 \times 11919 \times 0.91 = £390,466$

Secondary =  $26 \times 17959 \times 0.91 = 424,910$

**Sustrans:** Would like to make the following comments:

- Whilst the main vehicle access will be from Crewe Road, can there be a pedestrian/cycle access only onto Park Lane to improve local access?

- Under 'Access and Movement' the applicant refers to a connection to the Wheelock Rail Trail. Sustrans would like to see this via an evenly graded access ramp to suit all users of the greenway. There may be an opportunity to improve access arrangements across and from Hind Heath Lane.
- The Wheelock Rail Trail forms part of National Cycle Network route 5 which is poorly signed in this area. Can the development make a contribution to improving this?
- The 'blue line boundary' extends to the west of the proposed site. The layout of the estate should allow for connections to the west particularly those that are only for pedestrian/cyclists.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- Cycle parking under cover should be provided for any smaller properties without garages.
- Sustrans would like to see travel planning set up for the site with targets, monitoring and with a sense of purpose.

## **VIEWS OF THE PARISH COUNCIL**

**Sandbach Town Council:** Object to the application on the following grounds:

- This is a greenfield site; Priority must be given to developing existing brownfield sites.
- This proposed development contravenes Saved Local Plan policies GR2i d, GR5 and GR22 which seek to preserve open and green spaces between communities and maintain character of the area.
- This site is productive Grade 1 agricultural land which must remain as such, in accordance with Local Plan Policy NR8.
- Development will dramatically increase traffic in the area and place intolerable strain on existing infrastructure, primary schools and medical facilities, thus contravening saved Local Plan Policies GR1(v, vi, viii), GR6, Gr9 (ii) and GR18.
- This development is not in accordance with the emerging local plan.
- Proposed access routes via Park Lane are suitable only for pedestrians/cyclists. As such the 1 remaining entry route via Crewe road will be overburdened with traffic accessing the sites and exiting on to a busy main road. Contrary to LP Policies GR1v, GR6v and GR9ii.
- The Town Council are greatly concerned by the reckless and irresponsible standpoint towards impact of traffic generated by the cumulative developments, and urge CEC to take a robust and realistic attitude to traffic implication of these developments.

## **REPRESENTATIONS**

Letters of objection have been received from 260 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- No decision should be issued until the Sandbach Neighbourhood Plan is in place
- There is no need for more housing in Sandbach
- Loss of agricultural land
- Sandbach is a commuter town
- The site is not included within the emerging Local Plan
- The application is speculative
- Cumulative impact upon Sandbach
- The site should remain as a Green Gap

- The site is within the open countryside
- Approving development on this site would lead to future applications for residential development
- The emerging Local Plan and Town Strategy should be given some weight in the determination of this application
- Lack of employment opportunities in Sandbach
- The development would be contrary to Local Plan Policy
- The site has previously been discounted for residential development
- The application is aimed at providing financial gain for the applicant
- The applicants long term objective is for 450 houses on the application site
- The application together with others will lead to the green wedge of land being filled
- Sandbach is losing its identity
- Over development of Sandbach
- The proposal is contrary to the NPPF
- The site is not a preferred site for development
- The site is not sustainable
- Cumulative impact of the residential developments within Sandbach
- There are 360 houses currently for sale in the Sandbach area
- There is a need for retirement bungalows and not executive houses
- Loss of agricultural land
- Sandbach is becoming an overflow town for Crewe
- There is a 5 year supply of housing within Cheshire East
- Local residents do not want any further housing development

### Highways

- The highway network does not have capacity for the additional dwellings without an adverse impact
- The proposed access is located at a dangerous position
- The Traffic Assessment submitted with this application is flawed
- Traffic impacts heading from Sandbach to Crewe
- Parking problems along Crewe Road
- The highways impact of this development cannot be mitigated
- Parking problems on Crewe Road at school drop-off/pick-up times
- Increased traffic congestion around local schools
- Highways problems in Sandbach when there is an accident on the M6
- Future residents will use private motor vehicle for transport
- Vehicle safety at the junction of Crewe Road/Park Lane
- Highway safety impacts
- Pedestrian safety
- Additional traffic on Crewe Road
- Increased traffic would result in a danger to cyclists

### Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Detrimental impact upon the Wheelock Rail Trail Local Wildlife Site
- Inconstancies within the supporting protected species surveys
- Landscape and visual impact of the development

- Further ecological surveys should be undertaken
- The impact upon the trees/hedgerows which form the boundaries to the site

## Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- There is a lack of detail in relation to the community facility

## Amenity Issues

- Disturbance caused during the construction phase of the development
- Increased sewage
- Drainage impacts
- Loss of light
- Loss of privacy
- Visual Intrusion
- Noise and disturbance from the community facility
- Increased air pollution
- Increased noise pollution
- Loss of enjoyment of the open countryside
- Impact upon the health of existing residents of Sandbach

## Other issues

- Sandbach is already blighted by new build development
- Subsidence concerns on the application site
- There are a number of errors within the supporting documentation
- Pre-application consultation was carried out during the holiday period
- Archaeological impact

A letter of general observation has been received from SECCAG (South East Cheshire Cycling Action Group) which raises the following points:

- A cycle route between Park Lane and Abbey Road, logged as an aspiration by the Rights of Way Team, ref. T104. This should be secured through the use of a planning condition.

A representation has been received by CTC – The National cycling Charity raising the following points:

- Improvements to Cycle route between Park Lane and Abbey Road. This would require coordination with the proposed developments 'Abbey Road' (14/1189C) and 'Abbeyfields' (12/1463C) which provide access points to Abbey Road. Another potential access point for this route exists opposite Fields Drive within the 'blue boundary/Wider Ownership'.
- Opening the bridge at Hind Heath Lane for cyclists. It is suggested that investigations how the bridge at Hind Heath Lane can be opened for cyclists to generate the benefits that have been quoted for the Wheelock Rail Trail i.e. connecting to employment areas to the west (5.4) and the Railway Station (5.23).
- This opening should be done with particular consideration how the route can comply with legislation of the Disability Discrimination Act. Currently it has very restrictive, staggered barriers at the bridge. Developer funding should be secured so that access control can be reinstated again should any opening show abuse by motorcyclists.
- This section would connect then with the shared footway/cycleway along Hind Heath Road that is currently being built (the shared footway/cycleway is not mentioned in the Transport

Assessment probably due to timing issues). Using the bridge would also be more direct and safe than the junction Hind Heath Road/Crewe Road.

## **APPRAISAL**

### **The key issues are:**

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 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.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

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 or affordable rented and 35% intermediate tenure. Policy SC5 of the Local Plan Strategy Submission Version requires that developments of 15 dwellings or more (or 0.4 hectares) at least 30% of all dwellings are to be affordable.

The applicant has confirmed in their accompanying Planning Statement that 30% of the total dwellings will be affordable equating to 60 dwellings and this will be secured as part of a S106 Agreement together with the required tenure split.

### **Public Open Space**

This indicative layout shows that an area of POS would be located within 3 parcels at the centre of the site, to the northern part of the site and to the southern boundary of the site. The Design and Access Statement identifies that the development would provide 3 hectares of open space in the form of greens, wetlands, parks and woodlands.

The level of open space would exceed the requirements for a development of this size and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site NEAP with at least 8 pieces of equipment. This would be secured as part of a S106 Agreement together with the management of the NEAP.

Applying the standards and formulae in the 2008 Guidance the Council would require a commuted sum of £56,760 to maintain an area required by policy. The new children's play facility and amenity green space should be secured for public use and transferred to the Council

together with a 25 year commuted maintenance sum of £143,280 and this should be provided before 75% of the dwellings are occupied.

## **Education**

The scheme includes provision of a new community facility which could include a primary school (the applicant states that the final decision on the community facility will be decided at the Reserved Matters stage). The Council's Education Officer has examined the application and commented that they would be seeking that a fully serviced site be retained large enough to accommodate a 1 Form Entry Primary School and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education). However, the service may relinquish the site in future and spend the contribution on existing education facilities within a 2 mile radius of the site in the event that it sees fit and is able to accommodate the new pupils. This could be secured through the Section 106 Agreement. Final details will be secured at the Reserved Matters stage.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response was awaited and an update will be provided in relation to this issue.

## **Location of the site**

To aid a sustainability assessment, a toolkit 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – To be provided on site
- Children's Play Space (500m) – To be provided on site
- Primary School (1000m) – 112m
- Public House (1000m) – 965m
- Leisure Facilities (leisure centre or library) (1000m) – 1174m
- Secondary School (1000m) – 965m
- Child Care Facility (nursery or crèche) (1000m) - 800m
- Bus Stop (500m) – 80m
- Community Centre/Meeting Place (1000m) – 800m
- Post Box (500m) – 200m
- Bank/Cash Point (1000m) – 480m
- Public Right of Way (500m) – 160m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Pharmacy (1000m) – 1094m
- Railway Station (2000m where geographically possible) – 2027m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities 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.

However, this is not untypical for suburban dwellings and will be the similar distances for the residential development directly to the south of the application site. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In terms of the surrounding residential properties, these are mainly to the east of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

### **Noise**

The main issue in relation to noise is the impact upon the adjacent occupiers as part of the construction phase of the development. In this case the Councils Environmental Health Officer has suggested the imposition of conditions to mitigate this impact.

### **Air Quality**

The issue of the Air Quality Impact is dealt with as part of the Environmental Statement submitted in support of this application.

The Environmental Statement considers whether the development would result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. In particular, the development has the potential to impact upon the A5022/A534 Junction 17, M6 Air Quality Management Area (AQMA) declared 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, and thereby increased exposure.

The assessment uses a model to consider the NO<sub>2</sub> and PM<sub>10</sub> impacts from the predicted additional road traffic associated with this development and other permitted /proposed developments.



The Air Quality Impact Assessment concludes that all modelled impacts from road traffic on air quality conditions for residential units on the proposed development site will be below the air quality objectives.

With regards to PM<sub>10</sub> concentrations at existing receptors, it is predicted that all 27 receptors modelled will fall below the objective, thus describing the impacts as negligible.

The impacts of NO<sub>2</sub> at existing receptors highlighted that there will be increased exposure at all receptors modelled. A number of receptors are within the AQMA or at sensitive locations. Outside of the AQMA, one receptor is predicted to exceed the objective with a number of other receptors predicted to be close to the objective. It is the view of the Environmental Health Officer that any increase is considered significant and directly converse to our Local Air Quality Management objectives.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact upon the quality of life for sensitive individuals. It is requested that mitigation should be secured from the developers in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA and within Sandbach.

Mitigation to reduce the impact of the traffic pollution has been suggested in the form of a dust control condition, travel plan condition and an electric vehicle charging point condition. Subject to the imposition of these planning conditions the Environmental Health Officer has no objection to this development.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends proceeding to a phase 2 intrusive investigation on the site. This could be secured through the imposition of a planning condition.

### **Public Rights of Way**

There are no public footpaths crossing the site. The Wheelock Rail Trail is located to the south of the site and is not designated as a PROW.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- Improved access to the Wheelock Rail Trail from Hind Heath Lane
- Resurfacing of part of Public Footpath No. 21 between Mill Hill Lane and Coronation Crescent.

The contributions required would be £25,000 for the Wheelock Rail Trail and £17,280 for the resurfacing of the PROW, these contributions could be secured as part of the S106 Agreement.

The suggestions in relation to the proposed boundary treatment to the Wheelock Rail Trail and an east-west route for cyclists will be dealt with at the reserved matters stage.

A contribution towards a feasibility study for footpath improvements would not meet the CIL Regulations and cannot be secured.

### **Impact upon the setting of the Listed Building**

The dwelling at Abbeyfields is a Grade II Listed Building. However given the separation distances involved and due to the fact that an undeveloped area of land would be retained between the application site and the Listed Building it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

### **Highways**

There is one proposed access point taken off Crewe Road and is shown as a priority junction on the submitted plans.

The site is located to the south of Sandbach Town Centre and is an undeveloped green field site; it does have footways on either side of Crewe Road that link the site to the general footpath network and Sandbach Town Centre. The current location of the access falls within the existing 30 mph limit and visibility splays of 2.4m x 59m can be achieved in line with the speed surveys which have been undertaken at this site (the speed surveys show the 85<sup>th</sup> percentile speed of vehicles was found to be 36.7mph for northbound vehicles and 36.2mph for southbound vehicles).

In relation to the submitted access design there are no objections to the access design or its location from the Strategic Highways Manager.

With regard to the traffic impact of the development, the junctions assessed by the applicant are below:

- Site access/Crewe Road
- Crewe Road/A533 Old Mill Road/A533 Middlewich Road
- A533 Old Mill Road/A534 Crewe Road Wheelock Bypass
- A533/4 Old Mill Road/A533 The Hill/High Street
- Crewe Road/Park Lane
- Crewe Road/Hind Heath Road
- Park Lane/A533 Middlewich Road
- Crewe Road/A534 Crewe Road Wheelock Bypass

In this case the assessment includes a number of committed developments which have planning approval within Sandbach.

A number of the junctions assessed do not have capacity problems associated with them. The main junctions that are under stress and that will be directly affected by this development proposal are the junctions along the A533/A534 corridor.

In this case the developer has provided additional information to address the concerns of the Councils Strategic Highways Manager. Subject to a contribution of £166,000 towards the Councils scheme of improvements along the A533/A534 corridor to mitigate the highways impact the Strategic Highways Manager has no objection to this development.

## **Trees and Hedgerows**

The application site, located off Park Lane and Crewe Road contains a number of fields currently agricultural land which have been used both for arable and pasture. These are separated by disconnected hedgerows interspersed with predominantly mature individual and groups of trees. To the central north-west section of the site stands a mixed Oak, Ash and Beech woodland with an understorey of Holly and Hawthorn. A second woodland containing a large pond on adjoining land stands further to the north- west. Existing residential properties form the boundaries to the East (Crewe Road), the north (Park Lane) and the south (Hind Heath Lane) where The Wheelock Rail Trail cycle and walking route (SBI) separates the site from existing residential development.

Selected individual trees, groups of trees and woodlands within the site are protected by The Sandbach Urban District Council (Abbeyfields) Tree Preservation Order 1970.

The submitted Arboricultural Impact Assessment emphasises that the majority of A and B category trees identified in the survey will be retained, together with the existing hedgerow network. Notwithstanding the proposed access off Crewe Road which will require the removal of a short section of hawthorn hedgerow the principles and parameters set out in the supporting AIA are broadly acceptable and comply with the requirements of the British Standard.

The Assessment identifies a total of 43 Individual trees and 24 groups, 2 Woodlands and 18 hedgerows located across and immediately adjacent to the site and categorises them in accordance with BS5837:2012.

Of the 43 Individual trees, 10 are categorised as A; 19 trees categorised as B; 12 trees categorised as C and 2 trees considered U category. Of the 24 groups of trees, 3 are categorised as A; 10 categorised as B and 11 categorised as C. Both woodlands (W1 and W2) have been categorised as High (A) category.

The Assessment has identified four Veteran trees T6 and T7 (Crack Willow) T11 (Oak) and T18 (Ash). These are located on the western boundary and north-west part of the site BS5837:2012 requires all Veteran trees should be listed as Category A (high quality) which means there will be a presumption for their retention. National Planning Policy framework (para 118) requires the retention of aged or veteran trees found outside ancient woodland unless the need for and the benefits of the development in that location outweigh the loss. These trees are not shown to be affected by the current Phase 1 proposals.

The site topography is undulating with a gradual fall in the land from the west to the east of the site. This should not present any significant problems in terms of proposed levels and the integration of development and retention of existing trees as the majority of the trees within the Phase 1 site are located around the site boundaries.

As referred to above the access off Crewe Road will require the removal of a short section of Hedgerow and the AIA identifies that the internal access layout has the potential to impact upon two 'middle-aged' unprotected B category Sycamores (T36 and T37). The report states that there is sufficient room between these two trees for the road to be constructed without requiring their removal, As other supporting information does not provide the level of detail to ensure the

technical feasibility that these trees could be retained without damage to their long term health and safe well being, the retention or otherwise of these trees will remain a concern.

In principle there are no significant reasons from an arboricultural perspective why the site cannot be developed subject to the final layout being in accordance with the requirements of BS5837:2012. This will be particularly important in terms of the position of internal access arrangements/ mandatory visibility splays/sight lines, plot positions and achieving satisfactory relationships/social proximity to retained trees.

## Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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

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

The developable area of the proposed dwellings (as shown on the development framework plan) would be of a higher density than the areas to the south and east and on the whole this would be 39 dwellings per hectare. In this case the development is described ‘up to 200 dwellings’. As such the issue of design would be dealt with at the Reserved Matters Stage.

To the site entrance the dwellings should be set behind a hedgerow which would act as a green buffer to the proposed development. According to the development framework plan, the open space would be located in pockets around the site. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

## Landscape

The application site covers an area of approximately 10 hectares of agricultural land that is used for both arable and pastoral farming. There is an area of woodland towards the centre of the application site and a small copse towards the northern part of the site. The northern boundary is bound by the rear gardens of dwellings located along Park Lane, the eastern boundary is bound by the rear gardens of properties located along the western side of Crewe Road, the Wheelock Trail is located to the south of the application site and to the south of this are dwellings located along the northern side of Hind heath Road; the area to the west of the application site is agricultural land.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for landscape and Visual Impact Assessment’ 3<sup>rd</sup> Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by

Natural England, the East Lowland Plain, ELP5 Wimboldsley, as identified in the Cheshire Landscape Character Assessment 2008, and the Wheelock Rolling Plain, as identified in the Landscape Assessment of Congleton 1999.

There are no Public Rights of way that cross the applications site, neither does the application site have any landscape designations. The Wheelock Trail follows a disused rail route to the south of the application site, and is in a cutting with fairly mature vegetation.

The LVIA indicates that the landscape impact would be slight/moderate at the local scale, increasing to moderate on the setting of the proposed development and moderate/substantial on the site itself, decreasing to slight/moderate on the local scale, slight/moderate on the setting of the proposed development and moderate on the site itself after 10 years.

The LVIA indicates that the visual impacts for those receptors in closest proximity will range from slight/moderate (VP1), to moderate (VP2 and VP3) to moderate/substantial (VP4), while the visual impacts for those receptors at greater distance from the site will range from none (VP6 and VP7), to slight/negligible (VP5) and slight/moderate (VP5). The LVIA indicates that this visual impact would reduce to slight/negligible (VP2), slight/moderate (VP3, VP4) and moderate (VP1); and for those receptors at greater distance the visual impacts will reduce to none (VP6, VP7), and slight/negligible (VP5, VP8).

This is an outline application and the Landscape and Visual Impact Assessment is based on the layout and mitigation shown on the Illustrative Masterplan, which shows a landscape buffer and ecological corridor along much of the eastern boundary and linear park along the southern boundary. The mitigation shown on the illustrative Masterplan may provide some mitigation to those residential receptors that are located along the eastern and northern boundaries, and the Councils Landscape Architect would broadly agree with the visual impact assessment, if the mitigation shown on the illustrative Masterplan was provided.

It should be noted that as part of the appeal for the Abbeyfields site directly to the north of this site the Inspector found that:

*'The presence of open fields between Elworth and Sandbach is highly valued by local people. Clear views are difficult to obtain from public vantage points. The fields can be glimpsed between the houses in Middlewich Road, Abbey Road and Park Lane, but the best views are from rear gardens. Public footpaths do not cross the appeal site, and the fields do not have any special landscape designation. The proposed 3.4ha community park would ensure that a large swathe of land would remain open and, unlike at present, the park would allow public access and enjoyment. I have therefore reached the view that the loss of part of the green gap between Elworth and Sandbach would not in itself be sufficiently harmful to make the appeal proposal unacceptable'*

It is considered that the same comments could apply to this application site.

## **Ecology**

### Designated Sites

The disused Wheelock Rail trail located to the south of the application site is designated as a Local Wildlife Site (LWS). To ensure that there are no direct or indirect impacts upon this Local Wildlife Site the indicative master plan includes an appropriate undeveloped buffer in the form of a linear park located between any proposed housing and the boundary of the LWS. This approach is supported and should be secured by means of a condition if outline consent is granted. Suitable landscaping proposals for the linear park will be required at the detailed design stage.

### Hedgerows

Hedgerows are a Priority habitat and hence a material consideration. Based on the submitted indicative layout plan it appears feasible for most of the existing hedgerows would be retained as part of the proposed development. There are however likely to be some losses of hedgerows associated with the proposed access roads. The Councils Ecologist advises that if planning consent is granted any losses of hedgerow should be compensated for as part of the landscaping scheme produced in support of any future reserved matters application.

### Woodland

The block of woodland located adjacent to the northern boundary of the current application is shown as being 'buffered' from the potential adverse impacts of the proposed development by means of the adjacent woodland park. This approach is supported by the Councils Ecologist and should be secured by means of a condition if outline consent is granted.

### Great Crested Newts, Water Vole and Reptiles

The Councils Ecologist advises that these species are unlikely to be present or significantly affected by the proposed development.

### Otter

Evidence of otter activity was recorded at a ditch to the west of the boundary of the site subject to this outline application the Councils Ecologist advises that considering the distance of the proposed development from the ditch otters are unlikely to be affected by the development of the site.

### Other Protected Species

Three setts have been recorded on and adjacent to the site boundary. The development of this site could potentially result in an adverse impact upon other protected species through the disturbance of or damage to setts, the isolation of setts and the isolation, fragmentation and direct loss of foraging habitat.

The submitted report includes a number of proposals to mitigate the potential impacts of the proposed development upon other protected species. These include the provision of a wildlife corridor/buffer along the sites eastern boundary and the linear park located along the sites southern boundary. To ensure that the proposed development does not result in an unacceptable adverse impact upon other protected species it must be ensured that these measures are incorporated into any detailed design produced at the reserved matters stage. The Councils

Ecologist advises that if planning consent is granted a condition be attached that any future reserved matters application be supported by an updated survey and a detailed mitigation strategy.

#### Barn Owls

This species is known to occur in the broader locality of the proposed development. The mature trees at this site have been subject to a detailed survey and none have been identified with significant potential to support this species. Roosting/breeding barn owls are therefore unlikely to be significantly affected by the proposed development.

#### Bats

A bat activity survey has been completed on site which has recorded a moderate level of bat activity associated with the application site. The level of activity recorded is as would be expected for a site of this nature and size. The development of this site is likely to have an adverse impact on bats due to increased lighting and loss of boundary features used for foraging and commuting. These impacts would be at least partially mitigated through the implementation of the gateway park, linear park and woodland park shown on the submitted illustrative landscape plan and impacts upon bats are likely to be only localised in nature.

No evidence of roosting bats has been recorded associated with the trees on site and so roosting bats are unlikely to be directly affected by the proposed development.

#### Common Toad

This UK Biodiversity Action Plan priority species is known to be present on site. Sufficient terrestrial habitat is likely to be retained as a result of the proposed development to avoid a significant impact occurring in respect of this species. However the provision of an additional purpose designed wildlife pond on site would considerably enhance the available breeding habitat for this species.

#### Breeding Birds

The use of the standard conditions would mitigate the impact upon breeding birds on this site.

#### **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA indicates that the soil type varies across the site. The soil type will ultimately affect the surface water runoff rate. Therefore appropriate site investigation works should be undertaken to allow a reasonable calculation of Greenfield rates.

There are a number of localised areas of surface water flood risk throughout the site. An assessment of the risk of flooding from surface water should be undertaken and appropriate

measures should be incorporated into the site layout to mitigate any risk of flooding from this source.

In addition, the FRA states that local streets are at nominally lower levels than the site, it will therefore be crucial to demonstrate as part of the site's proposed surface water drainage strategy that any surface water generated by the development in up to the 1 in 100 annual probability (plus a 30% allowance for climate change) can be safely managed on site without increasing the risk of flooding elsewhere.

The FRA indicates that if infiltration is not possible, surface water will be discharged into the ordinary watercourse to the west of the site. The proposed drainage scheme should mimic existing arrangements and any discharge into the ordinary watercourse and will need to mimic existing pre-development Greenfield runoff rates.

The Environment Agency and the Councils Flood Risk Manager has been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of a planning condition.

In terms of foul drainage this would be connected to the existing sewer and the applicant has discussed this issue with United Utilities.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Archaeology**

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist. No further archaeological work is required on this site.

### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case a survey of the site has been undertaken for the land edged red and blue. This identifies that 17.5 hectares of the land (74%) is classified as Grade 2 and 6 hectares is Grade 3a (26%). The vast majority of the application site (edged red) is graded as Grade 2.

In this case the loss of BMV agricultural land will form part of the planning balance.

### **Ground Conditions**

A number of the objections submitted as part of this application make reference to the ground conditions on this site. In relation to this issue paragraph 121 of the NPPF states that planning policies and decisions should also ensure that:



*'The site is suitable for its new use taking account of ground conditions and instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation'*

In relation to this issue the Brine Board has suggested the use of a planning condition. However, should the application be approved it is considered that this issue should be dealt with at the Building Control stage. An informative to highlight the issue on any approval would be an appropriate way forward,

### **Health Infrastructure**

At the time of writing this report no comments had been received from the NHS. This issue will form part of an update report.

### **ECONOMIC SUSTAINABILITY**

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

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

The development would result in increased vehicular movements along the A533/A534 corridor which is already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme of improvements along this corridor. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The PROW contributions are required to improve the PROW in the vicinity of the site which are in a poor state of repair and do not have cyclist access. The development would result in increased

use of the PROW and upgrades are required. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in this part of Sandbach.
- Community facility
- The improvements to the PROW infrastructure in the area would be a benefit to future and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would not in itself be sufficiently harmful to make the appeal proposal unacceptable

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. This is consistent with the Secretary of State decision on the adjacent Abbeyfields site which was considered to constitute sustainable development. As such the application is recommended for approval.

**RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. 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 Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Provision of a fully serviced site to be large enough to accommodate a 1 Form Entry Primary School (or other community facility to be agreed in writing with the LPA) and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education).**
- 4. Highways Contribution of £166,000**
- 5. PROW Contribution of £42,280**

**And the following conditions:-**

- 1. Standard Outline**
- 2. Submission of Reserved Matters (the community facility shall form part of the first reserved matters application)**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Construction Method Statement for any piling works**
- 6. Dust control measures**
- 7. Noise Mitigation Measures**
- 8. Electric Vehicle Infrastructure**
- 9. Travel Plan**
- 10. Contaminated land**
- 11. Landscaping including replacement hedgerow planting.**
- 12. Updated protected species survey/assessment including detailed Badger survey and mitigation method statement to be submitted in support of any detailed reserved matters application.**

13. Provision of undeveloped buffer zones adjacent to northern woodland and southern LWS as shown on the submitted indicative layout plan.
14. Proposals for the provision of a purpose designed wildlife pond.
15. Breeding Birds Timing of Works
16. Breeding Birds Mitigation Measures
17. Reserved matters application to include details of existing and proposed levels
18. Reserved Matters application to include an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree protection Plan
19. Drainage details

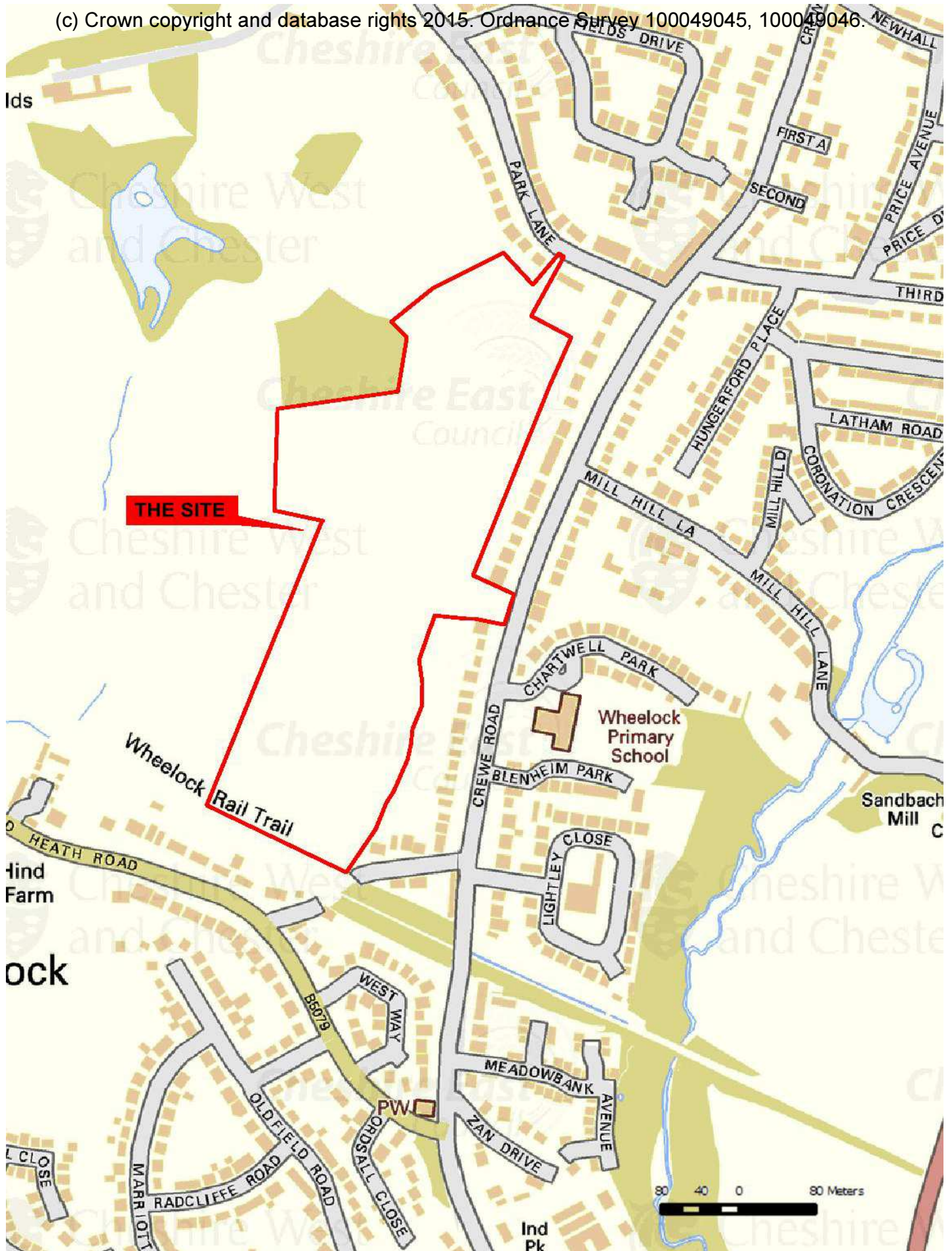
#### **Informative in respect of Brine Board matters**

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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. 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 Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Provision of a fully serviced site to be large enough to accommodate a 1 Form Entry Primary School (or other community facility to be agreed in writing with the LPA) and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education).
4. Highways Contribution of £166,000
5. PROW Contribution of £42,280

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Application No: 14/0977C

Location: Land to the South of, Hind Heath Road, Sandbach

Proposal: Outline Application for the Erection of Up To 120 Dwellings, Public Open Space, Green Infrastructure and Associated Works.

Applicant: Mr Paul Campbell, Richborough Estates Partnership LLP

Expiry Date: 21-May-2014

#### **SUMMARY**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, improvements to the cycle infrastructure in the area, and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

#### **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**



## PROPOSAL

This is an outline planning application for the erection of up to 120 dwellings (17.4 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located off Hind Heath Road adjacent to the residential development which is currently under construction.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 3.5 hectares of public open space and buffers.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

This application site has outline planning permission for up to 100 dwellings following the approval of application 13/3887C which was allowed at appeal.

## SITE DESCRIPTION

The site of the proposed development extends to 6.9 ha and is roughly rectangular in shape and is located to the southern side of Hind Heath Road. The site is within open countryside as defined by the Congleton Borough Local Plan. To the north of the site is agricultural land and Big Hind Heath Farm, to the east is a residential development which is under construction following the approval of applications 10/2609C, 13/2762C and 14/2913C; to the south are a Canal and a sewage plant beyond, to the west of the site is agricultural land.

The site includes a tree lined watercourse which is located to the west of the site, the land levels gradually slope down to this watercourse. A native hedgerow forms the front boundary to the site. The site includes an existing access track which serves a property known as Bridge House and a sewage plant on the opposite side of the Canal.

## RELEVANT HISTORY

### Application site

13/3887C - Outline Application for the Erection of Up To 100 Dwellings, Public Open Space, Green Infrastructure and Associated Works – Refused – Appeal Lodged – Appeal Allowed with costs awarded against the Council 1<sup>st</sup> August 2014

### Adjacent site

14/2913C - Application for Reserved Matters the appearance, landscaping, layout & scale for Phase 2 to include 177 dwellings on planning application no: 10/2608C – Approved 18<sup>th</sup> November 2014

13/2672C - Reserved matters application to Outline 10/2609C (approved under appeal) to provide a 3m wide shared footpath/cycleway adjacent to a section of Hind Heath Road – Approved 24<sup>th</sup> March 2014

13/1215C - Reserved Matters Application for 10/2608C for the Appearance, Landscaping, Layout & Scale for Phase 1 to Include 67 Dwellings – Approved 19<sup>th</sup> June 2013



13/0915C - Reserved matters following Outline Approval 10/2508C – Approved 17<sup>th</sup> May 2013

10/2609C - Shared Footpath and Cycleway and Associated Works - Refused 21<sup>st</sup> December 2010. Appeal Lodged. Appeal Allowed

10/2608C - Erection of up to 269 Dwellings, Provision of Public Open Space, Highway Works and Associated Works – Refused 28<sup>th</sup> October 2010. Appeal Lodged. Appeal Allowed

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

RC2 – Protected Areas of Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Supplementary Planning Documents:**

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  
Sandbach Town Strategy

### **CONSULTATIONS**

**Environment Agency:** No objection subject to the imposition of the following conditions:

- A scheme to limit surface water run-off
- A scheme to manage the risk of flooding from overland flow
- Contaminated land
- No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority.

**CE Flood Risk Manager:** No comments received at the time of writing this report.

**United Utilities:** Drainage conditions suggested.

**Strategic Highways Manager:** Based on the earlier description of development for 100 dwellings the Strategic Highways Manager raised the following comments:

No objection subject to the following:

There will be a need for a S106 agreement to secure the provisional sums for road and cycle facility improvements and the Strategic Highways Manager recommends that the Local Planning Authority attach related conditions to any permission which may be granted for this site.

There are no specific off-site highway works related to this development proposal and the new junction and frontage footpaths will be covered under the S38 agreement so there is no need for a S278 agreement.

An updated consultation response is awaited based on the revised description of development for 120 dwellings.

**Environmental Health:** Conditions suggested in relation to construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. An informative is suggested in relation to contaminated land.

**Ansa (Public Open Space):** No comments received. As part of the last application they stated that:

*'Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Proposed Indicative Site Layout) there would be a surplus in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace.'*

*As the application is outline, for a guide based on 2.4 persons per dwelling the amount of POS that would be expected in respect of the new population on site would equate to 2400sq.m. When the housing schedule is submitted then new figures would need to be calculated.*

#### 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 adopted 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.*

*Streetscape can confirm that the NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages. This should include at least 8 items/activities incorporating DDA inclusive equipment'*

**Natural England:** Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

For advice on all other protected species refer to the Natural England standing advice.

**Countryside Access Team:** The developer is requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

**Education:** 120 dwellings would generate 22 (120 x 0.18) primary and 16 (120 x 0.13) secondary.

Forecasts show that the development will impact on primary and secondary provisions.

22 x £11,919 x 0.91 = £238,618.38 primary education

16 x £17,959 x 0.91 = £261,483.04 secondary education

Total £500,101.42

**Cheshire Brine Subsidence Board:** No comments received at the time of writing this report.

**Canal and Rivers Trust:** No comments to make.

**Cheshire Fire Service:** Access should be in accordance with Building Regulations. Details of water mains will be required. Consideration needs to be given to bin storage areas and sprinkler systems.

**Cheshire East PROW:** The proposed development does not appear to affect a PROW.

## **VIEWES OF THE PARISH COUNCIL**

**Sandbach Town Council:** Sandbach Town Council feel the amended documents do not accurately reflect projected traffic impact of further development; plans considerably underestimate the degree of congestion this development will generate. As yet, signals referenced at Crewe Road/Hind Heath Road Junction are not in place.

Developments with existing Planning approval will further increase traffic and congestion and, as such, members request that CEC continue to monitor Crewe Road/Hind Heath Junction once Phase 1 is complete and traffic lights are operational.

## **REPRESENTATIONS**

Letters of objection have been received from 22 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- Land grapping
- Contrary to Local Plan
- Contrary to Sandbach Town Plan
- The increase in the number of dwellings should be treated as a new application

- Brownfield land should be promoted over the use of Greenfield land
- Too many dwellings are being built too quickly
- Lack of jobs in Sandbach
- There is enough housing development in Elworth
- Lack of consultation
- Loss of agricultural land
- Cheshire East can demonstrate a 5 year housing land supply
- The development will create urban sprawl
- Sandbach is losing its identity
- Over development of Sandbach
- Over development of this site
- Development creep
- The proposal is contrary to the NPPF

#### Highways

- Increased traffic flow
- Vehicle speeding along Hind Heath Road
- Sever highways impact
- Cumulative highways impact with other committed developments in Sandbach
- The submitted Transport Assessment is inadequate (it contains a number of errors)
- The cycle track along Hind Heath Road should be completed
- Hind Heath Road is a rat run
- There are accident records on Hind Heath Road
- Poor motorway access
- Inadequate access to the site
- Increased traffic would result in a danger to cyclists

#### Green Issues

- Landscape impact
- Loss of the green gap along Hind Heath Road
- Impact upon wildlife
- Impact upon protected species

#### Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Flooding problems in this locality

#### Amenity Issues

- Loss of outlook
- Inadequate levels of privacy for the proposed dwellings
- Increased noise pollution
- Increased air pollution

#### Other issues

- Subsidence concerns on the application site

A representation has been received by CTC – The National cycling Charity raising the following points:

- Larger “visibility splays” result in drivers being able to make faster turnings out of the estate onto Hind Heath Road. They might even result in a larger junction altogether. This will affect the cycle crossing across the frontage of the site.
- Additional pedestrian and cycle links will be provided throughout the site with linkages onto a Linear Park walk along the western boundary. These are welcome if they provide shortcuts for cyclists that are not available for drivers. Shared footways running along roads in the estate are not required as cars’ speed will be low and cyclists can use the road.
- Also, the Linear Park walk should be extended to be used by cyclists, too.
- There should be links to connect east to the Bovis Homes development across the access road to Bridge House.
- The barriers at the bridge at Hind Heath Lane, crossing the Wheelock Rail Trail. Developer funding could be allocated to replace the barriers later should a trial period show abuse of this link by motorcyclists.
- The current transition to the road would be at the circle. It would be beneficial if the cycle track were extended as well further north to join up with Proctors Lane so that cyclists travelling west towards Ettiley Heath would not have to join the carriageway at all.
- A bicycle shelter would be welcome and this has been acknowledged by Northern Rail.

A representation has been received from Sustrans raising the following points:

- The design of the estate should restrict vehicle speeds to less than 20mph.
- Sustrans would like to see the site integrated with the adjacent Bovis Homes site for pedestrians/cyclists by joining the cul-de-sac heads with a greenway.
- The design of the proposed footway/cycle track on Hind Heath Road at the site entrance should observe the advice set out in the DfT's Local Transport Notes 2/08 sections 10.3, and 1/12 section 7.56 - 7.62.
- Can the site be integrated to the south into the canal towpath for pedestrians/cyclists?
- The provision of a refuge on Hind Heath Road is welcome to connect with the Wheelock Trail. This should be deep enough for shared pedestrian/cycle use.
- The design of any smaller properties without garages should include storage areas for residents' buggies/bikes.
- Sustrans would like to see travel planning with targets and monitoring and a sense of purpose (National Planning Policy Framework, clause 36)

## **APPRAISAL**

### **The key issues are:**

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 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.

In this case it should be noted that the principle of residential development has been accepted on this site following the appeal decision for 100 dwellings. This application seeks to alter the unit types within the site to accommodate 120 dwellings. There would be no increase in the developable area of the development as part of this application.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council’s calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of

housing land. Accordingly recommendations on planning applications will now reflect this position.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

There should be provision of 30% of the total dwellings on this site as affordable, with 65% provided as social or affordable rent and 35% intermediate. This equates to a requirement for up to 36 affordable dwellings on this site, with up to 23 provided as social or affordable rented dwellings and up to 13 provided as intermediate tenure.

The affordable housing provision will be secured as part of a S106 Agreement.

### **Public Open Space**

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided to the southern and western boundaries of the site. The Open Space Officer has stated that if the development is approved there would be a surplus in the quantity of provision. The area shown on the indicative plan is 3.5 hectares this is an over-provision. Therefore the amount of open space to be provided is acceptable.

In terms of children's play space, the Public Open Space Officer has requested the provision of a NEAP. This is not shown on the indicative plan but could be secured as part of a S106 Agreement.

The open space/landscape and ecological buffers and NEAP on site would be managed by a management company and this would be secured as part of a S106 Agreement.

### **Education**

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £238,618.38. This contribution would be secured via a S106 Agreement.

In terms of secondary school education, as there are capacity issues at the local secondary schools, the education department has requested a contribution of £261,483.04. This contribution would be secured via a S106 Agreement.

### **Location of the site**

The site is considered by the SHLAA to be sustainable. In this case the same site was considered to be sustainable by the Inspector who allowed the appeal. As a result it is considered that this proposal is sustainably located owing to its location on the edge of the settlement.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**



In terms of the surrounding residential properties, these are mainly off-set to the north-east and north-west with Bridge House to the south and the dwellings which are currently under construction as part of the Bovis scheme.

From the indicative plan the separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighbouring residential amenity. Further details would be obtained at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

There is concern that the cumulative impact of development in the Sandbach area will lead to successive increases in pollution levels thereby increased exposure. In particular, the development has the potential to impact upon the Sandbach (J17, M6) Air Quality Management Area (AQMA), which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

The assessment uses DMRB to model NO<sub>2</sub> and PM<sub>10</sub> impacts from the predicted additional road traffic associated with this proposal and two committed developments in the vicinity. The report predicts that all three receptors modelled will experience a negligible increase in airborne emissions.

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. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an (AQMA). It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development. This will be secured through the use of planning conditions.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition will be attached to secure remediation on this site.

### **Impact upon the adjacent canal**

The Conservation Area runs along the line of the adjacent canal located to the south of the site. Given that open space would be located to the south of the site on the indicative plan it is considered that it would be possible to negotiate an acceptable design solution that would not harm the setting of the Conservation Area.

### **Highways**

### Access

The development would have a single vehicular access point onto Hind Heath Road which involves the upgrade of the existing sewerage works access. Hind Heath Road has a 30mph speed limit at this point and the proposed development would provide visibility splays of 2.4m x 120m which would be sufficient for a 40mph speed limit. The Strategic Highways Manager has no objections to the design of the proposed access.

### Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

The development of 100 dwellings on this site was considered to be acceptable by the Inspector at the appeal and as such it is necessary to consider the impact of the additional 20 dwellings.

The submitted Transport Assessment has evaluated the junctions at Hind Heath Road/Crewe Road and the Salt Line Way/Abbey Road/Elton Road. The Strategic Highways Manager concurred with the submitted TA in that these junctions will have spare capacity with this and other committed development (this is based on the development of up to 100 dwellings and an updated consultation response is awaited for the development of 120 dwellings).

The appeal application secured a contribution of £200,000 towards the Old Mill Road/The Hill and Junction 17 of the M6 and a contribution of £100,000 towards cycle way improvements within the vicinity of the site. These sums will be updated based on the revised highways comments.

## **Trees and Hedgerows**

### Trees

There are no trees protected by a Tree Preservation Order on this site.

The submitted Tree Survey has identified 10 individual trees and 3 groups located across the site. Of the individual trees 5 are Grade A (High Quality and Value), 4 are Grade B (moderate Quality and Value) and 1 is Grade C (Low Quality and Value), of the groups two are Grade B (moderate Quality and Value) and 1 is Grade C (Low Quality and Value). All of these trees are located along the watercourse and to the south of the site.

The illustrative site layout indicates that all trees will be retained within the proposed open space, and as a result the impact upon trees is considered to be acceptable.

### Hedgerows

The submitted indicative plan indicates that the hedgerows to the north and eastern boundaries would be retained. As a result, the impact upon boundary hedgerows is considered to be acceptable.

## 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, although the density of the site has been increased since the previous approval it is appropriate and is consistent with that of the surrounding area of Sandbach and the development approved on the adjacent site.

The indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy GR2 (Design) and the NPPF.

## Landscape

The application site is fairly level with a small tributary depression running down the western part of the site. There are a number of hedgerows and also a number of trees associated with the tributary depression that runs through the site.

As part of the appraisal the baseline landscape character is given. The National character area has been identified, as well as the character type as identified in the Cheshire Landscape Character assessment 2009( East Lowland Plain –ELP5 Wimboldsley) and also the Congleton Landscape Assessment, which identifies the area as being in the Wheelock Rolling Plain. The assessment also identifies the visual context and amenity of the application site, with a series of 11 views and the Councils Landscape Architect would broadly agree with the visual summary for each of these views.

With reference to the constraints and opportunities, the Councils Landscape Architect does not feel that the existing green infrastructure along the western half of the site is as robust as the appraisal appears to indicate and there will potentially be greater inter-visibility than appreciated. The proposed indicative site layout is disappointing, it indicates that there will be no additional enhancement along the existing tributary strip, which is identified as a Linear park. In reality there are opportunities to provide hedging and hedgerow trees along the very western boundary of the site, as well as substantial landscape enhancement throughout this Linear Park. There is scope to enhance the existing northern boundary hedgerow, which currently has no hedgerow trees along its length and there are opportunities to provide landscape enhancement across other parts

of the site. In reality all the proposed indicative layout appears to show is just the retention of existing vegetation, with minimal enhancement. However it is considered that as landscape is a reserved matter such details could be negotiated/secured at the Reserved Matters stage.

As part of the earlier appeal decision on this site the Inspector found that:

*'The principal effect would be to advance the edge of built development in a westerly direction, but there would be no significant impact in the wider landscape. Whilst the agricultural landscape is well-maintained and characteristic of the current setting of development around Sandbach, it is not the subject of any special designation for its particular qualities'*

## **Ecology**

### Protected Species

#### *Breeding birds*

If planning consent is granted a standard planning condition could be used to safeguard breeding birds.

#### *Other Protected Species*

A sett is present within the area of the proposed open space adjacent to the proposed development. The Councils Ecologist advises that based on the submitted indicative layout plan the proposed development is unlikely to have a direct adverse impact upon other protected species. An acceptable mitigation method statement has been submitted in support of this outline application.

#### *Reptiles*

Grass snakes are known to occur in this locality and may occur on site. The majority of suitable habitat for this species will however be retained as open space as part of the illustrative layout. There remains a small risk that reptiles could be disturbed during site clearance works. The applicant has submitted a reptile and amphibian mitigation method statement to reduce the risk of any animals being disturbed during the site clearance and construction process. The Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon reptiles.

### Habitats

#### *Hedgerows*

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that the vast majority of the existing hedgerows can be retained as part of the development. However, any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site.

#### *Ecological Mitigation*

This application is supported by an ecological mitigation strategy which in addition to mitigation recommendations also includes a number of proposals for the ecological enhancement of the open space area. The proposed ecological enhancements are welcomed and to ensure they are incorporated into any future detailed reserved matter application a condition should be attached to any approval.

#### *Sandbach Flashes SSSI*

In this case Natural England have been consulted and do not consider that the development would affect the Sandbach Flashes SSSI.

#### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that the development is not at significant flood risk subject to the recommended flood mitigation strategy. The proposed surface water drainage discharge rate will be limited to Greenfield run off rates and the point of discharge for the site will be to the watercourse to the west of the site. The FRA also indicates that SuDS will be employed on this site.

The Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

#### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

An Agricultural Land Survey has been produced and this indicates that 3.2 hectares of the site is Grade 2, 3.4 hectares is Grade 4 and 0.4 hectares in non-agricultural land.

The loss of agricultural land was considered as part of the appeal decision for this application and the Inspector found that:

*'In my experience it is not unusual for BMV land to be located on the edge of existing towns and settlements, in locations which in other respects are likely to offer the most sustainable opportunities for development. The Framework does not place any absolute prohibition on the development of BMV land, and it was accepted at the Inquiry that it would be reasonable to deal with any loss of good quality land as something to be considered in the overall balance'*

The loss of agricultural land was outweighed in this case by the need to provide housing towards the Councils 5 year housing land supply.

### **Ground Conditions**

A number of the objections submitted as part of this application make reference to the ground conditions on this site.

In relation to this issue the Brine Board has been consulted but no response had been received at the time of writing this report. However it should be noted that residential development has already been approved on this site and the adjacent site.

### **Health Infrastructure**

Concern has been raised about the potential impact upon health infrastructure and in response to this issue the applicant has responded by stating that the NHS doctors surrounding the site are all accepting new patients. Officers have obtained information from the NHS choices website which confirms that the 7 practices within 4 miles of the site are all accepting new patients.

### **ECONOMIC SUSTAINABILITY**

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

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

The cycleway contribution would improve the sustainability credentials of the site and was considered to be CIL compliant by the Inspector as part of the appeal.

The development would result in increased vehicular movements at the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6 which are already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme

of improvements at these junctions. This is considered to be necessary and fair and reasonable in relation to the development.

The cycling contribution of £100,000 for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Ettiley Heath area would improve the sustainability credentials of this site. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

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

## **PLANNING BALANCE**

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in this part of Sandbach.
- Community facility
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would not in itself be sufficiently harmful to make the appeal proposal unacceptable

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. This is consistent with the earlier appeal decision for up to 100 dwellings on this site which was allowed with an award of costs against the Council.

#### **RECOMMENDATION:**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. 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 Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Primary School Education Contribution of £238,618.38**
- 4. Secondary School Education Contribution of £261,483.04**
- 5. Highways Contribution (Sum to be confirmed) towards the junctions of Old Mill Road/the Hill, Crewe Green Roundabout and Junction 17 of the M6**
- 6. Cycling Contribution (Sum to be confirmed) for improvements to cycling provision in the Wheelock, Sandbach and Elworth/Ettiley Heath area.**

**And the following conditions:-**

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Details of existing and proposed ground levels**
- 6. Phasing of the development**
- 7. Submission of materials for the development**
- 8. Details of overland flow**
- 9. Details of scheme for the disposal of foul water**
- 10. Contaminated land**
- 11. Environment Management Plan**
- 12. Travel Plan**



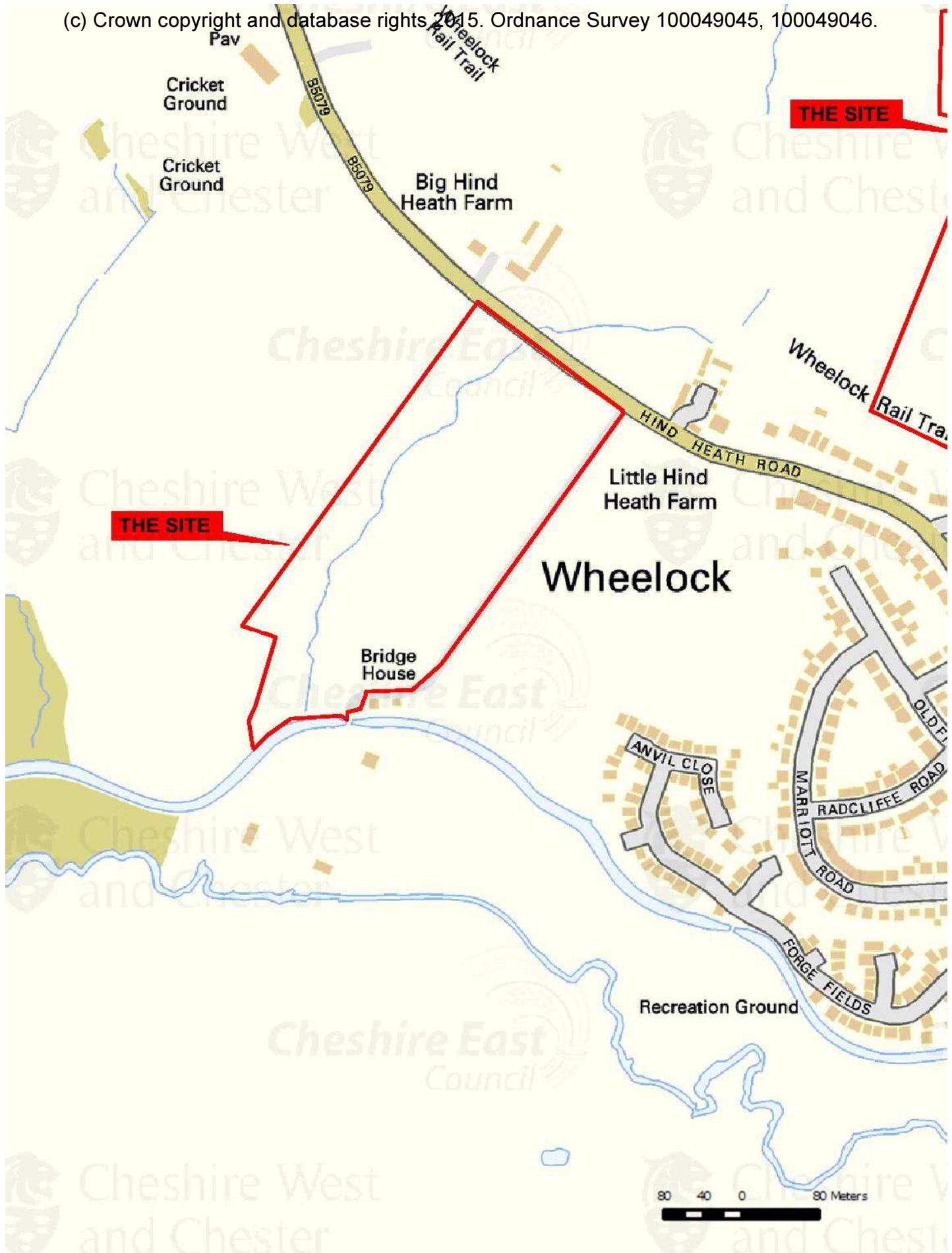
13. 8m buffer zone along the watercourse
14. Submission of a revised Ecological Mitigation Strategy
15. Breeding Birds timing of works
16. Replacement hedgerow planting as part of the reserved matters application
17. Arboricultural Method Statement
18. Landscape Design and Management Strategy
19. Open Space Scheme
20. Management Plan for the Open Space

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 Principal Planning Manager, 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. 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 Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Primary School Education Contribution of £238,618.38
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Application No: 14/5120C

Location: Land North of Congleton Road, SANDBACH, CHESHIRE, CW11 1DN

Proposal: Reserved matters application for The construction of 160 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works.

Applicant: Taylor Wimpey UK Limited and Seddon Home

Expiry Date: 10-Feb-2015

**SUMMARY:** The principle of the housing development has been established through outline planning permission. The application seeks approval of reserved matters detail. The scale, layout, appearance and landscaping of the development are acceptable and compliant with Development Plan policy. The proposal is considered to be acceptable in terms of its impact upon residential amenity and it complies with the relevant local plan policy requirements for residential environments. The design of the scheme is of a good quality and: it supplies appropriate highway and education mitigation, affordable housing, landscape, open space and ecology provision and can be supported on all other issues.

The proposal meets the objectives of sustainable development as set out in the NPPF.

**RECOMMENDATION: Approve with conditions**

**PROPOSAL:**

Approval is sought for the reserved matters of the appearance, landscaping, layout and scale of the scheme.

Details relating to means of access were approved at the outline stage. The development will be accessed via Congleton Road as agreed at the outline stage. The applicant's have submitted an application to discharge conditions relevant to the provision of details for traffic management/speed reduction measures and on street parking controls along Congleton Road. It is noted that this is a separate application pending consideration by the Council. Access issues are not considered as part of this application.

The development will comprise a total of 160 dwellings, including 48 affordable homes; a mix of dwelling types and sizes, ranging from one to five bedroom family homes and elderly accommodation in the form of cottage flats; and public open space, including formal and informal recreation, and areas of wildlife habitat.

There is potential to provide a landscape buffer or potential garden extensions to some existing properties with short rear gardens which back onto the site from Congleton Road. The final arrangement of this will be confirmed upon the satisfactory approval of reserved matters.

## **SITE DESCRIPTION:**

The site extends to 7.89ha and is situated to the north of Congleton Road, on the edge of the Sandbach.

The land comprises of agricultural fields used for grazing and a series of paddocks. There are mature trees along the boundaries of the site and within the existing hedgerows. The residential property of No. 130 Congleton Road is also included within the site boundary.

A public right of way leading from Congleton Road bisects the site. An additional public right of way runs along the western boundary and is accessed from Offley Road.

The site is bounded:

- 1 To the north by the residential properties of Marlborough Drive and a strong hedge with trees. Beyond is Sandbach Rugby Club, associated pitches, club house and car park;
- 2 To the south by the residential properties fronting Congleton Road and to the south west by the Offley County Primary School and associated playing fields. The boundary to the school comprises a substantial hedge together with additional planting;
- 3 To the east by established hedgerows, a significant band of trees and open countryside; and,
- 4 To the west by the agricultural land and beyond by the residential properties on Twemlow Avenue.

## **RELEVANT HISTORY:**

12/1903C – Outline planning permission for the erection of up to 160 dwellings, including access and associated infrastructure, and the demolition of No 130 Congleton Road. Approved 18 October 2013 following an appeal against non-determination of the application. This application is most relevant to the determination of the reserved matters application.

Other less relevant planning history comprises:

- 1 Land North Of Congleton Road Sandbach 20901/1 - Residential Development. Refused 2 May 1989
- 2 Land North Of Congleton Road Sandbach 22517/1 - Residential Development. Refused / Appeal Dismissed 1 August 1991
- 3 128-130 Congleton Road 32345/3 - Residential development comprising of 12 units. Refused 25 September 2000
- 4 128-130 Congleton Road Ref: 32821/3 - Residential development comprising 11 detached dwellings and all associated work and demolition of 128 & 130 Congleton Road. Refused 2 July 2001
- 5 128-130 Congleton Road Ref: 34104/3 - Outline application for residential development of 10 houses and all associated work and demolition of 128 & 130 Congleton Road. Refused 12 June 2002
- 6 Land North of Congleton Road Ref: 13/0012C – Erection of up to 160 dwellings, including landscaping, access and associated infrastructure including the demolition of 130 Congleton Road. (Duplicate application of appeal proposals)

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14 and 55.

### **Development Plan:**

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR9 (Accessibility, servicing and provision of parking)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR17 (Car Parking)

GR20 (Public Utilities)

GR21 (Flood Prevention)

GR22 (Open Space Provision)

H13 (Affordable and Low Cost Housing)

NR1 (Trees and Woodlands)

NR3 (Habitats)

NR5 (Habitats)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2, PG5, SE1, SE3, SE4, SE5.

### **CONSULTATIONS:**

**Highways:** The SHM has been very actively involved in the consideration of the reserved matters and it is anticipated that the scheme will be supported. These final comments will be reported as an update.

**Environmental Health:** No comments - Subject to the conditions requested for the outline application 12/1903C

Housing Officer: Is satisfied with all of the Affordable Housing Scheme that has been submitted except for the tenure split. In discussions the Housing Officer accepts that the slight deviation proposed from the normal tenure split may be appropriate given the planning

balance and the applicants undertaking to provide specific elderly accommodation at CEC's request.

**Countryside Access Development Officer:** The Countryside Development Officer notes that Footpath No. 6 along the western boundary of the site is not afforded natural surveillance through the layout of the site. The proposed layout shows backs of gardens with 1.8m close board fencing forming the boundary to the footpath, rather than open front gardens as would be best practice design. They also go on to state that proposals were raised at outline application for the on-site part of public footpath No. 6 at the western edge of the site being made available to both pedestrians and cyclists. This would increase the permeability of the site to both users groups along the one of the main travel trajectories and has been suggested by local cyclists. Finally it is requested that the proposed path linking Footpaths Nos. 6 & 7 would be welcomed as this had been an aspiration of local residents, registered under the Council's statutory Rights of Way Improvement Plan (ref. W8) and offers options for circular walks close to people's homes.

**Cheshire Fire and Rescue Service:** Cheshire Fire and Rescue have requested confirmation that Fire Service access will be provided within 45m of all points within the dwelling house, any secondary roads and private drives will comply with the requirements in relation to access route specification and turning facilities will be provided in accordance with any dead-end access route that is more than 20m long.

**CTC – Working for Cycling:** CTC is pleased that each property will feature cycle storage in the form of a shed within the rear garden. They consider that should contain some anchor fitted into the ground for safe locking. They also hope the flats also provide the one required cycle space per unit as requested by Cheshire East's Cycle Parking Standards. CTC would also like to see access to this footpath for cyclists to reach Congleton Road to the south and also to have it converted to cycle track for this section. They consider that this enables a more direct journey for some cyclists to Offley Road and Congleton Road. Should further developer contributions be available then they suggest investigating if the footpath can be converted to cycle track to the north as well via Sandbach United Football Club to allow good access to the quiet lanes there.

**Environment Agency:** The Environment Agency is a statutory consultee for any development of land of 1 hectare or more, under the terms of Schedule 5 Articles 16 and 17 (zf) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 (DMPO). This is to ensure consideration of surface water run-off issues on larger sites within Flood Zone 1. However, the introduction of the Flood & Water Management Act 2010 has passed responsibility for ordinary watercourses and surface and ground water flooding to the Lead Local Flood Authorities. Therefore from 1st June 2014, and in accordance with Part 3, Article 16 (1)(d) of the DMPO, they no longer wish to be consulted directly on developments over 1 ha where there are no other environmental constraints within their remit, and would ask that Standing Advice is applied to any such development proposals.

**REPRESENTATIONS:**

6 letters of objection have been received from six addresses on the grounds of:

- 1 Impact on residential amenity of existing properties as a result of overlooking issues
- 2 Too many greenfield sites under consideration
- 3 Loss of public rights of way
- 4 Impact on local services
- 5 Impact on ecology

This is a summary and the full contents are on the Council website.

**APPRAISAL:**

The key issues are:

Environmental Sustainability – The application raises no fundamental issues in respect of landscape and diversity but would result in the development of open land.

Social Sustainability – The proposal is in a sustainable location.

Economic Sustainability – The proposal would introduce more indigenous town centre residents that would in turn utilise local shops and facilities.

**Principle**

*Given that the application is for reserved matters, the key issues in question in this application, are the acceptability of the appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.*

The principle of residential development is already established by the permission granted in outline. Therefore the background policy issues at the time were duly rehearsed by the Inspector who granted the outline planning permission 12/1903C.

**ENVIRONMENTAL SUSTAINABILITY**

**Highways**

The site is accessed from Congleton Road. This arrangement was approved at the outline planning permission stage. The internal road layout is based on a simple and clear street hierarchy. The Inspector in his Report granting outline planning permission for the development considered that it is clear that adequate visibility would be available in both directions along the main road.

Other than the financial contributions outlined in the Section 106 Agreement towards highways namely:

- 1 £50,000 which shall be used for the implementation of improvements to the Congleton Road/Old Mill Road junction and for no other purpose.
- 2 £3,000 per dwelling shall be used for the implementation of improvements to junction of Old Mill Road/the Hill and at the A533/A534 roundabout and/or to the public highway realm along Congleton Road within Sandbach town centre and for no other purpose.

There are no other highways requirements other than to prepare information in relation to Condition 15 which requires the provision of details for traffic management/speed reduction

measures and on street parking controls along Congleton Road. It is noted that this is a separate application pending consideration by the Council (Ref: 14/5739D).

The principal access route indicated on the layout plan does accord with that approved at outline. In design terms the roads promote low traffic speeds as would be expected in a residential development.

Car parking is predominantly provided by way of integral or detached garages or driveways.

New footpaths enhance the accessibility and permeability of the site, with routes provided alongside the main access roads around the development and within public open spaces. Comments made by the public rights of way officer have been incorporated into the development proposals.

The comments of the Highways Officer on the reserved matters layout are awaited and will be reported as an update.

### **Layout, Design & Scale**

The application comprises details of scale, layout, appearance and landscaping.

The development will provide 160 dwellings set within landscaped green corridors. The majority of the proposed development would be two-storey with occasional increases in height to 2.5 storey to define spaces and to create focal points. This is in accordance with the parameters plan.

The main area of open space will be located along the north-east boundary of the site. This open space will create a green buffer to the adjacent fields and includes fruiting trees, a wildlife pond, play area (LEAP), kick-about space, a seating area and buffer planting. A footpath will be provided within the greenspace connecting the public right of way to the north-west. The eastern landscape buffer broadly accords with the approved parameters plan; but has been slightly reduced following consultation with PlacesMatter! to make the greenspace edge a more active and useable space and to accommodate changes to the layout to improve the amenity of the residents along Congleton Road.

The retained landscape features on the site will be enhanced and supported by new elements comprising hard and soft landscaping, play areas, an enhanced pond and boundary treatments.

Linear open space, comprising retained hedgerows and trees and new footways is also provided.

In terms of the detailed design the proposed dwellings a character assessment is provided in the Design & Access Statement which fed into the proposed house types on the site. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Sandbach.

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 final design of the scheme has been subject to significant public consultation with local residents and Council Officers. The Urban Design Officer has commended the development of the scheme as exemplary noting in his Buildings for Life 12 Assessment that the scheme has benefitted from the iterative process adopted, including design review. The applicant's also amended further areas of the scheme to improve the layout to ensure that 12 greens are achieved in the Buildings for Life 12 Assessment. The Urban Designers' concluding statement notes that *"this is the quality of scheme, that, if implemented to the standard indicated, we should be aspiring to for all new development in Cheshire East"*.

### **Amenity**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. Amenity standards to existing properties along Congleton Road are well in excess of these distances.

There is potential to provide a landscape buffer or potential garden extensions to some existing properties with short rear gardens which back onto the site from Congleton Road. The final arrangement of this will be confirmed upon the satisfactory approval of reserved matters.

The layout and design of the site demonstrates satisfactorily that all dwellings can be comfortably accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

### **Landscape & Open Space**

The Landscape Officer is generally satisfied with the soft landscape scheme. A further layout has been submitted to provide additional planting to break up some parking areas as well as provide additional planting to the eastern buffer.

Amendments have also been proposed to the location of the fencing to the LEAP to protect veteran trees to the east of the site. This has been forwarded to the Landscape Officer for comments.

The overall open space provision is provided in accordance with the outline planning condition 17 which requires the provision of a minimum total of 3712 sq m of children's play space comprising 2320 sq m of informal play space and a 1392 sq m LEAP with a minimum of 5 pieces of equipment. The reduction in the eastern buffer does not affect the overall provision of open space across the site.

### **Forestry**

Six individual trees, four groups (plus part of one other group) and a woodland group will be removed to facilitate the development. The majority of these trees are either low or moderate value. Mitigation for tree loss will be provided in the form of replacement planting which will include new amenity trees, screen planting, infill planting to reinforce existing features and a new area of fruit trees for community foraging. The proposed new planting will lead to an increase in tree cover as new trees mature are planted as part of the development. The overall concept has had the benefit of ongoing advice from the Landscape Officer.

## **Hedgerows**

There would be some hedgerow removal to facilitate the proposals. Out of the 142m to be removed, hedgerow H6 and H9 are classified as important under the Hedgerow Regulations 1997, of which 13m and 17m respectively will be removed. New broad hedgerows to compensate are proposed with the public open spaces and along access roads define front boundaries of properties.

## **Ecology**

The Biodiversity Protection Method Statement has been prepared in support of the proposals. The retained and enhanced pond will provide an improved range of aquatic, marginal and terrestrial habitat which will be suitable for a wide range of flora and fauna.

The landscape scheme will incorporate native species and wildlife friendly species to increase foraging opportunities for birds and bats. Structural diversity within the site will be increased through the planting of shrubs, bulbs, hedgerows and trees in addition to maintaining grassed areas.

Bird nest boxes will be installed into the existing hedgerows and trees along the north boundary and existing trees in the east of the site.

The existing subsidiary badger sett on the site will be closed. New planting, including fruiting trees, will be managed to provide foraging habitat for badgers. Hedgerows will also be planted along the eastern boundary for screening of the off-site setts.

Bat boxes will be installed on four existing trees within open spaces to preserve the availability of potential tree roost habitat. An inspection of those trees with bat roost potential will also be carried out prior to felling or tree surgery works.

Each resident will be supplied with one wildlife habitat feature from a choice of 40 no. bird boxes, 32 no. bird feeding stations, 32 no. bat boxes, 16 no. hedgehog boxes and 40 no. invertebrate features.

## **Flood Risk & Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. A Flood Risk Assessment was submitted as part of the outline planning application.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Details relating to the proposed drainage strategy for the site have been provided as part of the separate discharge of conditions application pending consideration by the Council (LPA ref: 14/5739D). The drainage strategy includes the use of over-sized pipes under the highway, rainwater butts to roof areas of the social rented properties, and a landscape basin/depression and underground hydro-chamber tanks. United Utilities have agreed in principle to the proposed strategy to be adopted with regards to on/off-site surface water and foul drainage.

## **SOCIAL SUSTAINABILITY**

## **Affordable Housing**

The applicant's propose to provide 30% affordable housing (48 dwellings) in accordance with the operative provisions of the Section 106 Agreement. The Housing Officer is satisfied with submitted Affordable Housing Scheme with the exception of the tenure split.

The affordable housing layout highlights the location of the affordable units. The location of the units constitutes pepper-potting and this is sufficient integration of the affordable units. This is accepted by the Councils Housing Officer.

A mix of unit types and size is proposed on the development with 1, 2 and 3 beds included in the affordable housing scheme. The Housing Officer is content with the residential mix.

The proposals will provide 37.5% intermediate tenure (18 dwellings) and 62.5% (30 dwellings) as social rented tenure. The Section 106 Agreement requires 65% social rented and 35% intermediate tenure. The justification for the minor change to the tenure split has arisen in order to meet specific comments received from occupiers of Congleton Road (no 124) who, at the pre-application stage, submitted a letter of objection to the layout requesting that the affordable units be replaced with detached properties in order to facilitate views through the site from their property. The layout was amended to meet with their specific comments but this had implications on the wider scheme with the need to pepper pot the affordable units away from existing residents on Congleton Road.

As a minimum Registered Providers are only prepared to deliver social rented properties that come in pairs. The final layout does not enable this. In the interests of meeting the needs of residents bounded by the development proposals a reduction in social rented tenure by 2.5% is considered minor and the overall amount of affordable housing will still be provided on site.

## **Education**

This issue was dealt with as part of the outline application. The Section 106 Agreement contains a primary education of £282,003 and a secondary education contribution of £343,196.

## **ECONOMIC SUSTAINABILITY**

The proposal would introduce more indigenous town centre residents that would in turn utilise local shops and facilities and will provide the related construction employment on the site for the duration of the build programme.

## **Other Issues**

Taylor Wimpey and Seddon Homes have carried out extensive pre-application discussions with Places Matter, elected members, stakeholders, residents and local businesses at the pre-application stage as set out in the Statement of Community Involvement. The applicants considered the concerns of the residents and ward members directly affected by the development proposals on Congleton Road and amended the scheme prior to the submission

of the application. During the consideration of the application, the applicants have met with residents and continually discussed the scheme.

In accordance with the provisions of the National Planning Policy Framework, the applicants have undertaken good quality pre and post submission discussions which have resulted in the creation of a high quality scheme.

### **Planning Balance**

The proposal is considered to be acceptable in terms of its impact upon residential amenity and it therefore complies with the relevant local plan policy requirements for residential environments and design.

The submitted Affordable Housing Scheme provides the details of affordable housing provision at the site and whilst there is a slight variation from the tenure split of the Section 106 Agreement, it is considered that the development is acceptable in terms of affordable housing provision.

The provision of the access point from Congleton Road was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the S106 Agreement.

The amount of POS and children's play provision to be provided on site is considered to be acceptable and is provided in accordance with the provisions of the Section 106 Agreement and the relevant outline planning conditions.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development.

There would be some limited tree loss at the site and the majority of the trees would be retained on this site.

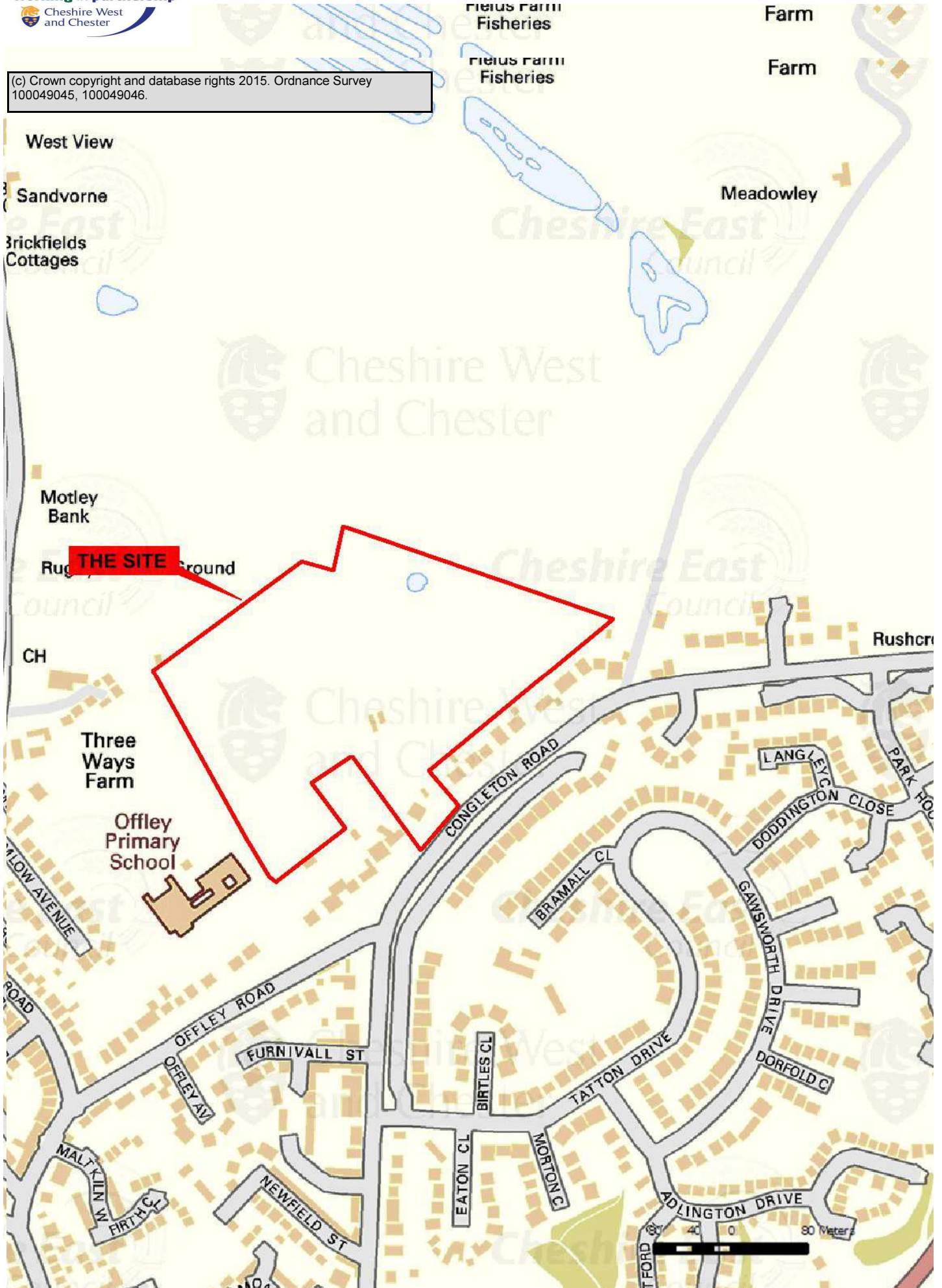
The development is considered to be of a high standard of design and complies with the adopted Local Plan Policies and guidance contained within the NPPF.

Overall, this reserved matters application is acceptable and provides an exemplary standard of design. The conditions attached to the outline permission are extant and are equally applicable to this application and are therefore not repeated. Therefore details in relation ground conditions, construction management, drainage and details for traffic management/speed reduction measures and on street parking controls along Congleton Road will be resolved through the discharge of conditions on the outline planning permission.

### **Recommendation: Approve with conditions**

- 1. Plans and details submitted**
- 2. Time**
- 3. Landscape implementation**

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Application No: 14/2973N

Location: Land North of Smeaton Wood Farm, Pinsley Green Road, Wrenbury, CW5 8HE

Proposal: Erection of 4 No broiler rearing units with associated feed bins, boiler rooms, feed blending rooms, water tank, hardstandings, and upgraded highway access.

Applicant: David Charlesworth

Expiry Date: 04-Oct-2014

**SUMMARY:**

The advice contained in the National Planning Policy Framework is that Council's should favorably consider planning applications that can demonstrate that they meet the definition of sustainable development.

From an environmental perspective, the erection of agricultural development within the Open Countryside is considered to be acceptable in principle.

Subject to conditions to mitigate the impact of the development upon protected species, there should be no significant ecology issues created.

The buildings would be of an appropriate design and siting.

The additional traffic generation will not be 'severe' in terms of its impacts on the local highways network and some improvements will be achieved to Pinsley Green Road through the provision of a number of strategically positioned passing places.

As such, it is considered that the proposal would be environmentally sustainable.

From an economic perspective, the development would support the creation of a new rural enterprise to the benefit of the local economy.

From a social perspective, subject to conditions, there should be no neighbouring amenity issues and the proposal would not have a detrimental impact upon the existing Public Right of Way.

As such, it is considered that the proposal would represent sustainable development.

**RECOMMENDATION:**

**APPROVE subject to conditions**

**PROPOSAL:**

This application seeks full planning permission for erection of 4 No broiler rearing units with associated feed bins, boiler rooms, feed blending rooms, water tank, hardstandings, and upgraded highway access at land north of Smeaton Wood Farm, Pinsley Green Road, Wrenbury. Each of the proposed buildings will house 44,000 broiler chickens, with 176,000 birds proposed on the site in total.

#### **SITE DESCRIPTION:**

The application relates to land associated with 'Smeaton Wood Farm', located on the east side of New Road, approximately 400 metres to the north of Pinsley Green Road and approximately 400 metres to the south of Wrenbury Village. The establishment benefits from 4 no. existing broiler units situated to the south of the application site on the opposite side of Pinsley Green Road. The site is situated in a slight undulation with field hedgerows to the north, east and southeast. There is a public footpath adjacent to the site. The site is located in Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

#### **RELEVANT HISTORY:**

None

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17, 28 and 32.

##### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within Open Countryside under Policy NE.2.

The relevant Saved Policies are: - NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), NE.17 (Pollution Control), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.4 (Drainage Utilities and Resources)

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:



PG5 (Open Countryside), SD 1 (Sustainable Development in Cheshire East), SD 2 (Sustainable Development Principles), SE 1 (Design), SE 4 (The Landscape) and EG 1 (Economic Prosperity)

## **CONSULTATIONS:**

### **Highways:**

No objection subject to the provision of a number of passing places along Pinsley Green Road and subject to s278 highways agreement.

### **Environmental Protection:**

No objection subject to conditions restricting hours of construction, details of lighting, submission of a waste management plan, compliance with noise mitigation scheme

### **Natural England:**

No objection

### **Public Rights of Way Unit (PROW):**

No objection - subject to the developer being reminded of their obligations in relation to surrounding public rights of way i.e. no obstruction during development unless a temporary diversion is first sought.

## **PARISH COUNCIL:**

**Wrenbury Parish Council:** The Parish Council is concerned about the increase in smell and noise caused by the proposal, particularly as the village is predominantly downwind of the site. In addition, the lanes in the vicinity of the site are not suited to the vehicles that will be servicing the site and damage to verges and the highway already occur and will only be exacerbated by the proposal

## **REPRESENTATIONS:**

Representations have been received from 7 addresses objecting to this proposal on the following grounds:

- The submitted reports do not take into account the existing poultry units positioned to the south
- Impact on amenity from noise and smells / odours including Wrenbury Village
- Survey and reports are biased and some based on theoretic
- Any changeover times of cleaning of birds must be conditioned to coincide with times of low wind
- Road is already dangerous
- Additional HGV movements will be significant
- Damage to highways from HGVs
- Lack of consultation

## **APPRAISAL:**

The key issues are:

- Principle of the development
- Design, Siting and Scale
- Amenity
- Highways & Parking
- Ecology
- Public Rights of Way

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of the locational sustainability of the site is the use of the North West Sustainability Checklist, which considers the walking distances to nearby public facilities.

The applicant has chosen not to undertake this assessment. However, it is a significant material consideration that a housing development for 180 units (ref: 13/2746C) just south of the application site, also within the Open Countryside, has recently been granted. The applicant for this submission completed the North West Sustainability Checklist.

The outcome of this survey concluded that the site did not comply with all of the standards of the checklist.

However, the Planning Officer concluded that as Congleton is a principal town within the Core Strategy where we can expect development to occur on the periphery and as there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It was also detailed that the site lies close to a regular bus service with good links to Congleton which possesses all public facilities.

As such, although it was recognised that the site did not adhere with all of the criteria of the sustainability checklist, it was considered that because of the proximity of the site to regular bus services, the site was locationally sustainable to a degree.

The site lies within a row of ribbon development with a greater degree of built form now granted to the south with the granting of the above residential planning application. As such, it is not considered that the site is physically isolated.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- 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;

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

#### Environmental role

##### *Open Countryside*

The site lies within an area of Open Countryside where there is a presumption against inappropriate development. The construction of new buildings within the Open Countryside is inappropriate unless it is for the following purpose;

*'Only development which is essential for the purposes of agriculture, forestry or 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 for broiler rearing falls within the definition of agriculture as defined within section 336 of the Town and Country Planning Act 1990 (as amended). Policy NE.2 states that that agricultural development is considered an appropriate use within a rural area. The National Planning Policy Framework supports this view.

Policy NE.14 allows for new agricultural buildings subject to a number of requirements, provided that the building is required for agriculture. In essence, the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Local Plan.

##### *Ecology*

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 (Protected Species) states that development would not be permitted which would have an adverse impact upon protected species, or where it would affect a species are of shelter or breeding.

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

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

In this case a small population of great crested newts has been identified at a pond located 40m from the proposed development. The application site offers limited terrestrial habitat for great crested newts, however, the submitted great crested newt assessment has identified the potential risk posed by the development to any great crested newts that may venture onto the site during the construction process. In the absence of mitigation the proposed development is likely to have a LOW level of impact upon this species.

In order to address the risk posed to great crested newts the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'. The submitted report also includes proposals for habitat enhancement works for this species which would also serve to protect the Common Toad, which has also been recorded at ponds located in close proximity to the site. There is also evidence of a pair of breeding barn owls in the vicinity of the site. However, the submitted barn owl mitigation strategy is deemed to be acceptable subject to further information regarding the provision and location of Barn Owl boxes. This could be reasonably secured by condition.

The Council's Nature Conservation Officer has confirmed that provided that the proposed 'Reasonable Avoidance Measures' are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations in respect of great crested

newts. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Nonetheless, it should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained

As the development is an agricultural business for UK production and the protected species on site would not be adversely affected by the development, it is considered that the tests would be met in any event.

The proposed mitigation measures will be adequate to maintain the favourable conservation status of great crested newts, common toad, barn owl, bats and birds provided the development is completed in accordance with the mitigation measures within the submitted survey report unless varied by a subsequent Natural England license. Conditions relating to breeding birds and habitat creation are recommended.

#### *Design, Siting and Scale*

The proposed buildings extend to 112 metres x 20 metres with an eaves height of 2.6 metres and a ridge height of 5.2 metres. The proposed buildings will each have a control room and store feed attached to the east elevation. The proposed development includes 6 No. feed bins, 2 No. feed blending rooms and 2 No. boiler units.

The proposed buildings are of portal framed construction and the general design and style would be of typical agricultural appearance, clad entirely in plastic coated profiled steel, finished in an olive green colour (juniper green).

The proposed buildings would be sited alongside each other on an east-to-west axis and would have a small area of hardstanding around the perimeter. The buildings would be tucked away in the far north-eastern corner of a field where there is a slight undulation with field hedgerows to the north, east and southeast. As such, the nearest part of the development would be sited some c400 metres way from Pinsley Green Road with an access track running alongside the existing eastern field boundary. These features and the fact the building would be low profile with a maximum eaves height of 5.2 metres would ensure that the buildings do not appear intrusive from Pinsley Green Road.

The proposed building will be seen within the area, with limited views available from the highway. Whilst there is a footpath running alongside the proposed site, and the proposed buildings would affect views from this right of way, these would not be as significant to warrant a refusal. This is because the buildings would be low profile, tucked away in the corner of a field and it would be in keeping as an agricultural function within the rural area and would therefore appear incongruous. An appropriate landscaping scheme that would act to

improve the existing hedgerow surrounding the site would reduce the visual impact of the proposal further and provide scope to soften visual impacts from the adjacent footpath. As such, the design and visual impacts of the proposed development is considered to be acceptable.

### *Highways & Parking*

The proposed broiler units would be served by a new access directly off Pinsley Green Road. This would be positioned in place of an existing field gate access to provide a formalised junction arrangement.

It is indicated that the current site generates tractor traffic for farming purposes. The applicant has provided consideration of the likely numbers of HGVs that would be generated by the development proposal. The submissions indicate 128 HGV movements per flock cycle. It is indicated that HGV traffic will, on average, result in two to four HGV movements per day but peak traffic movements in a day are not specified. Assuming all bird removal would occur in a single day would indicate at least 46 HGV movements. It is understood that existing chicken broiler operations are accessed from Pinsley Green Road.

A HGV survey undertaken by one of the objectors to the proposal indicates 23 movements by chicken transport lorries on 7<sup>th</sup> January 2014 between 01:00 and 17:00. A total of 32 HGV movements were recorded by the objector on the Pinsley Green Road in this period.

With regard to the standard of Pinsley Green Road, it is noted that the highway is a single track road with highway verges. Submissions by objectors to the proposal include photographic evidence of cars and lorries trying to pass each other on the route. The evidence demonstrates that vehicles need to use a considerable portion of the verge in order to pass each other.

It is considered that there will be an impact from the movement of lorries associated with the site on the existing users of Pinsley Green Road. Originally, the applicant did not propose any mitigation works along Pinsley Green Road e.g. passing places, or indeed even consider the level and severity of this development impact. However, having communicated these concerns, the applicant has submitted a suite of amended drawings that indicate the site access proposals in more detail along with proposed additional and upgraded passing places along Pinsley Green Road. The proposed site access includes reinforcement to ensure that the construction is suitably robust to cater for the HGV traffic turning to and from the site. This detail could be secured by condition. The general dimensions and geometry are acceptable in highways terms and will safely support the vehicle movements generated by the proposed development.

Pinsley Green Road is currently a narrow country lane with few passing places. Objectors have commented that the road currently suffers issues with HGVs using the route and causing issues in terms of two-way traffic movement and also causing damage to verges. During discussion with the applicant, proposals have been secured to improve/reinstate an existing passing place and provide additional passing places on the HGV route to/from the proposal site along Pinsley Green Road. In total four passing places are proposed between the site access and Wrenbury Road.

The proposed locations of the passing places have been agreed as appropriate by the Head of Strategic Infrastructure and the opportunity for any further spaces is agreed as limited within the highway boundary. It is noted that the shape/layout of certain passing places will need to be altered from those proposed on plan, particularly passing place 2 which will need to follow the curve of the road more closely and effectively become local widening on the bend. These details can be finalised through the Section 278 process and secured by condition. In the absence of any objection from the Head of Strategic Infrastructure, the amended proposals are considered to be in compliance with Local Plan Policy BE.3 and para 32 of the NPPF which states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. In this case, the impacts are not severe.

### Economic Role

The development would support the creation of a new rural enterprise to the benefit of the local economy.

As such, it is considered that the development is economically sustainable.

### Social Role

#### *Amenity*

The two closest dwellings are ‘Grey Roofs’ which is located on the opposite side of Pinsley Green Road and ‘The Orchard’ which is located to the south west of the application area. Neither of these dwellings are so close as to be adversely affected by the bulk and mass of the proposed buildings. However, residents express strong concerns about the smell and noise from the development.

In order to operate, any poultry unit with more than 40,000 birds is required by law to hold an IPPC permit which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. Smeaton Wood Farm already holds such a permit for the current site with the Environment Agency. Therefore any complaints in relation to the proposed development, such as noise or odour, would be dealt with by the Environment Agency and not the Local Authority. The views of the Environmental Agency are awaited.

With respect to noise, the applicant has submitted an acoustic report with the application. The report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the development. The mitigation recommended in this report would comprise of attenuators fitted to the atmosphere side of each extract fan to offset the insertion losses. The Council’s Environmental Protection Unit have confirmed that this mitigation is acceptable. However, the submission demonstrates that the noise from fans decreases away from the building. Further the site operates under an Environmental Permit which includes measures to control noise and odour.

Residents have concerns / objections in relation to the noise from the lorries. The applicant has not specified the hours for deliveries; however, this could be secured by condition as

recommended by the Environmental Protection Officer. Subject to comments from the EA and conditions, it is not considered that the proposal would unduly harm the residential amenity afforded to nearby properties of the village of Wrenbury.

*Public Right Of Way (PROW)*

The Council's Public Rights of Way Unit has commented that the proposed development would not obstruct the 'Public Footpath Wrenbury cum Frith No. 2'. The submitted plans show that the proposed development would not extend onto the public right of way and would at its nearest point be situated 12 metres distance away from it. Consequently, it is not considered that the proposal would obstruct the PROW and as such the Councils PROW Unit has removed their initial objection to the scheme.

**Planning Balance & Conclusions**

The advice contained in the National Planning Policy Framework is that Council's should favorably consider planning applications that can demonstrate that they meet the definition of sustainable development.

From an environmental perspective, the erection of agricultural development within the Open Countryside is considered to be acceptable in principle.

Subject to conditions to mitigate the impact of the development upon protected species, there should be no significant ecology issues created.

The buildings would be of an appropriate design and siting.

The additional traffic generation will not be 'severe' in terms of its impacts on the local highways network and some improvements will be achieved to Pinsley Green Road through the provision of a number of strategically positioned passing places.

As such, it is considered that the proposal would be environmentally sustainable.

From an economic perspective, the development would support the creation of a new rural enterprise to the benefit of the local economy.

From a social perspective, subject to conditions, there should be no neighbouring amenity issues and the proposal would not have a detrimental impact upon the existing Public Right of Way.

The development is therefore considered to be sustainable and comply with the relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and national guidance and is therefore considered to comprise of sustainable development within the context of the NPPF.

**RECOMMENDATION**

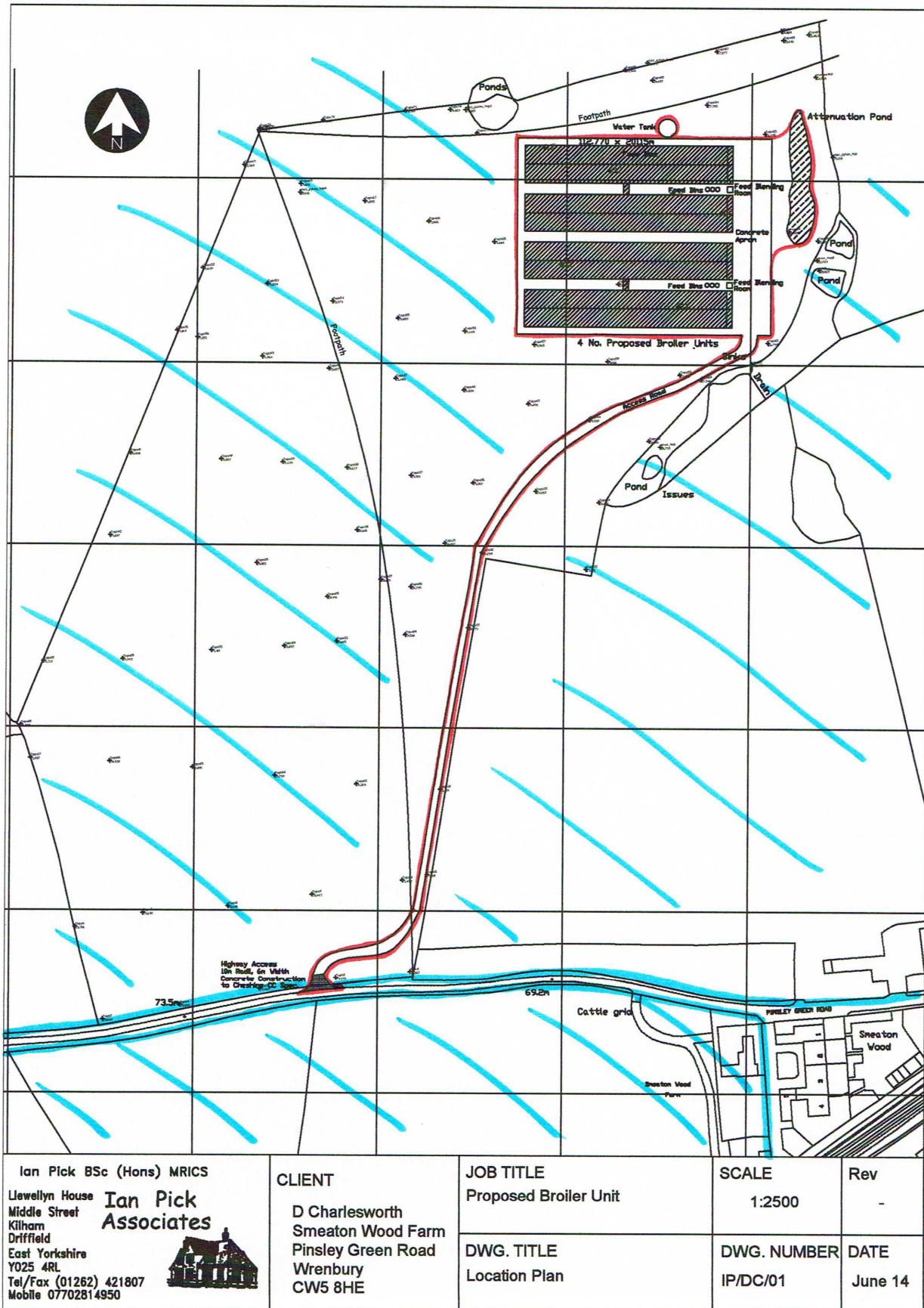
**APPROVE** subject to the following conditions:

- 1) Standard time limit
- 2) Accordance with approved / amended plans



- 3) Facing and roofing materials to be submitted
- 4) Landscaping scheme including hedgerow protection
- 5) Implementation of landscaping scheme
- 6) In accordance with protected species survey and recommendations
- 7) Foul and surface drainage water details to be submitted
- 8) Submission of a waste management plan
- 9) Deliveries and collections from site including delivery and removal of livestock and waste restricted (8.00am to 6.00pm Monday to Friday and not at all on weekends or Bank Holidays)
- 10) Noise mitigation implemented carried out in accordance with submitted noise survey prior to first use
- 11) Visibility splay as approved plan; brought into use prior to construction
- 12) No external lighting
- 13) Vehicular passing places provided prior to first use
- 14) Nesting bird survey if development carried out during breeding season
- 15) Details of habitat creation (barn owl boxes to be submitted)

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





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Application No: 14/1158M

Location: APPLETON AIRFIELD, CROWLEY LANE, HIGH LEGH, KNUTSFORD, CHESHIRE

Proposal: Construction of a subterranean car storage facility with ancillary above ground office development and associated demolition and landscaping

Applicant: How Planning

Expiry Date: 01-Aug-2014

**SUMMARY:**

The proposal is the construction of a subterranean car storage facility with ancillary above ground office development and associated demolition and landscaping. The main elements of the scheme which involve new build are contained within Warrington Borough. Warrington Borough Council's Development Management Committee has assessed that relevant part of the application and resolved to grant planning permission.

The key issues are for Cheshire East Council relate to the following: -

- impact on the green belt;
- alterations to the access, traffic flows to and from the site when construction is complete;
- landscape impact; and
- environmental Health matters.

Following assessment of the above, it is considered that the proposals would have an acceptable impact on the green belt and the local environment and appropriate conditions can be attached to mitigate for any harm caused. Therefore a recommendation of approval is made. Should consent be granted, the report and details of the application would have to be referred on to the National Planning Casework Unit to see if the Secretary of State wishes to call the application in for his own determination.

**RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL:**

Construction of a subterranean car storage facility with ancillary above ground office development and associated demolition and landscaping.

**SITE DESCRIPTION:**

The application site straddles the local authority boundary between the Boroughs of Cheshire East and Warrington. The main element of the scheme (and main part of the former airfield)

falls within Warrington. The eastern portion of the site, the subject of this report, lies within Cheshire East.

The site comprises a flat, former airfield site in the Cheshire Green Belt covering over 70 hectares. The site has long since been bisected by the M56 motorway with the northern portion of the former airfield now comprises an industrial estate (Appleton Thorn Trading Estate). The eastern portion of the site – the subject of this application, comprises a large expanse of agricultural land and vegetation, intersected by taxiways, a runway and numerous areas of hardstanding. There are a number of small buildings on the site (within Warrington Borough's jurisdiction), including those associated with the historic use, along with more recent additions.

Visibility of the site is mainly limited to intermittent views from Crowley Lane and Swineyard Lane to the east Arley Road to the west and Crowley Lane to the east. The northern boundary of the site is contained by the M56 and trees which line the motorway. Immediately to the south and west of the site is the boundary with Cheshire West and Chester which comprises the village of Antrobus. A number of dwellings and small business units are scattered along the country lanes which surround the site – most of the potentially affected properties being located on Arley Road, Sandy Lane and Crowley Lane.

## **PROPOSAL**

Due to the site straddling the boundary between two authorities, identical applications have been submitted to Warrington Borough Council and Cheshire East Borough Council. If the development is to proceed, planning permission would be required from both authorities.

The description of development is for construction of subterranean car storage facility with ancillary above ground office development and associated demolition and landscaping accessed from Crowley Lane.

The application has been amended during the application process. The ancillary office element has been reduced by approximately 25% in respect of floorspace. The proposed security lodge and means of escape have also been reduced in scale. The application now comprises the following elements:

- Construction of a subterranean two storey car storage and internal display facility (capacity for 118 cars) with ancillary private office, storage areas, plant and bathroom facilities – 12,067m<sup>2</sup> (most floor space underground).
- The proposed above ground two storey private office building (with associated facilities) 222m<sup>2</sup> - up to 6.8m in height.
- Erection of a small security lodge and two means of escape from the below ground structure.
- Construction of an access road from the former airfield runway to the proposed development including a 15 space external car park and curved access ramp in order to access the subterranean structure.
- **Remodelling of access road from site entrance at Crowley Lane to existing airfield to access to development (within Cheshire East); and**
- **Construction and planning of grass mounding, wetland habitats, landscaping and general environmental/landscaping/ecological improvements works across the site (partly within Cheshire East).**

- Excavation of approximately 65000m<sup>3</sup> of material in order to accommodate the car storage facility. **The material will mostly be used within the wider site as part of the landscaping.**

The items mentioned in **bold** above fall within land which is in the jurisdiction of Cheshire East Council. Those are the elements that fall for determination as part of this application.

At their Development Management Committee on 29<sup>th</sup> January 2015 Warrington Borough Councillors voted in favour of the proposals which fall within their jurisdiction and referred the application on for consideration by the National Planning Casework Unit, as it involves the provision of floor space of more than 10 000 sq m on Green Belt land.

The scheme which has been referred to the NPCU consists of a garage storage and display facility, which would be located on the northern part of the site, partially on an existing hardstanding. The proposal would also involve the removal of areas of hardstanding around the airfield, albeit the runway would be retained. The proposal does not involve the resurfacing of any areas of taxiways or runway.

The development which falls on the Warrington Borough land, proposes that a car storage and display facility would be used to store a large private car collection (in the ownership of one individual); it would not be open to members of the public. It is not proposed to use the airfield to regularly race, or test cars, which are kept in the collection. The above ground 'office' is intended for the five members of staff.

As the part of the application which falls within the Warrington Borough Council land comprises inappropriate development in the Green Belt, the applicant submitted a statement which comprised their consideration of very special circumstances:

- Ecological and landscaping benefits comprising seven new wildlife ponds; new species rich grassland, woodland and management of existing and proposed areas;
- Removal of unsightly, dilapidated buildings which would result in an overall reduction of 628m<sup>2</sup> floorspace;
- Bespoke architectural design which the applicant considers to be a fascinating example of 21<sup>st</sup> Century architecture;
- The proposal would lead to public safety benefits because the site will be manned by a dedicated security team;
- The removal of up to 43,000m<sup>2</sup> of hardstanding;
- Restrictions to airfield use in terms of restrictions above and beyond permitted development rights; and,
- Job creation – significant job creation for the construction trade and associated businesses.

In terms of the reduction in floorspace, the main cluster of buildings comprise a former air traffic control tower and outbuildings – these fall within the Cheshire East Borough Council part of the site. A number of other small buildings would be removed around the periphery of the site within the Warrington Borough Council land.

Areas of hardstanding would be removed comprising taxiways and other redundant hardstanding areas. These areas are within both Warrington Borough and Cheshire East Borough.

#### **RELEVANT HISTORY:**

- 09/1869M - Use of former airfield and associated buildings as a motorsports and advanced driving academy including the creation of new access, conference building, parking, landscaping and wetland habitat – refused 21-Oct-2009
- 08/2275P - Change of use of airfield and associated buildings to motor sports and advanced driving academy including the creation of new building, access and parking with associated landscaping and wetland habitat – withdrawn 04-Mar-2009
- 42188P - Continuance of use as test site for Thornton Research Centre – approved 12-Sep-1985
- 38357P - Former runway to be used as a test track and facilities for product testing – approved 17-Sep-1984
- 31114P - Former runway to be used permanently as a test track and facilities for the testing of motor vehicle products - 13-Oct-1982
- 34995P - Former runway to be used permanently as a test track and facilities for the testing of motor vehicle products – approved 14-Oct-1983
- 26300P - (Renewal) former runway track to be perm. Used as test track motor vehicle products – approved 17-Jun-1981

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are the paragraphs relating to Green Belt and Sustainable Development.

### **Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which identifies that the site lies within the Green Belt.

The relevant Saved Policies are: -

- NE11 Nature Conservation
- NE17 Nature Conservation
- BE1 Design Guidance
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscape
- DC13 Noise
- DC14 Noise
- DC17 Water Resources

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 – Sustainable Development
- SD1 – Sustainable Development in Cheshire East
- SD2 – Sustainable Development Principles



PG3 – Green Belt  
SE1 – Design  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland

## **CONSULTATIONS:**

### **Highways:**

The Strategic Highways Engineer raises no objections to the application.

### **Environmental Health:**

The Contaminated Land team has no objection to the application and notes that the application site area falls primarily within Warrington Borough Council's area. As such, following discussions with WBC the same/similar conditions are recommended. A clear location plan of the proposed stockpile is requested, with the boundary between the two Council areas clearly shown. Conditions requiring a Phase 2 investigation to be carried out along with any remediation, should also be attached.

### **Environment agency (EA):**

Environment Agency – no objection.

**Cheshire Archaeological Officer** raises no objections subject to condition.

**High Legh Parish Council** object to the application. The Parish Council's main concern is the proposed main entrance onto Crowley Lane. This is referred to as the existing main entrance in the application which it is not and has not been for at least 50 years. Since the M56 was built the main entrance has been just South of the M56 bridge on the Appleton Thorn to Arley Road. This is the entrance that was used by Shell for many years. Crowley Lane south of the proposed entrance is extremely narrow and twisty throughout Crowley and the Parish Council are surprised that Cheshire West have not expressed concerns and Crowley Lane's junction with Swineyard Lane is narrow and unsatisfactory. If this entrance is used for construction traffic it is totally unsuitable (especially if surplus waste has to be taken off site) as it would be for the proposed use. The unsuitability of Crowley Lane is highlighted in the WBC Transport Development Control report by Marie Barry dated the 17<sup>th</sup> April.

High Legh Parish Council are of the opinion that if planning is given consent then the existing and good entrance at the Appleton Thorn end of the site should be used as this can accommodate two way traffic better than Crowley Lane.

The application shows a substantial amount of hardstanding being removed, this being the parts of the former airfield that would not form part of a track. It is unclear and vague in the application as to what purpose the remaining hardstanding will be used for and what types of events held other than to say it has permitted development use for 14 days a year. If permission were to be granted, severe restrictions should be imposed on the hardstanding/track as to how and when it can be used and also it should not be for any commercial gain.

It should be noted for comparison that even on non Race days the neighbours of Oulton Park are very much aware of the noise of a very few cars going around the circuit.

Appleton Parish Council – objects. *Whilst the parish welcomes improvements to the site, the proposal represents an inappropriate, harmful form of development in the Green Belt. The*

*supporting statement also fails to demonstrate that very special circumstances exist to clearly outweigh harm to Green Belt and residential amenity. In addition, it is questioned whether the site will be used as a car storage facility or to include driving of the vehicles at speed on the existing hard surfaced runway of the former Stretton airfield. Other concerns include noise, encroachment and the proposal is not considered a sustainable form of development.*

*The Parish question whether the site should be marked as a heritage site due to the history and remaining sections of the runway, two air raid shelters and water reservoir. If permission is granted there are concerns about a change in ownership as planning permission is given to a site and not an individual. Conditions would also be required if permission is granted: -*

- *No racing of cars on Sunday*
- *Temporary Permission*
- *Access should only be via Crowley Lane*
- *Restriction on the individual.*

Aston-By-Budworth Parish Council raise no objections to the application.

## **REPRESENTATIONS:**

A letter of support has been received from the occupier of the only dwelling on the aerodrome and closest neighbour to the development. The writer states that the site has attracted all sorts of negative activity over the years, with regular traveller invasions, motorcycle scrambling, hare coursing, burnt/stolen cars etc. The writer has been approached with all sorts of “mad cap” ideas of alternative uses and business plans, none of which he would want in his back garden and totally suitable in the Green Belt. However, this application is a breath of fresh air, and is not at all intrusive, especially with the proposed landscaping.

## **APPRAISAL:**

### **Principle of development**

The site is in the Green Belt where the NPPF confirms that the fundamental aim is to prevent urban sprawl by keeping land permanently open.

The remnants of Stretton airfield cover an extensive area – 71 hectares – of which there is over 100,000m<sup>2</sup> of hardstanding and a number of buildings and other structures within the airfield. The built elements of the proposed application (which falls within the Warrington Borough Council boundary) are concentrated on the northern part of the site, which includes a former taxiway and a small amount of land which is now more widely used for agriculture. In the process of time the taxiways and runway have become partially overgrown by grasses and weeds; although the runway in particular is still a notable feature of the site.

It is noted that the building element of the proposal, which lies on the Warrington Borough Council land, involves development above ground where there are no existing structures. It therefore follows that there would be an impact on openness on this part of the overall site. A small proportion of the proposed garage and hardstanding element would also encroach onto an area of land which has been used for the small scale growing of crops.

The ancillary office element has been reduced in scale – which falls on the Warrington Borough Council side of the boundary - by approximately 25% and would result in a floor space of 222 sq m. It is stated that the applicant wants to develop a quality office space to research and source new cars and organise and liaise with specialist dealers across the country. It is also intended that a car collection manager, secretary, up to two car collection assistants and security guards would utilise the office space. A condition has been attached

by Warrington Borough Council to require the office space to remain ancillary to the garage. With the site being in the Green Belt, the main issue for Warrington Borough Council to consider was whether or not there are very special circumstances in this case, which clearly outweigh any other harm.

The site lies immediately to the south of Appleton Thorn trading estate and on the opposite side of the M56. Whilst it is only accessible via Crowley Lane - a country lane – the site can readily be reached from nearby villages and from the M56. The Airfield is recognised as part of a wider supporting hinterland employment area in Warrington Means Business. Therefore, it is not considered to be an unsustainable location and is not considered to conflict with policy MP1 of the Core Strategy.

The key issues are for Cheshire East Council relate to the following: -

- Impact on the green belt;
- improvements to the access, flows to and from the site when construction is complete;
- landscape impact
- Environmental Health matters.

The issue in question is whether the development represents sustainable development in terms of the NPPF definition of sustainable 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.

### Green Belt

Section 9 of the Framework addresses the protection of Green Belt land. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances”.

Paragraph 88 advises that:

When considering any application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by any other considerations.

Paragraph 89 states that the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this which is specifically relevant in the context of this planning application is:

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development.

When taken as a whole, the development is considered to constitute inappropriate development. The impact on the Green Belt within the Cheshire East land is extremely limited and is considered to constitute a small loss of openness and minor visual impact. When considering the very special circumstances however, these need to be looked at in terms of the benefits to be provided across the whole of the scheme. The very special circumstances have been considered at length by Warrington Borough Council, due to the main build and impact falling on their land. Warrington Borough Council considered the very special circumstances put forward to outweigh the harm to the Green Belt. It is necessary to consider whether a similar view can be reached with regard to the Cheshire East part of the proposals.

## **ENVIRONMENTAL ROLE**

### **Highways**

Access to the site will be from the existing access location on Crowley lane, however, it is noted that this access point would be improved and is considered acceptable to the Strategic Highways Engineer. The issues for CEC to consider relate to whether the access is acceptable and also whether the use of a short section of Crowley Lane and Swineyard Lane during the construction phase would result in any significant impacts. As regards the design proposed for the access, this is considered to be acceptable to accommodate the proposed HGV movements. It is noted that there is an alternative access to the site from Arley Road and Cheshire East's Strategic Highways Engineer would have no objections if this access point were to be used, although the use of this access would have implications for Warrington Borough Council as HGV traffic would have to travel through the village of Appleton Thorn. The use of Barleycastle Lane is preferred as this is an industrial standard access road that already serves large commercial units and its associated HGV traffic and also does not pass through a residential area.

**The Transport Statement predictions on the amount of traffic movements is that the earthworks would take 8 weeks to complete with a total of 486 trips. The daily movements are indicated as being 13 trip/day. In order to control the number of HGV movements to the site it is prudent to add a condition to limit the number of movements/day to a maximum of 20 which gives a small amount of leeway to the movements predicted.**

**Whilst Crowley Lane is narrow and unsuitable for constant HGV use, the use of the road by general traffic is very low indeed and the proposed construction period is not long, so the Strategic Highways Engineer would not be raising objections concerning the use of Crowley Lane. The Strategic Highways Engineer has requested for a condition to be attached, which will require the applicant to undertake a road condition**

**survey prior to the works taking place and then to reinstate any damage to the highway as a result of overrunning of the verges. Once complete, the usage of the site by traffic is low and there are no issues regarding the application.**

With regard to the distribution, the Strategic Highways Engineer would expect that the trips to and from the site would wholly take place using Barleycastle Lane and then on the M6 motorway at Junction 20, this is a matter that Warrington Borough Council have considered.

### **Visual Impact**

There are panoramic views from the site across undulating countryside to the south. To the north, views are interrupted by the M56, and by the numerous large industrial units at Appleton Thorn industrial estate – which itself lies on part of the former airfield. The site is generally open - with the runway and taxiways the only significant evidence of its former use.

The proposed works which fall within the Warrington Borough Council jurisdiction, involve a substantial storage facility, which includes an ancillary office building and a large, circular underground garage. From close quarters the building would have a contemporary appearance, including angular roof lines and use of modern materials and glazing. Warrington Borough Council has considered this to be a design of high quality, which is innovative – rather than being an off-the-peg solution and Warrington Borough Council considered the building to be policy compliant.

The removal of a number of redundant and dilapidated buildings on the Warrington Borough side are greater in floor space (in terms of above ground development), than that which is proposed. Most of these buildings have seen better days and do not offer any significant value to the overall site. Warrington Borough Council considered the trade-off, at least in visual terms, to be improvement to the visual quality of the built form currently on the Airfield.

The site is largely devoid of significant trees or vegetation. The ancillary office would be contained in a small area of the site, largely set against the backdrop of woodland and other buildings visible on the Appleton Thorn estate. The proposed development is not significantly visible from the surrounding area - with the main views being at distance from parts of Crowley Lane and Arley Lane. There is no public access within site and views from the north are almost wholly obscured by the trees which are located immediately to the south of the M56. Views from the south are largely restricted by the trees which run along the edge of the local country lanes. There would be some long distance views from land close to the airfield, which fall within private ownership. Due to the large expansive airfield, the lack of public access, and the position of the proposed development on the northern part of the airfield; Warrington Borough Council considered that the potential visual impact and harm to openness would be significantly reduced by these factors. Overall, Warrington Borough Council considered there to be a relatively minor impact on the openness of the Green Belt, largely by reason of this 'trade-off'. Proposed tree planting would further filter, or occlude, views of the proposed buildings and structures. It is considered that the loss of buildings, hardstanding areas and habitat improvements, which are proposed within the Cheshire East side of site would provide positive environmental benefits.

In terms of landscape character and the location of the proposal – the impact of the proposed office building would tend to be absorbed by the large, expansive nature of the airfield. The site is relatively featureless. The submitted Landscape Character Assessment confirms the site does not fall within a particularly sensitive landscape.

Any artificial lighting could have an additional visual impact. A condition is therefore considered necessary in order to control this element. However, it is not currently the intention to provide lighting around runway or taxiways.

When taken as a whole, the scheme is not considered to lead to a significantly harmful impact on the openness of the Green Belt. The scheme also offers a number of landscaping and ecological benefits. As the proposed works within the Cheshire East side maintain openness, the proposals are considered to accord with the Green Belt policies within the Macclesfield Borough Local Plan and those contained within the Cheshire East Local Plan Strategy Submission Version.

### **Ecology and Landscaping**

The NPPF advocates both the conservation and the enhancement of biodiversity. The proposals cover a large area which has naturally regenerated in many areas and to an extent, already has biodiversity value.

The submitted survey identifies species of bat, barn owl and birds, with the potential for badgers and great crested newts.

#### Bats

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

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

Local Plan Policy states that the Borough Council will seek to conserve, enhance and interpret nature conservation interests, development which would adversely affect nature conservation interests will not normally be permitted.

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

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

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

In this case, in terms of the impact on bats, the application involves the demolition of buildings associated with the former air traffic control tower (within Warrington Borough Council's jurisdiction), one of which is host to a small number of pipistrelles. The building is in a very poor state of repair and appears to have limited potential for a hibernation or maternity roost. In addition, it is likely that the deterioration of the building over time would render the building unsuitable for bats in the long term. As mitigation the applicant proposes to demolish the buildings only during the winter months and provide six bat boxes on site. A license would be required for these works but the proposed mitigation is considered acceptable in planning terms and, subject to mitigating conditions, no objection is raised by the Nature Conservation Officer.

### Barn Owls

One of the buildings within the former air traffic control compound is currently used by barn owl(s). The mitigation – to provide four new barn owl boxes – is considered acceptable subject to a condition. The strategy should include a specification for the location of the proposed boxes and also specify that the barn owl boxes be erected 30 days prior to the demolition of the existing building. This part of the site falls within Cheshire East Council's control.

The landscaping proposals are an intrinsic part of the biodiversity improvements and the long-term benefits associated with the scheme. They comprise (throughout the whole site, including land within Warrington Borough):

- § Creation of approximately 4ha of new species rich grassland through conversion of existing arable land to be managed via an annual hay cut;
- § Creation of approximately 1ha of broadleaved woodland;
- § Widening of exiting grassland headlands to arable fields;
- § Management of approximately 9ha of existing rough grassland and scrub to maintain a rough grassland scrub mosaic; and
- § Creation of seven new wildlife ponds.

The existing site is typical of a former airfield being purposefully featureless and lacking significant tree cover. There are large tracts of land in between the taxiways and runway. Tree cover is limited to the periphery of the site. The proposed landscaping plan is considered sympathetic to the agricultural nature of the site. The retention of the arable crop zones and a matrix of grassland types is considered key to the promotion of suitable ground nesting bird habitat. Likewise, the water features are considered suitable enhancement but they require careful consideration – it is important to ensure that they are able to retain sufficient water given the open and flat nature of the site. These wetland areas are important in terms of supporting and encouraging bird life.

Areas of wildflower grassland are proposed as part of the ecological enhancement of the site. The Nature Conservation Officer advises that the loss of tussocky grassland habitats with a dense thatch of vegetation is likely to have an adverse impact on barn owls through the reduction in habitat suitable for small mammal prey species. It is therefore recommend that the submitted landscape/ecological plan and site master plan be amended to take account of the need to retain significant areas of less intensively managed grass to maintain the extent of barn owl foraging habitat on site.

The area of land within Cheshire East includes the removal of hardstanding areas. However, there are concerns that the removal of these areas could lead to impacts on the already established ecological value of this part of the site.

#### Badgers

An active badgers sett is present on site but will not be effected by the main proposals. The demolition of the nearby building (shown as B4 on the Habitat Features plan, drawing 1960/P01b) however could cause disturbance to the sett and a license is likely to be required from Natural England. This is not referenced within the ecological surveys. Provided that this is the only aspect of impact to the badgers sett, the Nature Conservation Officer is satisfied on this occasion it can be addressed by a suitable condition.

The report recommends sensitive working methods in relation to the general construction activity that would take place and these are detailed on p19 under para 5.4. I'd suggest these form the basis of a method statement to be covered under the condition relating to ecological protection plan during construction owing to the amount of construction works that are proposed to take place. Any forestry works that are proposed to take place within the woodland should be done so in accordance with the Badger Act 1992 and the Forestry and Badgers Guidelines.

The applicant should bear in mind that any soil bunds being created on site could be an attractive feature to badgers in the future. It would be advantageous for the applicant to liaise with the local Wirral & Cheshire Badger Group regarding the current sett and the level of persecution although this is a matter outside of any planning control.

#### Great Crested Newts

A full great crested newt survey has not been undertaken in support of this latest application. The submitted ecological assessment has however identified that the proposed development poses a low level risk of an impact occurring on great crested newts. The risks are associated with the removal of areas of existing hard standing and the proposed landscaping and pond creation works. The applicant is proposing to address these impacts through the implementation of a suite of 'Reasonable Avoidance Measures' an outline for which has been included with the submitted ecological assessment.

The Nature Conservation Officer advises that a great crested newt survey was undertaken on a number of ponds in this locality a number of years ago, which did not record any evidence of this species being present. The likelihood of great crested newts occurring on the application site is therefore low. In the event that great crested newts were present on site the Nature Conservation Officer is also satisfied that the proposed avoidance measures are sufficient to ensure that an offence would be unlikely to occur. It can therefore be concluded that provided the suitable avoidance measures are implemented great crested newts are unlikely to be affected by the proposed development even if they were present.

If planning consent is granted it is recommended that a condition be attached requiring the submission of a detailed method statement of reasonable avoidance measures prior to the commencement of development.

#### Breeding Birds

The proposed development site supports a number of bird species which are a UK BAP priority and hence a material consideration. This includes a number of species which are associated with open habitats. It is also understood that the remaining runway areas are also



used frequently by priority species of ground nesting birds. Little ringed plover has been recorded on site. This species is specifically protected under the Wildlife and Countryside Act.

The Nature Conservation Officer advises that whilst the proposed landscaping associated with the development may benefit some bird species, the proposed tree planting and wildflower grassland creation would be detrimental to those priority species associated with more open habitats. The proposed tidying up of the retained areas of runway would also be to the detriment of ground nesting bird species.

It is advised that in order to maintain the sites current ornithological interest the submitted landscape scheme must be amended to maintain more open grassland habitats and that the amount of proposed tree planting should be reduced. The submitted plans should also be amended to show the retained runway areas retained 'as is' and not tied up as proposed by the current submitted landscaping plans.

Standard conditions would also be required to safeguard breeding birds.

#### *Brown Hare and Common Toad*

These two priority species were recorded on site. The Nature Conservation Officer advises that the proposed development is unlikely to adversely affect these species.

If planning consent is granted the Nature Conservation Officer advises that conditions would be required to cover the following:

- Barn owl mitigation method statement
- Submission and Implementation of great crested newt 'Reasonable Avoidance Measures'
- Submission and implementation of a 10 year Habitat management plan
- Safeguarding breeding birds
- Submission and agreement of lighting scheme
- Detailed landscaping plans – amended to ensure proposals for the site are suited to the existing ornithological interest of the site.
- Designs of proposed ponds

Overall it is considered that the proposed development could have a positive effect in retaining the species present and enhancing the former airfield as a breeding site for a number of priority and red list species. In the event that planning permission is granted, a condition would be imposed in order to ensure that the detailed concerns set out can be fully incorporated into a final landscaping plan. A condition requiring a 5 year management plan should also be imposed.

#### **Residential Amenity**

A number of objections received are concerned with the potential impact of the use of the runway and taxiways for the testing/racing of vehicles. This is an entirely legitimate concern given the purpose of the application – to store valuable cars – being positioned within an airfield which is entirely suitable for the racing/testing of cars. However, the use of the airfield for vehicles in the applicant's collection is not part of the development proposal. In this regard the applicant has stated that the site has been chosen because of its privacy and security, and that they have no intention of ever operating the site as a track. According to the applicant, the existing areas of hardstanding would be used for the testing of some of the

vehicles to make sure they work properly before they are taken out onto the public highway. Permitted development rights would allow the use of the airfield for the racing of motor vehicles (including trials of speed and practising for these events).

Over the years, there has been interest in the use of this site for motor vehicle related activities. In 1982 planning permission was granted for the use of the site for the testing of motor vehicle products (82/13355). In 2009, a planning application was refused for the use of part of the airfield as a driving circuit, due to the potential impact on residential amenity. The nearest residential properties lie to the west some 250m away. Further properties are to the south at a distance of over 500m.

Whilst the use of the airfield does not form part of the development proposal, it is nevertheless acknowledged that it is more likely that the airfield would be used for the racing/testing of vehicles on a more regular basis than otherwise. These concerns are generally echoed by the local Parish Council's and a number of local residents. That said, the fact that the application covers the whole of the former airfield site means that there is potential control over the activities which take place on the airfield.

It is noted that Warrington Borough Council's Environmental Protection Officers have assessed the proposal due to the majority of the runways and taxiways falling within Warrington's jurisdiction, and consider it necessary to ensure that the site does not develop over time into a vehicle or speed testing venue. They recommend the imposition of a condition. In response, the applicant has put forward further restrictions so that the airfield would only be used between the hours of 8am and 11pm.

Based on a site visit, it appears unlikely that the airfield in its current form would be particularly suitable for racing or testing valuable cars due to the surface of the runway and many of the taxiways. However, it is also clear that there are significant local concerns regarding the use of the airfield for car racing purposes, and Warrington's Environmental Protection Officers are concerned about the increase in ambient noise levels due to noise from vehicle racing/speeding. Therefore, it is considered necessary to duplicate Warrington Borough Council's suggested conditions in this case to remove permitted development rights, which would otherwise allow the use of the airfield for the racing of motor vehicles (including trials of speed and practising for these events) for up to 14 days in any calendar year. This would ensure that any activities on the site would remain as proposed i.e. the storage of cars etc. rather than lead to a progression to use the airfield itself for forms of driving. Overall, subject to conditions, it is considered that the application complies with the policies which seek to ensure that the amenity of neighbours is not impacted upon significantly.

### **Contamination and Remediation**

The applicant has submitted a ground investigation report and additional information which has been assessed by the Council's Contaminated Land team. The applicant's overall strategy is to retain the material excavated from the site within the confines of the site and then to re-profile the land to the north of the existing runway. Excavation is required in order to create an underground void, in which to construct the proposed garage. The scale of the excavation equates to approximately 65,000 cubic metres of material.

There is some uncertainty as to whether or not the material excavated from the site could be used within the site for use in landscaped mounds, planted with trees etc. This is an important consideration because any material not suitable for use within the site may need to be taken away from the site, which would then have a traffic impact. The applicant has explored a scenario which assumes that 5000m<sup>3</sup> of material may need exporting from the site. This is based on their initial assessment on the likely contaminants within the site. The

assumptions used in this scenario are considered to be reasonable. However, the submitted details still leave a range of uncertainty, which may mean that significantly more of the total potential 65 000m<sup>3</sup> of excavated material would need to be taken away from the site by road.

It is reasonably clear that some top soils would need to be brought on to the site in order to provide a suitable growing medium for subsequent landscaping. The applicant calculates a total of 2065m<sup>3</sup> which equates to approximately 138 HGV's. However, figures in this assessment may vary too, depending on the suitability of the material.

The Contaminated Land team has no objection to the application and notes that the application site area falls primarily within Warrington Borough Council's area. As such, following discussions with WBC the same/similar conditions are recommended. A clear location plan of the proposed stockpile is requested, with the boundary between the two Council areas clearly shown. Conditions requiring a Phase 2 investigation to be carried out along with any remediation, should also be attached.

### **ECONOMIC ROLE**

The overall emphasis of the Framework is to reiterate the Government's key objectives of facilitating economic growth and securing sustainable development. These overarching policies seek to integrate the needs of planning and transport whilst focusing development in the most appropriate locations, thereby protecting and enhancing the environment.

The Framework confirms that the Government is committed to ensuring the planning system "does everything it can" to support sustainable economic growth. Paragraph 19 of the Framework states that "significant weight" should be placed on the need to support economic growth through the planning system, and paragraph 20 confirms that "Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century".

As this planning application seeks approval for the construction of a subterranean car storage facility with ancillary above ground private office development, the creation of ecological enhancements areas, landscaping and associated works, the economic benefits of the scheme will be from the jobs created to the local economy during the construction phase and people employed on site to attend to the cars and manage the office, however, there is no guarantee that such benefits would be particularly local to the site.

### **SOCIAL ROLE**

A number of the buildings on the site have been subject to vandalism and targeted for illicit activities such as fly-tipping and antisocial behaviour. The site has also been the target of unlawful entry by the travelling community. It is considered that the proposed development would provide public safety benefits by creating a safe and secure environment that will remove all opportunities for that type of behaviour to take place, which is a serious concern to local residents. The site would be manned by a dedicated security team.

### **Other Material Considerations**

The comments from the Parish Councils and residents are noted and have been addressed in the report above. The Strategic Highways Engineer has assessed the access put forward with the application and considered its suitability and use on its merits. The impact on the amenity of local residents in terms of noise has been considered and suitable conditions attached, which reflect those imposed by Warrington Borough Council. The works which would take place on the Cheshire East side of the site would not have a significant impact on the greenbelt and are not considered to be inappropriate.

Whilst concerns have been raised regarding site drainage – a number of conditions are proposed in order to ensure sustainable urban drainage. This is intended to slow the flow rate of water and potentially remove harmful contaminants. Further conditions are also proposed in order that any water, during periods of potential flooding, are fully contained within the site. Therefore, the concerns raised have been addressed in this respect.

A number of objectors have commented on the tranquil nature of the area. It is acknowledged however, that the application site is adjacent to the M56 and is a former airfield, which itself has been used in the past by Shell Plc for vehicle and experimental fuel testing. There is a long history and pattern of noise in the local environment. Whilst it is accepted that some areas, particular to the south, are relatively quiet – the impact of the proposed development can be suitably controlled - to ensure that the impact on local amenity is not seriously harmful.

#### Impact on the Green Belt - Assessment of Very Special Circumstances

It is noted that the new build elements lie within Warrington Borough Council land. Warrington Borough Council has considered the merits of the case with regard to the developments impact on the Green Belt and considered there to be a number of potential benefits. The main garage element would be underground and despite its considerable floorspace, would be almost totally hidden from view. The ancillary office element, being above ground and two-storeys, would have a relatively minor impact on the openness of the Green Belt given the site in context. Whilst the proposed garage element would make a minor encroachment into an agricultural field, this was not considered to be significant given the nature of the site and the fact that most of the proposal utilises existing hardstanding areas. Conditions are suggested to control the use of the proposed buildings, floodlighting and use of the site (limited by hours and ensuring no vehicles are parked out on the airfield). This would further curtail potential impacts on the Green Belt.

As a significant amount of existing hardstanding would be removed from the site, it was considered that this is a benefit which attracts significant weight in favour.

In terms of landscape and visual impact, the site is visually isolated and appears to have a low level of landscape sensitivity. The proposed development would not significantly break the skyline, indeed most of the proposal is below ground - and therefore, it is considered to be in keeping with existing site. Overall, the proposed development would not have a significant impact on the landscape character.

The benefits of the scheme include extensive landscaping and potential habitat improvement comprising new species rich grassland, wetland areas, woodland and the management of existing natural areas. Not only does this benefit the current application but it provides long term benefits and an element of security and certainty across the whole of the former airfield. The design and concept of the scheme is highly innovative and includes a contemporary, modern appearance – and some weight in favour of the proposal can be attached to these factors too.

The applicant does not propose to upgrade the existing runway - and it is considered that any driving of the cars on the airfield would be low key – and would be limited to personal recreational use of the applicant. The fact that the former airfield site is included in this

application means that conditions can be imposed to control the intensity and scale of the use – including the removal of permitted development rights allowing the use of the airfield for racing/testing for speed for up to 14 days per annum. The removal of permitted development rights is considered to comprise an additional benefit which weighs in favour of the proposal.

As said previously, the scheme as a whole constitutes inappropriate development within the Green Belt. However, it is considered that the elements of the scheme which fall upon Cheshire East land would have a very limited impact and when assessed against the benefits which the scheme would bring forward across the whole of the site, the very special circumstances would outweigh the harm to the Green Belt.

## **PLANNING BALANCE AND CONCLUSIONS**

The decision maker must reach an overall conclusion having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweigh the negative in order to reach an eventual judgment on the sustainability of the development proposal.

It is considered that the proposed development complies with development plan policies relating to access and highway safety, landscape impact and environmental health matters. Any adverse impacts which could result from the proposal can be mitigated by the use of conditions.

On the basis of the above, it is considered that the application should be approved subject to conditions.

Warrington Borough Council has referred the application on their part of the site which falls within their Borough to the National Planning Casework Unit. Should the Board be minded to grant the application, this report and full details of the case shall be forwarded to the NPCU.

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.

### **Application for Full Planning**

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Details of lighting to be submitted
4. Details and timescales for buildings / hardstanding to be removed to be submitted.

5. Development for private recreation use only, and no commercial activities. Removal of PD rights.
6. No shrub clearance during bird nesting season.
7. Contaminated land - remediation and verification strategy to be submitted
8. Contaminated land - remediation and verification and long term monitoring and maintenance
9. Bat mitigation
10. Further bat survey required if works not undertaken within 6 months
11. Badger method statement required prior to demolition
12. Barn owl nesting boxes required
13. Submission of Ecological Protection Plan required prior to site clearance works
14. Habitat Management Plan (HMP) to be submitted prior to commencement of development
15. Scheme for the disposal of foul and surface water from the site to be submitted
16. Removal of Permitted Developments Rights
17. Implementation of programme of archaeological work
18. No development shall take place until a programmed landscaping and restoration scheme has been submitted
19. 8 above ground car parking spaces to be provided
20. No parking of vehicles on any other hardstanding areas of the site except the areas dedicated for vehicle parking
21. No provision of any new hardstandings or surfacing except those areas clearly identified on the approved plans
22. Construction and Demolition Method Statement to be submitted
23. Details of any temporary buildings to be erected within the site compound to be submitted. The temporary buildings shall be removed from the site and land restored within 28 days of substantial completion of the development
24. All HGV movements to and from the site associated with the construction of the development shall at all times be routed in accordance with the HGV access route
25. The total number of HGVs entering the site shall not exceed 138; and the total number of HGVs leaving the site shall not exceed 348 during any 40 working day period.
26. Prior to the formation of any earth bunds or installation of soft landscaping on site, all materials excavated from the land shall be managed in accordance with a 'Validation and Stockpiling Scheme'
27. Survey of verges on roads prior to commencement



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