

Strategic Planning Board Agenda

Date: Tuesday, 13th May, 2014
Time: 10.30 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

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. Public Speaking

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

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

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

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

4. **13/3517C Land West of Goldfinch Close, Congleton - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure for Seddon Homes Ltd (Pages 1 - 46)**

To consider the above planning application.

5. **14/1064C Land South of Middlewich Road and West of Broad Lane, Holmes Chapel - Variation to condition 2 on approved application 11/3065C relating to moving the approved access point for Mr R Lea (Pages 47 - 54)**

To consider the above planning application.

6. **14/1341M Land Near Tytherington Lane and Manchester Road, Macclesfield - Cut/fill earthworks exercise including 32,250m³ of inert material to facilitate the approved housing development site for Dean Trainor, Redrow Homes NW (Pages 55 - 70)**

To consider the above planning application.

7. **14/1366N Fields Between the A5020 Weston Road and the A500, with an additional Area to the South of the A500 Off Weston Lane, Crewe - Variation of condition 2 (plans) attached to planning application 12/4115N dual carriageway road known as Crewe Green Link Road (South) linking the A500 with the A5020 and associated works for Kevin Melling, Cheshire East Council (Pages 71 - 90)**

To consider the above planning application.

8. **14/1534N Land off Rope Lane, Rope Lane, Shavington, Crewe - Variation of condition 1 (plans) attached to planning application 13/1021N Land off Rope Lane, Shavington, Crewe CW2 5DA development proposed for the erection of 80 dwellings for Wainhomes (North West) Ltd (Pages 91 - 96)**

To consider the above planning application.

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Application No: 13/3517C

Location: LAND WEST OF GOLDFINCH CLOSE, CONGLETON, CHESHIRE

Proposal: Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure

Applicant: Seddon Homes Limited

Expiry Date: 09-Dec-2013

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:****Planning Policy and Housing Land Supply****Affordable Housing,****Highway Safety, Traffic Generation and off site impacts****Landscape Impact****Hedgerow and Tree Matters****Ecology****Urban Design and Urban Design Implications of the Highways Mitigation proposed for High Street/Lawton /Albert Place****Amenity****Open Space****Drainage and Flooding****Sustainability****Education****REASON FOR REFERRAL**

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

1. DESCRIPTION OF SITE AND CONTEXT

The application site is some 13.72 hectares of land to the east of Goldfinch Close and Kestrel Close, the Moorings, south of Lamberts Lane and the north of Howey Lane, wrapping around the cemetery. The application is submitted with the access points submitted at this stage (via Goldfinch and Kestrel Close and the Moorings) but with all other matters reserved for future determination.

This application is accompanied by an Environmental Impact Assessment.

A revised Environmental Impact Assessment Supplementary Addendum has been submitted during the course of the application to address objections raised by the Strategic Highways Manager and issues raised by Officers in respect of the with one of the main highway changes being the proposed introduction of a shared space and roundabout at the junction of the High Street/Lawton Street.

This differs from the simple change in priority at this junction which was originally submitted and has been designed with the Congleton Urban Realm Strategy in mind.

The proposed highway scheme introduces a shared space scheme in the High Street and Lawton Street between the junctions of Market Square and Kinsey Street and also extends southwards on Canal Street to the entrance to the Community Garden. The proposed mini roundabout is an informal design with no give way lines marked and no white line markings but has a centre circle defined in a different material.

The applicant has also provided an updated indicative layout that indicates the development of 220 units. This reduction in numbers has been submitted on a 'without prejudice' basis as the applicant has not sought to formally amend the description of development .The applicant contends that they will accept a planning condition limiting the permission to 220 units.

The application site is surrounded by open countryside to the north, south and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul de sacs adjacent to the eastern boundary of the site, both roads lead to Canal Road further to the east. To the south, Lambert Lane (Bridleway 1, Congleton), a bridleway track that emerges from Canal Road further to the east in the southern urban part of Congleton and crosses over the Macclesfield Canal Conservation Area before finally emerging at Fol Hollow, just to the south of Astbury Mere to the west, a total distance of just under two kilometres; apart from a short section through the urban outskirts of Congleton to the east, almost the whole of the route is located within open countryside. Lambert's Lane also links into the wider footpath network that extends into the wider countryside.

The site has a network of existing hedgerows and trees and agricultural fields, of greater or lesser use (the area directly to the rear of Goldfinch/Kestrel Close has been left to nature and has become overgrown, although the other parts of the site have agricultural appearance and have been used as such during the time that Officers have been visiting the sites.

1. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 230 dwellings with open space and associated infrastructure. Approval is also sought for the means of access from the existing housing estates via Goldfinch and Kestrel Drives and the Moorings. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

The parameters indicate a layout of 3 distinct zones of housing interspersed in green spaces:

- To the rear of the Moorings/Goldfinch and Kestrel Close – density is indicated at up to 30 units per hectare;
- To the west of Goldfinch/Kestrel Close – density is up to 27 units per hectare
- To the south of Howey Lane/the cemetery – density is up to 24 units per hectare.

The application site is an extension to, and comprises, the sites of the Moorings and Goldfinch/Kestrel Close which cumulatively have outline permission for up to 80 units granted on appeal in February

2014. The access points to this larger site also utilise the same access points at the Moorings and Goldfinch and Kestrel Close. The principle of the use of the 2 smaller sites for the access and use of those sites for up to 80 units cumulatively has therefore been accepted by the recent appeal.

2. RELEVANT HISTORY

12/3025C - Land off Goldfinch Close and Kestrel Close, Congleton

Outline permission granted on appeal 3 February 2014 for erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access

12/3028C - Land off The Moorings, Congleton

Outline Permission Granted on Appeal 3 February 2014 for erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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

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

Policies in the Local Plan

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

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

Congleton Urban Realm Strategy

Cheshire East Local Plan Strategy – Submission Version

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

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

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

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was

also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

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

Other Considerations

‘Planning for Growth’
‘Presumption in Favour of Economic Development’
Draft National Planning Policy Framework
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA

4. CONSULTATIONS (External to Planning)

Environment Agency: no objection in principle to the proposed development but we would like to make the following comments.

Flood Risk

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

The submitted Flood Risk Assessment (FRA) and Drainage Assessment prepared by Atkinson Peck

(both dated April 2013, ref: JSD/C15639) suggest that surface water may be discharged to the ordinary watercourse located in the north of the site post development. As recommended in paragraph 13.6.6 of the FRA, this should be investigated further to determine the route, condition and outfall of the watercourse and subsequently the suitability of this watercourse for the disposal of surface water from the developed site.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning condition is attached to any approval as set out below.

Condition 1

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

Reason To prevent the increased risk of flooding by ensuring the satisfactory storage / disposal of surface water from the site.

During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected. Therefore we request that the following condition is also attached to any approval.

Condition 2

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Reason To reduce the risk of flooding to the proposed development and future occupants.

Ecology

Condition 3

Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the watercourse running through the site (from south to north) and any built development shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- *plans showing the extent and layout of the undeveloped buffer zone*
- *details of any planting scheme (for example, native species)*
- *details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term*
- *details of any footpaths, fencing, etc.*

Reason Land alongside the watercourse is particularly valuable for wildlife and it is essential it is protected.

Flood Risk Manager: No objection in principle on flood risk grounds to the proposed development, the site has implications for a number of main and non main (ordinary) watercourses and culverts within the identified site boundary and/or in the immediate proximity to the site as identified in the Flood Risk Assessment (FRA) and Drainage Assessment prepared by Atkinson Peck, reference JSD/C15639 dated April 2013.

Any proposed surface water discharges from this site must be limited to the undeveloped greenfield equivalents to mimic current surface water runoff and discharges from the site and taking account of soil permeability established from detailed site investigation. Discharges above this allowable rate must be safely attenuated to the 1% or 1 in 100 year annual probability event including current allowances for climate change.

Any proposed discharges to statutory Main River will require approval and consent from the Environment Agency under Water Resources Act 1991. Surface water discharges to any other non main river (ordinary) watercourses will require approval from Cheshire East Council as a Lead Local Flood Authority. The applicant will be required to demonstrate that any proposed discharges will not exacerbate flood risk in receiving watercourses and discharges may be subject to formal consent under Land Drainage Act 1991. Concurs with the required conditions suggested by the Environment Agency.

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

- This site must be drained on a total separate system, with only foul drainage connected into the foul sewer.
- Surface water should be discharged in accordance with the submitted drainage strategy.
- For the avoidance of doubt, no surface water from this development should be allowed to communicate with the public sewer system either through direct or indirect means.

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

Strategic Highways Manager: Objects to the scheme on highway safety terms. Considers the proposal will result in severe harm because the highways improvement at High St/Lawton street/Albert Place, either as originally submitted or as revised will not address the capacity issues in a safe manner. Also would require mitigation in the form of travel plan monitoring, the provision of 2 Quality Bus Stops and a financial contribution for improvements in the wider road network attributable to the increased activity associated with this development.

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

In terms of air quality, after initially recommending refusal on grounds of insufficient information, following the receipt of updated information conditions are requested in terms of electric car charging points and travel planning and dust mitigation during construction.

Education: The primary schools within 2 miles and the secondary schools within 3 miles have been considered for capacity. This application has been assessed in accordance with the cumulative impact of all proposed developments in the area on the Congleton Primary and Secondary Schools. There are also the approved applications 11/0736C, 12/0410C generating 41 primary aged pupils and 33 secondary aged pupils between them, 12/0324C, 13/0918C & 13/0922C which have resolutions to approve and are generating 20 primary and 15 secondary pupils.

This proposal will generate 41 primary & 30 secondary pupils.

Over the period of the Councils forecast there is some anticipated surplus with this figure as low as 127 during the period in the primary sector. A sum of £218,335 is required towards primary education. Pupil numbers fluctuate and figures may look different following the next school census

There is sufficient capacity in the local secondary schools to accommodate the pupils of this age range which are generated.

National Health Service England : The existing GP practice premises in Congleton are currently operating above capacity and the impact of further development on health services and health infrastructure is very significant. Acknowledges that the impacts of the previously approved schemes (12/3025c and 12/3028c) are a fall back position.

The health infrastructure impact of the 150 units is:

- 345 persons with high healthcare demands
- 0.19 GPs
- 58 sq metres of health infrastructure
- Additional Health Infrastructure cost £145,000

Therefore the additional health infrastructure contribution which relates to this application is **£145,000.**

Natural England: The site is located close to the Dane in Shaw Pasture Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application

Public Open Space:

Amenity Greenspace

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on the Council's Guidance Note on it's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the amount of formal Public Open Space required in the form of Amenity Greenspace would be 5520m"

It is recommended these areas of POS be transferred to a management company

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons Play Provision to meet the future needs arising from the development.

This should be in the form of a LEAP (Locally equipped area of play) including at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. As with the Amenity Greenspace it is also recommended that the children's play area is transferred to a management company.

County Archeologist: No objection is raised subject to a condition that the site should be subject to a scheme of archaeological mitigation in the form of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Strategic Housing Manager: No objection subject to S106 to require 30% affordable housing.

Ramblers Association: Objection on grounds that the PROW in the area to be developed is not shown on the plans and the plans do not indicate how the Prows will be respected before during and after the development of the land. Also concerned that the development will adversely affect the status of Lamberts Lane, which runs along the edge of the site.

Sustrans: Have the following comments

- 1) The design of the estate should include connections for both pedestrians and cyclists away from vehicular traffic to Howey Lane and Lamberts Lane (both SE and SW of site).
- 2) The main pedestrian routes shown through the site should be constructed for shared pedestrian/cycle use.
- 3) We would like to see the measures outlined in a potential s106 agreement include improving access into and across the town centre for cyclists from this site.
- 4) The design of the estate should restrict vehicle speeds to less than 20 mph.
- 5) We would like to see travel planning set up for the site with targets and monitoring.

5. VIEWS OF THE PARISH COUNCIL

Congleton Town Council objects to this application and recommend that Cheshire East Council refuse the application on the following grounds:

- In open countryside, cannot be considered to be infilling, contrary to H6 and PS9 of the Plan
- Adverse impact on highway safety on Canal Road
- Additional traffic on Canal Road which is already at unacceptable levels
- Area rejected for development in the 'Shaping Our Futures' document

6. OTHER REPRESENTATIONS

Circa 96 representations of objection have been received to the original and updated application raising the following points;

Principal of the development

Loss of Greenfield land

Loss of open countryside

the local plan has excluded these sites for development (Area F was not included in the Congleton Town Strategy. The preferred sites for Congleton's growth are all located in the north of town together with a planned Link Road to current motorway networks and associated infrastructure.

Proposal does not contribute to the 3 strands of sustainability within the NPPF

Highways

Increased traffic congestion

Parking problems

Highway safety

The proposed Urban Realm High Street improvements miss the point of the Urban realm Strategy and is unsafe

Infrastructure

Existing schools are full

Doctors and local dentists are full

Ecology

Impact upon protected species

Loss of habitat

Impact upon wildlife

The Howty and adjacent area is a protected wildlife corridor. This should not be developed. Our native trees should not be felled, houses built and then areas replanted with non-native trees. Too late, the wild life will have disappeared

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Quality of life will be severely affected during construction
- The extensive footpath and bridleway area around Lambert's Lane, an ancient sheepdrover route, and a haven for wildlife, will be forever spoilt for the people of the town.
- There can be few green spaces in England so close to a town centre. The open space is an amenity that needs to be safeguarded for future generations of Congleton's inhabitants.
- Screen planting will take many years to establish and is no justification for the visual impact upon the countryside which is a amenity to residents

Other issues

- No demand for new houses

- The sustainability credentials are overstated
- Increased flooding from the site

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement

An Environmental Statement (and Addendum) comprising:

- Ecological Assessment
- Flood Risk Assessment
- Phase 1 Contamination Assessment
- Air Quality Assessment and Addendum
- Waste Audit
- Heritage Assessment
- Hydrological Assessment
- Landscape and Visual Assessment
- Geology and Soil Assessment
- Assessment of Cumulative Effects

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

9. OFFICER APPRAISAL

Principal of Development

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

Principle of Development.

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

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

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

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

specific policies in the Framework indicate development should be restricted.”

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

In response, in February 2014 The Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

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

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

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

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

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

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft Local Plan of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

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

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

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

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

decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Loss of Agricultural Land

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

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

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

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

The applicant has submitted an agricultural land classification study which concludes that 3.69 hectares of the site (27%) is an area of Grade 3a land. The remainder being Grade 3b.

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

Flood Risk and Drainage

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to various conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications. The Councils Flood Risk Manager also has no objections to the proposed drainage solutions including the Suds scheme shown as part of the drainage strategy for the site

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that we will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment (SHMA) Update 2013 shows that for the sub-area of Congleton there is a net requirement for 58 new affordable units per year, made up of a need for 27 x 1 bed units, 10 x 3 bed units, 46 x 4+ bed units and 37 x 1 bed older persons units. The SHMA Update 2013 shows an oversupply of 2 bed general needs and older persons units.

In addition to the information from the SHMA Update 2013, Cheshire Homechoice is the choice based lettings system used to allocate social housing in Cheshire East. There are currently 637 applicants on the housing register who have selected one of the Congleton rehousing areas as their first choice. These applicants require 381 x 1bed, 135 x 2 bed, 79 x 3 bed, 26 x 4 bed and 16 x 5 bed.

The Affordable Housing IPS also states that the tenure split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA Update 2013. This equates to up to 69 affordable units, with 45 as social or affordable rent and 24 as intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and not segregated in discrete or peripheral areas. Also, the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

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

The Affordable Housing Interim Planning Statement states that

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

It also goes on to state

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

It is the Housing Strategy Managers' preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

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

It also goes on to state that

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

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),

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

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

criteria	Service/facility	Route via	Distance from edge of site	Additional distance to centre of site	Total distance
Shop selling food	Farmfoods,	Market Street Howey Lane	525m	340m	865m
Post Box	Priestly Court/Howey Lane	Howey Lane	225m	340m	565m
Playground/amenity area	West of Thames Close	Goldfinch Close	1030m	180m	1210m
Post Office	Mill Street	Howey Lane	470m	340m	1055m
Bank or Cash Point	High Street	Howey Lane	470m	340m	810m
Pharmacy	Boots Bridge St	Howey Lane	550m	340m	890m
Primary School	Daven(New St)	Moorings	375m	390m	765m
Medical Centre/GP Surgery	Lawton House, Bromley Road	Moorings	390m	390m	780m
Leisure Facilities	Congleton Leisure Centre	Howey Lane	955m	340m	1295m
Community meeting place	Methodist Church	Goldfinch Close	195m	180m	375m
Community meeting place	Vale Club,	Canal Road Moorings	390m	390m	780m
Public House	The Foresters	Apel Street Howey Lane	345m	340m	685m
Public Park or Village Green	Congleton Community Garden	Howey Lane	510m	340m	850m
Public Open Space	St Peter's Road	Moorings	210m	390m	600m
Bus Stop	Canal Rd/ Daven Road	Goldfinch Close	355m	180m	535m
Railway Station	Congleton station	Goldfinch Close	1150m	180m	1330m

NB: The following distances from the centre of the site have been used: Site centre - Howey Lane = 340m. Site centre - Kestrel Close = 360m. They are measured along routes shown on the indicative site layout, via the exit points stated.

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

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is considered that this is a locationally

sustainable site. This was also accepted by the Planning inspector at the Moorings and Goldfinch and Kestrel Close who states;

'...its location, in terms of sustainable transport options, while generally positive, would have some implications in terms of sustainable transport options.'

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

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

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

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

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

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

Environmental role

The site is a greenfield site and therefore not the first priority for development.

The site is within walking distance along level terrain, or a short bus journey from the town centre, a matter previously accepted by the Planning Inspector. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

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

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

Economic Role

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

Paragraph 19 states that:

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

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

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

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

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

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

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

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

Social Role

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

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

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

Landscape Impact

The application site is located to the south of the centre of Congleton at the very southern end of Howey Lane. To the east of the application site are the residential areas of The Moorings, Goldfinch Close and Kestrel Close, to the north and north west are the residential properties located along Howey Hill, Tudor Way and Howey Lane. To the south the application site is bound by Lambert's Lane a bridleway track (Bridleway 1, Congleton), that emerges from Canal Road further to the east in the southern urban part of Congleton and crosses over the Macclesfield Canal Conservation Area before finally emerging at Fol Hollow, just to the south of Astbury Mere to the west, a total distance of just under two kilometres; apart from a short section through the urban outskirts of Congleton to the east, almost the whole of the route is located in open countryside. Lambert's Lane also links into the wider footpath network that extends into the wider countryside.

To the west and south west of the application site is the wider open countryside of Cheshire, to the south of Lambert's Lane is Astbury Golf course. Lambert's Lane also marks the northern boundary of the Green belt to the south of Congleton.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this broadly follows the guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 2nd Edition 2002. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW2 Brereton Heath, as the assessment indicates; the application area exhibits many of the characteristics of this landscape type.

The Congleton Landscape Character Assessment identifies this as Cheshire Plain, a pleasant rural landscape with a reasonable distribution of semi-natural features that is of medium scale but neither spectacular or dramatic, where the degree of openness varies; some parts are fairly open with views across fields of 2km or more and distant views of the Peak Fringe to the east. Conversely, views from within other areas are more limited where hedgerows are slightly higher and tree cover slightly denser, which invokes a sense of intimacy. Overall this area has well defined hedgerows and the managed nature of the agricultural land means that the area is of good quality.

The Cheshire Historic Landscape Character Assessment (HLC), identifies the area as forming part of the Medieval Town Fields of Congleton, these represent a distinctive style of medieval enclosure which relate to the medieval open field arable landscape and the HLC assessment identifies this as being a rare landscape that covers just 2.8% of the modern landscape. As part of the remaining Town Fields of Congleton the site has an important historic association with medieval Congleton that hasn't been fully identified or considered in the assessment. Examination of even the First Ordnance Survey Map of the area and even the earlier Historic Tithe maps – dating between 1843-1893, clearly show that the landscape structure and hedgerow system remain identical to those now on the application site. The submitted assessment (Para 5.7) identifies the pressures for change in this character area and on the wider landscape and these include the suburbanisation of rural properties, where prominent modern buildings can be seen as well as the erosion of settlements character through incremental development including the increasing influence of edge development and the fragmentation and deterioration of habitats involving the slow decline in hedgerows. But despite these pressures, the application area retains a good and robust hedgerow network, bridleway system and attractive and tranquil rural feel, despite being in such close proximity to the very centre of Congleton.

The assessment identifies a Zone of Visual Influence, visual receptors, the sensitivity of the landscape resource, the magnitude of landscape and visual change and then offers a significance of effect for both. Para 5.31 of the assessment identifies the sensitivity of the overall landscape character of the proposed site as moderate, I would question this. As part of the visual assessment a number of visual receptors are identified (Table 2), Table 3 indicates the sensitivity of the visual receptors as well as an importance rating, I feel that in a number of instances both the sensitivity as well as the 'importance' of a number of these receptors has also been underestimated. The Landscape Architect considered that the potential cumulative effect on the community hasn't been identified adequately.

To address the Landscape Architects objections to the scheme as originally submitted an updated Indicative Masterplan has been included with the application, this illustrative layout identifies open space and associated landscaping and infrastructure. An updated Parameters Plan has also been submitted.

An updated Landscape and Visual Assessment, prepared in accordance with Guidelines for Landscape and Visual Impact assessment, (GLVIA), Third Edition. The updated application also includes Figure B1 (Appendix B, Volume 11) which identifies the extent of potential visibility.

The application includes a baseline description of the landscape context and character, this includes the national, regional and local character areas, namely the Lower Farms and Woods Brereton Heath Character Area (LFW2) and the Cheshire Plain in the Congleton Landscape Character Assessment of 1999. The assessment identifies that the application site lies within the boundary of land designated as 'Open Countryside' in Policy PS8 of the Congleton Borough Local Plan, and also that Policy GR5 Landscaping is relevant to this application. Bridleway BR1 Congleton follows the route of Lambert's Lane, along the southern boundary of the application site and that Bridleway Br4 Congleton extends from the end of Howey Lane and crosses Lambert's Lane, in a north to south alignment. The assessment also includes a description of the application site and surrounding area, noting that the site is identified in the Cheshire Historic Landscape Assessment as being part of the medieval town fields and that many of the hedgerows represent the remnants of the historic field pattern.

Land to the northeast of the application site, known as The Moorings has been granted consent for up to 40 dwellings and land to the south east of the application site, off Goldfinch Close and Kestrel Close has also been granted consent for up to 40 dwellings.

The assessment notes that the area has been described in the local landscape assessment as 'largely urban fringe farmland'. In fact the local landscape assessment identifies a number of land cover types and one of these is urban fringe recreational and this refers specifically to Astbury Golf Club, adjacent to the application site.

However the local landscape assessment describes this landscape as being 'of overall good quality', and that 'this is a pleasant rural landscape'.

The Landscape Architect concurs with the submitted assessment that this is a landscape of medium sensitivity and that the trees and hedgerows within the site are also of medium sensitivity and that this landscape is principally viewed from the footpath network, by users deemed to be of high sensitivity.

He also agrees with the LVIA that the landscape pattern within the site is susceptible to changes which could destroy its integrity. However, he does not agree that the magnitude of change will be low for landscape character, he considers that it would be moderate.

This would indicate that there would be a moderate adverse effect, rather than an insignificant one. With reference to landscape features it is quite clear that the agricultural use of much of the application site will cease and that the historic hedgerow network of hedges will be altered in places and some sections will be removed, and although the proposals do include the provision of new landscape features the Landscape Architect considers that overall the effects on the landscape features will be adverse, rather than moderate beneficial (as submitted).

With reference to the visual assessment, he would broadly agree with the construction effect for some of the receptors, although he is of the view that it would be greater for a number of receptors. However he considers that the residual effects as shown in the assessment, Table 5.1, are over optimistic and that the residual visual effects would remain more adverse for most receptors.

The assessment identifies that Policy PS8 Open Countryside and Policy GR5 landscape are relevant to this application. The assessment summarises Policy PS8 as 'where any development must be shown to be essential to meet the needs of the wider area'. Policy PS8 states that 'in the open countryside development will only be permitted if it is for one or more of the following purposes: and lists seven categories, the second of these includes the following categories, 'Facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its local character'.

The submitted assessment indicates that there would be slight adverse on the landscape character, he is of the view that that it would be more adverse than this, but not significantly so. In addition the assessment indicates that there would be a moderate beneficial effects on landscape features, I feel that the effects on landscape features will be more adverse than this, although not significantly so. The submitted visual assessment indicates that there would be an adverse visual impact for a number of receptors, notably those in close proximity and also those with the highest sensitivity and although the assessment indicates that this would reduce as a residual effect, it still remains adverse for a number of receptors. In reality it is likely to remain more adverse than shown and so clearly the adverse effects on landscape character, features and also the adverse visual effects cannot be maintaining or enhancing the local character, so are contrary to Policy PS8.

Policy GR5 of the Submission Version of the Local Plan states that 'development will be permitted only where it respects or enhances the landscape character of the area' and notes the importance of such areas and that particular attention will be paid towards the protection of features that contribute to the setting of urban areas.

The predicted adverse impacts are also contrary to Policy GR5, since it is agreed that there will be an adverse impact on landscape character and the proposals will also lessen the visual impact of landscape features when viewed from areas accessible to the public.

This is significantly more detrimental to the impact upon the landscape in the two smaller sites which were granted on appeal February, which were reasonably well contained or read against an extensively urban back drop, thus minimising the starkness within the landscape or urban development.

Overall it is concluded that the proposal is contrary to established and emerging planning policy in terms of the landscape

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 main urban design concerns are related to the landscape qualities of the site, how the area contributes to the wider setting of Congleton and how this should be utilised to both integrate development and to maximise the rural qualities presented by the site and its surroundings.

The revised Design and Access statement (March 2014) sets out how the revised proposals respond to the concerns expressed in relation to the original submission. The key concerns relate to:

- Impact on hedgerows – both the loss of and the relationship of the development to them
- Erosion and fragmentation of the green connection created by the wedge of countryside and open space, including the site, which lies to the south of Congleton
- Linked to the above, the overall number of dwellings and density considerations and their impact on rural character
- Relationship of housing to the bridleway linking Howey Lane and Lambert Lane and the relationship of housing to Lambert Lane itself and their impact upon rural tranquillity and character
- Responding better to wider backdrop view opportunities from within and through the site
- Character principles needed to be better defined and expressed in the DAS

The proposal has been amended to include the following:

- A reduced projected number of units to 220 in the parameters plan which equates to a net density of 25 dph (24 dph in the western half of the site, 27dph in the central portion and up to 30dph in the eastern part of the site). This has been indicated but not formally changed in the description of development.
- Retention of the entire field W4 as the location of a LEAP and with additional woodland planting
- 10 metre woodland buffer to the bridleway BR4; 5-10 metre buffer around the west and southern boundaries of the Cemetery and woodland buffer planting along part of Lamberts Lane, with a 25 metre building set back of the southern edge of development in field W16
- View corridors west to east set out in the block and street arrangement (to capture views of Bosley Cloud)
- Character principles identifying 4 main character areas, linked to housing density and landscape character

Development areas to the east of the site have been enlarged, compared to the originally submitted proposals, which has quite significantly reduced the width of this area of open space to the east of the cemetery. (p36 DAS Statement).

A parameter has been included on the Parameter Plan (page 48 of the DAS) that, at its narrowest point, would provide an offset of 30-60 metres between development and the cemetery with woodland buffer planting in this area. It is likely that this gap would be closer to 30m as opposed to 60 m, unless there is some technical constraint that renders land un-developable.

The revised plan illustrates the extent of change in the distribution of open space. Much of the open space lost in the valley area has been reallocated to the western part of the site, mainly to provide the buffers and the enlarged green space in the south western corner of the site. It could be argued that this has eroded the potential landscape quality of the valley area in order to achieve landscape/open space benefits elsewhere. However, within the urban design context the priority should be to achieve a sense of landscape continuity to the south of the site to Lambert's Lane.

The principle consideration as identified is the impact of the development on an attractive and important landscape to the town of Congleton. Consequently, the key issue to comment upon is whether the proposed changes overcome the concerns relating to the loss of the open space connection between the town and the wider countryside to the south, and, the associated issue of impact upon the landscape character of this part of the town's setting .

Whilst the revisions create a larger area of open space in the south western corner, the quantum of development remains largely unchanged (a reduction of 10 units from the maximum originally proposed). It has been merely re-distributed elsewhere . Although it is acknowledged that the re-distribution of open space has helped ease the relationship with the bridleway and Lambert's Lane, and created an enlarged area to the south west of the site, the development still largely disconnects and infill's the countryside between the cemetery and Lambert's Lane, disrupting the wedge of green that penetrates into the heart of Congleton from the countryside to the south.

The attractiveness and quality of the countryside, in determining the development philosophy of the site should be focused upon maintaining a sense of landscape quality and also a sense that the countryside still permeates to the heart of Congleton. Even with the benefits of the revisions , too much land is being developed to achieve this effectively. In order to help protect this character, less of the site needs to be developed and more left open as areas of open space.

Given the existing hedgerow pattern, it is considered that this could be achieved by removing development in the fields W5, W7 and southern most part of W2. This would further enlarge the green space to the south of the site and would create a more meaningful green connection between the cemetery and Lamberts Lane and the woodland and countryside to the south.

Urban Design Implications of the Highways Mitigation proposed for High Street/Lawton /Albert Place

To address highways capacity and safety issues as a direct consequence of this development, a scheme of improvement has been put forward.

Lawton Street and High Street constitute most of the medieval core of Congleton. The area of the proposed highway works is situated within the Moody Street Conservation Area, which was reviewed in 2010 and a character appraisal and management plan prepared. The site of the works is also immediately outside the Town Hall, a grade II* listed building. The street environment is especially important to how the listed building is viewed within the public realm, the approach to its main entrance and consequently acts as its civic foreground and therefore has a significant bearing upon the setting of the heritage asset.

In the summary of interest, the appraisal identifies the importance of the Town Hall and significant views along Lawton Street and High Street.

The appraisal identifies in the section relating to problems, pressures and capacity for change that:

“A Congleton Town Centre Plan has been adopted as an interim document and will be developed and consulted on further over the coming months, with the aim of gaining Area Action Status.⁹ Proposals include improvements to the public realm, particularly shop fronts in parts of the current Conservation Area; improved public squares at the road junctions; and improvements and new walking routes to the green spaces identified within this document.”

In the summary of issues section, it identifies as one of the potential threats to the character of the Conservation Area

- *“ Work proposed within the Congleton Town Plan on the public realm which could diminish the area’s significance if carried out insensitively.”*

Proposal 4 of the Management Plan identifies that important visual axes will be preserved and enhanced including High Street (in both directions along its length).

In respect to both the Conservation Area and the Town Hall, it is considered that the engineered character of the proposed highway works would be detrimental to their respective heritage significance. This would lead to harm that would be considered less than substantial in scale.

Para 132 of the NPPF requires that in considering impact on designated assets, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight. It advises that harm can result as a consequence of works to the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification. Para 134, requires that where

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

A public realm strategy was produced by the Congleton Partnership, Cheshire East Council and the Town Council on behalf of the Congleton Community, both businesses and residents. This was adopted by the stakeholders in 2011.

As part of the public realm framework, it identifies the creation of a new public square in the location of the proposed highway works. This is further set out in the Coding and Detailing section of the strategy under key projects, the text extract is provided below (and the associated visualisations attached to this email). It states:

“The High Street is an important traffic and bus route. As a result of that it will not be possible to pedestrianise the area. The area is currently dominated by traffic and has very narrow footpaths. A shared surface solution will enable the continued use of the route by vehicles while giving pedestrians a higher priority. This will create a more enjoyable and leisurely retail experience and emphasise the number of attractive buildings outlined in the conservation area appraisals.

The core of this scheme will focus on a new shared space in front of the town hall including Albert Place and Canal Street. The town hall will be linked with the pedestrians area through wider pavements. Street furniture, trees and cycle parking will create a vibrant retail area with a strong character. Parallel parking spaces and vehicle lanes with reinforced pavements allow for loading. This scheme will also contribute towards delivering the shopping and cultural circuit shown in Chapter 4.”

Whilst the public realm strategy is not a formal Supplementary Planning Document it still carries some material weight in the consideration of any proposals to changes to the public realm of the town centre. Although the information contained within it is a concept level of detail, it sets the vision for delivering the public realm strategy, which certainly did not envisage an engineered solution such as that being proposed.

Given initial objections on design grounds, discussions have since taken place with the applicant’s representatives, upon a solution that sought to address both highway and urban design concerns. In respect to both conservation and public realm design, this was a compromise upon the shared surface solution as indicated in the public realm strategy, but one that, if appropriately specified and detailed, could still have achieved an acceptable solution in conservation and public realm design terms.

This does not satisfy the Strategic Highways manager, who objects to both the originally submitted engineered scheme and the revised urban realm scheme is detailed elsewhere in this report.

The engineered solution will cause harm to the significance of the Town Hall and the Moody Street Conservation Area. It would significantly and unacceptably erode the objectives of the public realm strategy, which could set an unfortunate tone for compromising the implementation of the strategy in the future. Consequently, it is considered that such proposals would be contrary to both para 132 of the NPPF and policies in the Local Plan and also policy SE7 of the Local Plan Strategy Submission Version.

Archaeology

The present application is much more extensive than the two schemes previously approved on parts of the site to which archaeological conditions have been imposed. It is possible that currently

unknown archaeological remains may be present within the application area and could be compromised by development, although this archaeological potential is not sufficient to suggest that an archaeological objection to the development would be appropriate. Instead, it is advised that if planning permission is granted relevant aspects of the wider development process should be subject to an archaeological watching brief in order to identify and record archaeological deposits. The most appropriate aspect of the development to be monitored would be the excavation of the new main sewers which, according to the Drainage Assessment, will be required across the development area and will extend over several hundred metres. Observation of this aspect of the development will provide a valuable and time-limited opportunity to sample a significant proportion of the site for archaeological remains and record anything that is present.

One particular point that requires further comment concerns the identification of the development area as lying within an area characterised as 'Medieval Townfields' HLC Type by the Historic Landscape Characterisation project, the results of which are incorporated in the Cheshire Historic Environment Record.

This identification may suggest that the present field pattern originated, at least in part, from the piecemeal enclosure of the medieval arable fields around the medieval town of Congleton, during the later medieval and early post-medieval periods. In the case of Congleton, such townfields may have had a fairly intimate connection with the individual inhabitants of the town, who held by burgage tenure, and aspects of this relationship may be preserved in the written archives of the town.

In these circumstances, it would be reasonable, if planning permission is granted, that as much of the existing field pattern as possible should be preserved within the proposed development and it is noted that the 'Parameters' plan submitted in support of the application suggests that the majority of existing field boundaries will be retained. Where, however, boundaries are to be removed, formal sections should be recorded across the hedges, banks, and ditches as part of the programme of archaeological mitigation.

Affordable Housing

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a net need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need over the 5 years (2013/14 – 2017/18) of the SHMA of 290. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to this the number of applicants on Cheshire Homechoice have been considered. There are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing advises – *that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the*

recommendation of the 2010 Strategic Housing Market Assessment.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

This equates to a requirement for 54 affordable dwellings on this site, with 35 provided as social or affordable rent and 19 provided as intermediate tenure (based on a maximum of 180 units with a pro rata reduction should overall density be reduced).

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved I would like to see the details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage rather than merely the provision of 2 and 3 bed roomed units.

It is therefore the Strategic Housing Manager's preferred option that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing

Highways Implications

The applicant has assessed the impact of the application on a number of junctions on the road network and these are listed below:

- Canal Road/Goldfinch Close junction
- Albert Place/HighStreet/Lawton Street junction
- A54 Mountbatten Way/Worrall Street/Market Street signal junction
- A54 Mountbatten Way/Mill Street roundabout
- A527 Biddulph Road/Leek Road/Reade's lane signal junction

- A34 Rood lane/Rood Hill/A34 Clayton By-pass
- A54/West Road/West Street roundabout

There have been committed developments added by the applicant to the base flow, although the Loachbrook Farm has received permission for 200 dwellings and the distributed traffic from the development does add additional flow to the A34. The base traffic flows that been based on counts undertaken in 2011 and then growthed to the opening year flows at 2021 and then at 2026.

The assessments of the traffic impact of the development has been undertaken in the morning peak and evening peak as these represent the worse case when background flows are at there highest.

The amount of trips generated by the development is derived from the trics database and the development is forecast to generate a total of 138 trips in the AM peak hour and 147 trips in the PM peak. The Strategic Highways manager considers this to be a reasonable prediction of the likely traffic generation from the site. There are three potential access points to the site that could be used to share the traffic generation.

Considering the junction capacity tests undertaken in the Transport Assessment, the local junctions to the site such as St Peters Rd/ Canal Rd, Goldfinch Close/Canal Road all operate well below capacity levels. Looking at the wider junction assessments, there are a number of junctions that the applicant has looked at although the Strategic Highways Manger is concerned with the distribution submitted and how it relates to employment areas within a reasonable drive time of the site. The distribution of traffic affects the number of trips arriving at any one given junction and subsequently the capacity test undertaken.

However, looking at the assessments submitted the junction of High Street/Lawton Street is already operating over capacity in the base year, the future year forecast models more than double the length of queue with development added.

Clearly, this is an unacceptable scenario and this junction would require improvement works to deal with the impact, which the Strategic Highways manger considered to be severe.

The existing signalised junction of the A54 Mountbatten Way/Market Street is almost at capacity in the base year of 2011 and over capacity in the opening and future year 2021, 2026 without development. The effect of the 'With Development' scenario would be to increase queue lengths considerably at this junction as the junction is forecast to operate well above capacity levels.

The applicant considers that the introduction of MOVA would improve the operational efficiency of the junction and provide mitigation, this system does work well in managing demand at signalised junctions but where all the arms of the junction are at capacity levels as in this case it cannot provide additional green time and so reduce queue lengths. Therefore, there is an unmitigated capacity problem at this junction with the development traffic included.

With regard to the Mill Street roundabout and the signal junction of Biddulph Road/Leek Road/Reade's Lane, the Highways Manager accepts that the development traffic once distributed on the road network would only have a minimal effect at this junctions.

The principal section of congested highway through Congleton is the A34, that includes the West Street roundabout to the west, the Barn Road roundabout and then the A34 Clayton Bypass/Rood Hill signal junction. There is lengthy delays and congestion that occurs through these junctions not only in the peak hours but throughout the day.

The signal junction at Rood Hill is operating at over capacity at current flows levels and this is forecast to worsen in the future even without this development added. This is a key junction within Congleton and although the applicant acknowledges that it has capacity problems, he has not addressed the capacity issue only to indicate that the development would only add small numbers of additional trips to the junction so no mitigation is required. It is the Highway manager's advice that further development is not acceptable unless mitigation measures are put forward. No mitigation has been offered.

The accessibility of the site has been assessed within the submitted transport assessment and this deals with non-car modes of access to the site, the SHM considers that both walking and cycling to the site can be achieved through existing and proposed new footpath links there is a concern whether the site is readily accessible to public transport.

It was accepted when considering the schemes for 80 units at the Moorings and Goldfinch /Kestrel Close that the site was located at the maximum distance in terms of walking to local bus stops, there are property locations within this application are much further away and well in excess of the recommended 400m walking distance.

Therefore, there is an increased likelihood that the larger site will be a car based site, with little or no use of public transport to make journeys.

Highways Summary to scheme as originally submitted

The Moorings, Goldfinch Close and Kestrel Close have been designed technically to serve a much larger development than that was initially constructed. Therefore, as the development traffic can be shared between three access points, there is no technical reason to justify a refusal on grounds that these access roads are unsuitable to serve the development proposed.

It is important to note that applications for two 40 residential units sites were considered on the same land as this application and no highway objections were raised to these schemes. These proposals did affect the same junctions as being considered in this application, the same capacity problems did exist but crucially the traffic impact from 80 units is much less than 230 units and it whilst it was not considered that a severe impact objection could have been sustained for 80 units, the addition of 150 units is considered to tip the balance and lead to a severe impact.

The junction High St/ Lawton Street has capacity problems and this development would extend the queue lengths at this junction, long queues northbound towards the junction would also effect the operation of Canal Road where it narrows through a short section.

The applicant has submitted a mitigation scheme to change the priorities at this junction, this scheme was previously considered as part of the 80 unit scheme and was deemed not acceptable by Officers due to the fact that this did not fit with the Congleton Urban realm Strategy. If this continues to be the case then the SHM would have to raise this junction as one of the reasons overall to reject the scheme based on its severe highways impact.

A revised ES Supplementary Addendum has been submitted to address this with one of the principal highway changes being the proposed introduction of a shared space and roundabout at the junction of the High Street/Lawton Street.

The proposed scheme introduces a shared space scheme in the High Street and Lawton Street between the junctions of Market Square and Kinsey Street and also extends southwards on Canal Street to the entrance to the Community Garden. The proposed mini roundabout is an informal design

with no give way lines marked and no white line markings but has a centre circle defined in a different material.

The applicant has supported the mini roundabout design by a capacity assessment of the junction using ARCADY and whilst the program is the industry standard used to assess results roundabouts it does not take into account the shared space scheme whereby there is free movement of pedestrians in the area where the roundabout is located.

A Stage 1 safety audit has also been submitted in support of the roundabout design together with the Designers response. The audit raised a number of problems relating to the design, one of the principal concerns was that parked vehicles restricted visibility and could cause vehicular conflict. The removal of parking along the south side of the High Street as indicated in designers response cannot be guaranteed as it requires a Traffic Regulation Order (TRO).

Additionally, the properties in the High Street have no rear servicing and all deliveries are made on-street. Concern was raised regarding the pedestrian / vehicular conflict throughout the scheme due to the high traffic flows, shared space by definition means that both pedestrians and vehicles are likely to mix together and the safety audit recognises that the shared space scheme is very limited in its length and that further measures are needed. As this roundabout will be a completely informal design without any white line markings it is likely that vehicles travelling on the High Street and Lawton Street will straight line the roundabout without attempting to slow or give way to vehicles on the right.

With regard to the other matters raised in the previous comments, I have assessed the distribution submitted and am now content with the percentage figures submitted for the traffic assignment onto the road network.

The signalised junction of Mountbatten Way/Market Street is becoming under capacity pressure in the opening year with development in place. The operational efficiency of the junction would benefit from the introduction of MOVA as it would manage queue lengths throughout the day and not only at congested periods and thereby provide an overall improvement in the junction operation. The applicant has offered to provide this system in mitigation of the development impact at this junction and this is accepted subject to the its installation early phase of development.

There still remains an unmitigated impact at the Rood Hill/ A34 Clayton Bypass junction, although the applicant's view is that the traffic impact at this junction is a minor impact based upon the current proposals and that the two smaller sites that have permission be included in the base scenario. The fact is that none of the trips associated with the 80 units are constructed and are using the road network and these should be considered as committed development along with the other recent approvals in Congleton that will add further traffic to the A34 and also using the Rood Hill signal junction.

Clearly by itself this application would not produce the level of impact to warrant rejection of the application but it is the cumulative impact of the approved development sites that produce an impact on the A34.

There is no doubt that a capacity problems exists, there are extensive queues on the A34 through Congleton from the West Street Roundabout through and beyond the Rood Hill junction. Considering this particular application, it will add cumulatively to the traffic impact and also increase congestion, there is no mitigation being proposed that will alleviate some of this impact and is therefore a reason for refusal.

The Applicant disputes this. They have also consider that the Rood Hill mitigation required by the Strategic Highways Manager to be dealt with by other developments and have stated that they are unwilling to offer any mitigation in this regard.

Discussions have taken place with the applicant regarding the accessibility of the site and whether the access to public transport can be improved. The result of these discussions is that the applicant has offered to provide a further two bus stops on Canal Road (close to St Peters Road) these bus stops will reduce the current walking distance from the site to access the public transport network and that introduction of these new stops are supported.

Highways Summary and Conclusions

This development proposal raises two main highway issues, these both relate to the traffic impact at junctions but principally the problems with capacity at the High Street/ Lawton Street and the associated pinch point in Canal Road close to the Chapel Street junction. To address these capacity issues and also provide a scheme that is sympathetic with the Town Council/CEC Public Realm strategy, the applicant has proposed a shared space scheme that also incorporates a mini roundabout at the junction of High St/Lawton Street/ Albert Place.

However, the roundabout is only defined by different surfacing materials, there would be no signage, no white line markings to provide guidance for the road users. The safety audit on this scheme alone raises concerns regarding the scheme in terms of visibility and the extent of the scheme itself reducing traffic speeds to levels that would be appropriate when mixing with pedestrians that could be crossing the scheme in any location. I also believe that there would be conflicts with turning movements at the roundabout with drivers unsure of priority and causing collisions. Therefore, I cannot accept that this scheme is appropriate in design and safety terms for this junction and I would recommend that the Urban Realm Strategy compliant scheme is rejected.

The current layout at the High Street/ Albert Place junction does have capacity problems and these will be exacerbated by this development proposals. If there is no improvement undertaken to the junction as part of this application then this would be a reason for refusal based upon the traffic impact of the development.

There is a technical design solution to the capacity problems at the High St / Lawton Street junction this has been previously tabled in the form of a change of priority, giving traffic using Albert Place / Canal Road and the High Street priority over Lawton Street with traffic giving way from this direction. This is a solution that is not considered to be compliant with the Congleton Urban Realm Strategy and which is considered within the Urban Design analysis later in this report.

This scheme would reduce queues on Albert Place and also alleviate the blocking back of traffic through the pinch point in Canal Road. This proposal is a far better scheme in technical highway terms than the scheme which has been designed with the Congleton Urban Realm Strategy in mind.

Amenity

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

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between

a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, given the size of the site the indicative layout demonstrates that up to 230 units could reasonably be accommodated on the site given the appropriate mix of flats and smaller units within the overall scheme, whilst maintaining these minimum distances between existing and proposed dwellings and the open spaces

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

Trees and Hedgerows

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of individual Oak and Sycamore trees located to the east and south east of the application site.

The application is supported by a Tree Survey Report (TBA Landscape Architects Ref DF/3936/ Tree Survey/Revision E (dated 25th April 2013). The Report states that it has been carried out in accordance with the requirements of *BS5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. I note however that the Report does not appear to include a Tree Survey plan showing the positions of the trees assessed. It is therefore not possible to assess the retention or otherwise of existing trees, particularly in relation to the Indicative Masterplan.

Other supporting documents include a Design and Access Statement (Ref 646/CON/DAS dated August 2013) which refers to the presence of trees and hedgerows (para. 4.3). An Ecological Impact Assessment (Envirotech July 2013) makes reference to Hedgerows in terms of their Importance under the Hedgerow Regulations at para. 7.2.

The Tree Survey Report has identified some 64 Individual trees, 27 Groups of trees and 17 hedgerows within the application site. Of these 14 trees are protected by the TPO of which there are six individual (High) A category trees; 7 individual (Moderate) B category and one B category group. One 'U' Category TPO tree A Black Locust adjacent to Highfield House is in significant decline and therefore deemed unsuitable for retention and is proposed to be removed.

The Ecological Assessment has identified that most of the hedgerows within the site are 'species poor' one hedgerow located along the southern boundary of the site adjacent to Lamberts Lane as 'Important' under the Hedgerow Regulations 1997 and this is proposed to be retained within the development proposals. It should be noted that the hedgerow should be retained so that it does not form the boundary of any residential curtilage or within multiple ownership which would impact upon its long term management.

In terms of the proposed accesses into the site, there are no issues with The Moorings and Goldfinch Close. However two protected trees located either side of Kestrel Close may be impacted by the proposed access into the site which has not been addressed in the supporting Tree Report. *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations* places an emphasis on evidence based planning and as with previous outline applications a statement

needs to be submitted providing the evidence that the trees will not be impacted by the proposed access to ensure certainty of outcome.

Two trees an Oak (T3 of the report) and an Ash (T9) have been identified as 'Veteran' trees. These trees should be secured for retention within the development, preferably within public open space. This could be secured by condition.

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

It is noted that the D &A statement states that the remaining High and Moderate category TPO trees within the application site and around Highfield House have been identified for retention as they are deemed important to the setting of the existing building although does not make reference to any of the remaining trees. The Tree Report has identified a further 11 'A' High Category individual trees, 22 'B' Moderate category individual trees and 10 'B' Moderate category groups of trees that are not protected by the TPO.

Due to the lack of a Tree Survey Plan it is not possible to ascertain what impact any future development will have on these trees without reference to a Tree Survey Plan and what is illustrated on the proposed Masterplan.

Urban Design

This site is situated on the southern edge of Congleton. The land forms part of an important 'green lung' that extends into the heart of the town, comprising farmland, grazing pasture and the adjacent cemetery to the north of the site. This wedge of landscape extends further north, beyond the cemetery, right up to the very heart of Congleton, abutting the edge of the Moody Street Conservation Area and influencing the setting of the historic townscape of the Chapel Street area.

Although encroached upon by more recent town expansion, on its western and eastern fringes, this extensive area of green space is still intact, and hence, forms part of the longstanding setting of the town, contributing toward an attractive green backdrop in longer views from across the valley of the Dane to the north and in glimpse views from the south from Lamberts Lane, a green lane/public right of way defining the southern extent of the site. The openness of the landscape extends into surrounding countryside south beyond Lamberts Lane (Astbury Golf Course). There are also attractive long views from the cemetery southwards over the site to the tree lined Lamberts Lane and the more distant backdrop view of Mow Cop.

It is not possible to divorce discussion on urban design matters from the impact of the landscape, both for the site and the wider setting of Congleton. The landscape is an intrinsic ingredient of the area's character and consequently it is especially important that the proposed development sits comfortably in this landscape, utilises its established structure and does not jeopardise its wider influence upon the town's setting.

The recent smaller proposed on the eastern edge of the current application site comprised up to 40 unit each (applications 12/3025C and 12/3028C both at appeal), in design terms, it was considered by Officers that these could be accommodated without significantly eroding the substantial green

wedge that extends to the very heart of the town and could be seen as ‘rounding off’ in urban design terms.

However, proposals within this application entail substantially more land, and apart from the relatively narrow corridor of green space along the valley bottom, would enclose and truncate the green space, breaking its connection to the wider landscape to the south.

Within the site there is a framework of established hedges and hedgerow trees that subdivide and break up the site, creating a green structure and reinforcing the areas rural character. Only some of those hedges are indicated as being retained, whilst the illustrative masterplan indicates that some of those retained would form boundaries to residential gardens. The bridleway that runs through the western part of the site provides an attractive and tranquil rural footpath linking back from Lambert’s Lane to Howey Lane, formally connecting the countryside to the edge of the town. Howey Lane itself is an attractive, informal, leafy green lane. Development is proposed abutting both either with front or rear gardens.

Ecology

<u>Congleton</u>	<u>Wildlife</u>	<u>Corridor</u>
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The proposed development is located adjacent to, but outside the boundary of the Congleton wildlife corridor. The proposed development is unlikely to have a significant adverse impact upon the wildlife corridor.

<u>Broad</u>	<u>Habitat</u>	<u>Value</u>
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The habitats present on site are for the most part are of relatively low nature conservation value. The tall ruderal vegetation habitats are likely to support a number of common species, but this habitat is common and widespread in the county.

The field identified as being “Improved grassland” supports a small number of species (meadow butter cup and common birds foot trefoil) which are indicative of better quality grassland habitat however the grassland are unlikely to be of sufficient value to qualify for designation as a Local Wildlife Site.

The Council’s Ecologist is of the opinion that the grassland habitats on site are of low value and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity.

The ecologist recommends the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra ‘metric’ methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in ‘units’ the level of financial contribution which would be required to ‘offset’ the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. At the time of writing this report no such assessment has been received.

Bats

Bat activity surveys have been undertaken on site. The surveys have identified a low level of bat

foraging activity around the site. A tree has been identified on the submitted habitat plan as having potential to support roosting bats. It appears likely that this tree could be retained as part of the development of this site. On this basis, the proposed development is unlikely to have a significant adverse impact upon bats.

Badgers

A number of badger setts have been recorded on or adjacent to the proposed development site.

The identified main sett is located outside of the application boundary and would not be directly affected by the proposed development. The outlier sett and day nest recorded as being present on site would however be lost as a result of the proposed development. To mitigate any risk of badgers being injured or disturbed during the works the applicant is proposing to close the outlier sett under the a Natural England license. The construction of an artificial badger sett is proposed to compensate for the loss of the existing sett.

The proposed development would result in the loss of a significant area of habitat suitable for foraging by badgers, however only relatively limited foraging activity appears to be taking place on site.

The Ecologist advises that the loss of badger foraging habitat would be at least partially compensated for through the provision of the proposed open space areas on site. I advise that the proposed mitigation and compensation for badgers is in accordance with current best practice however the submitted ES acknowledges that there may potentially be a long term reduction in the size of the badger social group as a consequence of the proposed development.

Great crested newts

A detailed great crested newt survey has not been completed in support of this application. A pond located approximately 134m from the proposed development (located at SJ85796198) was recorded in 2007 as supporting a small population of great crested newts.

The revised ecological assessment which now includes an assessment of the development upon this known great crested newt population assesses the impacts of the proposed development as being low.

Based upon the distance of the pond from the development, the high quality of terrestrial habitat close to the pond, the partial isolation of the development from the pond and the low quality of terrestrial habitat on the application site, the Ecologist concurs with the applicants ecologists assessment of the level of impacts.

The mitigate the potential impacts of the proposed development the applicants ecologist is proposing three nights terrestrial search of the site prior to the erection of an amphibian fence to prevent newts from entering the site prior to the commencement of development.

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.

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.

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.

It is the view of the Councils Ecologist that if planning consent is granted the proposed mitigation/compensation for the loss of grassland habitat is required. However, in this case the principle of residential development on site is not considered to be acceptable, there is considered to be significant harm to the landscape character and severe harm arising from the development in highways terms. It is considered that this is not in the interests of public health and public safety there is an alternative, ie to not develop the site. The first 2 Tests of Derogation are therefore not met

Public Open Space -Amenity Greenspace

There would be a deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on the Council's Guidance Note on it's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the amount of formal Public Open Space required in the form of Amenity Greenspace would be 5520m"

With reference to page 47 of the Design and Access Statement the amount of Public Open Space proposed is 3.4 Hectares or 34,000m² which would incorporate formal and informal Open Space. SUDS would integrate grassy swales, detention ponds and soakaways (Page 43 of the D&A Statement) with the Public Open Space

Whilst it is appreciated this promotes bio-diversity and complies with regulatory requirements it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons Play Provision to meet the future needs arising from the development.

This should be in the form of a LEAP (Locally equipped area of play) including at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is also recommended that the children's play area is transferred to a management company.

Health Impact of the Development

NHS England advises that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site, together with its sister site, are not one of the planning sites. The NHS requires a commuted sum of £145,000 to mitigate for this development

Other issues

LEVY (CIL) REGULATIONS

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

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

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

NHSE has advised that the existing medical provision within the town is operating at capacity, accordingly the additional 150 units here (above the 80 which already have permission) will put additional pressure on resources that are at capacity. Accordingly, NHSE request a commuted sum payment for use in the doctors surgery in the town likely to serve the development. This is necessary to make the development acceptable, directly related to the development and fair and reasonable

The development would result in increased pressure on junctions in the town centre which is already operating above capacity. In order to mitigate this impact in accordance with the NPPF a level of contribution been agreed which would go towards the CEC designed scheme of improvements at this junction to increase capacity. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

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

The Strategic Highways Manager, whilst recommending that severe harm will arise at the High Street junction by virtue of the inadequacy of the mitigation put forward, has also advised that mitigation is required in terms of the impact upon Rood Hill. This is not agreed with the developer but is considered to comply with S122 of the CIL Regulations and is therefore noted as part of the Heads of Terms for the purposes of Appeal.

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

10.CONCLUSIONS

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

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

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

The proposed development would provide a safe access and the development site from the existing streets in Goldfinch Close and the Moorings, however there would be a wider detrimental impact upon highway safety which would cause a severe traffic impact in the town centre. Inadequate

mitigation has been offered in terms of wider highways impact at Rood Hill and the highways improvements put forward for Lawton St/High St /Albert Place are detrimental to safety and fail to address the capacity issues.

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

There would be an adequate level of POS on site together with a LEAP which would require 5 pieces of equipment to comply with policy.

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

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, monies towards the future provision of primary school education, monies to mitigate for the impact upon health care provision over and above the existing 80 units that have an extant permission on this site and the requirement for the future maintenance of the open space and playspace on site

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. This issue did not form part of the deemed refusal of applications 12/3025 and 12/3028C. Likewise the inspector accepted that site to be generally sustainable

However, the benefits of the scheme in terms of the addition to the housing land and the affordable housing, the economic and social benefits via the new homes bonus and spending in local shops by new residents are considered to be insufficient to outweigh the environmental harm that would be caused in terms of the impact on the historic rural landscape and the character and appearance of the landscape in this area of the countryside, together with the adverse impact that the proposed highways mitigation at High Street/Lawton Street/Albert Place would have in terms of both highway safety and also in terms of the adverse impact this would have upon the setting, character and appearance of the Moody Street Conservation Area and the listed Town Hall, given that the original proposed mitigation is a highly engineered solution and the revised urban realm solution is unsafe. The proposal is considered to be contrary to policies of the local plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission

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

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

3 The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework

4 The proposal, by virtue of increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to para 32 of the NPPF and contrary to policy CO1 of the Cheshire East Local Plan Strategy - Submission Version

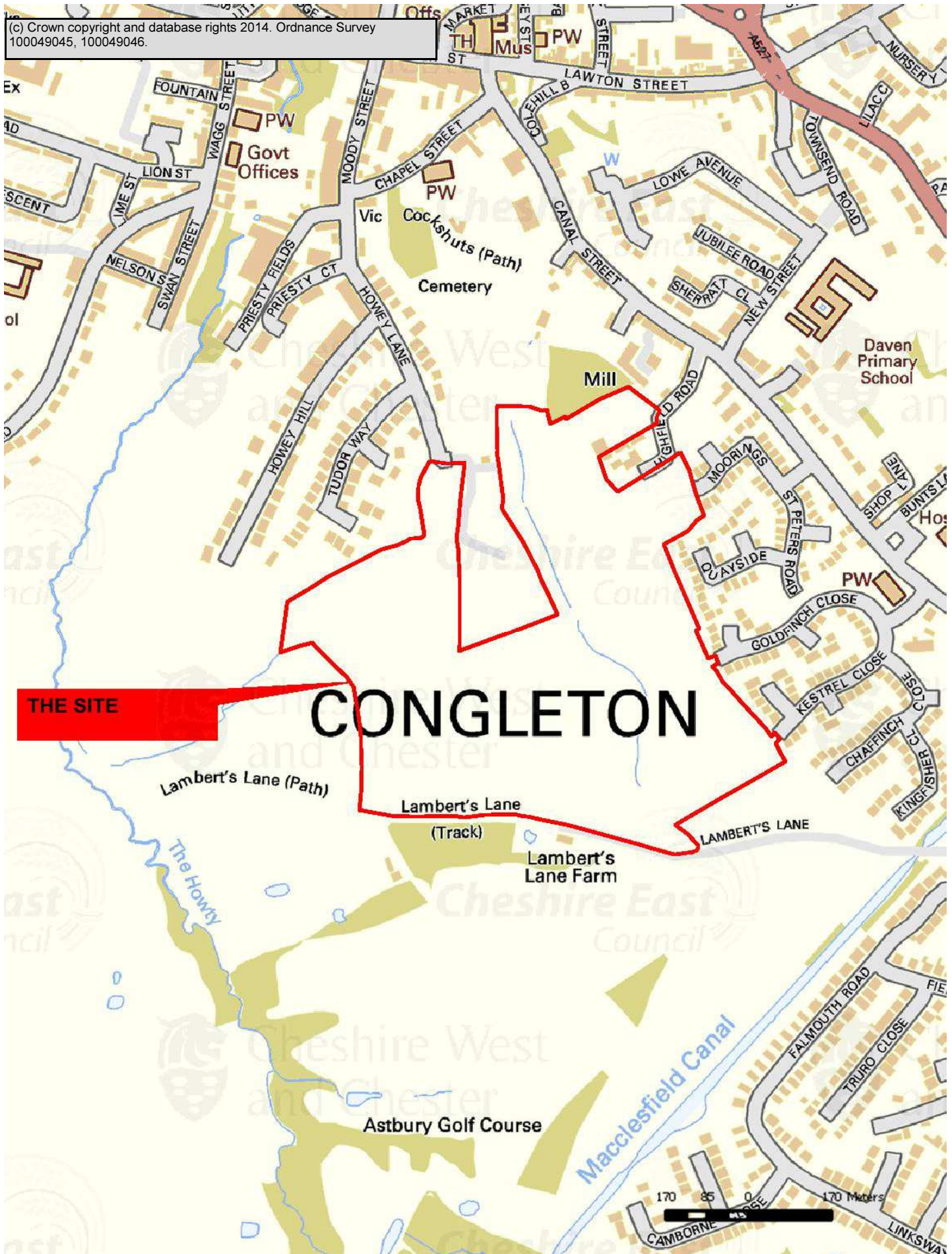
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so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

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

- Affordable housing:

- 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
-
- Provision of minimum of 5520sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
 - Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
 - Commuted Sum of £20,000 towards the delivery of 2 quality bus stop infrastructure on Canal Road
 - Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements
 - Commuted Sum payment of £145,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton

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Application No: 14/1064C

Location: Land South of, Middlewich Road & West of Broad Lane, Holmes Chapel

Proposal: Variation to Condition 2 on Approved application 11/3065C relating to moving the approved access point.

Applicant: Mr R Lea

Expiry Date: 24-Jun-2014

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Principle of the Development
- Landscape and Trees
- Ecology
- Residential Amenity
- Visual Amenity
- Highway Safety

REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board (SPB), as the application is for an amendment to a major waste application that was previously determined by the SPB.

DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land 10,000sqm in size, within an agricultural field. The southwestern corner of the site slopes away and presents difficulties for cultivation. There is a pond in close proximity to the site and others within 250m. A shallow stream runs along the southern boundary of the field. The site is designated as being within the open countryside in the adopted local plan.

DETAILS OF PROPOSAL

The application seeks full planning permission for the variation of condition 2 of planning permission 11/3065C, which was for the importation of 18,000 cubic metres of inert waste consisting of material from construction and demolition sites. Condition 2 relates to development being carried out in accordance with the approved plans and in the case of this application the element that the applicant seeks to amend is the access point to the site.

The access as approved was through an existing field access a short distance from Broad Lane. The proposed access would be through another existing field access gate immediately

adjacent to the residential dwelling known as Cotton View and would utilise land within the curtilage of this property to provide visibility splays.

RELEVANT HISTORY

13/0477C 2013 Non-material amendment to access road relating to width
11/3065C 2012 Approval for importation of waste to fill a hollow in the land
10/1549C 2010 Refusal of prior approval for reinstatement of the land

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

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

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

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

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

SD 1 Sustainable Development in Cheshire East
SD 2 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 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy

The relevant policies saved in the **Cheshire Replacement Waste Local Plan and the Congleton Borough Local Plan First Review** are:

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 17: Natural Environment
Policy 19: Agricultural Land Quality
Policy 29: Hours of Operation
Policy 32: Reclamation

Adopted Congleton Borough Local Plan First Review 2005 (CBCLP)

PS8: Open Countryside
GR1: General Requirements for New Development
GR4: Landscaping
GR6: Amenity and Health
GR7: Pollution
GR9: Accessibility, Servicing and Parking Provision
NR1: Trees and Woodlands
NR2: Wildlife and Nature Conservation
NR3: Habitats
NR6: Reclamation of Land

OBSERVATIONS OF CONSULTEES

Environmental Protection:

Having reviewed the planning application this Division wishes to raise an objection to the relocation of the site entrance for the importation of inert material. There is proposed to be 50 deliveries a day which is a 100 vehicle movements to enter and exit the site. The proposed relocation is immediately next to residential properties and such movement of vehicles will potentially have a detrimental impact on the health and wellbeing of the occupants as a result of noise and vibration.

This Division has experience of complaints arising from similar operations immediately close to residential and which have been deemed a nuisance.

Environment Agency:

Have no objection in principle to the proposed Variation of Condition 2 but would like to make the following comment.

“Alum Brook is designated "main river". We have discretionary powers, within the Water Resources Act 1991, to carry out works to Alum Brook for which access is required to and along the banks of the brook. The Land Drainage Byelaws require our prior written consent for any proposed works or structures within a distance of 8 metres of the top of the bank of the brook. Consent under the Byelaws is unlikely to be granted for any proposals within the 8 metres wide strip that would affect access”

Strategic Highways Manager:

Recommends refusal of this development proposal on: access strategy, access geometry, lack of information and potential detriment to public highway safety.

University of Manchester (Jodrell Bank):

No objection.

Natural England:

No objection.

VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

Seven representations have been received relating to this application, six expressing concerns and one expressing support for the proposal. The concerns are outlined below:

- Highway safety, the approved access is in the 40mph zone and the proposed access is in the 60mph zone
- Increased HGV traffic on Middlewich Road
- Vehicles should not access the site via Holmes Chapel
- Inadequate visibility splays
- Health and safety risks to local residents
- Noise and vibration disturbing the residential properties adjacent to the proposed access
- Horrendous smells emanating from the site
- Environmental and airborne waste and detritus on roads in the area
- Impact on property values
- The land is not entirely in the ownership of the applicant and is subject to a land ownership dispute

The representation of support states that there is a shortage of sites for the tipping of soil materials and it would improve the field for agricultural uses.

OFFICER APPRAISAL

Principle of the Development

The principle of using the site for the importation of inert construction and demolition waste has already been established on this site when planning permission was granted in March 2012 and this permission (11/3065C), remains extant and could be implemented subject to compliance with the conditions that were imposed.

The application should therefore be determined in accordance with the issues set out below.

Highway Safety

The Strategic Highways Manager is aware that all other conditions applied to the extant permission (11/3065C) would still be applicable if a permission were granted for this current proposal, however the application detail does not demonstrate that the required junction geometry can be achieved and it seems clear from the site visit that the geometry could not be achieved due at least to utility service installations.

In addition the new point of access would sit within the de-restricted (60m.p.h.) speed limit and no attempt has been made to prove the related visibility splays for this point of access.

Therefore insufficient information has been provided to demonstrate that a safe access could be achieved and a refusal on highway safety grounds is recommended.

Landscape and Trees

The site of the proposed development is located on agricultural land designated as open countryside in the relevant local plan. It has no national or local protected landscape status. The main area of the field in which the site lies is relatively level although the levels fall to the south where a watercourse runs along the field boundary.

The proposed access would have a less visually intrusive impact than that as approved; however that impact would be for a limited amount of time and the land would be restored to its agricultural use.

Ecology

The Council's Ecologist has assessed the application and has no objection. However a section of hedgerow has been removed, and should the application be permitted, a condition should be imposed requiring the reinstatement of the hedgerow when the development is complete.

Residential Amenity

The previously approved scheme proposed an access which was not in close proximity to residential properties and was considered to be acceptable. This application seeks to access the site using a different field access and the access to the dwelling house known as Cotton View. This property is in the ownership and control of the applicant who has undertaken not to use it as a residential dwelling during the course of the activities on the site.

However this is not the only residential property in close proximity to the proposed new access. There is a row of eight dwellings that would be affected by the proposed new access

and it is considered that the noise and vibration caused by 50 HGV movements per day would have an unacceptable impact on the residential amenity of these properties. Of particular concern would be the impact on the property adjacent to Cotton View because of the relationship of the proposed access with that property.

Environmental Protection have raised this issue as a serious concern and consider that the development would have a detrimental impact on the health and wellbeing of the occupants of the adjacent residential dwellings, as a result of noise and vibration.

The proposal is therefore contrary to Policies GR6 and GR7 (Amenity) of the adopted local plan.

Visual Amenity

Having regard to the visual amenity of the area, the proposed access would have a lesser impact on the visual amenity of the area; however this issue is outweighed by the unacceptable impact that the development would have on residential amenity. In addition, it is considered that any adverse impact on the visual amenity of the area from the approved access track will be temporary and will not have a long term detrimental effect.

Other Matters

Some of the objectors have raised the issue of the principle of depositing waste and the type of waste to be deposited. However; the principle of using the site for this purpose has already been established and the waste to be deposited is inert construction and demolition material.

There is also a dispute over land ownership which is not something that the Local Planning Authority would be involved with.

CONCLUSIONS

In conclusion, the development would have an unacceptable adverse impact on the residential amenity of the neighbouring dwelling houses on Middlewich Road and the applicant has failed to demonstrate that the revised access point would not have an adverse impact on highway safety.

RECOMMENDATION:

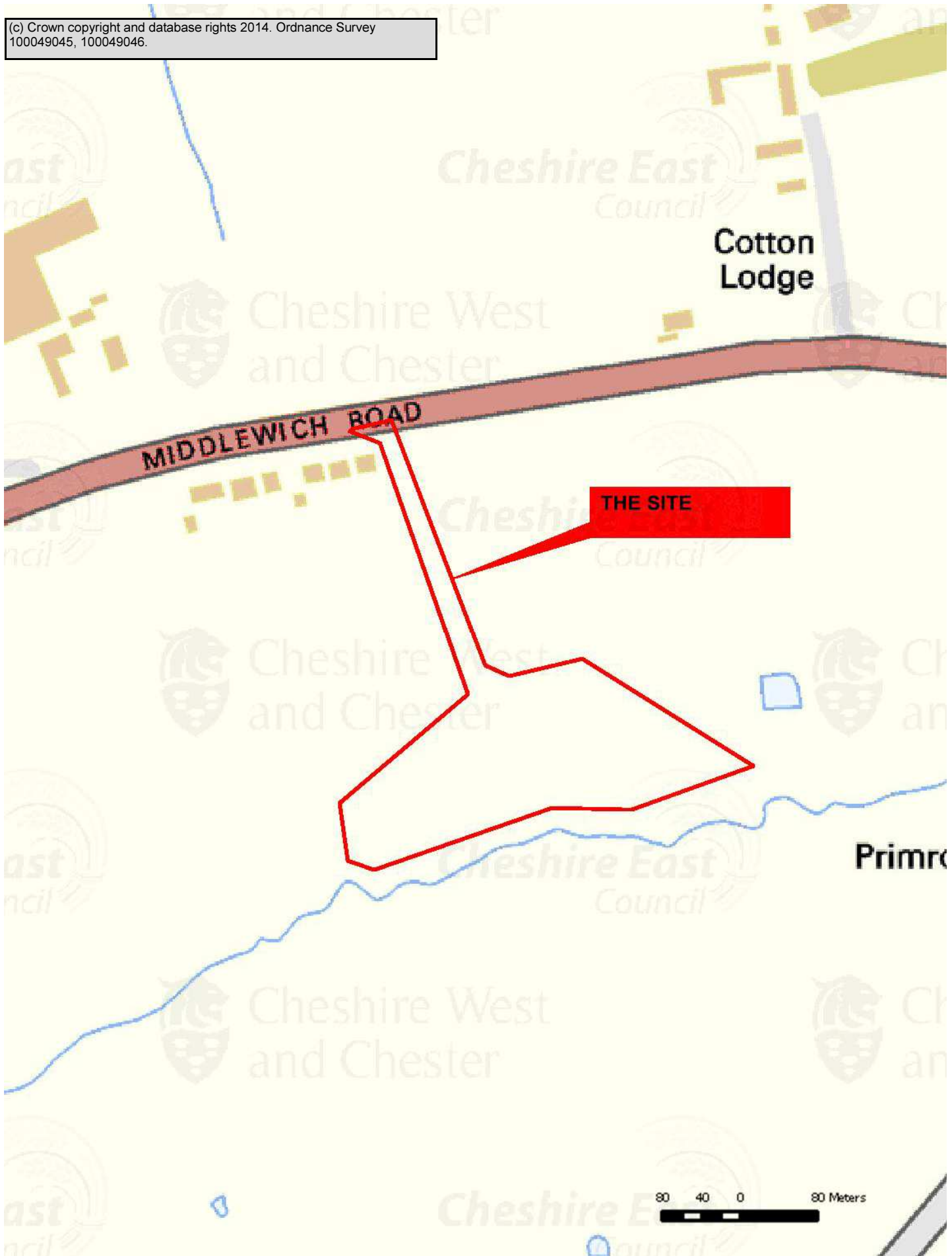
Refuse for the following reasons:

- 1. The proposed development would, by allowing 50 heavy goods vehicle movements per day to pass in close proximity to residential properties, cause unacceptable noise, vibration and disturbance to those residential properties. The proposal is therefore contrary to Policies GR6 and GR7 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE 12 of the Cheshire East Local Plan Strategy – Submission Version.**
- 2. Insufficient information has been submitted with the application relating to junction geometry and visibility splays, in order to assess the impact of the proposed development having regard to highway safety. The applicant has**

therefore failed to demonstrate that the proposal would comply with Development Plan policies and other material considerations.

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

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Application No: 14/1341M

Location: LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD,
MACCLESFIELD

Proposal: Cut/fill earthworks exercise including import of approx. 32,250m³ of inert
material to facilitate the approved housing development site

Applicant: Mr Dean Trainor, Redrow Homes NW

Expiry Date: 19-Jun-2014

SUMMARY RECOMMENDATION: Approve subject to conditions**MAIN ISSUES**

Principle of the Development
Proposed Land modifications
Land Contamination
Amenity
Ecology
Trees
Landscape Impact
Impact upon the adjacent watercourses
Highway Safety And Traffic Generation

REASONS FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Committee.

This application seeks engineering works to include a cut and fill earthworks exercise and import of approximately 32,250m³ of inert material to facilitate developing the site for housing. Outline consent was granted on this site for 162 dwellings and a Reserved Matters application has been submitted, which will be considered by the Strategic Planning Board in due course.

DESCRIPTION OF SITE AND CONTEXT

The application relates to 5.6 hectares of land situated 1.5 miles to the north of Macclesfield, in Tytherington.

The site is bounded by the A538 (Manchester Road) to the west and Tytherington Business Park to the east. Tytherington Lane is north of the site, whilst Pool End Close and Pool End Farm lie to the south.

The site currently comprises of scrubland, with a watercourse running through the site, with some small ponds. The site is undulating, with land to the south at a higher level. The western part of the site is the most visible with views from Manchester Road.

Access to the proposed site will be gained off Manchester Road.

The eastern boundary is open to the Business Park. The north, southern boundaries abut existing dwellings. There are a number of trees and hedges around the perimeter of the site. Some of the trees are noted as being worthy of formal protection whilst others located to the south and east of the site are already protected by a Tree Preservation Order.

The site is allocated within the Macclesfield Borough Local Plan as an Employment Area and the southern part of the site is allocated as proposed Open space. A proposed Greenway is also proposed within the Local Plan proposal map under Policy RT 7, to the south of the site.

RELEVANT PLANNING HISTORY

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/4390M | Outline planning application for up to 162 dwellings
Approved 20 th December 2013 subject to a Section 106 and conditions |
| 10/3139M | Extension of time to 07/1041P
Resolution to grant planning permission subject to the signing of the S106 Agreement |
| 07/1041P | Erection of 9 three storey buildings for class B1 (Business) use, 1 two/three storey building for C1 (Hotel) use together with associated highways, car parking and landscaping infrastructure.
Approved 28.08.2007 |
| 83318P | Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing.
Approved at Appeal 19.06.2007 |
| 02/1441P | Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse).
Undetermined - N/A |
| 97/2379P | New estate road (For Business Park)
Approved 27.03.2000 |
| 99/0664P | Outline application for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)
Approved 26.07.1999 |

PLANNING POLICIES

Macclesfield Borough Local Plan 2004 (Saved policies)

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 - Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC17 – DC20 - Watercourses

DC35 - Materials and Finishes

DC36 - Road Layouts and Circulation

DC37- Landscaping

DC38 - Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests

NE17- Nature Conservation in Major Developments

Recreation and Tourism

RT5 & RT6- Open Space

RT7 – Cycle, Bridleway and Footpath

Implementation

IMP1- Development Sites

IMP2- Transport Measures

Other Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Plan Strategy (Submission Version) March 2014
- Employment Land Review (ARUP on behalf of CEC 2012)
- Interim Planning Statement: Affordable Housing (Feb 2011)

- SPG Planning Obligations (2004)
- Tytherington Business Park - A Development Brief – (Macclesfield Borough Council April 1989)

OBSERVATIONS OF CONSULTEES

Archaeology – Within previous application 12/4390M the site was considered to hold no archaeological potential therefore no further archaeological mitigation was required

Environment Agency- No objections

Environmental Health- No objections subject to conditions relating to hours of operation and a scheme to be submitted to control dust.

Contaminated Land- No objections subject to a condition for the submission of a verification report within 1 month following the date of completion.

Strategic Highways Manager - No objections are raised to the reprofile of the site, subject to a condition which ensure the construction access is reinstated,

Public Rights of Way Team- Confirms that the development will not affect a Public Right of Way.

United Utilities- Awaiting comments, which will be reported to Members in an update report.

VIEWS OF THE TOWN/PARISH COUNCIL

Bollington Town Council - have been consulted as neighbouring ward;

The Town Council did not raise any objection to this application in principle but would like conditions requiring a wheel washer to be installed at the entrance to the site and adequate mechanical sweeping arrangements to guard against mud and dust on the roadway and nuisance to neighbouring residents.

OTHER REPRESENTATIONS

The occupants of neighbouring properties have been consulted on this application and three Site Notices placed around the site. The last date for comments was the 23rd April.

At the time of writing this report the Local Authority had received comments from 12 representations. Many of the residents have raised concerns with regards to the current Reserved Matters application within this application. A full copy of all of the representations is available for inspection on the planning file, but the following is a summary of the concerns raised below relate to the proposed earthworks;

- *In general we are pleased to see a wheel wash system and traffic control measures are incorporated into the plans;*
- *It would be reasonable to expect between 500 and 575 large vehicle deliveries to the site, the sign at the Manchester Road end of Tytherington Lane (restricting weight limit)*

on the road) has been missing for some time. Can this be reinstated and temporary "no construction traffic " signs be installed at either end of Tytherington Lane and Dumbar Lane;

- This area of land is an important piece of land for both local wildlife, including Barn Owls, but it is also used by the local community as a route for dog-walking. It is only one of the areas of "wilderness" left in Tytherington;
- Further homes in the area are needed as there are already many vacant properties in Macclesfield.
- This area of land is marsh, and if built on, the water will add to the already big problem with respect to water run off in front of Dorchester way;
- This relatively small area of land is well known to have a high water table: hence its name ... " POOL END " !
- The proposal does not adhere to Policies RT6 (11) and RT7 on the Macclesfield Borough Plan proposal map;
- The Applications various submitted documents are conflicting in the detailed treatment of the trees and designated root protection areas;
- The reprofiling of the whole site uses a huge amount of infill changing the character of the area. The ancient track at the southern boundary may well be revealed with its cobbled structure
- A Topsoil stockpile mountain over the "protected" roots is indicated which will be in place for years and significantly impact the surrounding properties;
- This reprofiling aspect will generate noise and dust with uncontrolled access to Manchester Road for the trucks, with wet wheels causing traffic hazards;
- The boundary treatment has the cycleway continuation from the Business Park meandering into the spine road and this does not provide the protected safe greenway alongside all the existing homes that has been assumed and stated in the Local Plan and demanded on the recent Emerson approval;
- Even before it begins, this development has destroyed the environment, rather than seeking to enhance it. The fields have provided a 'swooping territory' for Buzzards, Merlins and Sparrowhawks as well as the bats and owls, but this has already been desecrated;
- Signs of Anglo-Saxon strip farming needs to be both investigated and protected;
- Many of the hedges and trees are of historic value and essential to the landscape and must be retained;
- Imported spoil should be kept to an absolute minimum and excavation of the existing land surface should only be allowed where absolutely necessary;
- To mitigate the impact on local residents, we would expect the Council to impose on the developers a condition that any spoil and building material enter the site via the Business Park and not from Manchester Road;
- Prior to the proposed culvert diversion the existing culvert should be surveyed and, as riparian owners, allowances will need to be made by the developer for dealing with any existing connections. The potential effect on the natural drainage of the North Western boundary of the site should be carefully assessed prior to any approval being granted.
- Hedgerows and sites for ground nesting birds have already been destroyed, all during the nesting/breeding season as well as the badger habitats;
- As part of the conservation and heritage of Macclesfield, the hedgerows and fields on the southern boundary formed part of the approach to Tytherington Hall (see maps of 1882). The field system and hedgerows planned for destruction are at least 165 years

old and the hedges along the boundary with the Pool End Close properties form part of a historic Thoroughfare (1849);

- *Some houses on the southern boundary are closer to the boundary than is shown on the Redrow maps;*
- *Cutting out the existing contours of the land may be contrary to the Cheshire East policy of conservation of landscape features, and it also affects the character of the landscape. It is also likely to adversely affect the roots of mature trees which edge the development;*
- *Cutting out tracts of land creates an unnatural physical gap between the new development and the Tytherington neighbors, which we believe is contrary to the Cheshire East Local Plan Evidence Base Green Space Strategy. (2013). The existing contours provide a link to the southern residents;*
- *Traffic transporting materials for the development should enter or leave equally via the Business Park and not solely off Manchester Hours of working on the site should be strictly limited to avoid as much noise as possible. Various times are given in the documentation provided. Please ensure the minimum of disruption to existing residents;*
- *Security for residents along the boundaries is a major concern, both during construction and when the site is developed. Appropriate hedging or fencing to ensure both security and privacy is essential.*
- *There seems to be no mention of the primary step being the creation of the traffic management (roundabout/traffic lights) on Manchester Road. Has this step been bypassed ? It has been part of more recent development proposals. If Redrow are not to be taking this on, does this mean that the Council will now be responsible for creating smooth traffic flow along Manchester Road?*
- *Proposed development will have implication upon the drainage system;*
- *Redrow need to ensure that the road connects to Emerson (orbit) Road is of the same agreed level;*
- *The proposal will create dangerous excavations close to gardens of Pool End Road and Close;*
- *Any development involving the loss of hard surfacing will exacerbate flood risk;*
- *Could have serious effects on the water table;*
- *Contrary to Local Plan policies in particular RT 6, RT7, DC8 and DC41 as will require excavations to green space indented as a buffer between existing homes and the development, will create a loss of contours and habitat;*
- *The development is not sustainable*
- *The proposal will not promote local distinctiveness ;Redrow have not considered the Local community adequately;*

- *Photos have been submitted of recent badger activity submitted over the Easter weekend*

APPLICANT'S SUPPORTING INFORMATION:

- Ecological Assessment
- Geoenvironmental Investigation and Risk Assessment
- Flood Risk Assessment
- Nesting Birds Check- dated 28th March 2014
- Arboricultural Impact Assessment and Method Statement (March 2014)
- Badger Survey (TEP:4353.001) March 2014
- Site Waste Management Plan
- Contractors Logistic Plan (MCA-1212)
- Tree Survey – March 2014 (MG/4664/TSR)
- Isopachyte Plan (identifying retained and removed trees and proposed earthworks to be cut and fill)
- Landscape Plan 4664.04 received on the 8th April 2014-04-10 -Remediation Strategy (Ref1983/04 Issue 2 by Terraconsult

These documents are available to view on the Councils website.

OFFICER APPRAISAL

Principle of the Development

The principle of the loss of employment land and proposal for a residential development on this site has already been established under planning application 12/4390M, which received outline planning permission with all matters reserved. This consent is extant and the applicant has now submitted a Reserved Matters application for the residential scheme to the Local Planning Authority, which is currently being considered under planning application Number 14/1338M. This application is likely to come before the Board within the next few months.

The applicant wishes to remediate and modify the site levels to provide a development platform for the potential residential development without having to gain reserved matters approval for the housing scheme. The reason for this is because the applicant would like to start these works, this summer and given the complexities and matters of consideration often involved with a Reserved Matters application the applicant is of the belief that an application for engineering works may receive planning consent sooner. Allowing the proposed works to start within a more appropriate time of the year weather wise.

The applicant has advised that the levels proposed form part of phase 1 of the potential residential development, which is required to facilitate the utilities build phase of the development. The levels proposed are however not considered to be the finished site levels for the residential development, these will be ascertained within the Reserved Matters application.

The principal of the remediation and modifying the site levels on this site is supported, as given the existing undulating land levels and the presence of a large visible drainage system, it will allow the development potential of this site to be unlocked.

The main issues in the consideration of this application are whether the contaminated land works are acceptable the impact upon residential amenity, ecology, landscape, drainage and flooding, and highway safety.

Proposed Modification of land levels

Taking account the existing topographical constraints of the site, which consist of undulating land and the large drainage chambers, which run intermittently across the site it is acknowledged that some form of land fill and earth grade works are required in order to allow the redevelopment of this site.

The applicant has submitted a Remediation Strategy, which details the works proposed,

- *The demolition of existing buildings and ancillary above and below the ground structure and hard standing as associated with the former farm and surrounding land;*
- *The removal from site or the treatment of any contaminated material encountered during the demolition and removal of hard standing;*
- *Excavation of areas of shallow peat deposits with temporary storage before incorporation into areas of soft landscaping ; and*
- *Earthworks to modify the site levels to provide a development platform for the main phases of development which includes re-use of site won materials (cut and fill);*
- *Earthworks to realign the watercourse;*
- *Importation of material under a waster recovery permit to provide for the shortfall in materials required to form the potential development platform.*

Following concerns over the impact of the proposal upon a protected hedgerow and trees, a revised plan has been submitted revising the proposed levels. In order to accommodate the existing large drainage system that runs through the site, the applicant proposes to infill the land running to the north, centre and east of the site. Land cutting is proposed in four key areas to the south of the site which, are to be situated adjacent to properties located to the west of Poole End Close and properties north of Marlborough Close. The proposals sought are indicated within Plan NO. 1141/ENG101-1 Rev D.

The applicant has advised that the proposed land level will not represent the finished floor levels of the residential scheme. The areas of land to be cut are proposed in order to generate as much material from within the site boundaries as to limit the import of materials to the site. The applicant is aware that this area may need to be refilled once the regrade has taken place in order to facilitate the potential residential scheme.

The applicant has advised that the main earthworks will be carried out in accordance with Code of Practice for earthworks BS 6031: 2009.

The Remediation Statement indicated that the topsoil from across the site will be excavated and stockpiled on site and then reused at a later stage of the residential development in areas of soft landscaping and garden areas.

It is advised that any concrete / hard ground associated with foundations will be broken-up, crushed and screened, so it can be reused. All ground is to be screened for unusable

materials such as wood, plastic, metal and over-sized particles. Overall, it is anticipated that nearly all of the site clearance materials arising will be reused and recompacted on site.

In order to meet the proposed levels the applicant proposes to import materials. The main earthworks comprises a total of approximately 56,661 m³ of material being required of which about 24,406 m³ will come from excavated cut soils on site and 32,250 m³ of imported inert materials.

The main earthworks phase will be undertaken under a Bespoke Environmental Permit, applied for from the Environment Agency, which will enable the re-use of materials on-site and concrete and importation of materials.

The Council's Environmental Health Department have been consulted on this application the details submitted within The Remediation Strategy and Verification Plan Report (Terraconsult, ref 1983/04 Issue 4, dated 15 April 2014), are considered to be acceptable.

The source of the soils to be imported to the site are not yet identified, yet it is advised that the regular testing of imported materials will take place during the works, in order to ensure no contaminated materials are brought on to site. The following condition is advised;

- *Once the development is complete, a Verification Report detailing the remedial actions hereby approved shall be submitted to and approved in writing by the Local Planning Authority in full from 1 month of the date of completion.*

In terms of the impact on ground water, the developer has advised that it is not envisaged that the level of ground water removed will exceed 20m³ therefore an abstraction licence should not be necessary. The Environment Agency have been consulted on the application and have raised no objection.

Amenity

The residential properties, which surround this site, are located to the northeast and are sited adjacent to the southern boundary of the site. By virtue of the nature of the works proposed, the proposal does not present any concerns in terms of loss of privacy, or loss of light.

In terms of the timings of the works, the Environmental Health Officer has requested that the hours of operation and a scheme to militate against dust control are conditioned as part of any approval.

An additional condition, for a wheel wash to be secured on site, is considered reasonable having regard to the nature of the proposal.

Concerns have been raised by residents with regards to the subsidence of properties, as a result of the works proposed. Such matters are not however considered to be a material planning consideration.

Any potential nuisance that may arise from any of the works undertaken on the site such as noise, odour, dust or vibration will be investigated under the provisions of the Environmental Protection Act 1990 by the Environmental Health Division.

Ecology

An Ecological Assessment was submitted to accompany the application, which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development.

The hedgerows, ponds, semi-improved grassland habitats and mature trees on site have nature conservation value at a local scale. A number of these habitats are Biodiversity Action Plan Priority Habitats and hence a material consideration.

It is advised that subject to revised plans, it would appear to be feasible to maintain the majority of mature trees and hedgerows on site, as part of the proposed development. The proposed development will however result in the loss of the majority of semi-improved and marshy grassland habitat and the small ponds located on the site.

In order to mitigate the loss of these habitats and in the eventuality that the subsequent residential scheme is not implemented on this site, it is advised that a condition is attached to ensure a landscaping plan which will incorporate the inclusion of ponds and a wildflower/grassland mix.

Protected and Priority Species

Badgers

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett a number of outlying setts have previously been recorded on site.

The latest Badger Survey has not recorded any evidence of badger activity at the setts and so these are likely to currently be disused. It is therefore advised that based on the current status of badgers on the site, this species does not present a constraint upon the proposed development.

As badgers can frequently re-use setts, it is recommended that the following condition be attached in the event that planning consent is granted.

If development has not commenced on site by the end of August 2014 the applicant is to submit an updated Badger Survey for the approval of the LPA. The report is to be agreed by the LPA prior to the commencement of development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.

Bats

Bat activity is relatively limited on site and there is no evidence to suggest that a roost is present. Bats therefore do not present a constraint on the proposed development.

Breeding Birds

Previous surveys have revealed a moderate level of breeding bird activity on site. If planning consent is granted the following condition is required to safeguard breeding birds.

Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Common Toad

This species, which is a Biodiversity Action Plan priority, and hence a material consideration has been recorded on site. The loss of grassland and pond habitats on this site is likely to have an adverse impact on this species at the local scale.

To ensure this site retains suitable habitat for this species It is recommend that a landscape scheme is submitted in support of this application (if development for the residential scheme does not commence) which includes the six replacement ponds as incorporated into the Reserved Matters layout drawing submitted under planning application 14/1338M.

Barn Owls

Barn Owls, a Biodiversity Action plan priority species has been recorded foraging on this site. It is advised that the loss of rough grassland habitat associated with the proposed development at this site is likely to have an adverse impact on Barn Owls at the local scale. It is considered that this impact could be mitigated through the incorporation of a suitable grassland mix described above.

Trees

The site contains existing vegetation including trees, lengths of hedgerow and scrub. There are a small number of trees protected by a Tree Preservation Order and others which are worthy of Formal Protection.

During the course of this application the Record Office have indicated that there is evidence to suggest that the hedgerow which projects into the site (located to the south) may have formed part of an integral field system, pre dating the Enclosures Act and this is therefore considered to fall under the criteria as an Important Hedgerow.

The Council's Forestry Officer has been consulted on this application and raises no objections.

The revised cut and fill details supplied as part of the amended plan addresses concerns in respect of the impact on both the mature protected Sycamore (T16) protected as part of a Tree Preservation Order, and the important hedgerow. The earth works both cut and fill all take place outside identified Root Protection Areas. Whilst this is considered acceptable it is noted that this will establish implications for the Reserved Matters application resulting in amendments to the layout, which is presently on the table. The developer has been informed of this.

Conditions requiring a scheme for the protection of retained trees should be submitted prior to the commencement of development with a requirement that protective fencing is erected around trees to ensure root protection areas are protected.

Landscaping

Section plans which take into account the amendments made have been requested in order to understand what the changes in level will be through out the centre of the site. These will be presented to committee in an update report.

The concerns raised by occupants of neighbouring residential properties have been considered thoroughly it is considered to ensure that the development has an acceptable impact.

Subject to receiving these plans, the overall impact of the proposed re- levelling works is considered to be acceptable upon the landscape character of this particular area. The Councils Landscape Officer has been consulted on this application and raises no objections, subject to a condition to ensure if the potential residential development of this site is not implemented then an appropriate landscaping scheme is submitted and approved and implemented in order to preserve the overall character of the site.

Highway Safety and Traffic Generation

The applicant has advised that given that the majority of the proposed works are largely fill and soil used from the cut will be used to facilitate this, there should be no requirement for large spoil movement from off the site.

The applicant proposes to utilise the existing access to the site and also proposes the creation of a new site temporary site entrance as well as an access road.

The Strategic Highways Manger has been consulted on this application. The level of vehicle movements will be for a temporary period only and therefore there is no objection in principle to the development subject to a condition which ensures the temporary access road is re instated after works have been completed.

During the course of the application, a Logistics Plan submitted by the applicant provides details of stockpiling locations, automated wheel wash, vehicle-parking areas and the location of compounds.

The applicant advises that vehicles will approach the site form the south, along the A538 Manchester Road and there will be no more then 75 HGV movements per day.

The Strategic Highways Manager has been provided with this information. No comments were received at the time of writing this report. Comments will be provided to Member's in an update report.

Other considerations

Green Space

Concerns have been raised by local residents with regard to the provision of Green Buffer along the south of the site. This application is a stand-alone application relating to earthworks only. The provisions of open space and cycleway and Footpath are set out within the Macclesfield Local Plan and Policies RT6, RT7 and the Tytherington Business Park Development (1987). The provision of the green buffer is mentioned within the Development Brief and was required in order to provide an appropriate gap between the proposed Employment use and existing residential properties, not as a means of providing a protective wildlife corridor as referred to the representations. Matters of the Green Space/green buffer provision shall be addressed and secured within the current Reserved Matters application, which is still awaiting determination.

Link Road

As part of the overall Tytherington Business Park Development Brief, the applicant is required to provide a link road from Manchester Road through the site to the Tytherington Business Park. This was secured under the outline permission for residential development (Planning application 12/4390M) on this site. Details of levels and sections have been submitted illustrating the impact the proposed development will have upon the Tytherington Business Park. Whilst the overall detail of this link will be secured in more detail through the current Reserved Matters application. It is expected that the applicant will enter into discussions with the Emerson Group to ensure that the point at which the two roads meet is at the same level.

Residents have raised concerns with regard to this area of land being an area for dog walking, it should be noted however this is private land and members of the public currently have no right of access.

CONCLUSIONS

The proposed earthworks application is supported, as it will allow for substantial planning benefits, by assisting a Brownfield site to come forward for residential development.

The earthworks proposed are considered acceptable and no objections have been raised from Environmental Health Department nor the Environment Agency. The development will not have a detrimental impact upon protected species.

In addition care has been taken to ensure that the works will not have a detrimental impact upon residential amenity, existing trees and important hedgerows, nor result in a significant highway safety/traffic generation issues.

RECOMMENDATION

APPROVE subject conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A13GR - Hours of operation
4. Dust Control
5. Construction access to be reinstated after construction complete
6. Contaminated land
7. Landscaping plan to be submitted within three years of date of this decision if residential development not commenced.
8. Scheme for the protection of retained trees
9. Protective fencing to be erected around trees

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Application No: 14/1366N

Location: FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE

Proposal: Variation of condition 2 (plans) attached to planning application 12/4115N. Dual carriageway road, known as the Crewe Green Link Road (South) linking the the A500 with the A5020 and associated works.

Applicant: Kevin Melling, Cheshire East Council

Expiry Date: 06-Jun-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **Principal of the development**
- **Highway implications**
- **Amenity**
- **Landscape**
- **Trees**
- **Ecology**
- **Flood Risk & Drainage**
- **Impact upon Listed Buildings and the Historic Park and Garden**
- **Archaeology**
- **The impact upon the Public Right of Way**
- **The impact upon the Hazardous Installation**

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located between the A500 and the Weston Gate Roundabout. The site is also known as Basford East and currently consists of an area of relatively flat agricultural land which is peppered with trees, hedgerows and ponds. To the north the Crewe – Stoke-on-Trent railway line

crosses the site with a band of woodland located between the railway line and the Weston Gate Roundabout. Gresty Brook and Basford Brook run to the west of the site.

2. DETAILS OF PROPOSAL

This application relates to a variation of the approved plans condition for application 12/4115N. Application 12/4115N relates to the provision of a dual carriageway which would link the A500 and the Weston Gate Roundabout. The proposal would be approximately 1.1km in length and would be a standard two lane dual carriage way with a central reserve. A segregated footway/cycleway would run along both sides over the full length of the scheme and would be separated from the carriageway by a grass verge. A four arm roundabout (70m in diameter) would be constructed approximately half way along the road to provide spur roads into the Basford East development site (150m to the east and 185m to the west). At a point 20m south of the Weston Gate roundabout the road would descend approximately 2 metres into a cutting below the Crewe-Stoke Railway line. A bridge would be installed within the railway embankment which would allow the proposed road to cross beneath.

This application seeks the following amendments to the scheme:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

3. RELEVANT HISTORY

12/4115N - Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works – Approved 18th January 2013

12/3805N - Change of use from agricultural land to an area of land specifically landscaped and engineered in order to provide a mitigation habitat for Great Crested Newts. This will include the creation of eight ponds – Approved 19th November 2012

12/3804N - Change of use of agricultural land to an area of land specifically landscaped and engineered in order to provide habitat for Great Crested Newts. This will include the creation of two ponds – Approved 18th January 2013

11/1982N - Construction of a Dual Carriageway All Purpose Road Known as Crewe Green Link South (CGLS) on Land Between Weston Gate Roundabout and the A500 – Approved 12th October 2011

P01/1199 – Construction of Crewe Green Link Road (Southern Phase) – Approved 5th February 2002

4. POLICIES

National Planning Policy

The National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

BE.14 – Development affecting Historic Parks and Gardens
BE.16 – Development and Archaeology
BE.21 – Hazardous Installations
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.10 – New Woodland Planting and Landscaping
NE.11 – River and Canal Corridors
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
E.3 – Regional and Strategic Employment Allocations at Basford
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists
TRAN.11 – Non Trunk Roads
RT.9 – Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version

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

Other Considerations

‘All Change for Crewe’
‘Planning for Growth’
‘Presumption in Favour of Economic Development’
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Circular 02/99: Environmental Impact Assessment
Town and Country Planning (Environmental Impact Assessment) Regulations 2011
National Planning Practice Guidance

5. CONSULTATIONS (External to Planning)

English Heritage: It is not necessary for Natural England to be consulted on this application. The Application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Environment Agency: No objections in principle to the proposals, but would like to make the following comments:-

There are now additional proposals where the issue of flood risk needs to be addressed. In particular, it is now proposed to create security bunds along the length of the new road, some of which encroach within Flood Zone 3. This will lead to the loss of floodplain and compensatory flood storage will therefore be required. This can be provided by increasing the size of the compensatory flood storage area that is being provided for the new road.

Therefore we request that a condition is included on any approval for a scheme for the provision of compensatory flood storage.

Another matter is the proposed badger tunnel, located just to the north of the central roundabout. This is shown as a 600mm diameter pipe, which could convey floodwaters from Basford Brook during high flows.

This badger tunnel will require setting at an appropriate level such that it is above the relevant 1 in 100 years design flood level in Basford Brook. Again this should be included on any approval as a condition.

Natural England should be consulted regarding Great Crested Newts.

Natural England: Natural England can confirm that the plans as provided for this Variation of Condition application (14/1366N), are generally consistent with those submitted as part of the licence application which is currently being reviewed by Natural England

The ecological consultants working on this application have had several conversations and meetings with Natural England in respect of this application through 2013 and most recently this year. The acceptability of the proposals will ultimately be determined in the licence application. Natural England do not anticipate there being any problems with the current plans assuming that they (specifically the receptor site but not necessarily exclusively) are consistent with the advice Natural England have provided previously.

As part of the last application Natural England stated that:

Natura 2000 site (Ramsar)– No objection

Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Midland Mere's and Mosses and Oakhanger Moss has been classified.

Special Sites of Scientific Interest (SSSI) - No objection

This application site is in proximity to a number of SSSI's (all over 2 km from the proposed development). Given the nature and scale of this proposal, Natural England is satisfied that the proposal will not damage or destroy the features for which these sites have been notified as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

European Protected Species (EPS) – No objection

Natural England do not object to the proposed development. On the basis of the information available the advice is that the proposed development is likely to affect bats, great-crested newts, and otter through disturbance of EPS, damage, destruction of a breeding site or resting place. However, Natural England are satisfied however that the proposed mitigation would maintain the population status identified in the survey report.

Schedule 1 bird Species

Based on the information and proposed mitigation Natural England is satisfied that kingfisher and barn owl will not be significantly impacted upon by the proposal.

Domestic Protected Species

Reference should be made to the Natural England standing advice.

United Utilities: No comments received at the time of writing this report but as part of the last application they stated that:

United Utilities have no objection to the development subject to the following concerns being met:

- *A public sewer crosses the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.*
- *If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.*
- *All surface water drains must have adequate oil interceptors*
- *The level of cover to the water mains and sewers must not be compromised either during or after construction.*

PROW: The development does not appear to affect a PROW.

Network Rail: No objection

Health and Safety Executive: No comments received at the time of writing this report but as part of the last application they stated that:

‘in this specific case, and after careful consideration of the risk reduction measures that have been employed, the HSE would not advise against the current proposal’

Cheshire Wildlife Trust: No comments received at the time of writing this report.

Highways Agency: No objection.

Strategic Highways Manager: No objection to this application - it is consistent with the CPO inquiry and will not impact on the strategic benefits of the road

Environmental Health: No comments received. As part of the last application the Environmental Health Officer stated that:

Noise and Vibration

The Design Manual for Roads and Bridges (DMRB) is used as guidance in assessing the potential noise operational impacts of the proposed new road. Aided by computer noise modelling software noise levels have been predicted in accordance with guidance given in the Calculation of Road Traffic Noise, 1988 and is considered as an acceptable method. The noise levels have been predicted and noise monitoring undertaken at representative sensitive receptors agreed in advance.

The modelled predictions show that slight increases in noise levels can be expected at some residential properties to the south of the proposal in Weston. The levels of increases are relatively small at most properties and the likelihood of annoyance at these locations is also small. Some residential properties are predicted to see a small improvement in noise levels as a result of the proposed road scheme. Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme. The Environmental Health Officer would not expect the vibration impacts from the operational phase of this development to be significant.

Construction

The assessment considers the dust, noise and vibration impacts of the construction phase of the proposed development and gives worst case predictions for noise from the expected associated works. Impacts from this phase can generally be considered as transient and controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, the Environmental Health Officer would expect the hours of construction to be agreed with Cheshire East Council prior to works commencing.

Specifically, piling and foundation works at the railway are predicted to potentially give rise to significant noise and vibration impacts particularly at night at nearby properties. Concerns have also been raised by local residents regarding the formation and use of the borrow pit. As a result the Environmental Health Officer would expect details of methods, timescales and potential impacts and mitigation to be agreed with Cheshire East Council prior to any such works commencing. In addition those properties that may be affected should be informed prior to works commencing

Two conditions are suggested in relation to the construction phase of the development.

Air Quality

An up dated Air Quality Impact Assessment has been submitted with the application and the methodology and conclusions are accepted. A condition is suggested in relation to dust control.

Contaminated Land

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

- *The application area has a history of agricultural and railway use including some in-filled ponds, and therefore the land may be contaminated.*

A condition is suggested in relation to contaminated land.

Historic Gardens Society: No comments received at the time of writing this report.

Ramblers Association: No comments received at the time of writing this report.

Archaeology: The application is supported by an archaeological desk-based assessment which was originally prepared by Castlering Archaeology in connection with an earlier version of this scheme. The baseline information contained in this study, however, remains appropriate and its results have been summarised in Section 7 (Cultural Heritage) of the Environmental Statement.

Section 7.8 of this study contains a summary of the archaeological mitigation that will be required prior to the start of the construction process. Briefly, this will involve works in areas that have already been identified as requiring investigation (mill race of the former Crotia mill, deposits in the valley of the Basford Brook etc) and further investigations (trial trenching, excavation, watching brief) in areas identified as of interest following the extensive geophysical survey that is currently being carried out as part of the site evaluation process. Unfortunately, access difficulties have prevented the completion of the geophysical work prior to the submission of the planning application, which would have allowed the specification of the targeted mitigation in more detail. Field walking may also be used in certain areas to aid the recovery of artefacts from the plough soil.

The archaeologist advises that the staged programme of work outlined in Section 7.8 of the Cultural Heritage study is appropriate and that this mitigation may be secured by condition.

6. VIEWS OF THE PARISH COUNCIL

Barthomley Parish Council: No comments received at the time of writing this report

Crewe Green Parish Council: No comments received at the time of writing this report

Crewe Town Council: No comments received at the time of writing this report

Haslington Parish Council: No comments received at the time of writing this report

Hough & Chorlton Parish Council: No objection

Shavington Parish Council: No objection

Weston & Basford Parish Council: The Parish Council strongly requests that an alternative access to the Borrow Pit be used rather than using Weston Lane which is extremely narrow, dangerous and tortuous. Access can be gained from the Basford East side of the A500 Shavington bypass under the A500 and adjacent to the West Coast Main Line. The Parish Council wishes to be fully consulted regarding the proposed access arrangements.

7. OTHER REPRESENTATIONS

No representations received

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Environmental Statement
- Planning Design and Access Statement

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The proposed development relates to a new dual carriageway (Crewe Green Link South – CGLS) which would be 1.1km in length and would link the A500 and the Weston Gate Roundabout. The CGLS would provide access to the Regional and Strategic Development Site at Basford East while alleviating the congested A534 Nantwich Road. A link road between the A534 and A500 was approved by Crewe and Nantwich Borough Council in 2002, a second planning permission was approved by Cheshire East Borough Council under application reference 11/1982N with a third revised scheme approved under application 12/4115N. This application seeks to vary the approved plans condition attached to application 12/4115N to secure the following amendments:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

The principle of this development has already been accepted and it is not considered that the Cheshire East Local Plan Strategy – Submission Version or the National Planning Practice Guidance would change this view.

Highway Implications

The road network in Crewe is constrained by the existing rail infrastructure in the town with congestion forming on a number of routes within the town. The Crewe Green Link Road would remove the barrier effect, transferring traffic from currently congested routes. The following areas currently experience congestion:

- A500/A530 Middlewich Road roundabout
- A5020/A534 Crewe Green Roundabout
- A534/A532 Roundabout
- A534 along Nantwich Road from B5078 Edleston Road to A5020/A534 Crewe Green Roundabout

This congestion occurs mainly at peak times, apart from the A534 along Nantwich Road which occurs in the inter-peak period.

In terms of the impact of the development on the highway network, an assessment of driver stress has been carried out. This shows that with the Crewe Green Link Road traffic flows on some of the smaller roads including Weston Lane, Main Road, Cemetery Road, Narrow Lane and Slaughter Lane would be reduced. There would be some increases on the roads that connect to the Crewe Green Link Road (University Way, Weston Road and A500). These changes in traffic flows are only relatively small and as a result there would be no changes in the levels of stress.

The Environmental Statement has been assessed by the Councils Highways section and also by the Highways Agency. Both have not raised any objection to the development and as a result the development is considered to be acceptable in terms of its highway implications.

Amenity

The current application seeks a number of relatively minor amendments to the approved scheme. It is not considered that any of these amendments would affect the amenity of residents in any way. For the avoidance of doubt the impact of the development upon noise and vibration, air quality, contaminated land and construction issues from the last application is repeated below:

Noise and vibration

The noise assessment states that there would be negligible impacts upon the majority of the receptor sites. In 2015 there is predicted to be a minor adverse impact for the south façade of Nestfield House and Crotia Mill Farm whilst there would be minor beneficial impacts for the receptors on Casey Lane and Weston Lane. In 2030 negligible impacts are predicted at all receptors except Crotia Mill Farm.

The results show that only Crotia Mill Farm is the only residential property predicted to experience an increase in noise levels greater than 3dB. In response to this issue the Environmental Health Officer states that:

‘Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme’

As a result the impact is considered to be acceptable.

In terms of vibration, the separation distances mean that there will be minimal impact if well maintained. In terms of the construction of the road the impact would be short term and temporary and therefore would not warrant the refusal of this planning application.

Air Quality

The pollutants of concern are Nitrogen Dioxide and Particulate Matter. A baseline study of existing air quality has been undertaken and the potential impact during construction and operational phases has been considered within the ES.

The concentrations of Nitrogen Dioxide predicted at 6 chosen sensitive receptors shows that there would be a detrimental increase in Nitrogen Oxide at Weston Road House (this receptor is adjacent to the roundabout between Weston Road and University Way) and Crotia Mill Farm with more general detrimental impacts along parts of the A500, Weston Road and University Way. However all concentrations at the receptor sites are well below the Air Quality Objectives and as a result negligible impacts are predicted.

Beneficial impacts are predicted upon Main Road House, White Lane Farm and Gresty Road and more generally along parts of the A5020 and Nantwich Road.

In relation to Particulate Matter, the construction of the CGLS would result in an increase at Weston Road House only with improvements at Main Road House and Gresty Road. However all impacts are considered to be negligible.

The Environmental Health Officer has accepted and the development would not cause any significant air quality issues.

Contaminated Land

The application site has a history of agricultural use, railway development and in-filled ponds. As a result, the Environmental Health Officer has requested a condition to require a risk assessment to be carried out to assess the potential risks caused by land contamination.

Construction

Construction of the road including the borrow pit could raise some temporary amenity concerns to local residents through noise, dust and vibration. Such issues are controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, in this instance given the scale of the development, it is considered necessary to attach conditions relating to pile driving, hours of operation and dust mitigation.

Landscape

The landscape impact of the development would be reduced as part of this application as the spur roads and soil storage bunds along the Crewe-London line would be removed. Whilst the top soil strip store area would be reduced in size.

Trees

There would be no greater impact upon the trees on this site as part of this application.

In relation to tree mitigation, conditions will be attached regarding tree protection and mitigation.

Ecology

The application site includes a number of habitats and has the potential to support the following protected species: Great Crested Newts, Lesser Silver Water Beetle, White Clawed Crayfish, Water Vole, Otter, Reptiles, Bats, Badgers, Barn Owl, Kingfisher and Birds. Of these species Bats, Otters and Great Crested Newts are European Protected Species.

Designated sites

The ES is incorrect in stating that Basford Brook Local Wildlife Site (LWS) is managed by Cheshire Wildlife Trust. LWS are non-statutory sites designated for their nature conservation value within Cheshire and are similar in status to Sites of Biological Importance (SBI).

The proposed development has been assessed as having a significant negative impact on Basford Brook Local Wildlife Site due to the impacts of the proposed crossing of the brook by the western spur road and the installation of a number of inlet and outfalls associated with surface water management.

Any pollution of the brook during the construction phase is likely to affect both the Local Wildlife Site and an additional SBI further downstream.

The potential impact of the development will be mitigated by means of an 8m buffer zone along the brook and the provision of a wide span bridge for the spur road crossing. The design of the bridge will be finalised at a later stage.

Habitats

A block of broad leaved woodland is present to the north of the Stoke-Crewe railway. Grassland habitats which make up the largest proportion of the site have all been subject to agricultural improvement which limits their nature conservation value. There are however smaller areas of marshy grassland of higher value located to the west of the proposed development.

There are a number of hedgerows on site. None of these has been identified as being Important under the Habitat Regulations. However Hedgerows are a BAP priority habitat and all the hedgerows on site are likely to have some level of value for wildlife and some of the hedgerows on site have previously been identified as being species rich.

The Council's Ecologist advises that for the most part, notwithstanding their potential to support protected species, most of the habitat lost to the proposed development is of relatively low ecological value. Habitats lost towards the northern end of the proposed link road are however of higher value. The impact of the loss of woodland, semi improved/marshy grassland and hedgerows is likely to be significant at the local scale. Additionally, changes to the site's hydrology have also been identified as being likely to affect marshy grassland habitats adjacent to the road corridor. These impacts are all highly likely to be significant at the local scale.

Woodland planting and hedgerow creation along the road verges is proposed to compensate for the loss of broad leaved woodland. The ES acknowledges however that newly planted trees would take a considerable time to mature to the level of those lost. The two newt receptor areas proposed include an element of wildflower grassland which would help to compensate for the loss of marshy grassland associated with the proposed development.

Great Crested Newts

There is well documented presence of Great Crested Newts at this site. Whilst the species breeds at a number of ponds the number of animals recorded at each pond is relatively small. The latest

assessment identifies the Great Crested Newt population on site as being of local nature conservation importance.

It is not anticipated that any ponds will be lost to the proposed development however the proposed road scheme will result in the loss of Great Crested Newt terrestrial habitat and pose a significant risk of killing/injuring any animals present when the proposed works are undertaken.

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,

- 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:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA's should contribute to *'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*.

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

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed link road would need to cross the development site known as Basford East
- The derogation is not detrimental to the maintenance of GCN as the site supports relatively small numbers of GCN and no breeding ponds would be lost. Furthermore, a scheme of mitigation which includes habitat creation and enhancement will be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would improve transport links across Crewe and ease congestion along Nantwich Road.

The proposed variations include an amended Great Crested Newt strategy to take account of advice from Natural England to ensure the favourable conservation status of this species is maintained as a result of the consented development.

The Councils Ecologist advises that as the amended mitigation strategy has been developed to meet the requirements of Natural England in respect of a future license application the strategy should be considered as being likely to maintain the favourable conservation status of the species concerned as required by the Habitat Regulations.

Common Toad

Common toad was recorded on site during the Great Crested Newt surveys. This species is a Biodiversity Action Plan priority species and hence a material consideration. The Councils Ecologist advises that the implementation of the proposed Great Crested Newt mitigation scheme is also likely to be adequate to mitigate the potential adverse impact of the development upon common toad.

Otter

Evidence of Otter activity was recorded on both Gresty and Basford Brook. However, no confirmed holts or lying up places were recorded.

The isolation of Otter habitats associated with the western spur road and link road and the risk of direct mortality occurring as a result of collisions with construction vehicles have been assessed as having a significant adverse impact at the local level.

To mitigate the impacts of the proposed development upon Otters the loss of bank side habitat will be minimised through the provision of a wide span bridge crossing the Basford Brook. The bridge will allow a minimum of 2m clearance on each bank to allow free movement of animals under it. The proposed Badger proof fencing would also deter otters from crossing the road and so mitigate the risk of road casualties occurring.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that the proposed development would result in an offence under the Habitats Regulations occurring in respect of Otters.

Bats

No trees on site were identified as having high potential to support roosting bats and there are no confirmed roosts on site. Bats do however forage extensively across the wider site area.

The proposed development would result in the loss of trees with lower potential to support roosting bats. There is also likely to be a loss and fragmentation of bat foraging/ commuting habitat on site and the adverse impacts of additional lighting associated with the development. These impacts are assessed as being significant at the site level.

The loss of bat foraging habitat will be compensated for by means of the tree planting and the habitats associated with the Great Crested Newt receptor areas will also be of value to bats.

To address the potential impacts of the development on bats resulting from the removal of trees with roosting potential the provision of bat boxes is being proposed. The Councils Ecologist advises that this approach is acceptable. A condition would also be required to ensure that the lighting scheme for the link road is agreed with the LPA. This is to ensure that the adverse impacts of additional lighting are minimised.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that an offence under the Habitats Regulations would occur in respect of Bats.

Water Vole

This species has previously been recorded on Gresty Brook. No evidence of this rapidly declining species was however recorded during the latest survey and so the Councils Ecologist advises that it is likely that water voles are now absent from the study area.

Reptiles

A good population of Slow Worm is present on site using the south facing embankment of the Crewe – Stoke railway line. This population has been identified as being of nature conservation value within the context of Cheshire East.

The impact of habitat loss and isolation in respect of Slow Worms has been assessed as being significant at the local scale. Slow Worm mortality associated with the construction phase of the development has been assessed as being significant with the context of Cheshire East.

The loss of Slow Worm habitat will be compensated for by means of habitat enhancement on the railway embankment to the west of the site. The risk of killing or injuring Slow Worms during the construction phase would be mitigated by means of the removal and exclusion of animals from the development footprint prior to the start of works.

The fragmentary effect of the road/rail crossing which would prevent animals moving along the rail embankment to the east of the proposed link road would however remain as a residual unmitigated adverse impact of the proposed development.

White Clawed Crayfish

This UK and Local BAP species is present in Basford Brook. This is one of only three remaining known sites for this species in Cheshire.

If pollution or silt contamination of Basford Brook occurs during the construction or operational phases of the road this is likely to have an adverse impact upon White Clawed Crayfish. The impact of this would be significant at the regional scale. The risk of killing or injuring White Clawed Crayfish during the construction phase or any disturbance to White Clawed Crayfish at the inappropriate time of the year is likely to have a significant impact on the species at the local scale.

It is proposed that the loss of habitat for White Clawed Crayfish associated with the scheme would be compensated for by means of the creation of refuges within the brook and the brook corridor would be enhanced by tree planting which on this site appears to be a factor in determining White Clawed Crayfish presence. The risk of pollution would be reduced by means of standard prevention methods and the allowance of an 8m buffer zone between any development and the brook. The risk of killing animals would be addressed by means of a rescue programme appropriately timed to avoid the most sensitive time of year.

The Councils Ecologist advises that the above measures are likely to be adequate to safeguard the population of White Clawed Crayfish at Basford Brook.

Barn Owl

This species is well recorded from the general area of the proposed development. A roost and potential nest site were recorded near to the proposed link road during the 2012 surveys.

It is not anticipated that there would be any adverse impacts on the identified roosts/perches however there will be a loss of barn owl foraging habitat which is likely to be significant at the site level. Mortality resulting from road traffic collisions is likely to be significant at the local scale.

The loss of foraging habitat for barn owls will at least partly be compensated for by means of the grassland habitats created as part of the great crested newt receptor areas.

The risk of road traffic collisions can be mitigated through the avoidance of rough grassland habitats which may attract barn owls and the establishment of tall tree lines to encourage barn owls to fly high above the road. These measures are however unlikely to totally remove the risks posed to barn owls.

Barn owl nest boxes are also proposed in the southern newt mitigation area.

Kingfisher

This species has previously been recorded on the Basford East site. Breeding has however not been confirmed with the study area. The direct impact of the proposed development on kingfisher is not thought to be significant. However any pollution or disturbance of Basford Brook would have a significant impact on Kingfishers at the local level.

To compensate for the loss of potential Kingfisher nesting habitat the provision of Kingfisher nest tunnels is proposed. Noise disturbance of the brook corridor which may have an adverse impact on Kingfisher is however unavoidable and remains as a residual impact of the proposed development.

Other Protected Species

Two setts for other protected species have been recorded within the survey area. The setts are not anticipated to be affected by the proposed development. There will be a loss of foraging habitat associated with the proposed development. This loss of habitat is not however anticipated to be significant. Construction activities may however pose the risk of killing or injuring individual animals that venture onto the site. Additionally, road casualties associated with the operation of the road are likely to have a significant impact on the local population.

The provision of badger fencing and access tunnels are proposed as a means of reducing potential mortality associated with the proposed development. Potential impacts during the construction phase will be reduced by means of careful site management detailed within an environmental management plan. The Councils Ecologist advises that these proposals are in accordance with current best practise.

Breeding Birds

The proposed development is likely to have an adverse impact on birds in general including some species which are Biodiversity Action Plan priority species. Such impacts are likely to be local in scale. The use of the standard timing condition would be used to ensure that there would be no impact upon breeding birds.

Summary

The proposed development is anticipated to have an overall slight adverse impact upon nature conservation interests due to the unmitigated impacts associated with the proposed development upon broad leaved woodland, trees, slow worm, barn owl and kingfisher. The residual impact of the development on woodland would reduce as the proposed tree planting matures.

Whilst outline mitigation proposals have been provided to address the ecological impacts of the proposed development the effectiveness of these will depend upon the finalised designs for the bridge crossings and inlet outlets associated with the brook and so must be regarded as indicative only at this stage. The Councils Ecologist therefore recommends that a condition be attached that detailed mitigation proposals be submitted to the LPA once designs have been finalised and prior to the commencement of works on site.

Flood Risk

The proposed road runs alongside Basford Brook and crosses several other unnamed watercourses. The Environment Agency Flood Maps indicate that there is potential for fluvial flooding to effect the development where the 1 in 100 year flood event outline extends beyond the river channel.

In terms of the construction phase, there is the potential for a temporary adverse impact due to the restriction of flow due to debris blocking the watercourse, increased water runoff or flooding from a temporary loss in flood plan storage. However it is suggested the good practice is followed and mitigation measures are implemented to reduce the impact to neutral.

In terms of the operational phase, there is the potential for adverse impacts due to the increased in paved areas, loss of floodplain storage, the culverting of the watercourse and the failure of pumping stations. In relation to this issue surface water run-off will be discharged into the watercourse at a rate no greater than the existing run off with detention basins or other temporary attenuation structures to

store additional surface water during the construction phase. A Flood Compensation Area would also be provided as part of this development.

This information has been sent to the Environment Agency who have raised no objection to the imposition of an additional condition.

Surface Water Quality

The amendments to the scheme as part of this application will have no greater impact upon surface water quality.

Impact upon Listed Buildings and the Historic Park and Garden

Given the separation distances and the existing landscape buffers it is not considered that the proposal would have a detrimental impact upon the setting of any listed building or the Crewe Hall Historic Park and Garden.

Archaeology

The ES assesses the archaeological potential of the site. The Councils Archaeologist has assessed the application and has suggested a condition to secure a report on archaeological mitigation.

Impact upon the Public Right of Way (PROW)

There would be no impact upon the PROW which crosses the site due to the removal of the spur road.

Impact upon the Hazardous Installation

A TRANSCO gas pipe crosses the application site and this is classified as a hazardous installation. There would be no greater impact upon the hazardous installation.

11. CONCLUSIONS

This application seeks to vary the approved plans condition attached to the Crewe Green Link Road.

The amendments relates to the following:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

It is not considered that these amendments would raise any highway, amenity, landscape, trees, ecology, flood risk/drainage, archaeology, PROW issues or impact upon the hazardous installation or Listed Buildings/Historic Park and Garden.

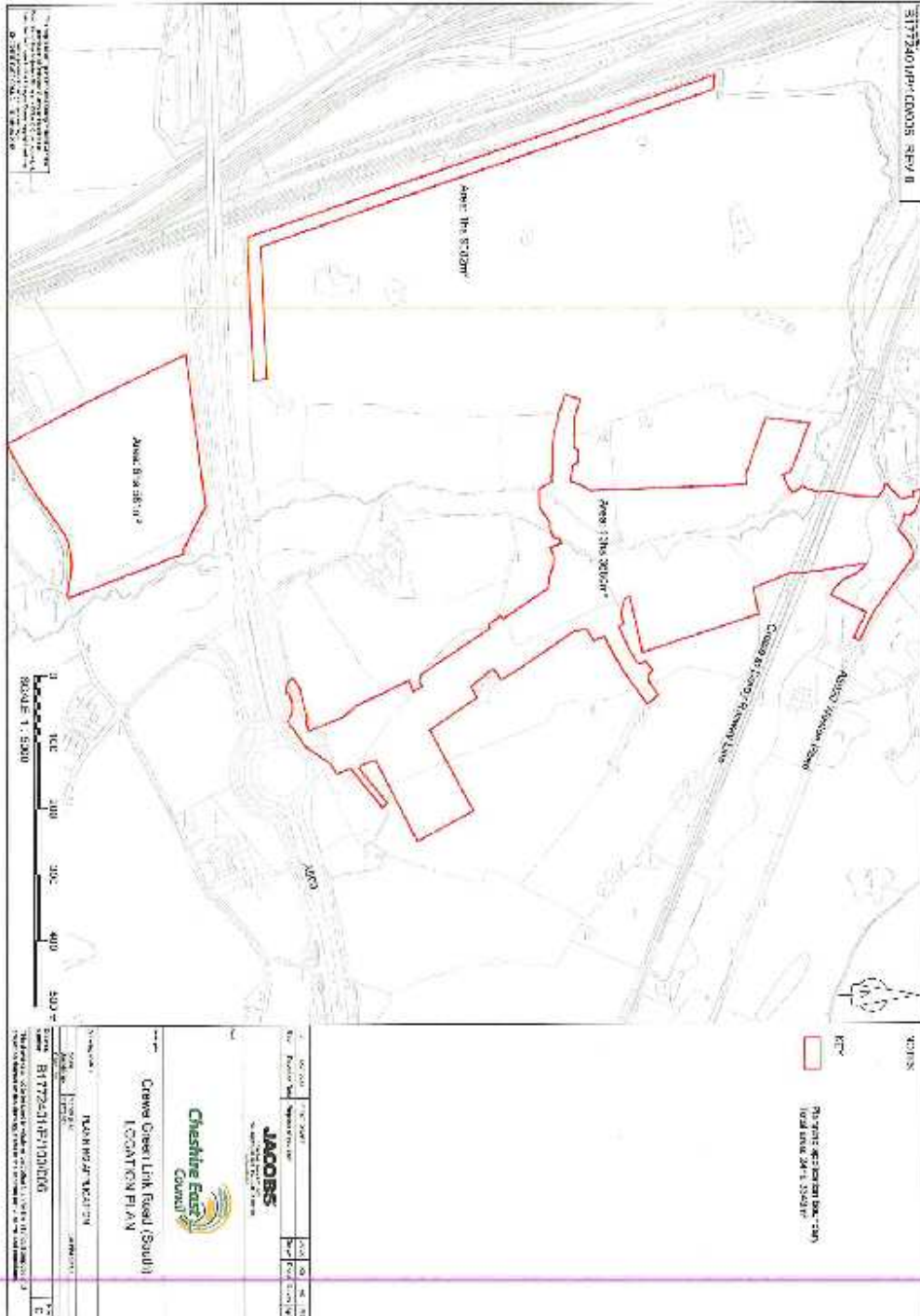
12. RECOMMENDATIONS

Approve subject to the following conditions;

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
4. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
5. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
6. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
8. Implementation of the approved landscaping scheme
9. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
10. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.
11. Prior to the development commencing:
 - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
 - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
 - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
12. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.
13. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds
14. Badger and Barn owl mitigation details in accordance with details approved as part of application 13/5223D
15. Submission of environment management plan for the construction phase of the development
16. Submission of ecological monitoring and reporting schedule.
17. Submission of a 10 year Habitat Management Plan
18. Details of all external lighting to be submitted and agreed in writing with the LPA

19. The development permitted shall only be carried out in accordance with the approved FRA
20. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
21. A surface water regulation scheme shall be submitted to the LPA for approval in writing
22. A detailed design for the provision of flood defence structures shall be submitted to the LPA
23. No development shall take place until a scheme for the provision and management of a 8 metres metre wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.
24. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
25. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
26. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
27. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.
29. Should the borrow pit to the south of the A500 Shavington By Pass be required full details including access arrangements and wheel washing facilities etc. be submitted to and approved by the Local Planning Authority'.

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



Application No: 14/1534N

Location: Land off Rope Lane, Rope Lane, Shavington, Crewe, Cheshire, CW2 5DA

Proposal: Variation of condition 1 (plans) attached to planning application 13/1021N.
Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA
Development proposed for the erection of up to 80 dwellings.

Applicant: Wainhomes (North West) Ltd

Expiry Date: 19-Jun-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Main Issues**
- **Design and Layout**
- **Highways**
- **Ecology**
- **Amenity**

REFERRAL

The application has been referred to Strategic Planning Board because it relates to the variation of a planning condition attached to application 13/1021N which was a major application determined by the Strategic Planning Board.

1. SITE DESCRIPTION

The site comprises 3.7ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

2.DETAILS OF PROPOSAL

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

A reserved matters application 13/1021N was subject to an appeal for non-determination and the Strategic Planning Board 'minded to refuse' the application at the meeting on 17th July 2013. This was allowed at appeal.

This application seeks a minor variation to the approved plans condition attached to the reserved matters application to secure an amendment to the garage to serve plot 1. The amendment would see a slight increase to the size of the garage by approximately 0.5 metres to the south facing elevation and 0.5m to the east facing elevation.

3.RELEVANT PLANNING HISTORY

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission - Refused. Appeal allowed.

11/4549N - Outline application for up to 80 dwellings including access – Refused. Appeal allowed.

4.PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

NE.2 (Open countryside)
NE 4 (Green Gap)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

4. OBSERVATIONS OF CONSULTEES

Environment Agency: No objection

5. VIEWS OF THE PARISH / TOWN COUNCIL

Rope Parish Council: No comments received

Shavington Parish Council: No comments received

6. OTHER REPRESENTATIONS

No representations received.

7. APPLICANT'S SUPPORTING INFORMATION:

No supporting information received.

8. OFFICER APPRAISAL

Main Issues

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. The detailed design has also been approved as part of a recent appeal decision. This application relates to a minor change to the size of the garage on Plot 1 and this report will consider this issue only.

Design and Layout

This application relates to a very small increase in the garage located on plot 1 to serve a marketing suite as part of the proposed development. Although the garage would be slightly larger to the front of the site there would still be the provision of a landscape strip of between 2 metres and 3.5 metres to the front of the site.

This minor amendment would not affect the street-scene and complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

Access

This minor change to the house type on plot 1 would not raise any highway implications and would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

This variation to the approved plans condition would raise no additional ecological impacts.

Amenity

Although the garage on plot 1 would be slightly larger it would have a separation distance of 12 metres to the side elevation of Rose Cottage to the west and 25 metres to 65 and 67 Rope Lane opposite. Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

9. CONCLUSIONS

Outline and Reserved Matters approval has already been given for residential development on this site.

The proposed minor amendment to the size of the garage on plot 1 would not raise and amenity, design, highways or ecology issues and is considered to be acceptable.

The conditions attached by the Inspector at the appeal for application 13/1021N are included within the recommendation.

10. RECOMMENDATIONS

Approve subject to the following conditions:

- 1. Approved Plans**
- 2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**
- 3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.**
- 4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.**
- 5. Before development commences the design of the proposed balancing pond shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved scheme before the first house is occupied.**
- 6. Notwithstanding the details shown on the approved plans, further details of the positions, materials and design of boundary treatments shall be submitted to and approved in writing before development commences and shall be constructed as approved before the first house is occupied.**

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