

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Tuesday, 10th June, 2014</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

- 1. Apologies for Absence**
- 2. Declarations of Interest/Pre Determination**

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

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

To approve as a correct record the minutes of the meeting held on 13 May 2014.

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

4. **Public Speaking**

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

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

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

5. **13/4132N - Land at and adjacent to, White Moss Quarry, Butterson Lane, Barthomley, Crewe: Outline application for the residential development of the White Moss: Incorporating the provision of up to 1000 residential dwellings, 100-120 bed extra care facility, relocation and redevelopment of existing garden centre, provision of local services including 465 square metres convenience store, 3no. 95 square metres retail units, children's day care centre, public house and doctors surgery and provision of public open space and associated highway improvements and biodiversity enhancement for Mr Lee Dawkin, Renew Land Developments Ltd (Pages 11 - 66)**

To consider the above planning application.

6. **Withdrawal of Reasons for Refusal (Pages 67 - 70)**

To consider a motion referred to the Strategic Planning Board by the Council meeting of 10 April 2014.

**THERE ARE NO PART 2 ITEMS**

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Tuesday, 13th May, 2014 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor H Davenport (Chairman)

Councillors C Andrew (Substitute), J Hammond, D Hough, P Hoyland,  
P Mason, B Murphy, C G Thorley, S Wilkinson and J Wray

### **OFFICERS IN ATTENDANCE**

Ms P Cockcroft (Senior Planning Officer), Mr A Fisher (Head of Strategic and Environmental Planning), Mr T Graham (Planning Lawyer), Mr N Jones (Principal Development Officer), Mr D Malcolm (Interim Planning and Place Shaping Manager) and Ms S Orrell (Principal Planning Officer)

#### **221 APOLOGIES FOR ABSENCE**

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

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

In the interest of openness in respect of application 14/1366N, Councillor J Hammond declared that he was a Member of the Cheshire Wildlife Trust who had been consulted on the application, however he had not made any comments in respect of the application.

In respect of the same application it was noted that whilst the applicant was Cheshire East Council this did not preclude the Board from making a decision on the application.

#### **223 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

(Prior to consideration of the following item, Councillor C Thorley arrived to the meeting).

#### **224 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**

Consideration was given to the above application.

(Councillor G Baxendale, the Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Peter Minshull, representing the Congleton Sustainability Group, Anna Morrison, an Objector and Sarah Wozencroft, agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The 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 and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.
4. 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 Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Strategic and Environmental Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Strategic and Environmental Planning 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.
- Education contribution of £218,000
- A financial contribution for highways improvements to Rood Hill, the negotiation of the amount to be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman

225      **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**

Consideration was given to the above application.

(Susan Lea, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application to vary condition 2 on approved application 11/3065C be refused 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. It has not been possible to demonstrate that a safe access point could be provided to the site, in particular in relation to visibility splays and the design of the access to accommodate heavy goods vehicles. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

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

226      **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**

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

Consideration was given to the above application.

(Brian Jones, representing the Dumbah Association as a Supporter and Paul Sinclair, representing the applicant attended the meeting and spoke in respect of the application).

### RESOLVED

That for the reasons set out in the update report the application be delegated to the Head of Strategic and Environmental Planning for approval due to the publicity date expiring after the Board meeting, subject to any outstanding responses from neighbouring properties and subject to the 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
10. Submission of Construction Management Plan
11. Badgers- 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.
12. 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.

13. Development in accordance with previously submitted Flood Risk Assessment

(The meeting adjourned for a short break).

227        **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**

Consideration was given to the above application.

RESOLVED

That the application be delegated to the Interim Planning and Place Shaping Manager in discussion with the Chairman to align the proposed conditions with those that have already been discharged from recent submissions but to include 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 1<sup>st</sup> March and 31<sup>st</sup> 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 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 Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Strategic and Environmental Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

228        **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**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application to vary condition 1 be approved 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.

The meeting commenced at 10.30 am and concluded at 1.10 pm

Councillor H Davenport (Chairman)

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Application No: 13/4132N

Location: Land at and adjacent to, White Moss Quarry, Butterson Lane, Barthomley, Crewe

Proposal: Outline application for the residential development of the White Moss: Incorporating the provision of up to 1000 residential dwellings, 100-120 bed extra care facility, relocation and redevelopment of existing garden centre, provision of local services including 465 square metres convenience store, 3no. 95 square metres retail units, childrens day care centre, public house and doctors surgery and provision of public open space and associated highway improvements and biodiversity enhancement

Applicant: Mr Lee Dawkin, Renew Land Developments Ltd

Expiry Date: 04-Feb-2014

#### **SUMMARY RECOMMENDATION**

- **REFUSE**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply  
Affordable Housing,  
Highway Safety And Traffic Generation.  
Contaminated Land  
Air Quality  
Noise Impact  
Landscape Impact  
Hedge and Tree Matters  
Ecology,  
Design  
Amenity  
Open Space  
Drainage And Flooding,  
Sustainability  
Education**

#### **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. SITE DESCRIPTION

The application site principally reflects the area of White Moss Quarry, and is 41.02ha in area. The majority of the site lies within the former Crewe and Nantwich District and forms part of the Parish of Haslington, although it lies outside the defined settlement boundary. A small area of the site, to the south east, lies within the former Congleton District and lies outside the settlement boundary of Alsager.

To the north of the site lies Nursery Road, a number of residential properties, farms and agricultural land, immediately to the east of the site is Close Lane and town of Alsager. To the south of the site is Butterson Lane, beyond which is the extensive development of Radway Green BAE Plant. Immediately to the west the site is bounded by the M6 Motorway.

The site, an active sand and peat quarry, lies between 76m and 80m AOD and the worked areas lie some 10m below those levels. The existing groundwater levels are between 2-11m below the surface of the site and much of the excavated areas therefore lie below the water table.

The site therefore currently operates principally as a mineral quarry, but there is also a garden centre and aggregate recycling operation located on site.

Parts of the site have been restored to provide wetlands and open space (not publically accessible) as part of the ongoing restoration related to the quarrying permissions on the site. These restored areas will be principally retained as part of the housing development and will provide public open space for local residents and future residents of the site.

The site is currently surrounded by a range of land uses. To the North of the site lies open countryside, areas largely used for agriculture. The land to the east of the site is occupied by the town of Alsager. The majority of Alsager is made up of residential development, with some public amenities such as shops, schools, transport links, leisure centre and parks. The area to the South of the site is largely of industrial/business purposes. It is occupied by a large scale ammunition factory and various other smaller industrial units that, in their entirety, represent a fairly large industrial complex. There lies an open area of land between this industrial complex and the White Moss Quarry land holding.

The site is bounded by a public footpath to the west, beyond which lies the M6 Motorway.

## 2. DETAILS OF PROPOSAL

This outline application seeks the grant of planning permission for the residential development of The White Moss. The proposal consists of:

- The construction of up to 1000 residential dwellings
- 465m<sup>2</sup> convenience store
- 3no. 95m<sup>2</sup> retail units
- Children's day care centre
- Public house
- Doctors Surgery

- 100-120 bed extra care facility

Relocation and redevelopment of existing garden centre

- Provision of public open space (including perimeter walk)
- Associated highway improvements
- Associated biodiversity enhancement

The development will principally take place on land at White Moss Quarry, Alsager and it is envisaged that the site will form a new village, hence the level of local service provision proposed.

## **2. RELEVANT PLANNING HISTORY**

There are no relevant previous planning applications relating to this site.

## **3. PLANNING POLICIES**

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

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

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

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  
Draft Development Strategy  
Local Plan Strategy Submission Version

#### 4. OBSERVATIONS OF CONSULTTEES

##### **Newcastle-under-Lyme Borough Council**

- Objects to the application on the grounds that development of this scale would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026

##### **Waste Strategy Manager**

- Not aware of any Council owned waste facility or landfill adjacent to this application and hence have no comment to make.

##### **Public Rights of Way**

###### Developer's responsibilities

- Recommend standard informatives to protect the right of way and it's users during construction works.

###### Public Footpath No. 49, Haslington

- The Design and Access Statement states that the Footpath No. 49 will be accommodated within the design proposals whilst the Transport Assessment states that the Footpath will be enhanced. It appears that the route will form part of a green infrastructure corridor within the site. The detailed proposals for this route, particularly in terms of surfacing, furniture and width, will require the agreement of the Public Rights of Way unit. The developer should be aware of previous water table issues causing flooding on part of this Footpath. Whilst these issues have recently been resolved, the development must not worsen the situation and confirmation of this will be required in order that the path remains accessible year round.
- Finally, in relation to Footpath No. 49, it appears that the Illustrative Site Layout does not depict the Public Right of Way on its definitive alignment. The developer must ensure that the Footpath is accommodated on its current legal alignment, unless legal orders are to be undertaken as described above.

###### Public Footpath No. 37 Haslington

- It appears from the Illustrative Site Layout that the eastern entrance road to the site will cross this Public Footpath. The proposals through which users of this Footpath are accommodated in crossing the road will need to be agreed with the Public Rights of Way Unit.



### New routes and information

- The legal status of the new paths proposed within the open space of the site would require agreement with the Council as Highway Authority and the routes would need to be maintained as part of the Open Space Management arrangements.
- Destination signage should be sought at appropriate locations where links are made both to the public rights of way network and walking and cycling routes to the town facilities. The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

### **Sustrans**

- 1) This development will be a major generator of traffic using the single entry proposed on Crewe Road. This road, is a most unattractive road for cycling journeys at the moment. Therefore the transport assessment should demonstrate how the developer will contribute to improving cycling/walking routes away from the site to local facilities, Alsager railway station, and employment opportunities within Crewe. The site lies within 5kms of Crewe Business Park, for example, a suitable distance for regular cycling.
- 2) The layout of the estate should include pedestrian/cycle access links to Nursery Road and Close Lane away from traffic for convenience.
- 3) The internal design of the estate should restrict vehicle speeds to 20mph on residential roads;
- 4) The design of any smaller properties without garages should include storage areas for residents' buggies/bicycles.
- 5) Cycle parking under cover should be provided for the associated developments.
- 6) Would like to see travel planning set up for the various developments with targets and monitoring, and with a sense of purpose.

### **Cheshire Wildlife Trust**

Register a holding objection to this application for the following reasons:

#### *1. Lack of information.*

- The Ecological Scoping Survey (Solum Environmental 2013) refers to 'relict raised bog on the southwest boundary' (Paragraph 1.7). This habitat is not marked on Drawing SE487-01 Extended Phase 1 Habitat Plan although the Environmental Statement notes that it is 20m wide. The aerial photograph (which may be out of date) used to illustrate the 'Ecological Constraints' plan suggests the presence of a substantial woodland/bog edge in the SW corner of the site, and recent views from the public

footpath in this vicinity also suggest that there is a greater width of trees (and relict bog) here than indicated on the Phase 1 plan.

- The ESS does not give any details of remaining peat throughout the SBI (Local Wildlife Site) area of the site – for example, where it still exists, how deep it is and what condition it is in. Without this information it is impossible to judge how much of the raised bog remains and whether there are areas of the SBI which are capable of restoration using modifications to the drainage regime (as noted in paragraph 5.4.2.2. and R16). It is unclear whether the area of the former SBI would qualify against current LWS criteria and whether restoration could take place and potentially meet the LWS qualification criteria.

## *2. Incompatibility of Outline Proposals with Phase 1/Protected Species survey findings and assessed ecological constraints.*

The illustrative Site Layout (Drawing 1825-110) proposes extensive development across the whole site including all of the SBI. This proposal does not accommodate:

- Retention and restoration of the SBI
- The presence of restorable raised bog in the southwest corner (and potentially on other parts of the site)
- The retention of existing blocks of woodland on the SW and NE edges of the site
- The retention of willow tit (LWS qualifying breeding bird species) habitat in the northwest of the site.
- The retention of little ringed plover (LWS qualifying breeding species) on the site.

## *3. Conflict with emerging Pre-Submission CELP Core Strategy*

White Moss is identified as a Strategic Location (SL5) in the P-S CS on page 223. Site-specific principles of development include the following requirement:

- Protection of, and enhancements to, the existing Site of Biological Interest in the south west of the site.

The illustrative site layout and the quantum of development shown do not reflect this development principle and should therefore be rejected.

## **United Utilities**

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

- Although the drainage strategy is acceptable in principal to United Utilities. We must raise concerns at this stage with regards to the foul water drainage strategy, with the information provided. The number of pumping stations being proposed does not represent the best sustainable solution. The developer needs to agree a suitable strategy with United Utilities before the development of the site commences.

## **Environmental Health**

Recommend conditions:

- Piling hours Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- Submission, approval and implementation of piling method statement
- Submission, approval and implementation of Construction Environmental Management Plan
- Hours of construction Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Submission, approval and implementation of acoustic mitigation measures/ detailed layout
- Submission, approval and implementation of Travel Plan
- Submission, approval and implementation of air quality mitigation measures / detailed layout
- Provision of Electric Vehicle Infrastructure
- Submission, approval and implementation of scheme to control dust emissions arising from construction
- Submission and approval of Phase 2 contaminated land investigation and submission, approval and implementation of any necessary mitigation.

## **Network Rail**

- Network Rail is placing a holding objection on this proposal until they have thoroughly examined the proposal.

## **Archaeology**

- White Moss was, in origin, one of numerous peat-filled hollows and depressions, of various sizes, that characterised the Cheshire Plain. In addition to occasional finds of archaeological interest, the peat deposits have often preserved a record of past climate and land use extending back over the last c 10,000 years. In many instances recent peat and mineral extraction have largely removed the deposits of interest and reduced, if not entirely removed, the potential for the survival of significant deposits. At White Moss, the large-scale removal of the peat and associated organic deposits was, fortunately, accompanied by a programme of sampling analysis which produced important data on the development of the Cheshire landscape over the last few millennia.
- The majority of the relevant deposits have undoubtedly been removed by recent extraction but the geo-technical report which accompanies the application notes that intact peat deposits do survive in places, particularly in the north-west part of the application area. In view of this, shared services archaeologists have sought the advice

of the academic from Manchester Metropolitan University who conducted the original fieldwork on the site in order to try and establish whether well-preserved peat is likely to survive and, where this would be removed by development, whether further sampling and analysis would be justified.

- They have advised that whilst peat may survive around the periphery of the site, this is unlikely to have a long-term future as continued drying out of the peat, deflation, and decay is likely to mean that the interest and potential of the material will decline in coming years. There appear to be few practical measures available which would reverse these processes but the intention to preserve some known areas of undisturbed peat within areas of open ground is noted and may offer a faint chance that some material may survive.
- Shared Services have also been advised that it is also possible that development work may disturb isolated pockets of preserved peat which would be worthy of sampling, assessment and, if appropriate further analysis.
- It would not be reasonable to require any further pre-determination assessment to address this issue but it is advised that it would be appropriate to secure a limited programme of archaeological mitigation by condition in order to deal with any material that is revealed by development. This should consist of an interrogation of the geo-technical information by a suitably-experience specialist, intermittent attendance during development at relevant locations, identification and sampling of suitable deposits, and assessment and analysis of samples if justified by their state of preservation. A report on the work will also be required.
- In addition to this main aspect of the mitigation, it is also noted that the development will affect a stretch of the modern civil parish boundary between Haslington and Barthomley. This boundary is of some antiquity and is marked by a field boundary and public footpath. A section should be recorded across this feature, where it is to be disturbed by development work and a short report prepared.

## Natural England

- Additional information has been submitted to address previous concerns.
- Previous advised that there was insufficient information contained within the application documents to determine whether the likelihood of significant effects on Oakhanger Moss, which is a component part of the Midland Meres and Mosses Phase 2 Ramsar site, could be ruled out.
- Additional information (Letter dated 21 January 2014 entitled '*Response to Ecological Queries re. Proposed Redevelopment of White Moss Quarry*') refers to a report by The Mineral Planning Group '*Consultation Response to Natural England Regarding the Proposed Residential Development at White Moss Quarry, Alsager, Cheshire, December 2013*', which clarifies that there is no hydrological connection between the site and Oakhanger Moss. We are not in receipt of this report and therefore cannot

provide any further comments/advice relating to hydrology, as such the concerns raised previously letter still stand.

- Previously raised concerns about the impacts of this development on the existing 'unworked' peat that is present on site and advised that additional information should be obtained from the applicant in order to adequately assess the full impacts of the development on this valuable habitat. NE have reviewed the additional information that has been submitted to address these concerns and have the following comments:
  - The updated plan in the letter (ref: SE 487-12 dated 16/01/2014) shows the existing 'unworked' peat present in the south west corner of the site. In principle, we see no reason why the highlighted area is not restorable given the peat depth and nature of the habitat on site although the finger of in-situ peat with tree cover removed that protrudes into the site is likely to be too degraded.
  - Welcome that the proposed plan shows much of this area to be retained/restored, however only 0.13 ha is shown as open bog restoration. This would be unsustainable given the proximity to the birch woodland and the likely encroachment that would occur and would advise that an area of 1ha should be the minimum sustainable restoration area.
  - The proposal to locate a road on top of the bund that forms the edge of the bog restoration area is not considered appropriate. This would result in enrichment during construction due to the material used and also run-off into the bog from the bank would result in long term enrichment.
  - For successful restoration, there needs to be bunds to the outside edges of the restored area. The bunds need to be small, i.e. 1m wide by 0.5m high, and cut-off from the construction area by plastic piling, for example. This will keep water in but also keep enriched water out. Ditches to the outside of the bunds will prevent flooding of land off-site.
  - Would recommend that the peat land surface be formed into bog cells by low peat bunds to cover the area in shallow pools, the area of the pools needs to be kept small to stop wave action.
  - In addition, access to the area will need to be kept to a minimum. It's such a small area that the proposed boardwalks would take up too much habitat and increase the risk of disturbance and possible fire damage.
  - Would have no issue with the moving peat from inside the development area to build the bunds and in-fill ditches as long as it's clean (i.e. no sand/clay etc.).
  - In-filling, re-levelling, cell and bund creation are a normal part of this type of work and would not see it as unreasonable to expect this level of work for a bog restoration project.
  - This site is going to need long-term management, scrub control and maintenance of overflows etc., to ensure the success of the restoration work.

## **BAe Systems**

- Location - Concerns over the south eastern corner of the development which falls within BAE Systems COMAH zone for public information. This means that potential occupiers of houses in this area may be adversely affected in the event of an incident on site.
- Disturbance from Noise - although the noise levels generated by BAE Systems operations have been monitored and confirmed as not exceeding accepted environmental levels potential occupants (including night shift workers) may be individually sensitive to noise generated by the site.
- Increase in Traffic Load - BAE Systems may be adversely affected on their daily commute to and from work by a significant increase in traffic utilising existing current roads - this includes an impact on shift workers.

## **Open Space**

- The majority of the development is sited in the former Crewe and Nantwich area with a small parcel to the East being sited in the former Congleton Borough. Therefore open space requirements which are governed by the policies of the two former Boroughs will be applicable

## ***Amenity Greenspace***

- Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. Based on 1000 dwellings with an average occupancy of 2.4 persons per dwelling the Amenity Greenspace requirement would be 24,000m<sup>2</sup>. This should be recreational space in and around housing areas which should be 'usable' eg as an informal kick about area. The proposed linear Country Park area in the area underneath the powerlines would need to meet these requirements
- It has never been the Council's policy (former Congleton) 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.

- The proposal should provide a large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children.
- 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 recommended that future maintenance and management of the play area be transferred to a management company.

### **Strategic Highways Manager**

- This outline application is major development consisting of up to a 1000 units and in addition there are other uses proposed for the site. As would be expected the traffic impact of this proposal would be far ranging and affecting a number of junctions on the local highway network.
- The proposed new roundabout access to the site and secondary access do operate independently and there are no highway concerns regarding the access proposals. The diversion of Close Lane through the site is not accepted and the site can be accessed without Close lane being diverted.
- It is predicted that with the operation of the Railway Level Crossing that traffic queues will increase and the queues could potentially increase further should the use of the railway increase and therefore the barriers drop more frequently.
- The majority of the trips from the site will travel to and from the M6 and will use Junction 16 and as such will use Radway Green Road, as its junction with the junction 16 roundabout is priority controlled, there is problem for vehicles entering the roundabout and this application will substantially increase queues and delay on Radway Green Road and is not considered acceptable.
- It is not accepted that the development will not have an impact at Crewe Green roundabout that already has major capacity problems and this is an additional reason to reject the application.
- The junction capacity results for Alsager indicate that 1000 units and mixed uses at White Moss Quarry would have a severe impact on several junctions within Alsager even with mitigation improvements in place.
- In summary, this application is a significant increase in housing numbers over and above that included in the Local Plan for the site. The results of the assessment work CEC have undertaken has shown that potentially the Local Plan allocation can be accommodated along with mitigation measures. The additional large number of units associated with this application causes a number of problems on the road network and cumulatively would lead to a severe impact on the road network and as such would recommend that this application is refused.

## Highways Agency

- In relation to the strategic road network, the Highways Agency are satisfied from the review that has been completed by HA consultants, that this development represents minimal impact upon the SRN operation and junction 16 of the M6 motorway close by. This is also taking into account the proposed Pinch Point Scheme at the junction about to be built being in place.
- Confirm that extensive pre-application scoping for this development was undertaken between the transport consultants acting for the developers (SCP) and our own spatial planning framework consultants, JMP. The aim here was to reach agreement on a number of key input parameters for the modelling of the additional traffic generated. The traffic growth factors presented with the Transport Assessment represent those previously agreed as part of the pre-application scoping discussions. It has been noted there is no inclusion of personal injury accident data in the Transport Assessment, however, (although the proposed improvements at junction 16 will alter future safety considerations here).
- The interim Travel Plan is considered to be appropriate at this stage, but should be developed into a full travel plan following occupation of the site. The full travel plan should also incorporate improvements identified within this review. It is also noted that some reductions in the demand for car travel will be realised with the community facilities which are incorporated into this scheme.

## Environment Agency

- Are in receipt of ecological information direct from Dr D. Hackett of Solum Environmental Ltd dated 12<sup>th</sup> February 2014.
- Having reviewed the information are now happy to remove previous objection relating to Fish and request a planning condition to be attached to any approval as stated below.
  - No development shall take place until a plan detailing the protection of fish species within the ponds/lakes onsite is submitted to and agreed in writing by the local planning authority. The fishery protection plan shall be carried out in accordance with a timetable for implementation as approved.
- Understand that there is little peat left on the site and that it has been damaged from the peat and sand extraction. However think the question of the areas possibly qualify as a UK BAP Habitat lowland raised bog (priority habitat) and Annex I Habitat degraded raised bog capable of natural regeneration still remain. If the remaining peat habitat does qualify then the applicant may have undervalued the current nature conservation value of the site.
- The Joint Nature Conservation Committee states that Annex I Habitat degraded raised bog capable of natural regeneration should be assessed on a case-by-case basis and can include scrub woodland and bare peat. It should only include examples which are 'capable of natural regeneration', i.e. "where the hydrology can be repaired and where, with appropriate rehabilitation management, there is a reasonable expectation of re-establishing vegetation with peat-forming capability within 30 years".
- Clarification regarding these designations is needed and recommend consultation with Natural England and Cheshire East Council.



## 5. VIEWS OF THE PARISH / TOWN COUNCIL

### Haslington Parish Council

- Recognises that the probable burden on services such as education and health will fall on the neighbouring town of Alsager, for this development proposal.
- Do not object to the proposed outline application provided that traffic calming measures are implemented to protect existing residents of Nursery Road and the B5077 Butterson Lane between the development site and Slaughter Hill. Holmshaw Lane also requires protection from becoming a rat run. These protective measures should include road signs directing traffic to Crewe via the A500 rather than the B5077, weight limits on the B5077, and potentially additional physical road constructions such as chicanes to deter through traffic and reduce speed.

### Barthomley Parish Council

- Objects to the application, and refers the Local Planning Authority to the recent Appeal Decision on an application at Sandbach Road North, Alsager which stressed that development in this part of the Borough should be limited in order to avoid adverse impact on the regeneration objectives for Crewe and North Staffordshire. The Parish Council believes that the White Moss scheme is precisely the type of development which should be avoided as it would do nothing to support Crewe, the North Staffordshire towns, or even Alsager.
- The Parish Council is also of the view that the development would by its scale place excessive pressure on local infrastructure, such as the B5077, the B5078 and the Radway Green level crossing.
- The permission to exploit mineral workings at White Moss was the subject of a Legal Agreement to secure its restoration to an ecologically sound condition, and this requirement should be maintained.
- This site was originally proposed as an *alternative site* to replace other allocations within the Local Plan's total allocation. It is now effectively an *additional site* further increasing the already high allocation for housing in the Alsager area.

## 6. OTHER REPRESENTATIONS

### Support

- Circa 12 representations of support – on grounds that the site is a quarry not green belt land. The mini village will cater for everyone on site. The new doctors surgery and shops are welcomed and this will help the local economy, new jobs, much needed economic and social boost. The removal of the quarry is welcomed

## Objection

Circa 290 representations of objection from local residents and local business occupiers, Himor Group Ltd and Muller Group, and Emerson Group, who have the planning appeal at Dunnocksfold Lane presently pending; raising the following matters -

### Principle of development

- Given the limited weight to be attached to SL5 of the Submission Version of the Development Plan - a sequential assessment of this application is a serious flaw.
- Alsager is not sustainable as a Key Service Centre
- The threat to extend the peat extraction to 2042 is meaningless given restoration requirements by 2028
- Not brownfield
- The site is outside the settlement boundary
- Isolated location
- Loss of local nature conservation value is not outweighed by the benefits
- Contrary to NPPF
- The site is not identified for development in the Alsager Town Strategy and is contrary to the Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land – the quarry is greenfield
- All new housing should be on brownfield land before Greenfield land is developed
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- Brownfield development should be the priority,
- Alsager has a greater than 5 year housing land supply
- Alsager has already received planning permission for well over 50% of its 20 year quota ( in the first 3 years ) with the remainder already committed through development of our Brownfield sites ( MMU and Cardway Cartons).
- Allowing the development would conflict with the localism agenda
- There is a lack of employment in Alsager/ will result in out-commuting
- The development of the site will jeopardise brownfield sites from being brought forward
- Brownfield development must be completed before Greenfield development allowed
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Critical information has been withheld - namely the recent aerial photos of the site commissioned by the applicant.
- Local infrastructure of services cannot cope with this additional development
- In recent appeals the Council has argued that Alsager itself is not sustainable as a Key Service Centre, that the settlement Zone Lines must not be violated and that intrusion into and harm to the countryside is so significant that such development cannot be allowed.
- This application would double Alsager's housing allocation, with no justification.
- Loss of employment land
- Loss of best and most versatile agricultural land

- Development at the boundary of the borough will cumulatively adversely impact upon the regeneration of Newcastle Under Lyme.
- The White Moss Quarry is subject to an agreed and legally-binding Restoration Plan. The purpose of the Restoration Plan is to create a Nature Reserve in an environmentally sensitive area and provide valuable recreational facilities for the Community. This formal commitment must be enforced by Cheshire East, and this valuable community asset should not be destroyed.
- Will increase greenhouse gas emissions
- The housing development will preclude the restoration of lakes and habitat creation
- Sterilise valuable mineral resources
- There are unresolved issues of mal-administration of the site these should first be fully resolved before any planning permission is even considered

### Highways

- Increased traffic congestion on roads that can not cope
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Narrow roads with poor pavements
- Have potentially adverse impact on M6 widening

### Green Issues

- Loss of green land
- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- the land drains in the surrounding area can cope if houses are built on the area that they drain into.
- Impact upon wildlife
- Impact upon local ecology
- Impact upon flora and fauna
- Loss of agricultural land
- Impact upon Great Crested Newts
- Erosion of physical and landscape gap between Crewe and Alsager
- Disproportionate in scale compared to Alsager
- It is adjacent to a protected RAMSAR site, which would be threatened by this proposed development.

### Infrastructure

- The infrastructure in Alsager cant cope
- Increased pressure on local schools
- The local schools are full to capacity

- The sewage and drainage system is overstretched and cannot cope on Close Lane now. Another 1000 dwellings is not feasible
- Has anyone thought to contact local G.P.s to ask if they are prepared to take on all these extra patients?

#### Amenity Issues

- Noise and disruption from construction
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Very near to the M6 the noise of which will cause poor living conditions for future residents - in terms of both noise and air quality
- Noise pollution from the M6 motorway often exceeds 72db. At this level planning permission should be refused.

#### Design Issues

- The inclusion of a 200m long 4m high stockade running parallel to and adjacent to Nursery Road. This portion of the proposed monstrosity is shown situated outside the quarry. It then runs north to south to Crewe Road, then east parallel to Crewe Road at varying heights. This construction would be contrary to both Local and Government Countryside Policies, totally out of character for the countryside area and would have a huge adverse visual impact on the area.
- The layout fails to establish a strong sense of place, lacking a clear hierarchy of streets, character areas, vistas and landmarks. It displays many of the discredited aspects of typical 1980s/90s suburban housing schemes characterised by poorly defined, meandering estate roads to create an 'anywhere' scheme totally lacking in legibility – once on the estate it would be difficult to find your way around it, or out again.

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, 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.

### **Principle of Development**

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

agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy 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 emerging 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 strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

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

#### Open Countryside Policy

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

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

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

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

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

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

In reaching this conclusion, the Inspector memorably noted that:

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

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

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the



intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question 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.

### ***Emerging Policy***

The site is identified in the Local Plan Strategy Submission Version as Strategic Location SL5. Specifically, the plan states that the development of the site will include:

1. *The provision of up to 350 new homes in the plan period (at a density of between 25 and 35 dwellings per hectare);*
2. *The creation of a new local centre including:*
  - a. *Appropriate retail provision to meet local needs; and*
  - b. *A small scale community facility that will be capable of accommodating a variety of uses.*
3. *The incorporation of Green Infrastructure, including:*
  - a. *A significant depth of native woodland and other semi-natural habitat screening along all relevant boundaries to provide a buffer between the development and the M6 (at least 40metres) and to offset detrimental visual impact to the open countryside along with the creation of wildlife habitats, including those for protected species;*
  - b. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
  - c. *The creation of drainage ponds that have visual and habitat potential; and*
  - d. *Open space including Multi Use Games Area; equipped children's play space and facilities for teenagers.*

### ***Site Specific Principles of Development***

- a) *Ensure the delivery of a high quality and sustainable development which respects the character of local landscape and delivers excellent urban and architectural design.*
- b) *Provision of new access and highways improvements to the surrounding area.*
- c) *Improvements to existing and the provision of new pedestrian and cycle links to connect the site to Alsager town centre, existing and proposed residential areas, employment areas, shops, schools and health facilities.*
- d) *The development would be expected to contribute to improvements to existing and the provision of new public transport links to Alsager town centre and local villages.*
- e) *Development proposals would be expected to fully assess and mitigate any potential adverse impacts in line with the policy requirements of Policy SE12 Pollution, Land Contamination and Land Instability.*

- f) Development would be expected to allow for full remediation and restoration of the worked areas contributing to provision of Green Infrastructure.*
- g) Full integration of existing trees and hedgerows within a network of green spaces which connect within and beyond the site to existing services in Alsager.*
- h) Protection of, and enhancements to, the existing Site of Biological Interest covering parts of the location.*
- i) Provision of affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- j) Contribution towards the improvement of M6 Junction 16 and the A500 Corridor.*
- k) Contribution towards improvements to the Radway Green Road / Crewe Road Signal Junction.*
- l) Contribution towards improvements to the Crewe Road / Hassall Road Junction.*
- m) Contribution towards improvements to the Crewe Road / Sandbach Road (north) Junction.*
- n) Contributions to education and health infrastructure.*
- o) Proposals would need to demonstrate that any surviving peat and associated deposits does not require further analysis or is not worthy of preservation on palaeoecological grounds. If this could not be done, further archaeological and palaeoenvironmental work may be required involving specialist palaeoenvironmental input.*

It is therefore acknowledged that part of the site will be required to meet housing requirements over the draft CELPS plan period and that, consequently, this is one such location where the settlement boundary should be “flexed” to allow for development. Accordingly, it has been put forward and supported by the Council, in principle, as an allocation in the draft CELPS. This is an important material consideration and could outweigh the provisions of the current development plan.

However, the application proposal, fails to comply with the relevant policies of the emerging plan, as it is for 1000 dwellings rather than 350 and the site boundaries exceed those shown in the draft local plan which envisages that development will be focused on the south eastern part of this location allowing for the wider existing worked areas to be effectively restored.

The developer has suggested that a condition could be applied limiting the number of dwellings to 350. However, the site area would still exceed that shown in the emerging local plan and would lead to unnecessary loss of open countryside through establishing outline planning consent for residential development over the whole area. Furthermore, the low density nature of the scheme would fail to make the best and most efficient use of the land in question.

As an alternative, the developer has submitted a phasing plan which shows 350 dwellings to be built in a first phase in the south eastern corner of the site. However, the red-edge defining the application site remains unaltered, which in turn means that outline consent for residential would be granted over the whole site. This would pave the way for further phases of development on the remainder of the site, up to c.1000 units, which would not be compliant with the emerging local plan. The proposal as it stands is therefore deemed to be unacceptable in terms of the number of units and the extent of the area proposed for development.

As such the proposal is contrary to Policy NE.2 (Open Countryside) of the adopted local plan and fails to comply with the provisions of the Local Plan Strategy Submission Draft and as a result there are no material considerations to indicate that the application should be determined other than in accordance with the statutory development plan.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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 results of an accessibility assessment using this methodology are set out below.

Category	Facility	WHITE MOSS
<b>Open Space:</b>	Amenity Open Space (500m)	1180m
	Children’s Play Space (500m)	1180m
	Outdoor Sports Facility (500m)	2121m
<b>Local Amenities:</b>	Convenience Store (500m)	963m
	Supermarket* (1000m)	2519m
	Post box (500m)	997m
	Playground / amenity area (500m)	1180m
	Post office (1000m)	2757m
	Bank or cash machine (1000m)	963m
	Pharmacy (1000m)	2800m
	Primary school (1000m)	1619m

	Secondary School* (1000m)	2297m
	Medical Centre (1000m)	2945m
	Leisure facilities (leisure centre or library) (1000m)	2327m
	Local meeting place / community centre (1000m)	2650m
	Public house (1000m)	1087m
	Public park or village green (larger, publicly accessible open space) (1000m)	2456m
	Child care facility (nursery or creche) (1000m)	1756m
<b>Transport Facilities:</b>	Bus stop (500m)	531m
	Railway station (2000m where geographically possible)	3060m
	Public Right of Way (500m)	293m
	Any transport node (300m in town centre / 400m in urban area)	293m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less 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).
	Significant failure to meet minimum standard (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).

The site fails against all but 3 of the criteria in North West Sustainability checklist, all but 2 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Alsager is a Key Service Centre in the Local Plan Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and approved sites, including the Twyford's site, for example. Furthermore, the site is large enough to provide some of its own facilities, such as children's' play space, although it is acknowledged not all the requirements of the checklist would be met on site.

Furthermore, as suggested by the Public Rights of Way Officer and Highways Officer, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs through this site.

Therefore, overall the site is accessible to non car modes and is located within reach of local facilities. It also has a number of bus services that are available close to the site. As such, it does not raise any sustainability concerns. Thus it is not considered that a refusal on locational sustainability could be sustained in this case.

Accessibility is only 1 aspect of sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live.

Previous Inspectors have also 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.

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*"

The Statement goes on to say "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*" They should:

- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

Whilst the definition within the NPPF Glossary excludes housing from the definition of economic development, the proposal will assist in maintaining a flexible and responsive supply of housing and will facilitate housing development.

In terms of sustainable design, there is very little information provided. The Councils Design Officer would therefore advocate a condition to secure a sustainable design and renewable energy strategy for the site.

The Appellant may seek to argue that the development meets economic aspects of sustainability through the construction of the dwellings themselves and the spending that the residents of the houses would bring to the area, potential New Homes Bonus, along with the access to some local services.

However, the NPPF contains a glossary providing definitions of the important terms used within it. At pg51 of the NPPF "*Economic Development*" is defined as "*Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).*" I therefore do not consider that the economic

aspects of the development outlined above, contribute to the sustainability of the proposal and cannot therefore be taken into account in the planning balance.

This is supported by paragraph 91 of the Wellington Appeal Decision where the Inspector concludes that *“the Framework, and other government policy put great emphasis on the need for economic growth. However, the glossary definition of economic development excludes housing. Other than ancillary retail development, of doubtful viability, the proposal would be largely residential I therefore give limited weight the economic role of the proposals.”*

In summary, in terms of its location and accessibility, the development is relatively sustainable. Furthermore, 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 and reducing energy consumption through sustainable design. However, this development is unsustainable in terms of loss of open countryside and lack of economic benefits.

### **Loss of Agricultural Land**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

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

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

According to the Planning Statement submitted with the application, no up-to-date information exists with regards to agricultural land classification. The data set relating to the area the subject of this application was compiled between 1989 and 1999 and individual sites were surveyed where access was granted by land owners. No survey has been undertaken to support this application.

However, the area of land the subject of the quarry is not classed as agricultural land and only the triangular field to the south east of the application site is classified, being a mix of 2 and 3b. The fields north east of the application site, over which the highways improvements are proposed have not been classified. These are the parts of the site which are allocated in the Local Plan Strategy for development.

Therefore, whilst it is acknowledged that there would be a loss of some Grade 2 land, over half of the site is non-agricultural or Grade 3b (not the best and most versatile land). Furthermore:

- the fact that this site is identified within the draft development strategy and will be required in the long term for housing land supply
- the housing delivery benefits are considered, on balance, to outweigh the conflict with local plan policy in terms of loss of good quality agricultural land, the adverse impacts of which are not considered to be significant or demonstrable.
- Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land.

### **Affordable Housing**

Paragraph 3.2 of the Interim Planning Statement: Affordable Housing (IPS:AH) states that 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 states at paragraph 3.12, the following with regards to retirement housing schemes:

*"Recently some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes in accordance with paragraph 3.2 above."*

The IPS: AH also sets out that the preferred tenure split of the affordable housing is 65% social rent (affordable rent would also be acceptable on this site), 35% intermediate tenure, this tenure split was identified as part of the Strategic Housing Market Assessment (SHMA) 2010 and the SHMA Update 2013.

As the proposals for both the general needs dwellings and over 55's dwellings contain more than 15 units there is a requirement for affordable housing on both.

Most of the site is actually located in Haslington Parish with some located in Alsager. The SHMA Update 2013 identified the following: -

For Alsager a net requirement for 54 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 38 x 2 beds
- 15 x 3 beds
- 2 x 4+ beds
- 5 x 1 bed older persons dwellings.

(The SHMA identified an over-supply of 6 x1 bed dwellings and resulting in the net requirement for 54 affordable homes)

For Haslington and Englesea a net requirement for 44 new affordable homes each year between 2013/14 – 2017/18, made up of a need for:

- 1 x 1 bed
- 11 x 2 beds
- 19 x 3 beds
- 10 x 4+ beds
- 1 x 1 bed older persons dwellings
- 1 x 2 bed older persons dwellings

There are currently 297 active applicants on the waiting list with Cheshire Homechoice that have either one of the Alsager rehousing areas or Haslington as their first choice these applicants have stated they require 121 x 1 bed, 103 x 2 bed, 53 x 3 bed & 13 x 4 bed properties (7 applicants did state how many bedrooms they needed).

The affordable housing requirements for this site are 30% of the general needs dwellings and 30% of the extra care dwellings, based on the numbers on the application this would equate to a requirement for up to 300 general needs dwellings, up to 195 of which should be social or affordable rent & up to 105 intermediate tenure and a requirement for up to 36 affordable extra care dwellings, up to 23 should be social or affordable rent & up to 13 intermediate tenure.

The applicant has indicated that there will be affordable housing to meet various needs as per 7.19.2 of the Supporting Planning Statement. Also, in section 5 of the Design and Access Statement it states that the following: -

*“The proposals are for a circa 1000 unit residential scheme comprising of a mixture of 3 to 5 bedroom mews and detached properties including affordable housing, with associated vehicular access, amenity and parking.”*

Housing Officers would like to see a much broader mix of affordable dwellings provided as this is such a large site. This would include flats, houses and bungalows and 1, 2, 3 and 4 bed properties. These requirements could be secured through the Section 106 Agreement.

The IPS 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.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards, particularly in respect of ventilation and the conservation of fuel and power.



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.*

Finally, the Affordable Housing IPS states that 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.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS, as set out above can be secured at reserved matters stage through the Section 106 Agreement.

### **Contaminated land**

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that:

- *The subject site comprises a working open pit peat quarry with additional extraction and processing of sand and gravel. Processing of recycled artificially hard material/inert material is also occurring in the south of the site. It is anticipated that any on-site sources of contamination would be low and limited to localised diesel spillages adjacent to tanks.*
- *Historical maps indicate that the site was undeveloped until the development of the open pit peat quarry circa 1970's. The quarry was extended over the site area during the intervening years. Sources of contamination associated with the quarry operations include localised spillages of diesel and dust generated by the on-site processing however, it is anticipated that these sources would be minimal and localised presenting a low risk.*
- *On-site Sources of contamination*
  - *Methane gas generated by the underlying natural peat deposits;*
  - *Storage of diesel within three ASTs*
  - *Localised spillages of fuel from on-site plant, and;*
  - *The processing of site won sand, gravel and peat.*
- *It is anticipated that the above source will be localised.*
- *Off-site Sources*
  - *No significant off site sources of contamination identified.*
- *Significant sources of contamination are not considered likely to be present, with the main quarry plant located in the south, residual peat located in the northwest and the*

*remainder of the site predominantly underlain by thin Made Ground over natural strata of Sand and Clay. In the absence of significant site wide sources of contamination, plausible contaminant pathway – receptor linkages may not be present. Detailed assessment will be provided at the detailed planning stage to confirm the initial conceptual site model*

- *A detailed Phase II intrusive Geo-Environmental Ground Investigation will be undertaken at detailed planning stage, in order to confirm the findings of the initial conceptual site model and to design a suitable earthworks programme. The detailed assessment will need to be layout specific.*

The Contaminated Land team has considered the report and commented that the application area has a history of quarry and peat working use and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The submitted Phase I Preliminary Risk Assessment has identified most of the potential contaminant linkages associated with the site.

In addition to the potential contaminant linkages identified in the report, Environmental Health Officer are aware of infilling which has occurred on site. This aspect requires further investigation. In addition, there is a former works on the north of the site which has not been considered within the assessment/

As such, and in accordance with the NPPF, it is recommended that conditions requiring an updated Conceptual Model for the site to be developed and on the basis of this a Phase II investigation to be carried out and the results submitted to, and approved by, the Local Planning Authority (LPA). If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted, and approved and the remediation scheme in the approved Remediation Statement shall then be carried out.

### **Noise Impact**

The initial report submitted with the application detailed inadequate controls and measures to mitigate the traffic noise from the M6 and the B5077. The applicant has now submitted a scheme of acoustic insulation with the application.

Due to the initial results additional monitoring was requested at different points throughout the site in order to be able to establish a true reflection of the noise levels which are occurring across the site. At this stage it has to be taken into consideration that this is an outline application and therefore detailed plans of the site have not been done yet which will be addressed when the application is submitted in full.

The site as an entirety would be required to meet the good standard of BS 8233 for living rooms and bedrooms which will potentially be achievable through glazing and mechanical ventilation where required. However the key concern was the requirement of the WHO guidelines which require “*outdoor noise levels of less than 55dB(A) Leq, 16hr are desirable to prevent any significant community annoyance*”.

Taking this into consideration, based on the initial report, the site was unable to achieve this level at a number of locations throughout the site. Therefore the developer commissioned

another report reference 90445r0 which includes and details the mitigation provided by a barrier along parts of the north boundary and that of the western boundary. This acoustic barrier will provide a reduction in traffic noise across the site meaning that upgraded glazing will only be required in some areas of the site and not all. The barrier combined with additional mitigation measures through site design layout, glazing and ventilation the site has the potential to meet the WHO and BS8233.

Conditions are therefore recommended requiring a detailed proposed layout to be submitted and approved by the local planning authority. The detailed layout must include the acoustic barrier and detail proposed mitigation measures for the properties throughout the entirety of the site in order to achieve the 'good' standard of BS8233 and 55dB(A) Leq 16hr for habitable gardens.

### **Air Quality**

The air quality assessment submitted with the application includes a consideration of construction dust and generated road traffic impacts. Controls for the former should be by condition of a construction environmental management plan to ensure that best practices and are upheld.

An air quality computer model has been used to assess the impacts of the traffic generation and the expected ambient air quality concentrations at proposed residential units on the development site.

The model predicts that a north western section of the site could be exposed to concentrations above the national nitrogen dioxide health based standard primarily due to emissions from the M6 motorway. The model has been verified to 2 monitoring sites, 1 being close to the west carriageway of the M6 and the other being further away on the eastern side.

Table All.5 suggests that a robust verification has been carried out. Environmental Health Officers disagree with the calculated monitoring roadside NO<sub>x</sub> concentration at location CE234 – this should be 41.7 µg/m<sup>3</sup>. Whilst this still indicates that the model may be overestimating, it is not as robust as suggested in the report.

Uncertainties also exist in that only 1 roadside monitoring location could be used for verification and this was on the opposite side to the proposed development. Only 1 year of meteorological data has been modelled and there may be some variation (typically 10%) in annual mean concentrations over different years. Also, it is possible that future traffic growths may be underestimated due to further planned developments and road schemes not considered in the transport assessment.

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

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions.

However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

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

Therefore, given the above and the proximity of the proposal to the high nitrogen dioxide levels adjacent to the M6 it is considered that conditions relating to the layout and mitigation measures should be attached to any planning permission.

### **Drainage and Flooding**

The applicant submitted, a detailed Flood Risk Assessment (FRA) with the application. The findings of the report can be summarised as follows:

- *A small part of the Site falls within the Environment Agency Flood Zones 2 and 3 as a result of fluvial flooding from Valley Brook. Water level for the 1% and 0.1% AEP fluvial events have been provided by the Environment Agency. The Environment Agency has confirmed that the Flood Zone 2 levels should be used to represent the 1% AEP plus climate change;*
- *Development is proposed in Flood Zone 1 and 2 only, therefore the development is not at risk from the 1% AEP event;*
- *Hydraulic modelling calculations were undertaken to quantify the hydraulic capacity of the floodplain between Valley Brook and the raised bank along the road. This has demonstrated that the Site is extremely unlikely to flood from a 0.1% AEP fluvial flood event. However as a further precautionary measure housing in Flood Zone 2 will have a finished floor level of no less than 78.95 mAOD;*
- *A raised bank with a crest level of 79.0m AOD is proposed to prevent flood water reaching the Site in the highly unlikely event of a 0.1% AEP event along Valley Brook overtopping the Crewe Road;*
- *The site is underlain by a mixture of sand and gravel and sandy gravelly clay. An outline drainage strategy has been put forward that demonstrates the feasibility of draining the site based on a combination of infiltration and attenuation;*
- *Surface water in the permeable areas will be discharged via soakaways and to an area of low lying land in the Public Open Space within the permeable zone to the east of the Site which will act as a large swale/soakaway. The actual area that is suitable for infiltration will need to be determined at detail design stage once the final extent of permeable material has been established;*
- *Surface water runoff from the less permeable areas on site will be attenuated to greenfield runoff rates.*
- *The water will be attenuated for the 1% AEP plus climate change event and discharged via pumping to an existing outfall into Valley Brook;*
- *The impact of the discharge on Valley Brook is considered not to be significant provided that the outfall structure is carefully designed to prevent erosion of the watercourse;*
- *A discharge permit under the Environmental Permitting Regulations (2010) will be required from the Environment Agency to discharge into the Valley Brook;*

- *There is a minor risk of surface water run on to the Site from Close Lane and Nursery Road to the east and northeast of the Site; this will need to be taken into account in the final drainage design;*
- *There is a moderate risk of groundwater flooding in some areas; therefore the FFLs will be set no less than 1.2m above the maximum recorded groundwater levels.*

*Provided the various drainage and other mitigation measures set out above are adopted, it is concluded that:*

- *The Site is not at risk of flooding from events up to and including the 0.1% AEP fluvial event;*
- *The Site and the surrounding area is not at risk of surface water runoff flooding or groundwater flooding up to and including the 1 %AEP plus climate change pluvial event;*
- *The site is not at risk from other sources of flooding.*

The Environment Agency objected on the grounds that the submitted FRA did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF). The submitted FRA did not therefore, provide a suitable basis for an assessment to be made of the flood risks to and arising from the proposed development. In particular, the submitted FRA failed to adequately demonstrate how surface water from the site is to be managed post development.

The FRA suggested that surface water is to be disposed of via a combination of infiltration and discharge to watercourse post development, which is acceptable in principle. The FRA however did not include an assessment of the surface water drainage arrangements for the existing site. This is required in order to inform the post development drainage strategy and allowable runoff rates. The existing surface water drainage catchment areas should have been considered and it should have been demonstrated that surface water runoff rates to Valley Brook would not exceed existing rates.

If a single surface water discharge rate is proposed for the new development, this is to be the mean annual runoff (Qbar). Attenuation will be required above this rate up to the 1% (1 in 100 years) event, including allowances for climate change. The findings of the above may well affect land take requirements for surface water drainage and in turn the proposed site layout.

The developer responded by submitting a revised FRA which provides further assessment on Catchments, Drainage, and limiting criteria, takes on Board , to address all the EA concerns.

The Environment Agency are now happy with the revised Flood Risk Assessment submitted by ARJ Associates and as such their previous objection on flood risk grounds can now be removed subject to planning conditions being attached to any approval. United Utilities and have considered the report and also raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

## Layout and Design

The Council's Principal Conservation and Design Officer has been consulted on the proposals and raised a number of concerns. They are as follows:

- The level of detail within the Design and Access Statement (DAS) and to an extent the Urban Design and Landscape framework are inadequate to ensure a high quality of design. For a scheme of this size, more detail should have been provided from the outset to establish the cues and parameters to delivering design quality. As a site likely to be identified as being of strategic importance this should set a high standard in terms of design process. This is not evident in the information provided. Also for a development of this size, the production of a Masterplan and design code would have been a reasonable expectation.
- There is concern, based on the level of information submitted, about accommodating the number of units proposed, given absence of testing layout or sample areas or an illustrative masterplan (that is sufficiently detailed enough to determine whether this type of layout works in practical terms). Getting the number wrong will place significant pressure on achieving design quality and will lead to pressure for a higher concentration of apartments in a scheme where housing should predominate.
- The Principal Conservation and Design Officer is also concerned by the strength of the design vision. This is a big site and a lack of a clear and strong vision will undermine the potential to create a distinctive sense of place. This increases the risk of a generic, housing estate being created surrounded by green areas. The site is characterised by wetland character, with a number of water bodies. This could and should have been a much stronger design driver for the development, helping to create a development with a strong landscape/ecological character where this fosters a distinctive sense of place, unique to White Moss. Such an approach could have led to an exciting, distinctive development
- The mixed use elements on the Crewe Road frontage are a positive and essential ingredient and need to be of a high design quality to create a positive frontage to the scheme. Introducing an element of residential on upper storeys of some units would also enrich the mix and provide additional vitality and surveillance and potentially better quality gateway buildings to the west of the access into the site
- The pylon corridor creates a swathe of land that backs onto open land in the north eastern part of the site. This is a potentially poor arrangement given the depth of blocks and is likely to be interpreted by developers as a licence for housing backing onto rather than addressing the open land to the north east. Fences against hedges and open land is usually not a successful solution in design terms, creating a potentially hard and exposed edge. It would be preferable for the housing to stop to the west of the pylon corridor where an outward looking edge to the site could be achieved. It would also mean that a more genuine country park feel could be achieved
- The bulk of the development sits within a mass of development blocks with little planned open space or public realm indicated, although this is inferred in the text within the block and street design of the DAS. A more detailed illustrative masterplan would have indicated how this would be accommodated. Again the information submitted could be interpreted by developers as a framework to create a very uniform and bland layout based on the blocks as indicated. This could contribute to making the scheme pretty anonymous and illegible and places a lot of emphasis on building design to create legibility (which most volume developers are poor at delivering). Whilst the north western

part of the site gravitates toward the focus of the lake, the central portion has no features of significance and could appear very uniform and bland. All the open space seems peripheral and dare I say is there because of constraints as opposed to being driven by a more holistic approach to place making.

- There is no parameter plan as part of the application. If the indicative site layout to be interpreted as this he has some concerns given the other comments above.
- If a 1000 units is permitted at outline, most developers will seek to secure 1000 units, irrespective of the impacts on density and character. Consequently, given all of these factors the Design Officer would very strongly advocate that a design code and masterplan be a minimum requirement and that the housing numbers should genuinely be led by the expectation to secure design excellence and high quality place making. Therefore a range should be specified not just the upper number and I think 1000 units could be overly optimistic when it comes to a true masterplanning of the site. He would also suggest therefore a condition in respect Masterplanning and Coding. It should also be expressly stated that the Indicative Site Layout shall not be used as the basis for the masterplan, in order that the masterplanning is unfettered, given the issues and concerns relating to the layout as submitted.

These matters have been raised with the developer and a response was awaited at the time of report preparation.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters but based on the submitted masterplan, and taking into account the relatively small number of properties bounding onto the site it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Trees**

An Arboricultural Implications Assessment has been submitted which concludes that :

- *The majority of mature trees on site are largely English Oak (Quercus robur) and sit in hedgerows in field boundaries around the perimeter of the site. The vigour and quality of these trees is in this instance primarily dictated by the proximity of their roots to the watertable, which is generally relatively higher in the south west than it is in the north east.*

- *Other trees on site include small pockets of woodland, such as the line of early mature oak woodland adjacent to the site entrance and birch woodland over relict peat in the south-west and north-west corners of the site.*
- *There are small pockets of ornamental trees and Lawson cypress hedgerow, associated with the cottage to the north of the site and entrance to the quarry on the southern boundary.*
- *A key element in the longevity of the existing trees and establishment of any new planting on site will be the control and management of the watertable in addition to the provision of suitable soils in an area that is currently largely devoid of soils over the vast majority of the application area.*
- *A number of trees, including veterans or those with veteran features, have been identified for further investigation into their stability, particularly in relation to condition of roots in the high-water table observed.*

It goes on to recommend that:

- *A number of veteran trees and trees with veteran features, particularly those sitting on or adjacent to the relict areas of peat, will require detailed study to establish their structural integrity and likely longevity.*
- *Careful consideration will have to be given to the impact on trees, particularly the more mature specimens, of any changes to the hydrology of the site. Movement of the water table up or down is likely to significantly impact these trees.*
- *As many of the trees are tall, mature oaks with substantial quantities of dead wood in the canopy, the landscape layout will have to be amended to either avoid risks to the public from falling timber, or detailed arboricultural prescriptions produced to minimise risks following tree surgery, where necessary; this concern should be addressed in a detailed Arboricultural Method Statement and Management Plan.*
- *The small areas of woodland on site generally have very poor structure. Where these are to be retained, consideration will have to be given to the extent, control and nature of public access, to avoid exacerbating this feature and to the long-term management and planting, where appropriate, of wooded areas to maximise biodiversity.*
- *The trees and hedgerows on site represent significant green corridors for the movement and feeding of wildlife. Measures, including additional planting to gap-up and add in additional trees and shrubs should be put in place to maintain and enhance these valuable links within a coherent management plan for the site's greenspaces.*

The Council's tree officer was considering the survey at the time of report preparation and a further update will be provided to Members on this matter in due course.

## **Hedgerows**

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. The criteria cover the ecological, historical and archaeological significance of the hedgerow.



Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

An assessment under the Hedgerow Regulations does not appear to have been submitted with the application. This has been brought to the attention of the developer and a further update will be provided to members on this matter.

### **Countryside and Landscape Impact**

As part of this outline application a Landscape and Visual Impact Assessment has been submitted. This has been undertaken using the Third Edition (2013) Guidelines for Landscape and Visual Impact Assessment.

The LVIA indicates that the scope of the assessment has been based on the existing landscape resource, and that this has been the basis for predicting how the fabric, character and quality of the landscape may be affected (9.2.1). The potential impacts are then assessed from the existing baseline landscape and mitigation and compensation measure proposed to reduce any adverse effects. The conclusion of the LVIA then summarises the impacts and acceptability of the proposed development within its landscape setting.

The assessment identifies the National Character Area – Shropshire, Cheshire and Staffordshire Plain (NCA 61) as well as the Local character, in this case as identified in the Cheshire Landscape Character Assessment 2009 as Landscape Character Type 12: Mosslands, and within this type as M3: Oakhanger Moss Character Area. As the assessment indicates, White Moss does not readily accord with the LCA description of this character area since it has been a peat and sand extraction site for a number of years(9.13.3).

As part of the Assessment Overview it is noted that the assessment has been based on ‘an assessment of the potential changes and effects upon the existing fabric and landscape character’, and ‘an assessment of the potential changes and effects on key views and the visual amenity of the locality’(9.9). As such the internal character of the site, as described in Para 9.14.2 is accurate in that the internal character is one that has a number of artificial lakes and engineered tracts of land, with peripheral boundary vegetation and a green wedge of land that separates the site from the western urban edge of Alsager.

Unfortunately the Landscape and Visual Impact assessment should not have been based on the existing fabric and landscape character, a baseline that has been changed by the sand and peat extraction that has been taking place over a number of years. Rather, the LVIA should have been undertaken on the basis of the permitted restoration plan for the site. Appendix 2 of the NPPF makes it very clear that ‘land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control process should not be considered as ‘previously developed land’.

This is an outline application and so any mitigation can only be seen as illustrative, but the proposals do identify that the wet woodland along the western boundary is a valuable habitat and that there are opportunities to improve it, and that this should be left undisturbed but that it should also be managed as wet woodland. The assessment also correctly identifies the visual screening that these trees currently provide to the nearby M6 motorway. The assessment also identifies the retention of the hedgerow along the eastern boundary, as well as proposed restoration for an area to the north of the site, to reflect the traditional peatland landscape. However, the already permitted restoration proposals for White Moss Quarry would provide more extensive and wider ranging and valuable landscape and ecological enhancements across the whole of the application area, rather than just around the margins of the site, and as such a landscape that would have fundamentally changed the baseline landscape upon which the LVIA should have been based. Consequently the Council's Landscape Officer is of the view that the true significance of effect on landscape character and fabric would be much greater than the assessment identifies.

Although the underlying methodology used to undertake the assessment is correct, the premise of the assessment is based on a misinterpretation of the NPPF. However, if assessed on its current condition the Council's Landscape Officer would agree that the effects on the physical fabric of the site at the operational stage (9.18), that the receptor sensitivity would be low, that the nature of effects (magnitude of change) would be high and that the resulting significance of change would therefore be slight to moderate. With reference to the effects on the landscape setting of the site at the operational stage, the Council's Landscape Officer would broadly agree with these, but only if the site is assessed on its current condition, rather than the permitted restoration condition. This would also apply to the assessment of the National Character Area and Local landscape Context as well.

The Visual assessment has also been based on the current condition of the site, while the Council's Landscape Officer would agree that the viewpoints chosen are fairly representative, he does feel that the sensitivity of a number of the receptors has been underestimated. He also feels that the magnitude of change has also been underestimated for a number of receptors and consequently that the significance would in reality be greater than shown for the site, even in its current condition.

This has been brought to the attention of the developer and an addendum to the LVIA has been submitted. This was under consideration by the Council's Landscape Officer at the time of report preparation and a further update on this matter will be provided to Members.

## **Education**

The Council's Education Officer has examined the application and concluded that a development of 1000 dwellings will generate 180 primary aged pupils and 130 secondary.

A contribution will be required for every primary aged pupil generated by the development as the local schools are forecast to be oversubscribed. This would equate to the sum of **£1,952,332**. As the proposal involves 1,000 dwellings education have also requested that a site be provided for a new school where they have the option to build a new school, but will hand the site back to the developer in the future in the event that the local schools can be expanded. This can be secured through the Section 106 Agreement.

## **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. Based on 1000 dwellings, this equates to 15,000sqm of shared recreational open space and 20,000sqm of shared children's play space which is a total of 35,000sqm of open space.

Utilising the formula in the Congleton Borough supplementary planning guidance, based on 1000 dwellings with an average occupancy of 2.4 persons per dwelling the Amenity Greenspace requirement would be 24,000m<sup>2</sup>. 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. Therefore, it is considered that a total provision of 35,000sqm would meet the requirements of both the adopted Crewe and Nantwich and Congleton Borough planning policies.

In terms of the nature of provision, the Greenspaces Officer has commented that amenity greenspace should be recreational space in and around housing areas which should be 'usable' eg as an informal kick about area. The proposed linear Country Park area in the area underneath the powerlines would need to meet these requirements

Childrens playspace should comprise a large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children.

The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.

The final layout and choice of play equipment should 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.

This can be secured through the Section 106 Agreement, along with a residents management company to ensure the long term maintenance of the Open Space.

## **Ecology**

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

In this case specific advice has been sought from the Council's Ecologist has commented as follows:

### Background

This site holds an extant planning consent for the extract of sand and peat with final restoration to a large water body with an extensive network of Islands. It is advised that the restoration of this site in accordance with the current permission is likely to have significant benefits for biodiversity that would be lost if the current application was granted consent.

The current proposals have the potential to both negative and positive impacts on biodiversity. In order for the ecological benefits and dis-benefits of the current application to be assessed and contrasted with the benefits of the consented scheme a number of issues

need to be considered. The Council's Ecologist has provided detailed comments on each of these in turn.

### Designated Sites

#### Oakhanger Moss SSSI/Ramsar

The submitted ES states that no effects are anticipated upon the various designated sites within 2.5km of the proposed development. As Oakhanger Moss is designated as a SSSI and Ramsar site the Council's Ecologist advises that Natural England should be consulted to provide guidance upon the potential effects of the proposed development upon the features for which the SSSI and Ramsar were designated.

This has been carried out and based on a revised consultation response, NE still have a concern relating to the hydrological impacts of the proposed development upon the features for which the SSSI and Ramsar were designated.

#### White Moss Site of Biological Importance/Local Wildlife Sites

Two areas within the quarry have been designated as Site of Biological Importance (SBI) since 1995. The principal reason for the designation of the SBI was the presence of a Lowland Raised Mire (Bog) with associated woodland, open water, scrub and bare peat habitats.

As the site currently benefits from a planning consent to extract peat and sand the volume of peat remaining on site has been reduced significantly since the SBI was designated.

The Council's Ecologist advises that degraded raised bogs still capable of natural regeneration (which can include areas of bare peat) are listed as Annex One Habitats of the Habitats Directive and so potentially could be designated as Special Areas of conservation under the European Habitats Directive.

The applicants are proposing the protection and subsequent "reconstruction" of lowland bog hydrology (paragraph 8.6.7 of the ES) as part of the proposed development.

Additional information has been provided on the restoration of bog habitats (report reference SE562/A/01/DH). The details of the proposed bog restoration are included with this report on drawing SE 487-12.

Two versions of SE487-12 however been provided one dated 15/01/2014 is included with the document named 'SE562 02 response to James Baggaley' and a second version dated 17/12/2013 has been provided with the document named 'SE562 White Moss Quarry, Raised Bog Restoration Dec 19<sup>th</sup>'. The January 2014 version of this plan shows an increased area of retained/restored bog habitat in comparison with the December 2013 version. However the December 2013 better reflects the indicative layout plan dated 19/9/2013 consequently the Council's Ecologist has made further comments based on this version of the plan.

He advises that drawing SE 487-12 9 dated 17/12/2013 does not maximise the potential retention/enhancement of the identified remaining peat resource.

An area of 0.56ha of birch woodland (which is restorable peat) towards the south is shown as being retained as woodland rather than restored to bog habitats. Additionally, a second area of 0.07ha would be similarly retained as woodland. These two areas are fragmented from the area of restored peat by an access road located on a raised bank. He advises that the construction phase of this access road is likely to lead to a significant detrimental impact on the area of retained/restored peat located immediately adjacent to it.

The indicative layout drawing SE 487-05 (dated 19/9/2013) shows the areas of existing peat identified as being retained as woodland on drawing SE487-12 being proposed for housing. Consequently, not only would these two areas of peat not be subject to restoration they would in fact be lost as part of the development of the site.

It is advised that in order to maximise the ecological benefits of the proposed development the access road should be relocated away from the restored area of peat and all of the remaining peat resource should be proposed for restoration as part of the development. This may require the introduction a separate 'peat cell' around the southern block of 'birch woodland over peat'. The applicant must submit a revised indicative layout plan and a revised version of drawing SE487-12 to reflect this.

Yew Tree Farm, Moss End Site of Biological Importance/Local Wildlife Site, Bibby's Moss Site of Biological Importance/Local Wildlife Site and Cranberry Moss Local Nature Reserve

These three designated sites are located in close proximity to the proposed development site. The submitted ES states that Yew Tree Farm and Cranberry Moss would not be adversely affected by the proposed development as they occur outside the identified hydrological envelope of the scheme.

The applicant's consultant has made reference to correspondence between the Mineral Planning Group and Natural England which I have not been party to. The Council's Ecologist advises that the applicant should provide additional information to the LPA to confirm the hydrological relationship of the development site and these adjacent sites.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based on the submitted illustrative layout it appears likely that there would be a loss of existing hedgerow to the proposed development.

If outline consent is granted it is recommended that appropriate replacement hedgerow planting be incorporated into any detailed landscaping scheme for the site to compensate for that lost.

### Ponds

Ponds are a Biodiversity Action Plan priority habitat and hence a material consideration. The proposed development would result in the loss of a number of waterbodies. No additional ponds are indicated on the submitted illustrative master plan and only the retention of the existing pond in the restored part of the quarry to the north is shown.

It is advised that to compensate for the loss of aquatic habitats on site the applicant amends the submitted illustrative master plan to show the provision of additional purpose designed wildlife ponds within the open space areas.

If planning consent is granted the Council's ecologist recommends that a condition be attached requiring any reserved matters application to be supported by proposals for the incorporation of wildlife ponds into the proposed development these should be separate to and additional to any wetlands required as part of the SUDS scheme for the site.

### Protected Species

#### *Great Crested Newts*

A great crested newt survey has been undertaken of a number of water bodies both within and adjacent to the proposed development site. No evidence of great crested newts was recorded. The Council's ecologist advises that this species is not reasonable likely to be present or affected by the proposed development.

#### *Reptiles*

A reptile survey has been undertaken on site. Only five survey visits were undertaken as part of the survey which includes an initial site inspection. Best practice guidance suggests a minimum of seven visits be undertaken.

The applicant's consultant has confirmed that the reptile survey of the site was constrained by poor weather conditions.

Grass snakes are known to be present in notable numbers around the Alsager area. In addition we are now coming into the optimal survey season for reptiles. It is therefore recommended that the applicant undertakes a further two survey rounds of the site to bring the level of survey effort up to that specified by stand best practice guidelines.

#### *Breeding Birds*

A breeding bird survey has been undertaken to inform the ES. Only two survey visits were undertaken. A number of birds were recorded on site including those which are Biodiversity Action Priority species. Regular breeding by the three most notable bird species would be sufficient for the site to be designated as a Local Wildlife Site for breeding birds.

#### *Willow tit*

This red listed species was also identified as probably breeding on site. Paragraph 8.5.33 of the ES states it this species was recorded breeding in two distinct areas of the site. A revised plan has now been provided (reference SE 487-04 A) which shows the two locations of willow tit activity. The applicant has provided outline mitigation proposals for this species. The Council's ecologist recommends that if planning consent is granted a condition be attached requiring the submission of a willow tit mitigation method statement to be submitted in support of any future planning application. This would ensure that the areas of habitat suitable for this species would be retained or compensated for as part of the proposed development.

### *Overall ornithological value*

Based on the ornithological survey information submitted by the applicant it is likely that the site would qualify as a Local Wildlife Site for its ornithological Value. It should be noted however that much of the site provides little habitat for birds and notable bird activity is likely to be limited to the wetlands/pond habitats on site and the scrub, woodland habitats around the site boundaries. These areas should be retained as part of any development proposals.

### *Bats*

Three mature oak trees identified as having bat roost potential. It appears likely that one of these trees may be lost to facilitate the northern site entrance. It is recommended that the illustrative master plan be amended to show the retention of all of these three trees. If planning consent is granted it is also recommended that a condition be attached that these three trees be retained as part of any future development.

A minor bat roost has been recorded at Moss Cottage in the north of the site. It appears that this building would be retained as part of the proposed development and so there are unlikely to be any significant direct impacts upon the roost. The illustrative master plan however shows development proposed in the immediate vicinity of the Cottage and I advise that this may result in the desertion of the roost due to the loss of commuting habitat and the adverse influence of additional lighting and road traffic. To safeguard the roost an additional area of open space/habitat retention should be proposed within this part of the site and the submitted illustrative masterplan should be amended to show this.

### *Badgers*

Two badger setts have been recorded on site. A Main sett and an outlier. Based upon the submitted master plan the development seems likely to require the closure of the outlier sett but the applicant is proposing to retain the main sett. Outline mitigation proposals for badgers have been provided and any sett closure would be undertaken under license from Natural England.

It is advised that if outline planning consent is granted a condition would be required to ensure any future reserved matters application is supported by a detailed badger survey and detailed mitigation proposals.

### Summary

In summary, whilst there are no objections to the proposal in principle from the Councils ecologist, there remain a number of matters requiring attention from the developer. These have been brought to the attention of his agent and a further update will be provided to Members in due course.

### **Impact on Public Right of Way**

Public footpaths Haslington 37 and 49 cross the site and are well used rural leisure routes. The public rights of way team have considered the application and have commented that the the



development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes in accordance with the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

Accordingly, they have raised no objection to the proposal subject to maintenance the paths on their current alignment, (unless unless legal diversion orders are undertaken), protection of the rights of way and their users during construction, approval of details of surfacing, furniture, width and road crossings.

The legal status and maintenance arrangements for the new routes within the site will also need to be defined. However, this can all be secured through the Section 106 Agreement and conditions.

### **Archaeology**

The Shared Services Archaeologist has commented that the majority of peat deposits have been removed at the site, although some in peripheral areas may remain intact. In addition the proposal will affect a section of ancient parish boundary. Therefore, whilst he raises no objection to the scheme, conditions are recommended requiring submission, approval and implementation of a programme of archaeological mitigation.

### **Impact on Radway Green**

Although a response was awaited from the HSE at the time of report preparation, an examination of the Safeguarding Map for the site reveals that no part of the development site lies within the inner (Band 2) consultation zone of the nearby licensed explosives facility. This is the zone, where no development should take place, as the HSE have advised that this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

However, the south eastern corner of the site is located within the outer (Band 3) consultation zone of the licensed explosives facility. Within this area development should be no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a “vulnerable” nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey ‘curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

The scheme in question is predominantly proposed as residential. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey, brick built, detached, semi-detached and terraced housing. It is therefore likely to comply with the requirements of the HSE.

Although the proposal does involve a childrens day care centre, doctors surgery and some commercial development, which could involve “vulnerable” uses or construction techniques, the site is large enough that these could be located outside the smaller area within Band 3.

Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties within the Band 3 area on the Safeguarding Map to be of traditional brick construction and no more than 12m in height.

### **Impact on Level Crossing**

The application site is in close proximity to the Radway Green level crossing, and will result in a significant increase in the road traffic using it. Network Rail have placed a holding objection on the application, but have so far failed to provide either a sustainable reason for refusal or a recommended means of mitigating the impact. Officer's were continuing to pursue this matter with Network Rail at the time of report preparation and a further update will be provided in due course.

### **Impact on Health Care**

The proposal will result in a significant additional burden on local primary care provisions. Comments from NHS England were awaited at the time of report preparation. However, therefore it is likely that a contribution will be required through the Section 106 Agreement towards these facilities

### **Highway Safety and Traffic Generation.**

The Transport Chapter of the Environmental Impact Assessment concludes that:

- *The acceptability of the proposed development has been examined in terms of traffic impact on the adjacent highway network, sustainability and transport planning policy requirements.*
- *The impact of the traffic arising from the scheme has been tested in detail at the key locations agreed with CEC and the HA. The assessments show that a number of the junctions either have sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*
- *Where the proposed development was found to have a material impact on the operation of the junctions appropriate mitigation measures have been identified. The proposed improvements have been assessed and result in the junctions operating better than it would if the proposed development and associated improvements did not take place.*
- *There is a realistic choice of modes of transport to and from the site. Having regard to the analysis presented in this report it is concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

The Strategic Highways Manager has examined the application and commented that with regard to access it is proposed to remove the existing signalised junction at the B5077 Crewe Road/ Radway Green and replace it with a much larger roundabout with a new arm serving the site. A new secondary access is to be provided approximately 200m west of the new roundabout. As part of the proposal it is intended that Close Lane be diverted through the site from south of Valley Close and exits through onto the new roundabout access.

The key highway issues to consider in relation to the application are;

- § The cumulative traffic impact of the development in Alsager
- § The traffic impact on the wider road network
- § The traffic impact on the motorway network
- § Impact on the railway level crossing on Radway Green
- § The access strategy of the site.

The existing use of the site is a quarry that has consent up to 2028, it also has an existing garden centre on the site and therefore there is an existing traffic generation from the site to be taken into account. The current access to the site is from the B5077 Butterson Lane and there are a number of public rights of way that run through the site.

Discussions regarding the scope of impact of the development had taken place pre-application with both CEC and the HA, a number of junctions were to be assessed as regards to capacity to support the planning application. The junctions assessed are as follows;

- § B5077 Crewe Road/ B5078 Radway Green Road proposed access junction
- § Level crossing on Radway Green
- § B5077 Crewe Road/ Sandbach Road signal junction
- § A5011 Linley Lane /B5077 Crewe Road signal junction
- § Sydney Road railway bridge
- § A500 / A5020 / A531 Roundabout
- § Junction 16 of the M6

To assess the impact on the motorway network and especially at junction 16 of the M6 it was agreed that the HA Vissim micro-simulation model would be used to assess the development impact on the M6 and junction 16. The model was extended to cover Radway Green and the new proposed site access.

The model outputs from the Vissim model do not indicate that the motorway junction 16 and the slip roads will be materially affected by the development and therefore the Highways Agency have issued a TR110 not objecting to the application. However, even though the motorway network is not materially affected there is a impact on CEC network on Radway Green, this will be discussed later.

#### Proposed Access Arrangements

Considering the proposed access arrangements for the development, the new primary access to the site is a large roundabout, the design and capacity of the roundabout has been assessed and is acceptable as a suitable access to the site. In addition, there are no concerns regarding the secondary access to the site which is a ghost island right turn priority junction.

It has been proposed that Close Lane be closed south of Valley Close and diverted through the site, this proposal is not acceptable to CEC and the link would have to be removed in any reserved matters application should approval to the application be given.

The internal road layout of the site is indicative and therefore I have made no detailed comments on this masterplan and the car parking arrangements, this would be dealt with in a reserved matters application.

#### Traffic Assessment Factors

A number of factors have been agreed between both CEC, HA and the applicant in pre-application discussions and these relate to the proposed opening year of the development 2015 and future year 2035. The trip generation rates for the various use classes proposed within the development were also agreed and the method of distribution of trips onto the road network. During the scoping discussions the committed developments to be considered having approval at the time were also agreed. However, the scoping discussions on this application occurred some time ago and there has been a significant change in the number of planning approvals especially in Alsager in the intervening period. The amount of developments coming forward in Alsager has greatly increased traffic levels and is of concern and CEC have commissioned its own study on the impact of developments in Alsager.

#### ***Highway Impact***

As previously described the applicant has assessed a number of junctions on the road network.

#### ***Site Access and Radway Green Level Crossing***

The proposed new access roundabout as a stand alone junction is predicted to work within capacity although there is an interaction with the Radway Green Level Crossing that is of concern, the development will increase the queue lengths on both approaches to the level crossing both in the morning peak and evening peak. Although I note discussions have taken place with Network Rail it is not apparent that any future increase in rail traffic causing the barriers to close has been tested. There is predicted to be greater usage of the line in the future and this will lead to longer delays on Radway Green.

#### ***M6 Junction 16***

The Highways Agency have assessed this application in relation to its network and not raised objection to the development, although they are not concerned about the operation of CEC network and in particular the give way priority junction of Radway Green Road with circulatory carriageway of the roundabout. Vehicles have difficulty exiting into the traffic flow at this junction and it is predicted that the queues will increase significantly in the model and is not considered acceptable.

***A500 / A5020 / A531 Roundabout  
Sydney Road railway bridge  
B5077 Butterson Road***

The junction of the A500/A5020/ A531 roundabout and Sydney Road railway bridge is some distance from the site and the impact of the development on these junctions is reduced to a low percentage and it is accepted that the development would not have a material impact on these junctions. In addition, the increased flow on Butterson Road can be accommodated within its link capacity and there are potential safety mitigation measures that the applicant has agreed to fund on this route.

***Crewe Green Roundabout***

It is the view of the applicant that the development impact of 2.6% will not have an impact on the operation of the junction although they have not undertaken any capacity assessments. The Crewe Green roundabout is a key node junction in Crewe and has been assessed by CEC and operates significantly over capacity in the peak hours and the introduction of a further 90 – 95 vehicles in the peak hours will only increase the existing congestion and queues. Therefore, it is not accepted that the development will have a minimal impact at this junction and adds to the traffic impact issues that this development raises.

***Alsager Junctions***

Although the applicant has assessed a number of junctions in Alsager the Council has commissioned its own consultant to undertake a traffic study of all the major junctions in Alsager due to the numerous planning applications the Council have received. The original traffic study was to assess the committed developments and also the sites allocated in the Local Plan, as a result of the White Moss application a further assessment was commissioned for the White Moss application alone.

A total of 13 junctions were assessed in the Do Minimum scenario (no improvements) and this demonstrated that with the White Moss development proposal above that included in the Local Plan that there are capacity concerns at five junctions;

- § Close Lane / Crewe Road
- § Hassall Road / Crewe Road
- § Station Road / Crewe Road / Lawton Road
- § Linley Lane / Crewe Road

The study also considered the 'Do Something' scenario with potential improvements included at the junctions. To demonstrate the impact of the additional 650 units at White Moss over and above the 350 units included for the site in the Local Plan the following junctions capacity results can be seen.

**Sandbach Road / Crewe Road / Lawton Road**

9. Scenario	10. Base	11. Comm	12. LP	13. White Moss
14. Do minimum	15.86.1%	16.100.1%	17.109.4%	18.138.8%
19. Improved Signals	20.73.7%	21.84.5%	22.108.1%	23.117.7%
24. Roundabout	25.0.46	26.0.54	27.0.96	28.1.03

This junction is the most critical junction in Alsager with the additional flows from the White Moss bringing the junction severely over capacity in the peak hour.

**Hassall Road / Crewe Road**

29. Scenario	30. Base	31. Comm	32. LP	33. White Moss
34. Do minimum	35.0.55	36.0.59	37.1.31	38.1.56
39. Signals	40.53.3%	41.58%	42.86.6%	43.102.3%
44. Roundabout	45.0.67	46.0.72	47.1.06	48.1.34
49. Ghost Island	50.0.57	51.0.62	52.1.46	53.1.72

The Hassall Road junction is the second most critical junction in terms of exceeding capacity with full White Moss included.

**Church Road / Station Road / Crewe Road**

54. Scenario	55. Base	56. Comm	57. LP	58. White Moss
59. Do minimum	60.0.52	61.0.58	62.0.87	63.1.07
64. Signals	65.55.6%	66.60.9%	67.77.3%	68.80.3%
69. Roundabout	70.0.85	71.0.94	72.1.09	73.1.58
74. Ghost Islands	75.0.42	76.0.47	77.0.68	78.0.78

With the Local Plan sites the junction would operate close to capacity but over capacity with White Moss in the Do Minimum, improvements would be needed to bring the junction below capacity.

### ***Close Lane / Crewe Road and Linley Lane / Crewe Road Junctions***

The assessments of both of these junction shows that with the full White Moss development the junctions would operate close to capacity but the impact is not severe as the other junctions assessed.

### ***Conclusion***

The Strategic Highways Manager concludes that the proposal, which is for a significantly greater level of development than that envisaged by the emerging local plan, would have a far ranging impact at a number of junctions on the local highway network. There are no concerns regarding the roundabout access, although the diversion of Close lane is not considered to be acceptable. There would be an adverse impact on Radway Green Road, including the level crossing and Junction 16 of the M6 which would not be acceptable. There would also be an unacceptable impact at Crewe Green Roundabout and junctions within Alsager. Accordingly, the proposal fails to comply with the NPPF, due to the severe cumulative impact on the local highway network.

## **79. CONCLUSIONS**

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. Although, the site has been identified within the Local Plan Strategy Submission Version, the number of dwellings proposed as part of this application and the site area significantly exceeds those identified within the emerging plan. Consequently, the proposal fails to comply with both the adopted and emerging local plans and as such there are no material considerations to warrant the setting aside of those policies.

Furthermore, the Strategic Highways Manager has examined the application and raised concerns that, this application is a significant increase in housing numbers over and above that included in the Local Plan for the site. The results of the assessment work CEC have undertaken has shown that potentially the Local Plan allocation can be accommodated along with mitigation measures. The additional large number of units associated with this application causes a number of problems on the road network and cumulatively would lead to a severe impact on the road network and as such he recommends that this application is refused.

A number of concerns have also been expressed, in terms of the level crossing, design, landscape and visual impact, hedgerows and trees and further information has either been requested or has been submitted and is under consideration by relevant officers in respect of these matters and further updates will be provided in due course.

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. However, location is only one aspect of sustainability which also includes the provision of both affordable and market housing, although the Wellington decision indicates that economic benefits cannot be taken into account. Little regard appears to be given to sustainable design, although this could be addressed by condition.

The proposal would result in the loss of a small amount of Grade 2 agricultural land, although the majority of the site is not agricultural or is Grade 3b. Given that the site has been identified in the emerging local plan it is not considered that a refusal on agricultural land quality grounds could be sustained.

The scheme provides a policy compliant level of affordable housing which could be secured through a section 106 Agreement. Contributions can also be sought towards education and health care provision, although the amounts are to be confirmed. The site is large enough to provide sufficient on-site public open space and its provision and future maintenance arrangements can also be secured through the Section 106.

Environmental health officers are satisfied that matters of contaminated land, noise, and air quality can be addressed through conditions, and the Environment Agency and United Utilities have raised no objection on eh grounds of flood risk. Given the size of the site, and the limited number of existing properties bounding on to it, it is considered that adequate separation distances can be achieved between existing and proposed dwellings to ensure an adequate standard of residential amenity is maintained.

The proposal will be acceptable in terms of its impact on public rights of way, potential archeological remains and its relationship with the explosive plant at Radway Green.

However, these matters are insufficient to outweigh the concern regarding the scale of the development and the resulting loss of open countryside and conflict with the adopted and emerging development plans. Accordingly, in the absence of any other material considerations to indicate otherwise, the application is recommended for refusal.

## **80. RECOMMENDATION**

**REFUSE for the following reason:**

- 1. The proposal would be in conflict with the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 as a whole and specifically policy NE2 (Open Countryside). Furthermore, due to its scale, the number of dwellings proposed and the extent of the site area, the proposal also fails to comply with Policy SL5 (White Moss Quarry, Alsager ) and PG5 (Open Countryside) of the Local Plan Strategy Submission Version. The development is therefore not sustainable, the Council can demonstrate a 5 Year Housing Land Supply, the development plan is not absent, silent or out of date and therefore paragraph 14 of the NPPF does not apply in this case.**
- 2. This application is a significant increase in housing numbers over and above that included in the Local Plan Strategy Submission Version for the site. The results of the assessment work CEC have undertaken has shown that potentially the Local Plan allocation can be accommodated along with mitigation measures. The additional large number of units associated with this application causes a number of problems on the road network which cumulatively would lead to a severe impact on the road network and as such the proposal is contrary to Paragraph 32 of the NPPF.**



In the event of an appeal against this decision, RESOLVE to enter into a Section 106 Agreement to secure.

- a. 30% affordable housing with a tenure split 65% rented housing and 35% intermediate affordable housing in line with the Council's Interim Planning Policy on Affordable Housing. The mix of type of affordable dwellings:
    - i. 300 general needs dwellings, up to 195 of which should be social or affordable rent & up to 105 intermediate tenure
    - ii. up to 36 affordable extra care dwellings, up to 23 should be social or affordable rent & up to 13 intermediate tenure.
  - b. affordable units to be tenure blind and pepper potted within the development.
  - c. no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of 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
  - d. Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008
2. Minimum of 35,000sqm of public open space to include:
- a. large equipped children's play area on the public open space. The equipped play area needs to cater for both young and older children - 8 pieces of equipment for young, plus 8 pieces for older children
  - b. The proposal should also provide a Multi Use Games Area marked out to include 1 basketball court and 1 5-a-side football pitch (D's and spots only). The Multi Use Games Area also needs to be floodlit.
  - c. Specification for the above to be as set out in the Greenspaces consultation response
  - d. Private Residents Management Company to maintain all open space on site including amenity greenspace, play space, allotments, incidental open space, footpaths and cycleways.
3. Education Contribution (Amount £1,952,332.) plus site for a new school.
4. Healthcare Contribution (Amount TBC)

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.





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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 10 June 2014  
**Report of:** Adrian Fisher, Head of Strategic & Economic Planning  
**Title:** Withdrawal of Reasons for Refusal

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#### **1.0 Purpose of Report**

- 1.1 To consider a motion referred to Strategic Planning Board by Council meeting of 10 April 2014.
- 1.2 The motion proposed *"In view of the fact that planning officers have withdrawn reasons for refusal, given and voted upon by councillors at planning committees, without the consent of the members, before the matter comes to the relevant appeal hearing, council instructs the director to ensure that any future withdrawals are authorised before they are signed by the relevant planning committee in full session"*
- 1.3 This item was deferred from the SPB meeting of 28 May 2014 for further information on the current wording within the delegation to Officers.

#### **2.0 Decision Required**

- 2.1 To note the report and confirm that SPB and the Northern / Southern Committees continue to review any proposed withdrawal of conditions prior to appeals unless there are exceptional reasons / circumstances which prevent this for which discussion with the Chairman / Ward Councillor would be needed.
- 2.2 To introduce the revised wording for the 'slip rule'.
- 2.3 To notify the Ward Member of any changes to the original decision.

#### **3.0 Background**

- 3.1 Members will be aware that the Council has been subject to a high number of appeals over the last 18 months and that some of those applications subject to appeal have multiple reasons for refusal. Some of these are often considered to be 'technical' reasons which could be overcome by the submission of additional information or further evidence. For example, additional ecology surveys may be submitted before the appeal to overcome an ecological reason.

- 3.2 If such information is submitted and Officers are accepting of such details, then they will normally prepare a report for Committee which outlines the details of the updated information. They will then make a subsequent recommendation which seeks to withdraw a previous reason (or reasons) for refusal thereby negating the need to defend that issue at appeal.
- 3.3 Strategic Planning Board Members will certainly be familiar with this process during the recent plethora of appeals when the above scenario has resulted in a number of reasons being withdrawn leaving the main policy issues to be defended accordingly.
- 3.4 Officers are not aware of any recent circumstances whereby reasons for refusal from a Planning Committee have been unilaterally withdrawn without Member input. There has been the occasional example of a resubmitted application being refused for less or different reasons which may impact on any pending appeal. There may also be circumstances due to the appeal process and the associated timetable where such a decision is not able to be brought before a Committee. This may be a rare occurrence, but if Officers found that this was the position then they would seek the views of the Chairman of Committee and Ward Members before progressing. It should also be noted that there is a process for Urgent Decisions within the Council's Constitution.
- 3.5 Members may also be aware that there is already specific wording which delegates very minor changes to the wording of conditions, reasons for refusal or legal agreements to Officers in discussion with the Chairman of Committee.

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

- 3.6 This gives due delegation to Officers but is not intended to change the substantive nature of the Committee's decision. However a revised wording has been drafted by legal colleagues to provide a slightly tighter remit for officers and further reassurance to Members. The revised wording is as follows:

*In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to*

*correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

#### **4.0 Conclusion**

- 4.1 It is considered that the existing process of returning applications back to committee functions effectively. It gives the necessary authorisation and also transparency within the decision making process.
- 4.2 However, it is considered that the revised wording for the 'slip rule' should be introduced with immediate effect for SPB and Area Committee's.

#### **5.0 Recommendation**

- 5.1 To note the report and confirm that SPB and the Northern / Southern Committees continue to review any proposed withdrawal of conditions prior to appeals unless there are exceptional reasons / circumstances which prevent this for which discussion with the Chairman / Ward Councillor would be needed.
- 5.2 To introduce the revised wording for the 'slip rule'
- 5.3 To notify the Ward Member of any changes to the original decision.

#### **6.0 Financial Implications**

- 6.1 There are no financial implications.

#### **7.0 Legal Implications**

- 7.1 There are no legal implications with the recommendation as any decision made to withdraw reasons would be based on its own merits.

#### **8.0 Risk Assessment**

- 8.1 There are no risks associated with this decision.

#### **9.0 Reasons for Recommendation**

- 9.1 To ensure transparency within the decision making process.

#### ***For further information:***

*Portfolio Holder:* Councillor Don Stockton  
*Officer:* David Malcolm – Principal Planning Manager  
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