

Strategic Planning Board

Agenda

Date:	Wednesday, 3rd June, 2015
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of the Previous Meeting (Pages 1 - 14)

To approve the minutes as a correct record.

4. Public Speaking

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

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

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

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

5. **Introduction to the Work of the Committee** (Pages 15 - 16)

For Members' information, the Board's terms of reference are attached.

6. **14/4531C-Outline Planning with some Matters Reserved - Access- For the proposed construction of an inland leisure marina; associated ancillary buildings, infrastructure and landscaping, Land to the South of, Elton Road, Sandbach for Mr T Bunn** (Pages 17 - 34)

To consider the above application.

7. **14/1944W-Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C, Mere farm Quarry, Chelford Road, Nether Alderley for Hanson Quarry Products Europe Ltd** (Pages 35 - 56)

To consider the above application.

8. **14/1788W-Variation of condition 2 and 54 of permission 09/2806W to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev 'C', Mere farm Quarry, Chelford Road, Nether Alderley for Hanson Quarry Products Europe Ltd** (Pages 57 - 74)

To consider the above application.

9. **14/3892C-Redevelopment of the site to provide up to 200 homes and a community facility, Land West Of, Crewe Road, Sandbach, Cheshire for HIMOR (Land) Ltd, Simon Foden, Paul Foden** (Pages 75 - 100)

To consider the above application.

10. **14/1189C-Proposed residential development of up to 165 dwellings, including 'affordable housing', highway and associated works, public open space and green infrastructure., Land off, Abbey Road, Sandbach for Fox Strategic Land & Property Ltd** (Pages 101 - 124)

To consider the above application.

11. **13/5293C-Reserved Matters following Outline Approval (12/4874C) for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area (accompanied by an Environmental Statement), Land off Hawthorne Drive, Sandbach, Cheshire for Adele Snook, Persimmon Homes North West (Pages 125 - 136)**

To consider the above application.

12. **14/5615N-Outline Planning Permission for a residential development comprising up to 85 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access, Weaver Farm, The Green, Wrenbury for Gladman Developments Ltd (Pages 137 - 158)**

To consider the above application.

13. **14/3054C-Outline application for the erection of up to 70 dwellings, Land off Crewe Road, Alsager for Hollins Strategic Land LLP (Pages 159 - 182)**

To consider the above application.

14. **Update following the resolution to approve application 13/4121C subject to a S106 Agreement, Former Twyford's Bathrooms Ltd, Lawton Road, Alsager (Pages 183 - 188)**

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 15th April, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D Brickhill, D Brown, P Edwards, J Hammond, D Hough,
J Jackson, D Newton, L Smetham, A Thwaite (Substitute), S Wilkinson and
J Wray

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Planning
(Strategy)), Mrs N Folan (Planning Solicitor), Mr D Malcolm (Head of Planning
(Regulation)), Mr N Jones (Principal Development Officer), Mr N Turpin
(Principal Planning Officer), Mr P Wakefield (Principal Planning Officer), Miss
B Wilders (Principal Planning Officer) and Miss E Williams (Principal Planning
Officer)

128 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey and B
Murphy.

129 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 14/5721C, Councillor J
Hammond declared that he had attended a number of briefings with the
agents, Officers, Ward Councillors and Parish Councillors in respect of the
application but had not comments on or discussed the proposals.

In the interest of openness in respect of application 14/5111C, Councillor J
Hammond declared that he was a Director of ANSA Waste Services Ltd,
however the application site was not owned by Cheshire East Council.

In the interest of openness in respect of application 14/5489W, Councillor J
Hammond declared he was a Director of ANSA Waste Services Ltd who
used the application site. Whilst he had not been involved in any
discussions regarding the proposals as a Director he felt it was appropriate
to leave the room during consideration of the application.

In the interest of openness in respect of item 13, Kents Green Farm, Kents
Green Lane, Haslington, Councillor J Hammond declared that he was a
Member of Haslington Parish Council who had been consulted on the
application, however he had not made any comments in respect of the
proposals.

In the interest of openness in respect of application 14/4025N, Councillor D Brickhill declared that he had attended a number of briefings with the agents, Officers, Ward Councillors and Parish Councillors in respect of the application but had not comments on or discussed the proposals.

In the interest of openness in respect of application 14/5721C, Councillor D Brickhill declared that an allegation had been made by a member of public in respect of the fact that the Fire Authority should have commented on the proposals, as a result he had asked a representative from the Fire Authority to attend the meeting and make comment. He had discussed the suggestion to do this with Council Officers.

In the interest of openness in respect of applications 14/5721C and 14/5726C, Councillor P Edwards declared that he was a Member of Middlewich Town Council, however he had not expressed a view on either of the applications.

130 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

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

131 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

132 **14/4025N-OUTLINE APPLICATION FOR THE ERECTION OF UPTO 490 RESIDENTIAL DWELLINGS AND A PRIMARY SCHOOL - 2000M2 (D1) A PUMPING STATION, SUBSTATION, RECREATIONAL OPEN SPACE, ECOLOGICAL MITIGATION AREA, INTERNAL ACCESS ROUTES, GROUND MODELLING AND DRAINAGE WORKS, PARKING PROVISION, FOOTPATHS, CYCLE ROUTES, LANDSCAPING AND ASSOCIATED WORKS INCLUDING DETAILS OF ACCESS AT THE BASFORD EAST SITE CREWE, PHASE 1 BASFORD EAST LAND BETWEEN THE A500 AND WESTON ROAD, CREWE FOR MR MATTHEW STAFFORD THE CO-OPERATIVE GROUP**

Consideration was given to the above application.

(Parish Councillor John Cornell, Vice Chairman of Weston & Basford Parish Council and Matthew Stafford, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the verbal update to Board, the application be delegated for approval to the Head of Planning (Regeneration) in consultation with the Chairman of the Strategic Planning Board and Ward Councillors subject to a revised Ecological update, the completion of a Section 106 Agreement securing the following:-

- £2,000,000 towards the delivery of the Crewe Green. Link Road and the A5020 Weston Gate Roundabout improvement
- £2,450,000 towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements)
- £345,000 to support a new bus service to the development.
- £325,000 to deliver pedestrian and cycleway improvements along the A523 Weston Road links to the railway station or towards a new cycleway / pedestrian crossing of the Crewe Green Link Road.
- £80,000 to contribute towards a scheme of traffic management / calming measures in the Village of Weston.
- The provision of land at no cost to the council within the applicants control for the future widening (Dualling) of the A500 along with any necessary temporary land (working space) required for the delivery of these improvements.
- The provision of an alternative agricultural access off the new spur road.
- £1 568 000 to primary education. Contributions towards education with a level, fully serviced and uncontaminated site provided.
- Provision of a minimum of 15% affordable housing – subject to review of sales values during the life of the development.
- Provision of public open space to be transferred to a Management Company in perpetuity

And subject to the following conditions:-

1. A02HA - Construction of access
2. A04HA - Vehicular visibility at access to be approved
3. A32HA - Submission of construction method statement
4. Standard outline (Phased)
5. Standard outline (Phased)
6. Development to be carried out in accordance with the approved Flood Risk Assessment
7. Limiting the surface water run-off
8. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events
9. A scheme to dispose of foul and surface water
10. Submission, approval and implementation of an Environmental Management Plan
11. Submission, approval and implementation of low emission strategy
12. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting

14. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
15. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house.
16. Submission, approval and implementation of travel plan
17. Submission, approval and implementation of electric car charging points
18. A detailed landscape scheme should be submitted for approval prior to commencement on site including bolstered landscaping to the Southern and Eastern boundary to ensure minimal impact on the Weston Village.
19. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
20. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works.
A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
21. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
22. Submission / approval / implementation of footpath surfacing / lighting
23. Drawing numbers.
24. Bin storage
25. Details of tress and hedgerows to be retained to be provided
26. Ecological Management Plan to be submitted.
27. Phasing plan to be submitted
28. Details of land to be provided for footbridge across spine road to be provided
29. Details of boundary treatment to be submitted prior to commencement.
30. Scheme for Sustainable Urban Drainage Scheme to be submitted
31. Details of a pedestrian access link to the land known as D1 to be provided.
32. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first.
33. Ground levels to be submitted.
34. Protection of breeding birds.
35. Provision of bird boxes.
36. Times of Piling.
37. Hours of construction/noise generative works.
38. Dust mitigation.
39. Creation of a Liaison Group.
40. No vehicular access from the site on to the area known as the South Cheshire Growth Village.

In addition there was an informative added to include the provision of a pedestrian/cycle access link from the North East end of the site to the South Cheshire Growth Village and this should be via a pedestrian bridge over the Crewe to Derby Railway Line.

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 Planning (Regeneration) 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 Planning (Regeneration) 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.

(The meeting adjourned for a short break).

133 **14/5825N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 100 DWELLINGS WITH ACCESS AND ASSOCIATED WORKS, LAND TO THE REAR OF, CHEERBROOK ROAD, WILLASTON FOR WAINHOMES (NORTH WEST) LTD**

Consideration was given to the above application.

(Mr Harris, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was summarised by the Head of Planning (Regulation) on behalf of Councillor B Silvester, the Ward Councillor).

RESOLVED

That the application be refused for the following reasons:-

1. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Nantwich and adversely effect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

2. The proposal would involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Together with the reasons stated above this would

significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

3. The Transport Assessment submitted as part of this application does not include an assessment of the cumulative impact of other committed development within this area. The Transport Assessment also includes a number of errors in relation to traffic generation which fall 17% below the correct figure when submitted trip rates are taken into account. As such it is not possible to conclude whether the development would have a severe highways impact or to identify any mitigation which may be required. As such the development would be contrary to the NPPF and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and maintenance by a management company in perpetuity

3. An update to be provided on children's play space of £18,000

4. Highways Contribution TBC

Consideration was given to the above application.

(Councillor L Gilbert, the adjacent ward Councillor and Parish Councillor Andrew Lindsay, representing Brereton Parish Council attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.
2. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network. The proposed development is therefore contrary to Policies GR1 and GR5 of the Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.
3. The proposed development is unlikely to function or operate in a sustainable manner, taking account of the predicted generation of vehicular traffic and the sites location relative to local services, facilities and public transport connections. The proposal is therefore contrary to local and national planning policies that seek to promote sustainable development, in particular paragraphs 7, 14 and 34 of the NPPF.
4. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on the surrounding road network. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in a severe impact on the surrounding road network and would comply with relevant national policy guidance and Development Plan policies relating to highway safety.
5. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Brereton Neighbourhood Plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
6. The proposal is contrary to Policy PG2 of the Cheshire East Local Plan Strategy Submission Version March 2014. The site is located in the parish of Brereton which is identified as an 'other settlement

and rural area' for the purposes of this policy where growth should be confined to small scale infill, change of use or conversions or affordable housing developments. The proposed development is of a significant scale which does not reflect the function and character of Brereton and is therefore contrary to the principles of Policy PG2.

Should the application be subject to an appeal, the details regarding the Section 106 Agreement and the conditions should be delegated to the Head of Planning (Regeneration) in consultation with the Chairman of the Strategic Planning Board and Ward Councillors.

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

(The meeting adjourned for lunch between 12.50pm until 1.35pm).

- 135 **14/5111C-CONSTRUCTION OF TWO INDUSTRIAL BUILDINGS, HARDSTANDING, EXTERNAL BUNKERS, AND CAR PARKING, ON VACANT INDUSTRIAL LAND: 1) PROCESSING BUILDING APPROX. 2,000M2, 2) STORAGE BUILDING APPROX 900M2, VACANT SITE FORMERLY OCCUPIED BY BOALOY, THIRD AVENUE, RADNOR PARK INDUSTRIAL ESTATE CONGLETON FOR MR M DINES, XAFINITY PENSION TRUSTEES LTD**

Consideration was given to the above application.

(Mike Dines, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to Board, the application be approved subject to the following conditions:-

1. Commencement
2. Approved plans
3. Materials to be as detailed in the application
4. Submission of details of foul and surface water drainage
5. Unloading of heavy goods vehicles only within the processing building
6. Hours of operation, including loading and unloading of vehicles restricted to 7am to 7pm Monday to Friday, 8am to 2pm Saturday with no working on Sundays or Public Holidays.
7. Compliance with the mitigation measures in the Noise Impact Assessment

8. Within 1 month of the development coming into use the submission of a Sound Attenuation Validation Test being completed and the results submitted to the LPA. Should specified noise levels have not been achieved a further scheme of works shall be submitted
9. An Operational Noise Management Plan/Scheme shall be available on site for inspection upon request by the LPA.
10. Submission of details of external lighting
11. Submission of details of any piling
12. Submission of details of floor floating
13. Submission of contamination land survey
14. Submission of Construction Management Plan

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 Planning (Strategy) 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.

136 **14/5489W-APPLICATION TO VARY CONDITIONS 1, 2, 8, 46, 60, 61 AND 62 OF PLANNING PERMISSION 10/0692W TO EXTEND THE OPERATIONAL LIFE OF THE MAW GREEN LANDFILL FACILITY TO 31 DECEMBER 2027; WITH RESTORATION BY 31 DECEMBER 2028; VARY THE SEQUENCE OF PHASING OF OPERATIONS; SURRENDER C260,000M3 OF LANDFILL VOID AND ASSOCIATED RE-CONTOURING; RETENTION OF SITE OFFICE POST CLOSURE OF THE LANDFILL; AND EXTEND THE OPERATIONS BY 30 MINUTES EACH DAY FOR RECEIPT OF HWRC WASTE, FCC ENVIRONMENT, MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE FOR SARAH HENDERSON, FCC ENVIRONMENT**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 10/0692W namely:

- diversion and maintenance in perpetuity Fowle Brook;
- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

And

Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 10/0692W unless amended by those below;
- Revised restoration plan;
- Revised phasing plan and associated phasing conditions;
- Revised pre-settlement contours, and associated contouring conditions;
- Extension of time to 31st December 2027 with interim restoration of the site within 12 months or no later than 31st December 2028
- Landscape and ecological management plan
- Provision of ecological mitigation measures

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 Planning (Regeneration) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regeneration) 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.

137 **15/0772M-RESERVED MATTERS APPLICATION FOR
LANDSCAPING ON APPROVED 12/1578M - OUTLINE APPLICATION
FOR A CONTINUING CARE RETIREMENT COMMUNITY (CARE
VILLAGE) COMPRISING 58 BEDROOM CARE HOME, 47 CLOSE
CARE COTTAGES AND 15 SHARED OWNERSHIP AFFORDABLE
DWELLINGS, TOGETHER WITH ACCESS ROADS, PUBLIC OPEN
SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY
DEVELOPMENT, LAND ADJACENT TO COPPICE WAY, HANDFORTH
FOR P E JONES (CONTRACTORS) LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the verbal update to Board, the application be delegated for approval to the Head of Planning (Regeneration) in consultation with the Chairman of the Strategic Planning Board subject to the receipt of any outstanding comments from the relevant consultees and subject to the following conditions:-

- | | | |
|----|-------|---|
| 1. | A05RM | - Time limit following approval of reserved matters |
| 2. | A02RM | - To comply with outline permission |
| 3. | A01AP | - Development in accord with approved plans |

4. A04LS - Landscaping (implementation)
5. Submission of method statement including levels details for landscape works to West of public footpath
6. Submission of Cross section of pond
7. Submission of details to the entrance gate

(Prior to consideration of the following application, Councillor Mrs L Smetham left the meeting and did not return).

138 **14/5721C-THE PROPOSAL CONSISTS OF 9NO TRANSIT PITCHES AND 1NO PERMANENT WARDENS PITCH, OPEN SPACE FOR PLAY, AND THE CONSERVATION AND CONVERSION OF AN EXISTING GRADE TWO LISTED BARN WITHIN THE SITE. THE BARN IS TO PROVIDE WASHING AND TOILET FACILITIES AND OFFICE ACCOMMODATION FOR THE RESIDENT WARDEN. THE BARN IS ALSO TO PROVIDE OFFICE ACCOMMODATION FOR CHESHIRE EAST, CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH FOR CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Councillor M Parsons, the Ward Councillor, Councillor L Gilbert, a visiting Councillor, Bob Moody, an objector, Mr Burrige, representing the Fire Authority and Dawn Taylor, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Head of Planning(Regeneration) on behalf of Councillor S McGrory, the Ward Councillor).

RESOLVED

That for the reasons set out in the report and in the verbal update to Board, the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01HP - Provision of car parking
4. A02EX - Submission of samples of building materials
5. A02HA - Construction of access
6. A05BC - Details of means of support
7. A07BC - Materials to match existing building
8. A10EX - Rainwater goods
9. A17EX - Specification of window design / style
10. A21EX - Roof lights set flush
11. Maximum duration of stay (4 weeks)
12. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex A of Planning Policy for Traveller Sites
13. No fences, gates, or walls other than those expressly authorised by this permission shall be constructed.
14. No more than 2 caravans per pitch

15. Details of foul and surface water drainage to be submitted
16. No commercial activities shall take place on the land, other than those within the approved office space
17. Breeding birds survey to be submitted
18. Features for use by breeding birds including house sparrow, starling and barn owls
19. Habitat management plan to be submitted
20. Submission of method statement for conversion of the barn
21. Submission of noise management plan (to include fence along western boundary)
22. Submission of landscape details
23. Implementation of landscape scheme
24. The development shall be carried out in accordance with the tree protection details and recommendations made within the submitted arboricultural report.
25. Details of refuse facilities to be submitted
26. The development shall be carried out in accordance with the recommendations made by the submitted Bat Survey Report
27. Submission of updated badger survey, impact assessment and mitigation proposals
28. Submission of a detailed reptile mitigation strategy
29. The proposed development shall be carried out in accordance with the recommendations of the submitted Great Crested Newt report

(The meeting adjourned for a short break. Councillor Mrs J Jackson left the meeting and did not return).

- 139 **14/5726C-LISTED BUILDING CONSENT FOR GRADE TWO LISTED BARN TO BE CONVERTED FROM AN AGRICULTURAL BARN INTO WASHING AND SANITARY ACCOMMODATION FOR THE TRANSIT GYPSY AND TRAVELLERS. OFFICE ACCOMMODATION IS TO BE PROVIDED FOR THE PERMANENT WARDEN AND FOR THE CHESHIRE EAST OFFICE STAFF, CLEDFORD HALL, CLEDFORD ROAD, MIDDLEWICH FOR CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Councillor M Parsons, the Ward Councillor, Councillor L gilbert, a visiting Councillor and Bob Moody, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in a verbal update to Board, the application be approved subject to the following conditions:-

- | | | |
|----|-------|---|
| 1. | A07LB | - Standard Time Limit |
| 2. | A01AP | - Development in accord with approved plans |
| 3. | A02EX | - Submission of samples of building materials |
| 4. | A05BC | - Details of means of support |

5. A07BC - Materials to match existing building
6. A10EX - Rainwater goods
7. A17EX - Specification of window design / style
8. A21EX - Roof lights set flush
9. Submission of Method Statement for conversion of the barn

140 **KENTS GREEN FARM, KENTS GREEN LANE, HASLINGTON**

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report , the Head of Planning (Regulation) be instructed not to contest the housing supply issue at the forthcoming appeal. It was agreed therefore that the appeal be contested on the following grounds:-

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , 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 creates harm to interests of acknowledged importance.

Prior to the close of the meeting the Chairman thanked those Members not standing for re-election for their work on the Board and wished them all the best for the future.

The meeting commenced at 10.30 am and concluded at 5.15 pm

Councillor H Davenport (Chairman)

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STRATEGIC PLANNING BOARD

Terms of Reference

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership, to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;

- 10,000 square metres or more, or 2ha. or more of retail, commercial or industrial or other floor space.

(b) applications for major minerals or waste development

(c) applications requiring Environmental Impact Assessments

(d) applications involving a significant departure from policy which a Planning Committee is minded to approve.

(e) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred to it at the discretion of the Head of Planning and Policy.

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3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

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Application No: 14/4531C

Location: Land to the South of, ELTON ROAD, SANDBACH, CW11 3NE

Proposal: Outline Planning with some Matters Reserved - Access- For the proposed construction of an inland leisure marina; associated ancillary buildings, infrastructure and landscaping.

Applicant: T Bunn

Expiry Date: 30-Dec-2014

Summary

The provision of a marina within the open countryside is supported by the NPPF, the Congleton Borough Local Plan, the Cheshire East Local Plan Strategy – Submission Version (CELP) and the draft Sandbach Neighbourhood Plan.

In terms of the planning balance the development would provide social and economic benefits. However the submitted application does not include sufficient information in relation to the environmental element of sustainable development. The reason for this is that the application does not include any information in relation to ecology, the impact upon the landscape, insufficient information in relation to the highways impact and whether the development would result in a loss of BMV agricultural land.

Recommendation

Minded to Refuse

PROPOSAL

This is an outline application for proposed marina development. The indicative plans show that the development would include two basins. The Design and Access Statements states that there would be a total of 235 moorings. According to the submitted Design and Access Statement the new ancillary built development will consist of two ablution blocks consisting of showers, WCs and laundry facilities (It should be noted that no buildings are shown on the indicative plans).

This application includes details of the vehicular access to the site and the submitted plans show that this would be positioned to the north onto Elton Road between a property at 9 Rookery Close and a Church.

In this case this application is subject to an appeal for non-determination and the purpose of this report is to define how the Council would have determined this application in advance of the appeal.

SITE DESCRIPTION

The site is located in open countryside to the south of Ettiley Heath. It lies south of Elton Lane and to the west of Hind Heath Road. The site would be accessed by vehicles via Elton Lane. The land is currently in agricultural use. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and a hedgerow which divides the site into two fields. The Trent and Mersey Canal adjoins the boundary of the site to the south and west.

RELEVANT HISTORY

13/3103S - EIA Scoping opinion for up to 800 new houses, 260 berth canal marina and associated development (13/0821C) – EIA Scoping Letter Issued

13/0821C - Outline planning application Including Access (with some matters reserved), for up to 800 dwellings, elderly care provision, a 260 berth canal based marina (with associated chandlery and facilities building), a primary school, a medical centre, local shopping, restaurants, employment, junior cricket pitch, community orchards and allotments, new footpaths/bridleways, public open space with associated parking, earthworks and other ancillary works – Withdrawn 4th February 2014

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

28. Supporting a Prosperous Rural Economy

56-68. Requiring Good Design

109-116. Conserving and Enhancing the Natural Environment

126-131. Conserving and Enhancing the Historic Environment

Development Plan

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

The relevant Saved Policies are:

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR8 Agricultural Land
E5 Employment development in the Open Countryside
E16 Tourism and Visitor Development
RC8 Canal /Riverside Recreational Developments
RC9 Canal /Riverside Recreational Developments (Moorings)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Sandbach Neighbourhood Development Plan (Draft for Consultation)

PC1 – Areas of Separation
PC2 – Landscape Character
PC5 – Biodiversity
IFT2 – Transport and Safety
IFT3 – Sustainable Transport and Accessibility
CW2 – Sport and Recreation Facilities

Other Material Considerations

National Planning Practice Guidance
Cheshire East Visitor Economy Strategy
The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Sandbach Town Strategy

CONSULTATIONS

Environment Agency: No objection in principle. Condition suggested.

United Utilities: No objection subject to the imposition of a drainage condition.

Strategic Highways Manager: The submitted information is not sufficient to allow a recommendation of approval at this time.

Sport England: No comment.

Environmental Health: Object. Insufficient information has been submitted in relation to air quality impact and noise impact.

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

Archaeology: No objection. Condition suggested in relation to a programme of archaeological work.

Cheshire Brine Board: The Board has considered the above application and information in the Board's possession indicates that this site is in an area which has previously been heavily affected by brine subsidence, and the possibility of future ground movements cannot be completely discounted.

Large-scale geological mapping clearly shows subsidence hollows crossing adjacent land, close to the eastern boundary of the application site and records indicate that the Board have recommended raft foundations for all newbuild on adjacent sites.

The application details do not indicate that many buildings are intended to be constructed but it is requested that a condition be attached should outline permission be granted.

Canal and Rivers Trust: No objection to the principle of the proposed development. The Trust has assessed the marina proposal as part of their New Marinas Unit process and it has satisfied the feasibility stage. This process does not relate to matters of need or demand. The Canal and Rivers Trust suggest a number of planning conditions to be imposed to any approval.

VIEWS OF THE PARISH COUNCIL

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

- Not enough information provided to make informed decision as detail of anything outside proposed access route is severely lacking
- Proposed access is totally inadequate, particularly for traffic needed to develop marina and deliver boats to the site.
- Elton Road is a weight restricted road which will prohibit HGV access to the site at any time.
- Elton Road is unable to cope with additional traffic.

Moston Parish Council: No comments received

REPRESENTATIONS

Letters of objection have been received from 58 local households/businesses raising the following points:

Principal of development

- This development has not been identified as part of the Sandbach Neighbourhood Plan
- The development site is crucial to the Green Gap separation between the villages of Wheelock and Ettiley Heath
- Increased pollution from increased vehicular movements
- Loss of greenspace
- Loss of agricultural land
- This is the first step for a residential development on this site
- There will be no benefit to the local economy
- There is a lack of local amenities in this area to serve the tourist using this development
- Previous applications have been refused on this site
- Brownfield sites should be developed first
- There is no need for a marina
- Job creation as part of this development would be limited to small numbers and part-time jobs
- There are free spaces within the marinas within the area

Highways

- The access off Elton Road is not wide enough to serve this development
- Increased vehicular movements onto Elton Road
- Poor visibility at the site entrance would create a safety hazard
- The site access onto Elton Road cannot be widened
- Increased traffic volumes along Elton Road
- The road network cannot cope with additional traffic
- Elton Road is already at capacity
- Elton Road is used as a rat run
- Elton Road is too narrow and is impassable at times
- Elton Road is dangerous for cyclists and pedestrians
- Elton Road is unsuitable for large vehicles which would be required to serve the development
- On-street parking problems along Elton Road
- Cumulative impact from vehicles accessing Canal Fields
- The speed bumps do not deter speeding vehicles
- The pavements along Elton Road are not wide enough for pushchairs, wheelchairs, and mobility scooters

- The visibility splays cannot be achieved due to obstructions outside the applicants control
- Elton Road has a 7.5T weight limit
- Large construction vehicles cannot pass along the access to the site
- Parking problems around the church during worship days, weddings and funerals

Green Issues

- The development will have an adverse impact upon protected species on this site
- Impact upon species which use Sandbach Flashes SSSI
- Loss of wildlife habitat
- Flooding problems on this site
- No information has been received in relation to protected species as part of this application
- Loss of habitat for farmland birds

Infrastructure

- Inadequate utilities in the area (gas, water and electricity)
- Increased risk of flooding
- People living at the marina will impact upon infrastructure (Doctors and Schools)

Amenity

- The use of the access would be detrimental to the residential amenity of the adjoining dwellings
- Impact upon privacy
- Increased noise pollution

Design

- External lighting along the site access would affect the character and appearance of the area
- The design is inappropriate for this site

Other issues

- Additional information has been submitted by the applicant after the consultation period ended
- There are a number of errors within this application
- Limited pre-application consultation
- Lack of consultation as part of this application by Cheshire East
- Existing litter problems will be exacerbated
- Only one site notice has been posted at this site

Letters of support have been received from 1 local household raising the following points:

- The development would be a wonderful benefit for Sandbach
- The site is an ideal location for a marina
- The traffic concerns are unfounded
- Vehicular movements will only be occasional
- A marina and leisure facilities is better than a housing development on the site
- Benefit to the local economy

A letter of representation has been received from CTC The National Cycling Charity raising the following points:

- Access via the Trent and Mersey Canal. This is a land locked location with only one access. An additional access for pedestrians and cyclists via a bridge from the south of the site over the Trent and Mersey Canal should be provided.
- Sandy Lane (opposite the entry to the marina). Additional street lighting to Sandy Lane and signposting as through-route for cyclists should be provided. Currently signed as cul-de-sac from the Elton Road end.
- Elton Crossings Road via Salt Line Way to Moston Road. This could be upgraded for cyclists and would allow them to avoid the large junction at Station Road/Moss Lane when travelling from the Ettiley Heath Estate towards the Primary School, the Scout's Hall, the church at Middlewich Road and its hall.
- Proctors Lane to Hind Heath Road. Elton Road currently ends in a cul-de-sac. This could be opened for those cyclists wishing to use the road on Hind Heath Road.
- Shared Footway/Cycleway at Hind Heath Road. This currently finishes at the Cricket Club on Hind Heath Road and could be extended to Elton Road for those cyclists wishing to use the shared footway/cycleway
- Bridge at Hind Heath Lane. This could be opened for cyclists to allow direct connection from the shared footway/cycleway to Crewe Road and Sandbach

A letter of representation has been received from Sandbach Woodland and Wildlife Group raising the following points:

- The development could have an impact upon Sandbach Flashes SSSI with potential impacts upon drainage, disturbance to birds and the effect upon soils
- There are a number of rare species on this site such as Grass Snake and Badgers
- There have been sightings of Snipe and Yellowhammer on this site
- Impact upon a wildlife corridor

A letter of representation has been received from Cllr Corcoran raising the following points:

- Support the comments from CTC – The National Cycling Charity and would particularly like to stress the importance of extending the cycleway from the cricket club on Hind Heath Road through to Proctors Lane.
- There has already been one accident involving a cyclist on Hind Heath Road at the end of the cycleway. The 'gap' in the safe cycle route needs to be resolved as a matter of some urgency.

APPRAISAL

The key issues are:

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

Principle of Development

The site is allocated as Open Countryside (Policy PS8) within the Congleton Borough Local Plan First Review - the policies within that plan indicate that facilities required for outdoor recreation and tourism would be permitted where the development preserves the openness of

the countryside and enhances its local character. This policy is in accordance with the NPPF and policy PG5 within the emerging Local Plan also considers facilities for outdoor recreation to be appropriate within the open countryside.

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

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

There is also support for this form of development within Local Plan Policies RC8 (Canal /Riverside Recreational Developments) and RC9 (Canal /Riverside Recreational Developments – Moorings) subject to the development meeting a number of criteria. The justification to policy RC8 states that the aim of the policy is to encourage development of countryside/riverside areas for appropriate uses in order to upgrade the area generally and encourage the use of the canals and rivers by residents and visitors alike.

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan ran until 1st May 2015.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases that have questioned the weight on such emerging plans. The weight to be attached to the plan therefore depends on the particular circumstances in each case but this also reflects ministerial support given to Neighbourhood Plans over the last 18 months.

In this case the Neighbourhood Plan identifies the concept of Green Gaps which are not identified around Sandbach within the Congleton Borough Local Plan or the Cheshire East Local Plan Strategy – Submission Version (CELP). It is not considered that a marina and its associated buildings would have a significant impact upon the separation of Ettiley Heath and Wheelock.

There is also support within Policy CW2 which supports the provision of new or improved indoor or outdoor recreational facilities.

As such it is not considered that the development would conflict with the Draft Sandbach Neighbourhood Plan.

Sustainable Development

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

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

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance

against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

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

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

In this case the development does not meet all of the standards listed above. However the site is located on the edge of Sandbach and numerous facilities within the town including bus routes and the train station would be accessible from the application site. As paragraph 28 of the NPPF supports tourism in appropriate locations accessibility is a consideration in determining whether or not this is an appropriate location for the marina. In any event, the assessment of sustainability does not rest on the North West Sustainability Checklist alone as explained below.

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

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

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

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

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

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

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

SOCIAL SUSTAINABILITY

As discussed above the site is considered to be within a sustainable location which would be within reach of the facilities contained within Sandbach.

The development would create jobs with 20-30 FTE during the construction phase and 6.5 FTE during the operational phase of the development.

Furthermore the marina would provide the local community with increased access to the countryside and the canal network as well as sources of recreational and leisure activities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

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

The main concerns of neighbours and consultees relate to:

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

Impacts during construction period

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

Noise

A BS4142 Noise Assessment is required in order to ensure that the development does not have an adverse effect on existing residents. A report had been published previously for the larger scheme which incorporated a residential development; this report however detailed and contained the requirement to comply with standards that are required for new residential properties with a brief reference to BS4142.

A detailed BS4142 assessment is required to be submitted and approved by the Local Planning Authority prior to the commencement of the development.

Air Quality

The scale of the development is such that there is potential for existing residents to be exposed to levels of air pollution above national health based limit Values for Nitrogen Dioxide. As such the proposal has the potential to expose future residents to levels of air pollution which would have a detrimental impact on health, quality of life and amenity.

Initially as no information was submitted with respect to air quality the Environmental Health Department objected to the application. However the applicant has stated that a prior report on a previous scheme indicated that there were no significant issues. As such it is considered appropriate to condition the application for submission of a report at the Reserved Matters stage.

Loss of Outlook

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

Overlooking & Overshadowing

The concerns of neighbours are duly noted however the retention of hedgerows would provide sufficient obscurity to neighbours.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. It should also be noted that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. As such, the Phase I will need to be secured via a planning condition.

Highways

The application site would be accessed via an access point off Elton Road to the north of the site.

In this case the Councils Strategic Highways Manager has advised that there is insufficient highways information as part of this application and the following will be required:

- A revised access plan showing the access road widened at the junction with Elton Road to a minimum width of 4.2m for a distance of 20m back.
- Clarification that the illustrated lateral visibility splays detailed on drawing no. 0140-01/04b can be achieved from a drivers eye height of 1.05m to a height of 600mm at the tangential point to the carriageway given the presence of walls adjoining the site access.
- Clarification on footway provision from Elton Road to the proposed marina.
- Clarification on the number of narrow boats likely to access the site by way of road transport and the proposed routeing these would take.

- A construction method statement detailing the number and times trucks will access the site during the construction phase and their proposed routeing along with appropriate vehicular tracking.

On this basis the lack of highways information will form a reason for refusal.

Trees and Hedgerows

The application is not supported by an Arboricultural Impact Assessment. Any assessment should be carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report will need to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc. in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

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

Existing hedgerows which form the boundary of the site and sub-divide the respective fields have not been assessed in accordance with the 1997 Hedgerow Regulations. This is particularly pertinent with the illustrative master plan as it depicts an adjoining canal section between the two main marinas extending through an existing hedgerow.

The submitted application does not provide the level of information required in terms of the 1997 hedgerow regulations and arboricultural input to adequately assess the impact of development on existing trees and hedgerows.

However this should not be insurmountable and could easily be rectified, given the characteristics of the site in terms of open agricultural land, and the majority of the horticultural features including trees sparsely located mainly on the boundaries of the site edged red or off site. There will be a single mature tree loss associated with and to accommodate the proposed western basin of the proposed marina, but this can be mitigated as part of a detailed landscape scheme.

Providing that the requirements of BS5837:2012 are accommodated within any subsequent reserved matters application it is feasible that the development proposals as intended subject to detailed plans can be accommodated without the loss of any significant numbers trees including those considered worthy of formal protection.

Design

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

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

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

There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

Impact upon the setting of the Conservation Area

The layout of the basin will be determined by the need to locate the marina close to the canal. The built form of the development would consist of two ablution blocks consisting of showers, WCs and laundry facilities (It should be noted that no buildings are shown on the indicative plans).

The design and siting of the buildings and the layout of the marina and landscaping would be negotiated at the Reserved Matter stage. There is no reason why an acceptable design solution could be negotiated at the reserved matters stage that would not have a detrimental impact upon the adjacent Canal Conservation Area.

Landscape

The application site covers an area of approximately 7.7 hectares of agricultural land that is used for both arable and farming.

The application has been considered by the Councils Landscape Architect who considers that there is insufficient information to properly assess the landscape and visual impacts of this development. The cut and fill implications (there is very little room within the site beyond the basins), the site design issues such as location and height of the two facilities blocks, number and location of car parking spaces, proposed roads and footpaths, retained trees and hedges plus proposed additional planting would need to be considered as part of a Landscape and Visual impact Assessment.

Plans should also be provided to show the existing and proposed levels and contours with cross sections to show the cut and fill. A layout/masterplan to show that the above elements can be accommodated to form an attractive development.

Without this information it is not possible to conclude whether the development would represent a sustainable form of development.

Ecology

Designated Sites

This site is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI).

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

Protected Species and Habitats

No information has been submitted as part of this application in relation to the impact upon habitats or protected species. In order to enable the Council fully assess the ecological impacts of this development the applicant should provide the following, prior to the determination of the application:

- An Extended Phase 1 Habitat/Botanical Survey should be carried out to evaluate all habitat within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey including DAFOR ratings with incidental records of any other species encountered. Where any uncommon, BAP or protected species (including breeding/wintering bird species) or habitats (including semi-improved grassland), are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Identification of all designated sites within the zone of influence of the proposed project.
- Great Crested Newt survey/assessment of any ponds within 250m.
- Aquatic invertebrate surveys should be undertaken of any ponds directly affected by the proposed development.
- An assessment of the potential impacts of the proposed development In accordance with the IEEM guidelines (2006)
- Mitigation/compensation Proposals for any adverse impacts identified during the above assessment.
- Proposals for ecological enhancement in accordance with the NPPF.

To ensure any proposed development is truly sustainable in ecological terms an assessment undertaken in accordance with the Defra Offsetting 'metric' may also be beneficial in ensuring there is no net loss of biodiversity from the site.

Without this supporting information it is not possible to identify whether this development represents a sustainable form of development.

Flood Risk

The site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps.

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

Archaeology

The application is supported by an archaeological desk-based assessment which advises that further pre-determination work is not appropriate. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation. This should take the form of the inspection of areas stripped of topsoil, before excavation of the underlying clay occurs, in order to identify and record any archaeological deposits present. The Councils Archaeologist has requested that a condition be attached to any approval to secure a scheme of archaeological work.

Agricultural Land Quality

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

In this case no survey of the site has been undertaken and it is not possible to consider the issue of BMV agricultural land as part of the planning balance.

ECONOMIC SUSTAINABILITY

Need for the Development

The letters of representation have raised the issue of need.

Need is not mentioned as a particular factor for consideration. However, if members are to give weight to this as a material consideration relating to economic growth, it should be noted that the Canal and Rivers Trust have not objected to the development in relation to the need of the development.

The Framework does not advocate a Sequential Test approach to development proposed in the countryside. There is no defined need for the proposals as submitted identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Therefore this is not considered to attract weight either positively or negatively

Economic Benefits

The socio-economic statement which has been submitted as part of this application identifies that the development would have the following effects on the local economy:

- 12 month, multi-million pound construction investment with direct and indirect economic benefits including the use of local labour

- Local businesses will benefit by supplying plant and materials
- The marina will employ between 20 and 30 FTE during the construction phase
- Turnover within the local economy in excess of £705,000
- The marina will employ 6.5 FTE during the operational phase
- Increased expenditure within the local economy at the operational phase (it is estimated that £193,600 of goods and services will be purchased by the marina within Cheshire East
- Berth holder, visiting boaters and non-boating visitors will spend money in local shops, pubs and restaurants with a total expenditure per annum of £423,000

As such it is considered that the development would have a beneficial impact upon the local economy.

PLANNING BALANCE

The provision of a marina within the open countryside is supported by the NPPF, the Congleton Borough Local Plan, the Cheshire East Local Plan Strategy – Submission Version (CELP) and the draft Sandbach Neighbourhood Plan.

In terms of the planning balance the development would provide social and economic benefits. However the submitted application does not include sufficient information in relation to the environmental element of sustainable development. The reason for this is that the application does not include any information in relation to ecology, the impact upon the landscape, insufficient information in relation to the highways impact and whether the development would result in a loss of BMV agricultural land.

RECOMMENDATION:

MINDED TO REFUSE for the following reasons:

There is insufficient information to determine the impact of the development as part of the environmental role of sustainable development. The submitted application does not include any information to the following:

- **Protected Species and Habitats**
- **Landscape impact of the development**
- **Whether the development would result in the loss of BMV Agricultural land**
- **Whether the proposed access could accommodate the proposed development**

As such the development is contrary to Policies GR1 New Development, GR2 Design, GR5 Landscaping, GR9 (Accessibility, Servicing and Parking Provision), NR2 Statutory Sites and NR3 Habitats of the Borough of Congleton Local Plan First Review 2005 and guidance contained within the NPPF.

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Application No: 14/1944W

Location: MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SZ

Proposal: Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C.

Applicant: Hanson Quarry Products Europe Ltd

Expiry Date: 12-Jun-2014

SUMMARY:

There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves are fully utilised, contributing to the requirement for a seven year landbank for sand and gravel. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation. Subject to securing appropriate planning conditions and s106 legal agreement, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

SUMMARY RECOMMENDATION: Approve subject to S106 deed of variation and planning conditions

PROPOSAL

The application proposes the variation of conditions 4 and 59 of permission 5/06/2940 to seek an extension of time for the completion of mineral working and a minor revision to the approved restoration scheme.

Conditions 4 states:

'The winning and working of sand and gravel authorised by this permission shall cease and all buildings , plant machinery, and other structures, foundations and debris shall be removed from the site, and the site restored in accordance with the approved scheme by 28 April 2014'.

A variation to this condition is proposed to extend mineral operations on the site (including all restoration activities) until 30 September 2016.

The applicant also proposes to vary condition 59 which stipulates that the site shall be restored in full accordance with the approved restoration plans. An amendment is proposed to the approved restoration plan in order to take account of ecological mitigation identified within the findings of the ecological assessment undertaken as part of this application, and incorporate the revised lake profile created under permission 09/2806W to ensure consistency between both permissions. Further details are contained within this report.

A copy of the existing planning conditions has been provided in the key plans pack.

SITE DESCRIPTION

Mere Farm Quarry is located midway between Macclesfield and Knutsford approximately one kilometre from Chelford. The site is bounded by A537 Chelford Road to the south, B5359 Alderley Road to the west and A34 to the east; with access to the site taken from A537. Land use in the area is predominantly open farmland; with the settlement of Chelford to the west, and the A34 by-pass and Alderley Park approximately 700m to the north east.

The planning application boundary covers the whole quarry site aside from an area to the north west which is covered by a separate planning permission. The quarry covers an area of approximately 104 hectares and includes the plant site, silt lagoons, quarry infrastructure, soil bunds, operational land and undisturbed land. The site ceased sand extraction in December 2014. Work on the restoration is now progressing and is now in the process of completing the restoration works and exporting the remaining reserves of sand contained in stockpiles on the site. Significant parts of the site have already been restored to agricultural land, woodland, waterbodies and a large lake.

A number of residential properties lie in close proximity to the site, most notably properties on the northern site boundary along Bollington Lane which overlook the restored lake; on A537 Chelford Road where the closest properties are situated approximately 75m west of the access road; and along B5359 Alderley Road where properties lie approximately 700m from the site boundary. Existing screen mounding and tree planting provides a degree of visual screening for receptors to the west (B5359) and south (A537) from the operational areas of quarry; whilst existing woodland provides some screening to the north and east.

Public Right of Way 'Chelford FP2' and 'Nether Alderley FP50' cross the central part of the site and connects with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site.

RELEVANT HISTORY: The quarry has a long planning history; the most relevant of which is as follows:

- 5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;
- 5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 (ref: 09/2806W) for a 6ha extension to the north west of the site. A small section of the main quarry site is included in this permission boundary to allow for revisions to the lake profile shown on the restoration plan which would be necessary following the continued extraction to the north west. The permission is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940 (and thus the boundary of this application). The permission requires cessation of mineral working by April 2014.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals, particularly aggregates including sand and gravel.

Development Plan:

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Macclesfield Borough Local Plan 2004 in which the site lies in the Green Belt.

The relevant Saved Policies are: -

Cheshire Replacement Minerals Local Plan (MLP)

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology
Policy 23: Nature Conservation
Policy 25: Ground Water/ Surface Water/ Flood Protection
Policy 26/27: Noise
Policy 28: Dust
Policy 29: Agricultural Land
Policy 31: Cumulative Impact
Policy 33: Public Right of Way
Policy 34: Highways
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 47: Sand and Gravel Area of Search

Macclesfield Borough Local Plan (MBLP)

NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11 and NE14: Nature Conservation
GC 2: Green Belt
GC3: Visual Amenity
RT7: Cycleways, Bridleways and Footpaths
RT 8: Access to Countryside
DC3: Amenity
DC9: Tree Protection
DC11: Hedgerows
DC13 and DC14: Noise
DC17, DC19 and DC20: Water Resources

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG3 – Green Belt
SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – Historic Environment
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations

National Planning Practice Guidance

Circular 6/2005

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)

EC Habitats Directive

Conservation of habitats and species regulations 2010

CONSULTATIONS:

Highways: No objection

Environmental Health: No objection

Nature Conservation:

Great Crested Newts

Note that great crested newts have been identified in additional ponds on site (ponds 4 and 5). The submitted restoration plan has consequently been amended to retain the Pond 5 also to provide a link of terrestrial habitat between the Pond 4 and Pond 5. Advise that this approach is acceptable to safeguard the identified great crested newt populations and would be likely to maintain the favourable conservation status of the species.

Important

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

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

Details of how the Habitat Regulations 'tests' were considered must be recorded within the committee/delegated report. Please refer to guidance issued by CE legal in respect of this issue.

Restoration Plan

An island is proposed for the North Lake. The island currently includes an area of woodland planting. Advise that the value of the island for wading birds would potentially be greatly increased if the tree planting was omitted from the plan. Recommend that the submitted plan be amended to include this minor alteration.

Public Rights of Way: The site is adjacent to Public Footpaths Chelford No. 2 and Nether Alderley No. 50 and Byway Open to All Traffic Nether Alderley No. 31. It appears unlikely that the proposal would affect the public right of way. Requests advices is added to any planning permission to ensure developers are aware of their obligations.

Environment Agency (EA): No objection in principle. Advice provided in respect of hydrological considerations should mineral extraction or associated activities continue beyond

the proposed end date of September 2016.

Landscape: No material effects upon the landscape would result from this development. In relation to visual impact, whilst the proposal would extend the operational life of the site, thus prolonging the visual impact on a number of receptors, the proposed changes will not have a significant impact in terms of visual effect.

Manchester Airport: No objections have been raised to the scheme however they note that the north lake is sufficiently large to attract a variety of hazardous waterfowl and the shallow margins make the lakes particularly attractive to dabbling species such as mallard that are important in birdstrikes. The proposed island in the north lake provides secure breeding habitat for wildfowl. The lake has clearly been designed to provide favourable habitat for water birds and provides new habitat to support additional (and potential substantial) numbers of waterfowl in the vicinity of the Airport and will result in an increase in waterfowl movements in the area. Any significant increase in waterfowl habitat and populations in the safeguarded area cannot be a positive development in terms of the local birdstrike hazard.

A range of conditions are required to ensure the proposal does not significantly increase levels of bird activity in the vicinity of the Airport including maintenance of the island in the north lake as an unvegetated feature, reduction of shallow margins, installation of marginal fencing, production of bird management plan and site management plan.

Further comments received from Manchester Airport concerning the requirements for mitigation are detailed below in the Officers Appraisal.

Natural England: no comments

Built Heritage: No objections

Parish council

Nether Alderley Parish Council strongly objects

The application does not address the applicant's failure to comply with Condition 42 on Planning application 09/2806W, which was approved on 2/12/2011 and that required the applicant to, within a year of the date of the permission for application 09/2806W, submit and receive approval for a detailed scheme for the **enhancement of public access** to the extension area.

The Parish Council understands that continued quarrying beyond April 2014 is reliant upon the formulation of a detailed enhanced access scheme and that permission cannot be given for continued quarrying without this obligation being fulfilled or enforced.

The Parish Council notes that the restoration plan submitted with application 14/1944W offers no further access amenity than was in place prior to the commencement of quarrying and, consequently, offers no enhancement of public access.

As stated in its previous response (dated 9th July 2014) to the original applications 14/1788W and 14/1944W that were submitted in April 2014, the Parish Council maintains the position that no applications relating to Mere Farm Quarry should be permitted until matters relating to

Condition 42 are addressed and resolved. The Parish Council upholds that issues relating to Condition 42 should be addressed at this stage.

Chelford Parish Council supports the request for an extension of time to 30th September 2016 in order to complete quarrying and restoration according to that shown on plan M103/222 rev C.

The Parish Council note that an earlier proposal for additional access has been removed from plan M104/222 and we agree with this. Our view is that for any increased access to be sustainable, it has to be consistent with future land use. Any future schemes would have to seek planning permission and the Parish Council and Chelford residents would be consulted at that time. We believe that it is at that point that it would be appropriate to consider public access.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

In excess of 20 letters have been received objecting on the following grounds:

- Failure of applicant to propose a satisfactory scheme for enhanced public access as part of the restoration as required by the original planning permission;
- There has been a historical agreement/expectation that there would be enhanced access to the lakes;
- Previous planning committees have, in the determination of applications at this site, made it clear that there was an expectation that public access should be improved;
- It was previously agreed that there should be a circular route around the lakes
- Requirements of planning condition on 09/2806W permission for enhanced public access have not been satisfied which is a breach of condition and the council should consider enforcement action. As a result the current operations at the site fall outside of the scope of the existing planning permission and are unlawful;
- The site extension was granted on the basis that enhanced public access would be provided for leisure/recreation as compensation for loss of amenity to local residents;
- The further public access proposed should be shown on the restoration plan and considered as part of this application rather than sought through a condition, and should form part of a s106 legal agreement to ensure delivery;
- The application should be withdrawn and resubmitted with public access shown on restoration plan;
- The proposals for enhanced public access do not provide any enhancement and do not comply with planning policy;
- The path proposed is permissive only and could be withdrawn;
- Further adopted public rights of way should be provided to meet planning policy and provide enhancements to amenity and allow the restored site to be enjoyed by the local community;
- Lack of public access means there is no compensation for local community for impacts on amenity resulting from long period of quarrying;
- Quarry should make a contribution to upkeep of local parish hall to provide additional value to the community;
- Construction of the lake has resulted in physical (but not legal) loss of right of way;

- No confidence that public access enhancements will come forward as landowner have previously confirmed they do not support this.

In excess of 3 letters have also been received which raise concerns about providing further public access to the site, and make the following comments:

- The site has value ornithologically
- Lack of disturbance to birds needs to be maintained.
- The access afforded by the existing right of way is generous and there is no reason why this should be expanded.
- The site restoration is a rare opportunity to create something of special significance for Cheshire wildlife
- Site has developed a good variety of waterfowl birds during last 12 years and has Schedule 1 listed species
- Site recognised as second most important site in the county for Pochard
- Key to maintenance of the number and variety of birds is the relative seclusion and freedom from disturbance at the site
- There are already a number of historical quarries in the area that have been restored to fishing and recreation and we lack significant areas of land that are effective reserves for wildlife where public access is restricted.
- Disturbance severely diminishes the success of breeding, resting and feeding for so many animals
- Public access should not override a holistic and sustainable approach to restoration.
- There is an opportunity to work with conservation bodies for long term management

Applicants Supporting Information

The application is accompanied by planning drawings and an Environmental Statement (including non-technical summary) dated April 2014 on behalf of Hanson UK.

APPRAISAL:

The key issues are:

- Principle of further mineral extraction until September 2016
- Impact on airport safeguarding
- Development in the green belt
- Impact on proposal on nature conservation interests
- Control of environmental pollution
- Landscape and visual impacts
- Highway impacts
- Public access provision

Economic Sustainability

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the

needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make best use of them to secure their long-term conservation. Paragraph 144 requires Local Planning Authorities to give *'great weight to the benefits of the mineral extraction, including to the economy'*, and *'as far as is practical, provide for the maintenance of landbanks'*. Paragraph 145 of NPPF and the CRMLP requires minerals planning authorities to plan for a steady and adequate supply of aggregates; making provision for the maintenance of landbanks of at least 7 years for sand and gravel. Equally NPPF seeks the restoration and aftercare of mineral sites at the earliest opportunity (Paragraph 144). The most recent Local Aggregate Assessment (2014) identifies that Cheshire East has an aggregate reserve of 5.17 million tonnes (which equates to a landbank of 7.2 years).

The operator estimates that there are approximately 45,000 tonnes of mineral remaining in stockpiles on the site awaiting export. The proposal would ensure the remaining mineral reserves are fully utilised, thereby helping to maintain the landbank required by national planning policy as well as providing direct and indirect benefits to the local economy by providing a source of aggregate and ensuring the site is fully restored to an acceptable condition. As such this complies with the approach of the NPPF and the MLP.

Impact on airport safeguarding

The approved restoration scheme includes for the creation of three large waterbodies, agricultural land, unimproved grassland, hedgerows, woodland planting, and fringe reed planting. Large portions of the site have already been restored including the central lake, parts of the western lakes and east of Stubby Lane.

The site lies approximately 7km to the south east of Manchester Airport and is within the bird hazard safeguarding zone. Manchester Airport initially raised concerns over the proposals to restore the northern and southern lake on the western extent of the site due to risk of birdstrike as this could provide favourable habitat to support potentially substantial numbers of hazardous waterfowl, and the proposed island within the northern lake provides secure breeding for wildfowl, particularly geese. No objections were raised however planning conditions were recommended to secure alterations to restoration scheme to ensure there was no increase in the level of bird activity in the vicinity of the airport.

The restoration proposals for this part of the site have already been approved under permission 5/06/2940 (and subsequently amended under permission 09/2806W). This application largely seeks to retain the same proposals. Manchester Airport were originally consulted on both previous permissions and the restoration scheme was subsequently amended to address their concerns. This now forms the basis of the approved scheme.

Despite this, and following further negotiations with Manchester Airport, the applicant has agreed to modify the restoration scheme to provide for:

- reduced areas of shallow margin and maximised reed planting to minimise access to the shallows;
- final planting scheme for north lake to be submitted for approval;
- development of an extensive bird management plan in liaison with Manchester Airport;

- revision to the existing s106 to provide for long term habitat maintenance arrangements as secured under 09/2806W. This would include management of the reed beds, management of the north island as an unvegetated area and incorporation of management actions identified from the bird management plan.

These provisions can be secured by planning condition and a revision to the s106 legal agreement and both Manchester Airport and the Nature Conservation officer are content with this approach.

Development in the Green Belt

The application site is located in the Green Belt. NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Mineral development is not inappropriate in Green Belt provided it preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. MLP advises that mineral extraction need not be inappropriate within Green Belt provided that high environmental standards are maintained and the site well restored.

The principle of continued mineral development on this site has already been accepted and no changes to the approved development are proposed aside from an extension of time and minor amendments to the restoration scheme. As such, the 'appropriateness' of the development in the Green Belt has already been previously assessed and accepted. Whilst the development would prolong the period within which there would be an impact on the openness and visual amenity of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation and the advanced planting which assists in reducing the overall impacts associated with mineral operations. Furthermore the development provides for a good quality restoration scheme which ensures high environmental standards are achieved in the green belt. As such it is not considered that this development would conflict with the objectives for the use of land in the Green Belt and complies with the approach of the MLP and the NPPF.

Environmental Sustainability

Impact on nature conservation interests

Policy 23 of MLP requires mineral development to ensure the local network of nature conservation features are maintained and proposals which would adversely affect nature conservation interests will not normally be permitted (MBLP policy NE11).

Permission 5/06/2940 made provisions for the creation of great crested newt mitigation ponds to the west of Stubby Lane to replace those removed as part of historical mineral extraction. The approved restoration plan also included for the removal of ponds and the loss of terrestrial habitat. The ecological assessment submitted for this application identifies a medium population of great crested newts in these mitigation ponds, within the freshwater lagoon and also within the ponds identified for removal under the current restoration plan.

The applicant therefore proposes an amendment to the restoration scheme to retain a pond on the north east boundary, provision of a 40m wide habitat corridor between the pond and Stubby Lane (which is fenced off from grazing), and a further 15m wide fenced off strip alongside Stubby Lane to link to the pond on the southern boundary - thus providing connectivity between the two areas of habitat. Some minor amendments to the amount of woodland planting and agricultural grassland are also proposed within these areas to offset those areas now to be retained for great crested newt mitigation. The proposed restoration plan also incorporates the site extension permitted under 09/2806W which includes for woodland planting, and fringe reed planting on the banks of the north lake.

In order to provide consistency across the site, the requirements of the s106 legal agreement on 09/2806W for long term habitat management of the north and south lake, part of which falls within the boundary of this application, would be replicated on any new permission.

Whilst the restoration of the quarry is not anticipated to result in significant adverse impacts on the great crested newt population and could potentially provide an increase in suitable terrestrial and aquatic habitat, there is potential for temporary disturbance or harm to small numbers of the population during the restoration works. The temporary impact is not considered to be significant to maintenance of the population but without appropriate mitigation the restoration works could result in an offence.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive. They are that:

- (i) there is no satisfactory alternative
- (ii) the development is of overriding public interest.
- (iii) the favourable conservation status of the species will be maintained.

Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

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

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

Circular 6/2005 (dated 16 August 2005) advises LPAs that:

“It is essential that the presence of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Regulation 9(5) the 2010 Habitats Regulations places an obligation upon planning authorities to give consideration to European protected species in the exercise of their functions. The recent ‘Whooley’ and ‘Morge’ judicial reviews have clarified the position of planning authorities in respect of this legislation.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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 ;
- there is no satisfactory alternative;
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Test 1: “preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment”

The impacts of mineral extraction and subsequent site restoration on great crested newt population have previously been considered acceptable through the grant of previous planning permissions; and the amendments now being sought only relate to the time period for the completing the works and the incorporation of newt mitigation to the final restoration scheme. This first test has previously been met and the circumstances have not changed in this respect.

The economic benefits of this application in respect of maintaining supply of mineral to meet national planning policy requirements, and to enable the site to be restored to a high standard are set out above. Whilst the restoration of the quarry may result in some disturbance or harm to small numbers of the population; any such harm could be managed and the restoration would provide enhancement for the species.

Given this need it is therefore considered that the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside the proposed mitigation.

Test 2: No satisfactory alternative

The alternative option is a 'do nothing scenario'. However this would still result in the same impact on great crested newts as there would remain an obligation to restore the quarry to the approved restoration plan which would result in the loss of ponds and terrestrial habitat.

Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range".

The revised restoration scheme ensures that both ponds east of Stubby Lane are retained; however there will be loss and/or disturbance to areas of suitable terrestrial habitat whilst the restoration works are undertaken and as such there is a low risk great crested newts could be present. The mitigation scheme outlines the capture and exclusion methods which will be used to protect any great crested newts during the restoration works such as trapping, temporary newt fencing and relocation to a suitable terrestrial habitat. Following restoration, both ponds and terrestrial habitat will be retained, along with provision of wide corridors of terrestrial habitat connecting the two ponds. Subject to these measures being implemented, the ecological assessment concludes there will be little risk of harm/disturbance to the species. The nature conservation officer advises that the mitigation measures identified are acceptable to safeguard the identified great crested newt populations and would be likely to maintain the favourable conservation status of the species. Therefore, providing appropriate conditions are included, it is considered that the proposal meets the third test

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

With respect to other species the ecological assessment identifies that badgers have previously been noted at the site but are not located in areas that will be affected by the remaining works proposed. There are bat roosting opportunities within mature trees within and around the site and areas for commuting and foraging. There are also opportunities for nesting birds across the site, and habitats suitable for reptiles and invertebrates.

The ecological assessment identifies that there are no proposals to cause significant disturbance to areas previously restored which are now developing some nature conservation interest and there are not expected to be any significant impacts on any species present. The restoration works will incorporate appropriate mitigation to protect habitats and the nature conservation officer does not raise any concerns. Subject to securing the identified mitigation by planning condition, the scheme would comply with policy 23 of MLP, NE11 of MBLP, the NPPF and the approach of the emerging Local Plan Strategy.

Pollution control and hydrology

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy DC3 does not support development which would significantly injure the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

The NPPG sets a range of appropriate noise standards for normal mineral operations including normal activities not exceeding background noise levels by 10dB(A) during normal working hours; and total noise from operations not exceeding 55dB(A) or 42dB(A) during night time. The noise assessment considers the impacts from continued activities at the site to determine the magnitude of impact and significant of effect on local noise sensitive properties. The removal of soil storage bunds required as part of the final restoration works are likely to be the most intrusive remaining activity as some of the bunds lie in close proximity to sensitive receptors. The impact of these activities has already been assessed and considered acceptable in the grant of the previous mineral permissions. It is also noted that the removal of the bunds is a short term one off activity. The noise levels at nearby residential receptors are predicted to remain within the relevant NPPG noise standards at all times and as such the impact is assessed as negligible to slight.

The noise controls on the existing permission would be replicated on any new consent including setting noise level limits at the nearest noise sensitive properties and restrictions on timescales for particularly noise generating activities such as bund formation. No concerns have been raised by Environmental Health to the proposal.

No changes are proposed to the methods of working and existing operational practices to control pollution to air and water currently adopted on the site. The existing suite of planning conditions imposed on the current consent would be replicated to ensure there is no harm to the local environment, human health or amenity. Equally the regulatory controls imposed by other environmental legislation would remain in force.

There are measures in place under the existing permissions for effects on local groundwater levels and surface water features to be monitored by the operator using an extensive network of monitoring equipment in accordance with a monitoring scheme approved under the s106 legal agreement, with particular focus on ensuring there is no derogation of flow in Bag Brook and water level in Ash Lea. The detailed monitoring demonstrates that the quarrying is not having a significant impact on surrounding groundwater or surface water features. These measures would be replicated on any new consent and the requirement for monitoring will remain in place until expiry of the aftercare period following completion of the site restoration. On this basis the scheme accords with those policies listed above, the approach of the NPPF and emerging Local Plan Strategy.

Landscape and visual impacts

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (MLP policy 15 and 17) and should respect local landscape character (MBLP policy NE2 and Local Plan Strategy policy SE4). The main visual receptors are those to the south west and on Bollington Lane who overlook the restored lake. Views of

the plant site are well screened by dense woodland and hedgerow, and limited by surrounding topography. Views of the current working area are largely screened by existing woodland, hedgerows, and soil bunds. There are distant views of the pump house and there will be short term views of the restoration activities as the soil bunds are progressively removed as this area is restored, however the impacts would be the same as those generated if the site were restored in line with the consented timescales.

Whilst the visual impact of quarrying activities would be prolonged, the site benefits from well established screening provided by soil bunds, vegetation and natural topography and the impacts would reduce over time as the restoration progresses.

The proposed modifications to the restoration scheme would make minor variations to the proportions of woodland, grassland, agricultural land and hedgerow established on site to compensate for areas lost to ecological mitigation and take account of the site extension approved under 09/2806W; however the overall resultant landscape established would reflect the character of the local area and would not be dissimilar to that proposed on the approved restoration scheme. The landscape officer considers that there would be no significant impacts in terms of visual effects. As such the scheme accords with policies 15 and 17 of MLP, MBLP policy NE2, the approach of the NPPF and policy SE4 of the emerging Local Plan Strategy.

Highway impacts

MLP policy requires new development to ensure that the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety and the traffic can be accommodated within the existing highway network; whilst MBLP states that traffic generation from new development should not significantly injure the amenities of residents (policy DC3). There is only a small quantity of remaining reserves of sand left to be exported off site, after which the bulk of site traffic will significantly reduce with the only movements largely associated with restoration activities. The Transport Statement identifies that historically traffic movements to the quarry were at a level of 120-140 movements per day (60 – 70 two way movements). The average daily vehicle movements in 2013 were 44 movements (22 two way movements). Given that there is approximately 45,000 tonnes remaining, the level of vehicle movements are anticipated to be well below previous levels, with traffic levels during restoration likely to be negligible.

The Transport Statement identifies traffic flow along A537 remaining well within capacity and there are no known accident or highways safety issues. Traffic from Mere Farm quarry represents only a small proportion of the HGV traffic on A537 and quarry traffic is split equally east and west bound so the impacts on traffic volumes on the junctions at either end of A537 are low. Overall the Transport Statement concludes that the impacts of the proposed development will be minimum and the highways officer raises no objection or comment. As such the development is considered to accord with MLP policy 34, DC3 of MBLP and the NPPF.

SOCIAL SUSTAINABILITY

Public access provision

Concern has been raised from members of the public and the parish councils regarding the need to widen the existing public access across the site as part of this development. They suggest that there has historically been an expectation that improvements to the public right of way network would be provided on restoration of the site; and that the restoration scheme does not provide any element of enhancement which conflicts with planning policy. Reference is also made to requirements of a condition on the 09/2806W permission for enhancements to public access not being fulfilled and concern is raised that any enhancements will not be forthcoming or permanent.

MLP policy encourages any restoration to, where appropriate, make a positive contribution to the public rights of way network; whilst Policy RT8 of MBLP states that encouragement will be given for the public to gain access to wider areas of the countryside for informal recreation, however proposals will be subject to countryside and conservation policies. NPPF also states that planning policies should seek to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users.

With regard to the restoration of mineral sites MLP policy 23 requires there to be a positive contribution to the nature conservation and physical environmental resources of the area. MBLP does not normally permit development which would adversely affect nature conservation interests (Policy NE11).

The NPPF encourages there to be high quality restoration of mineral sites, including for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation. It also requires mineral development to ensure there are no unacceptable adverse impacts on the natural environment. With respect to biodiversity, development should ensure that impacts are minimised and provide for net gains where possible. The NPPF also seeks to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

There are three public rights of way which currently cross the site. Byway No. 31 Nether Alderley (Stubby Lane) lies to the east of the central lake and connects A537 to Bollington Lane. Public Footpath No.50 Nether Alderley joins Stubby Lane and runs north west to the western extent of the central lake, where it then connects to Public Footpath No. 2 Chelford which runs south west to connect with B5359 Alderley Road. These connect to a wider public rights of way network within the local area. The footpaths are now on their final reinstated alignment, having been previously diverted to accommodate the quarrying and it is understood that they are used on a regular basis by the local community.

The officer's report to Strategic Planning Board for the site extension (09/2806W) noted that:

- the landowners to whom the land will revert on completion of the restoration have indicated that they will not allow further public access;
- there are currently no proposals for future leisure or recreational uses; and future uses would need to be subject to further planning applications;
- it appears appropriate in policy terms to require an enhancement in public access as part of the restoration as the landowners will stand to benefit from the extraction and this will prolong the life of the quarry; and
- a circular walking route could be created around the northern lake.

A planning condition was subsequently imposed requiring a detailed scheme for the enhancement of public access to the extension site. At the time of the submission of this planning application no details had been submitted to discharge this condition; however the planning authority are aware that the mineral operator was undertaking discussions with their landscape and ecological consultants, and with the landowners and local community through the liaison group to try to reach agreement on a suitable scheme which met the requirements of this condition but also maintained the overall broad restoration principles.

This detail has recently been submitted for approval and a further permissive footpath is proposed on the eastern side of the north lake creating a circulatory path on the eastern side which connects to FP2 Chelford. In order to enhance public views across the restored quarry site, selective vegetation control is proposed in this area to open up views across the footpaths routes. The requirement for the provision of the further footpath would be replicated on any new consent.

As detailed above restoration principles have been established through historical permissions for the land to revert back to a mixture of agriculture, woodland, nature conservation habitat and a series of lakes with an element of public access through the existing public rights of way network. A large proportion of the site has now been restored in accordance with these principles, and parts of the site are now in aftercare. In addition the north and south lake are subject to a requirement for long term habitat management for a 10 year period (following the 5 year standard aftercare) secured through a s106 legal agreement on permission 09/2806W. The boundary of the management area overlaps onto land within the 5/06/2940 permission.

This application is not proposing any amendments to the restoration plans, aside from that required to ensure that the increased ecological habitat now established on the site is protected; and to update the restoration scheme to incorporate the amendments resulting from the 09/2806W site extension. Should planning permission be granted, the requirements for the long term management of lake habitats through a s106 legal agreement would be replicated.

Concern has been raised by local birdwatchers and active members of the Cheshire and Wirral Ornithological society over the potential impacts of increased public access on the bird population attracted to the site. In particular they identify that the site provides habitat for a good variety of waterfowl species including UK BAP and a Schedule I listed species. They highlight that many other restored quarries have wide public access which limits their value for wild birds and there are few sites where access is restricted for wildlife protection. They also point to the Cheshire and Wirral Bird Report for 2013 which identifies that this quarry is now the second most important site in the county for Pochard.

Mineral planning policy requires a positive contribution to public access 'where appropriate'; but also requires there to be positive enhancement of nature conservation. Clearly a delicate balance needs to be achieved between adequate public access for the local community and the protection of sensitive wildlife habitats. Whilst the public rights of way are now fully reinstated and in use, the site manages to provide a successful habitat for an increasing range of birds, indicating that a correct balance has potentially been achieved.

There is concern that the provision of further public access around the lake could lead to increased disturbance to these habitats, which would be to the detriment of their long term

sustainability and ultimately conflict with the original aims of the restoration schemes previously approved. The Nature Conservation Officer advises that Mere Farm quarry in its current form as a partially restored/partially active quarry is very important for birds in the Cheshire context. As the activities on site gradually cease and the restoration progresses, the ornithological interest of the site will inevitably change with some bird species possibly being lost and some new species becoming established. The officer advises that many of the important birds, particularly the larger species associated with more open habitats are very sensitive to disturbance and in general, the higher the level of disturbance, the more detrimental this would be to nesting/wintering birds.

Given that the existing restoration scheme (including the provisions secured under 09/2806W) will result in a net gain for public access across the site which meets the requirements of MLP policy 33, it is not considered appropriate at this advanced stage in the site's restoration to require further public access given the nature conservation value of the restored site. Furthermore, it is noted that one of the landowners has indicated in previous liaison meetings that they would be unwilling to agree to any further public access provision. As such, the scheme is considered to accord with the policies listed above, the approach of the NPPF and the emerging Local Plan Strategy.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

With respect to the comment that the mineral operator should contribute to the upkeep of the parish hall, any financial contributions would need to be secured through a s106 agreement. NPPF makes it clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case based on the points above it is not considered that there is sufficient justification to require such financial contributions and as such this does not accord with the provisions of the NPPF.

PLANNING BALANCE

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local

economy by providing a source of aggregate. The sand also contributes to the overall landbank requirement set out in NPPF. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard, and provides for an overall net gain for nature conservation. This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

RECOMMENDATION

That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 5/06/2940 namely:

- **monitor hydrology and comply with hydrometric monitoring scheme**
- **allow access to the company to carry out the obligations**

and the addition of the following:

- **Replication of the requirements under the s106 agreement attached to permission 09/2806W in respect of a habitat management plan, and the addition of bird management measures identified in the bird management plan for a period of 10 years after the aftercare period.**

And

Subject to the imposition of planning conditions in respect of:

- **All the conditions attached to permission 5/06/2940 unless amended by those below;**
- **Revised restoration plan;**
- **Extension of time to 30 September 2016**
- **Provision of ecological mitigation measures**

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning

Committee 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.

Application No: 14/1788W

Location: MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SZ

Proposal: Variation of condition 2 and 54 of permission 09/2806W to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev 'C'

Applicant: Hanson Quarry Products Europe Ltd

Expiry Date: 06-Jun-2014

CONCLUSION: There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves are fully utilised, contributing to the requirement for a seven year landbank for sand and gravel. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation. Subject to securing appropriate planning conditions and s106 legal agreement, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

SUMMARY RECOMMENDATION: Approve subject to S106 deed of variation and planning conditions

PROPOSAL

The application proposes the variation of conditions 2 and 54 of permission 09/2806W to seek an extension of time for the completion of mineral working and a revision to the approved restoration scheme.

Conditions 2 states:

‘The winning and working of sand and gravel authorised by this permission shall cease and all plant machinery, and other structures, foundations and debris shall be removed from the site, and the site restored in accordance with the approved scheme by 28 April 2014’.

A variation to this condition is proposed to extend mineral operations on the site (including all restoration activities) until 30 September 2016.

The applicant proposes to vary condition 54 which stipulates that the site shall be restored in full accordance with the approved restoration plans. The approved restoration plan provides the restoration scheme for the whole quarry covering both the main quarry area permitted under 5/06/2940, and the extension area permitted under 09/2806W. Minor revisions are proposed to the planting scheme around the north east extent of the site. In addition, in order to incorporate revisions to the restoration of the main quarry area permitted under 5/06/2940 (which is being assessed separately under application 14/1944W) these are included for completeness.

A copy of the existing planning conditions has been provided in the key plans pack.

SITE DESCRIPTION

The application site is an L shaped parcel of land within Mere Farm Quarry which lies on its north west extent. The quarry is located midway between Macclesfield and Knutsford approximately one kilometre from Chelford. The quarry site is bounded by A537 Chelford Road to the south, B5359 Alderley Road to the west and A34 to the east; with access to the site taken from A537. Land use in the area is predominantly open farmland; with the settlement of Chelford to the west, and the A34 by-pass and Alderley Park approximately 700m to the north east.

The planning application boundary covers approximately 6ha and includes the area of the quarry which has most recently been worked, soil storage area and an area of undisturbed land. The wider quarry site covers an area of approximately 104 hectares and includes the plant site, silt lagoons, quarry infrastructure, soil bunds, operational land and undisturbed land. The quarry ceased sand extraction in December 2014 and work is now progressing on the restoration of the site, whilst the remaining mineral reserves stockpiled in the site are being exported. Significant parts of the quarry have already been restored to agricultural land, woodland, waterbodies and a large lake. Land within the application boundary is in the process of being restored to part of a wider lake.

There are a number of sensitive receptors in close proximity to the site, most notably those to the north west and south west of the site on Alderley Road, and those properties to the north of the quarry site off Bollington Lane, the closest of which lies approximately 200m from the application boundary. Existing screen mounding, vegetation and tree planting provides a degree of visual screening for these receptors, particularly for those located along Bollington Lane.

Public right of way 'Chelford FP2' lies to the south of the application boundary and links to 'Nether Alderley FP50' which crosses the central part of the quarry to connect with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site. Public right of way Chelford FP1 also lies on the western side of Alderley Road.

RELEVANT HISTORY

The wider quarry has a long planning history; the most relevant of which is as follows:

- 5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;
- 5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 for a 6ha extension to the north west of the site ref: 09/2806W. A small section of the main quarry site (covered by permission 5/06/2940) is included within this permission boundary to allow for revisions to the approved lake profile required to incorporate the site extension. Permission 09/2806W is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940. The permission requires cessation of mineral working by April 2014.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals, particularly aggregates including sand and gravel.

Development Plan:

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Macclesfield Borough Local Plan 2004 in which the site lies in the Green Belt.

The relevant Saved Policies are: -

Cheshire Replacement Minerals Local Plan (MLP)

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology
Policy 23: Nature Conservation
Policy 25: Ground Water/ Surface Water/ Flood Protection
Policy 26/27: Noise
Policy 28: Dust
Policy 29: Agricultural Land
Policy 31: Cumulative Impact
Policy 33: Public Right of Way
Policy 34: Highways
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 47: Sand and Gravel Area of Search

Macclesfield Borough Local Plan (MBLP)

NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11 and NE14: Nature Conservation
GC 2: Green Belt
GC3: Visual Amenity
RT7: Cycleways, Bridleways and Footpaths
RT 8: Access to Countryside
DC3: Amenity
DC9: Tree Protection
DC11: Hedgerows
DC13 and DC14: Noise
DC17, DC19 and DC20: Water Resources

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG3 – Green Belt
SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – Historic Environment
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations

National Planning Practice Guidance

Circular 6/2005

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)

EC Habitats Directive

Conservation of habitats and species regulations 2010

CONSULTATIONS:

Highways: No objection

Environmental Health: No objection

Nature Conservation: Confirms that there are no ecological issues associated with the application.

Public Rights of Way: the development does not appear to affect a public right of way.

Environment Agency (EA): No objection in principle.

Landscape: In relation to visual impact, whilst the proposal would extend the operational life of the site, thus prolonging the visual impact on a number of receptors, the proposed changes will not have a significant impact in terms of visual effect.

Manchester Airport: No objections have been raised to the scheme however they note that the north lake is sufficiently large to attract a variety of hazardous waterfowl and the shallow margins make the lakes particularly attractive to dabbling species such as mallard that are important in birdstrikes. The proposed island in the north lake provides secure breeding habitat for wildfowl. The lake has clearly been designed to provide favourable habitat for water birds and provides new habitat to support additional (and potential substantial) numbers of waterfowl in the vicinity of the Airport and will result in an increase in waterfowl movements in the area. Any significant increase in waterfowl habitat and populations in the safeguarded area cannot be a positive development in terms of the local birdstrike hazard.

A range of conditions are required to ensure the proposal does not significantly increase levels of bird activity in the vicinity of the Airport including maintenance of the island in the north lake as an unvegetated feature, reduction of shallow margins, installation of marginal fencing, production of bird management plan and site management plan.

Further comments received from Manchester Airport concerning the requirements for mitigation are detailed below in the Officers Appraisal.

Natural England: no comments

Built Heritage: No objections

Parish Council

Nether Alderley Parish Council The application does not address the applicant's failure to comply with Condition 42 on Planning application 09/2806W, which was approved on

2/12/2011 and that required the applicant to, within a year of the date of the permission for application 09/2806W, submit and receive approval for a detailed scheme for the enhancement of public access to the extension area.

The Parish Council understands that continued quarrying beyond April 2014 is reliant upon the formulation of a detailed enhanced access scheme and that permission cannot be given for continued quarrying without this obligation being fulfilled or enforced.

The Parish Council notes that the restoration plan submitted with application 14/1788W offers no further access amenity than was in place prior to the commencement of quarrying and, consequently, offers no enhancement of public access.

As stated in its previous response (dated 9th July 2014) to the original applications 14/1788W and 14/1944W that were submitted in April 2014, the Parish Council maintains the position that no applications relating to Mere Farm Quarry should be permitted until matters relating to Condition 42 are addressed and resolved. The Parish Council upholds that issues relating to Condition 42 should be addressed at this stage.

Chelford Parish Council: Chelford Parish Council supports the request for an extension of time to 30th September 2016 in order to complete quarrying and restoration according to that shown on plan M103/222 rev C.

The Parish Council note that an earlier proposal for additional access has been removed from plan M104/222 and we agree with this. Our view is that for any increased access to be sustainable, it has to be consistent with future land use. Any future schemes would have to seek planning permission and the Parish Council and Chelford residents would be consulted at that time. We believe that it is at that point that it would be appropriate to consider public access.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

In excess of 20 letters have been received objecting on the following grounds:

- Failure of applicant to propose a satisfactory scheme for enhanced public access as part of the restoration as required by the original planning permission;
- There has been a historical agreement/expectation that there would be enhanced access to the lakes;
- Previous planning committees have, in the determination of applications at this site, made it clear that there was an expectation that public access should be improved;
- It was previously agreed that there should be a circular route around the lakes
- Requirements of planning condition on 09/2806W permission for enhanced public access have not been satisfied which is a breach of condition and the council should consider enforcement action. As a result the current operations at the site fall outside of the scope of the existing planning permission and are unlawful;
- The site extension was granted on the basis that enhanced public access would be provided for leisure/recreation as compensation for loss of amenity to local residents;

- The further public access proposed should be shown on the restoration plan and considered as part of this application rather than sought through a condition, and should form part of a s106 legal agreement to ensure delivery;
- The application should be withdrawn and resubmitted with public access shown on restoration plan;
- The proposals for enhanced public access do not provide any enhancement and do not comply with planning policy;
- The path proposed is permissive only and could be withdrawn;
- Further adopted public rights of way should be provided to meet planning policy and provide enhancements to amenity and allow the restored site to be enjoyed by the local community;
- Lack of public access means there is no compensation for local community for impacts on amenity resulting from long period of quarrying;
- Quarry should make a contribution to upkeep of local parish hall to provide additional value to the community;
- Construction of the lake has resulted in physical (but not legal) loss of right of way;
- No confidence that public access enhancements will come forward as landowner have previously confirmed they do not support this.

In excess of 3 letters have also been received which raise concerns about providing further public access to the site, and make the following comments:

- The site has value ornithologically
- Lack of disturbance to birds needs to be maintained.
- The access afforded by the existing right of way is generous and there is no reason why this should be expanded.
- The site restoration is a rare opportunity to create something of special significance for Cheshire wildlife
- Site has developed a good variety of waterfowl birds during last 12 years and has Schedule 1 listed species
- Site recognised as second most important site in the county for Pochard
- Key to maintenance of the number and variety of birds is the relative seclusion and freedom from disturbance at the site
- There are already a number of historical quarries in the area that have been restored to fishing and recreation and we lack significant areas of land that are effective reserves for wildlife where public access is restricted.
- Disturbance severely diminishes the success of breeding, resting and feeding for so many animals
- Public access should not override a holistic and sustainable approach to restoration.
- There is an opportunity to work with conservation bodies for long term management

APPRAISAL:

The key issues are:

- Principle of further mineral extraction until September 2016
- Impact on airport safeguarding

- Development in the green belt
- Impact on proposal on nature conservation interests
- Control of environmental pollution
- Landscape and visual impacts
- Highway impacts
- Public access provision

ECONOMIC SUSTAINABILITY

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make best use of them to secure their long-term conservation. Paragraph 144 requires Local Planning Authorities to give *'great weight to the benefits of the mineral extraction, including to the economy'*, and *'as far as is practical, provide for the maintenance of landbanks'*. Paragraph 145 of NPPF and the CRMLP requires minerals planning authorities to plan for a steady and adequate supply of aggregates; making provision for the maintenance of landbanks of at least 7 years for sand and gravel. Equally NPPF seeks the restoration and aftercare of mineral sites at the earliest opportunity (Paragraph 144). The most recent Local Aggregate Assessment (2014) identifies that Cheshire East has an aggregate reserve of 5.17 million tonnes (which equates to a landbank of 7.2 years).

The operator estimates that there are approximately 45,000 tonnes of mineral remaining in stockpiles on the site awaiting export. The proposal would ensure the remaining mineral reserves are fully utilised, thereby helping to maintain the landbank required by national planning policy as well as providing direct and indirect benefits to the local economy by providing a source of aggregate and ensuring the site is fully restored to an acceptable condition. As such this complies with the approach of the NPPF and the MLP.

Impact on airport safeguarding

The approved restoration scheme includes for the creation of three large waterbodies, agricultural land, unimproved grassland, hedgerows, woodland planting, and fringe reed planting. Large portions of the site have already been restored including the central lake, parts of the western lakes and east of Stubby Lane.

The site lies approximately 7km to the south east of Manchester Airport and is within the bird hazard safeguarding zone. Manchester Airport initially raised concerns with this application in respect of proposals to restore the northern and southern lake on the western extent of the site due to risk of birdstrike as this could provide favourable habitat to support potentially substantial numbers of hazardous waterfowl, and the proposed island within the northern lake provides secure breeding for wildfowl, particularly geese. No objections were raised however planning conditions were recommended to secure alterations to restoration scheme to ensure there was no increase in the level of bird activity in the vicinity of the airport.

The restoration proposals for this part of the site have already been approved under permission 09/2804W and this application does not propose any substantial revisions.

Manchester Airport were consulted on application 09/2806W and the subsequent approved restoration scheme incorporated their requirements.

Despite this, and following further negotiations with Manchester Airport, the applicant has agreed to modify the restoration scheme to provide for:

- reduced areas of shallow margin and maximised reed planting to minimise access to the shallows;
- final planting scheme for north lake to be submitted for approval;
- development of an extensive bird management plan in liaison with Manchester Airport;
- revision to the existing s106 management plan to include for maintenance of reed beds, management of the north island as an unvegetated area and incorporation of management actions resulting from the bird management plan.

These provisions can be secured by planning condition and a revision to the s106 legal agreement and both Manchester Airport and the Nature Conservation officer are content with this approach.

Development in the Green Belt

The application site is located in the Green Belt. NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Mineral development is not inappropriate in Green Belt provided it preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. MLP advises that mineral extraction need not be inappropriate within Green Belt provided that high environmental standards are maintained and the site well restored.

The principle of continued mineral development on this site has already been accepted and no changes to the approved development are proposed aside from an extension of time and minor amendments to the restoration scheme. As such, the 'appropriateness' of the development in the green belt has already been previously assessed and accepted. Whilst the development would prolong the period within which there would be an impact on the openness and visual amenity of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation, topography and planting which assists in reducing the overall impacts associated with mineral operations. Furthermore the development provides for a good quality restoration scheme which ensures high environmental standards are achieved in the Green Belt. As such it is not considered that this development would conflict with the objectives for the use of land in the Green Belt and complies with the approach of the MLP and the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Impact on nature conservation interests

Policy 23 of MLP requires mineral development to ensure the local network of nature conservation features are maintained, and proposals which would adversely affect nature conservation interests will not normally be permitted (MLP policy NE11).

The revised restoration plan submitted illustrates the ecological mitigation proposed on the eastern extent of the quarry which would be subject to permanent and temporary loss and disturbance as a result of the restoration works. As this falls within the boundary of permission 5/06/2940, the impacts of this activity is being assessed separately under application 14/1944W but is shown on this restoration plan to ensure completeness across both sets of permissions.

The ecological assessment identifies that the working and restoration of the north west extension area approved under 09/2806W is not expected to have a significant impact on any species present in the area. Prior to commencing work on the extension area, measures were taken to ensure there were no adverse impacts on bats and badgers. On restoration, it is anticipated that the lakes, fringing reedbeds and swamp communities will provide habitat for a range of species which will be further enhanced by the tree planting around parts of the shore line.

Minor adjustments to the vegetation planting are proposed around the north eastern banks of the proposed north lake in order to take account of the proposals for public access which have been submitted to discharge a planning condition on permission 09/2806W. Due to the nature and scale of the amendments which would result in a slight thinning out of vegetation planting, there is not anticipated to be any significant loss of habitat and no significant adverse impacts on habitat.

Should planning permission be granted the existing conditions and the requirements of the existing s106 legal agreement for the long term habitat management of the north and south lake would be replicated.

Overall, the ecological assessment identifies there will be a significant beneficial impact on species at a local level and no concerns are raised by the Nature Conservation Officer. As such the scheme complies with policy 23 of MLP, NE11 of MBLP, the NPPF and the approach of the emerging Local Plan Strategy.

Pollution control and hydrology

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy DC3 does not support development which would significantly injure the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

The NPPG sets a range of appropriate noise standards for normal mineral operations including normal activities not exceeding background noise levels by 10dB(A) during normal working hours; and total noise from operations not exceeding not exceeding 55dB(A) or 42dB(A) during night time. The removal of the soil storage bunds required as part of the final restoration works are likely to be the most intrusive remaining activity as some of the bunds lie in close proximity to sensitive receptors. The impact of these activities has already been assessed and considered acceptable in the grant of permission 09/2806W and no changes

are proposed to the working arrangements or method of restoration. It is also noted that the removal of the bunds is a short term one off activity. The noise controls on the existing permission would be replicated on any new consent including setting noise level limits at the nearest noise sensitive properties and restrictions on timescales for particularly noise generating activities such as bund formation. No concerns have been raised by Environmental Health to the proposal.

No changes are proposed to the methods of working and existing operational practices to control pollution to air and water currently adopted on the site. The existing suite of planning conditions imposed on the current consent would be replicated to ensure there is no harm to the local environment, human health or amenity. Equally the regulatory controls imposed by other environmental legislation would remain in force.

There are measures in place under the existing permission for effects on local groundwater levels and surface water features to be monitored by the operator using an extensive network of monitoring equipment in accordance with a monitoring scheme approved under the s106 legal agreement, with particular focus on ensuring there is no derogation of flow in Bag Brook and water level in Ash Lea. The detailed monitoring demonstrates that the quarrying is not having a significant impact on surrounding groundwater or surface water features. These measures would be replicated on any new consent and the requirement for monitoring will remain in place until expiry of the aftercare period following completion of the site restoration. On this basis the scheme accords with those policies listed above, the approach of the NPPF and emerging Local Plan Strategy.

Landscape and visual impacts

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (MLP policy 15 and 17) and should respect local landscape character (MBLP policy NE2 and Local Plan Strategy policy SE4). The main visual receptors are those on the western end of Bollington Lane and those off Alderley Road.

Views of the site area are largely screened due to the ground levels within the quarry, and due to the existing woodland, hedgerows, and soil bunds. Whilst the visual impact of quarrying activities would be prolonged by this application, the site benefits from screening provided by well established planting, vegetation, soil bunds, and natural topography and the impacts would reduce over time as the restoration progresses. There will be short term views of the restoration activities as the soil bunds are progressively removed to complete the restoration, however the impacts would be the same as those generated if the site were restored in line with the consented timescales.

The proposed minor modifications to the restoration plan would result in slight thinning of vegetation on the north eastern banks of the north lake, however the overall resultant landscape established would reflect the character of the local area.

The landscape officer considers that there would be no significant impacts in terms of visual effects. As such the scheme accords with policies 15 and 17 of MLP, MBLP policy NE2, the approach of the NPPF and policy SE4 of the emerging Local Plan Strategy.

Highway impacts

MLP policy requires new development to ensure that the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety and the traffic can be accommodated within the existing highway network; whilst MBLP states that traffic generation from new development should not significantly injure the amenities of residents (policy DC3). There is only a small quantity of remaining reserves of sand left to be exported off site, after which the bulk of site traffic will significantly reduce with the only movements largely associated with restoration activities. Whilst no specific information on vehicle movements has been provided with this application, the Transport Statement submitted for the main quarry application 14/1944W identifies that historically traffic movements to the quarry were at a level of 120-140 movements per day (60 – 70 two way movements). The average daily vehicle movements in 2013 were 44 movements (22 two way movements). Given that there is approximately 45,000 tonnes remaining, the level of vehicle movements are anticipated to be well below previous levels, with traffic levels during restoration likely to be negligible.

The Transport Statement also predicts traffic flow along A537 remaining well within capacity and there are no known accident or highways safety issues. It is also noted that traffic from Mere Farm quarry represents only a small proportion of the HGV traffic on A537 and quarry traffic is split equally east and west bound so the impacts on traffic volumes on the junctions at either end of A537 are low. Overall it concludes that the impacts of the continued quarrying and restoration activities will be minimum and the highways officer raises no objection or comment. As such the development is considered to accord with MLP policy 34, DC3 of MBLP and the NPPF.

SOCIAL SUSTAINABILITY

Public access provision

Concern has been raised from members of the public and the parish councils regarding the need to widen the existing public access across the site as part of this development. They suggest that there has historically been an expectation that improvements to the public right of way network would be provided on restoration of the quarry site; and that the restoration scheme does not provide any element of enhancement which conflicts with planning policy. Reference is also made to requirements of a condition on the 09/2806W permission for enhancements to public access not being fulfilled and concern is raised that any enhancements will not be forthcoming or permanent.

MLP policy encourages any restoration to, where appropriate, make a positive contribution to the public rights of way network; whilst Policy RT8 of MBLP states that encouragement will be given for the public to gain access to wider areas of the countryside for informal recreation, however proposals will be subject to countryside and conservation policies. NPPF also states that planning policies should seek to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users.

With regard to the restoration of mineral sites MLP policy 23 requires there to be a positive contribution to the nature conservation and physical environmental resources of the area. MBLP does not normally permit development which would adversely affect nature conservation interests (Policy NE11).

The NPPF encourages there to be high quality restoration of mineral sites, including for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation. It also requires mineral development to ensure there are no unacceptable adverse impacts on the natural environment. With respect to biodiversity, development should ensure that impacts are minimised and provide for net gains where possible. The NPPF also seeks to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

There are three public rights of way which currently cross the site. Byway No. 31 Nether Alderley (Stubby Lane) lies to the east of the central lake and connects A537 to Bollington Lane. Public Footpath No.50 Nether Alderley joins Stubby Lane and runs north west to the western extent of the central lake, where it then connects to Public Footpath No. 2 Chelford which runs south west to connect with B5359 Alderley Road. These connect to a wider public rights of way network within the local area. The footpaths are now on their final reinstated alignment, having been previously diverted to accommodate the quarrying and it is understood that they are used on a regular basis by the local community.

The officer's report to Strategic Planning Board for the site extension (09/2806W) noted that:

- the landowners to whom the land will revert on completion of the restoration have indicated that they will not allow further public access;
- there are currently no proposals for future leisure or recreational uses; and future uses would need to be subject to further planning applications;
- it appears appropriate in policy terms to require an enhancement in public access as part of the restoration as the landowners will stand to benefit from the extraction and this will prolong the life of the quarry; and
- a circular walking route could be created around the northern lake.

A planning condition was subsequently imposed requiring a detailed scheme for the enhancement of public access to the extension site. At the time of the submission of this planning application no details had been submitted to discharge this condition; however the planning authority are aware that the mineral operator was undertaking discussions with their landscape and ecological consultants, and with the landowners and local community through the liaison group to try to reach agreement on a suitable scheme which met the requirements of this condition but also maintained the overall broad restoration principles.

This detail has recently been submitted for approval and a further permissive footpath is proposed on the eastern side of the north lake creating a circulatory path on the eastern side which connects to FP2 Chelford. In order to enhance public views across the restored quarry site, selective vegetation control is proposed in this area to open up views across the footpaths routes. The requirement for the provision of the further footpath would be replicated on any new consent.

As detailed above restoration principles have been established through historical permissions for the land to revert back to a mixture of agriculture, woodland, nature conservation habitat and a series of lakes with an element of public access through the existing public rights of way network. A large proportion of the quarry site has now been restored in accordance with these principles, and parts of the quarry are now in aftercare. In addition the north and south lake are subject to a requirement for long term habitat management for a 10 year period

(following the 5 year standard aftercare) secured through a s106 legal agreement on permission 09/2806W. The boundary of the management area overlaps onto land within the 5/06/2940 permission.

This application is not proposing any amendments to the restoration plans, aside from that required to ensure that the increased ecological habitat now established on the quarry is protected; and to update the restoration scheme to incorporate the minor revisions to planting proposed around the north east extent of the site. Should planning permission be granted, the requirements for the long term management of lake habitats through a s106 legal agreement would be replicated.

Concern has been raised by local birdwatchers and active members of the Cheshire and Wirral Ornithological society over the potential impacts of increased public access on the bird population attracted to the site. In particular they identify that the site provides habitat for a good variety of waterfowl species including UK BAP and a Schedule I listed species. They highlight that many other restored quarries have wide public access which limits their value for wild birds and there are few sites where access is restricted for wildlife protection. They also point to the Cheshire and Wirral Bird Report for 2013 which identifies that this quarry is now the second most important site in the county for Pochard.

Mineral planning policy requires a positive contribution to public access 'where appropriate'; but also requires there to be a positive contribution to nature conservation. Clearly a delicate balance needs to be achieved between adequate public access for the local community and the protection of sensitive wildlife habitats. Whilst the public rights of way are now fully reinstated and in use, the site manages to provide a successful habitat for an increasing range of birds, indicating that a correct balance has potentially been achieved.

There is concern that the provision of further public access around the lake could lead to increased disturbance to these habitats, which would be to the detriment of their long term sustainability and ultimately conflict with the original aims of the restoration schemes previously approved. The Nature Conservation Officer advises that Mere Farm quarry in its current form as a partially restored/partially active quarry is very important for birds in the Cheshire context. As the activities on site gradually cease and the restoration progresses, the ornithological interest of the site will inevitably change with some bird species possibly being lost and some new species becoming established. The officer advises that many of the important birds, particularly the larger species associated with more open habitats are very sensitive to disturbance and in general, the higher the level of disturbance, the more detrimental this would be to nesting/wintering birds.

Given that the existing restoration scheme will result in a net gain for public access across the site which meets the requirements of MLP policy 33, it is not considered appropriate at this advanced stage in the site's restoration to require further public access given the nature conservation value of the restored site. Furthermore, it is noted that one of the landowners has indicated in previous liaison meetings that they would be unwilling to agree to any further public access provision. As such, the scheme is considered to accord with the policies listed above, the approach of the NPPF and the emerging Local Plan Strategy.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

With respect to the comment that the mineral operator should contribute to the upkeep of the parish hall, any financial contributions would need to be secured through a s106 agreement. NPPF makes it clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case based on the points above it is not considered that there is sufficient justification to require such financial contributions and as such this does not accord with the provisions of the NPPF.

PLANNING BALANCE

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local economy by providing a source of aggregate. The sand also contributes to the overall landbank requirement set out in NPPF. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard, and provides for an overall net gain for nature conservation. This should be balanced any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

RECOMMENDATION

That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 09/2806W namely:

- monitor hydrology and comply with hydrometric monitoring scheme
- allow access to the company to carry out the obligations
- management of the land in accordance with a management plan for 10 years post aftercare period

and the addition of the following:

- revision of the management plan to incorporate bird management measures identified in the bird management plan for a period of 10 years after the aftercare period.

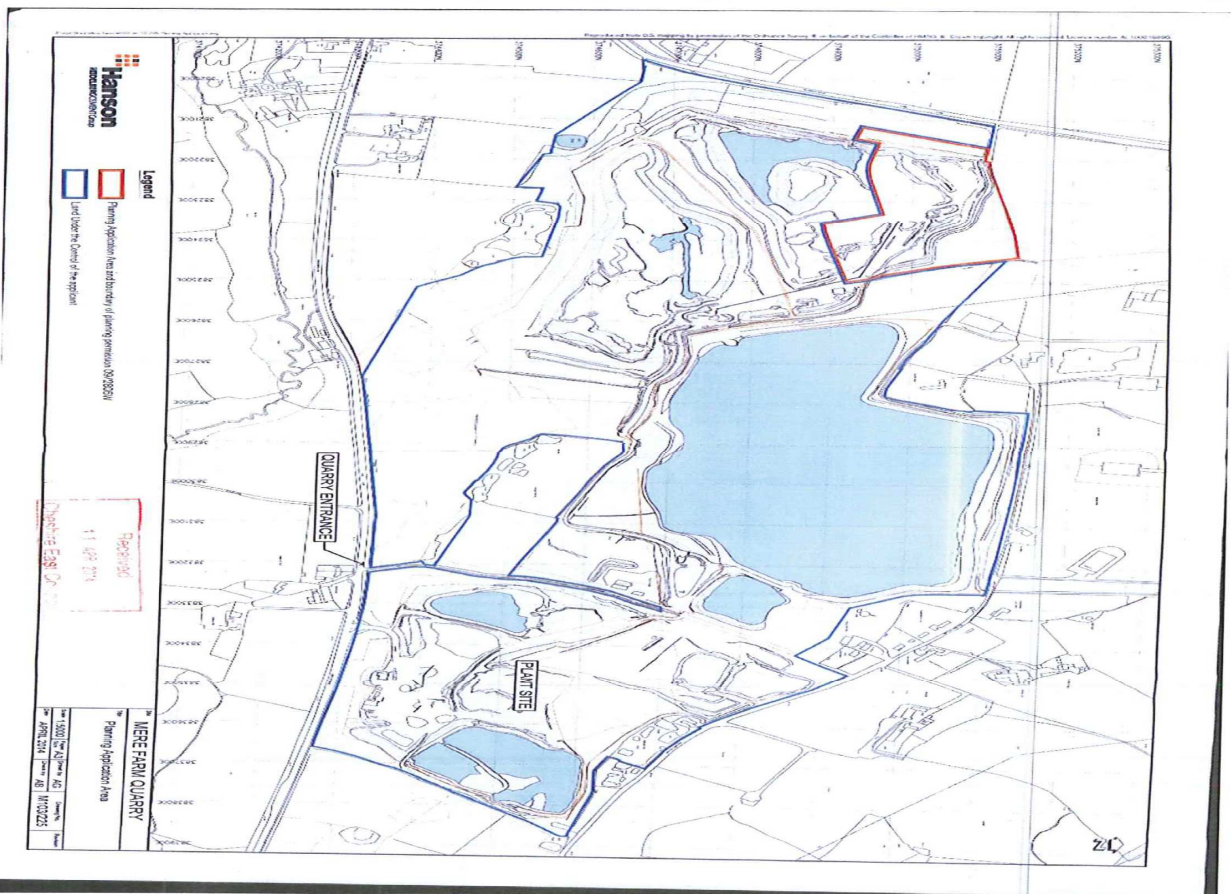
And

Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 09/2806W unless amended by those below;
- Revised restoration plan;
- Extension of time to 30 September 2016
- Provision of ecological mitigation measures

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee 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.



Application No: 14/3892C

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

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

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

Expiry Date: 01-Dec-2014

SUMMARY

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

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

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

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

Taking account of the context of housing developments within the Sandbach area and the relative weight to be attached to emerging policies it is considered that in this case the development would be premature following the publication of the draft Sandbach Neighbourhood plan and this will form the reason for refusal.

RECOMMENDATION

Refuse

PROPOSAL

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

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

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

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

This application is accompanied by an Environmental Statement.

SITE DESCRIPTION

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

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

RELEVANT HISTORY

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

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

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

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

- PS3 – Settlement Hierarchy
- PS8 - Open Countryside
- GR21- Flood Prevention
- GR1- New Development
- GR2 – Design
- GR3 - Residential Development
- GR4 – Landscaping
- GR5 – Landscaping
- GR9 - Accessibility, servicing and provision of parking
- GR14 - Cycling Measures
- GR15 - Pedestrian Measures
- GR16 - Footpaths Bridleway and Cycleway Networks
- GR17 - Car parking
- GR18 - Traffic Generation
- NR1 - Trees and Woodland
- NR3 – Habitats
- NR4 - Non-statutory sites
- NR5 – Habitats
- H2 - Provision of New Housing Development
- H6 - Residential Development in the Open countryside
- H13 - Affordable Housing and Low Cost Housing
- RC2 – Protected Areas of Open Space

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC4 – Residential Mix
- CO1 Sustainable Travel and Transport
- CO4 – Travel Plans and Transport Assessments
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 Design

SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Mix and type
H4 – Preferred Locations
PC2 – Landscape Character

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: Conditions suggested.

United Utilities: Drainage condition suggested.

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

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

NHS England: No comments to make on this application.

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

policy requirements. Applying the standards and formulae in the 2008 Guidance the Council would require a commuted sum of £56,760 to maintain an area required by policy.

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

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

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

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

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

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

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

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

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

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

SUSTRANS: Would like to make the following comments:

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

VIEWS OF THE PARISH COUNCIL

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

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

REPRESENTATIONS

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

Principal of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- No decision should be issued until the Sandbach Neighbourhood Plan is in place
- There is no need for more housing in Sandbach

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

Highways

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

Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Detrimental impact upon the Wheelock Rail Trail Local Wildlife Site
- Inconstancies within the supporting protected species surveys
- Landscape and visual impact of the development
- Further ecological surveys should be undertaken
- The impact upon the trees/hedgerows which form the boundaries to the site

Infrastructure

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

Amenity Issues

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

Other issues

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

A letter of objection has been received from Fiona Bruce MP. No details of the actual points of objection were included within this letter.

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

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

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

- Improvements to Cycle route between Park Lane and Abbey Road. This would require coordination with the proposed developments 'Abbey Road' (14/1189C) and 'Abbeyfields' (12/1463C) which provide access points to Abbey Road. Another potential access point for this route exists opposite Fields Drive within the 'blue boundary/Wider Ownership'.

- Opening the bridge at Hind Heath Lane for cyclists. It is suggested that investigations how the bridge at Hind Heath Lane can be opened for cyclists to generate the benefits that have been quoted for the Wheelock Rail Trail i.e. connecting to employment areas to the west (5.4) and the Railway Station (5.23).
- This opening should be done with particular consideration how the route can comply with legislation of the Disability Discrimination Act. Currently it has very restrictive, staggered barriers at the bridge. Developer funding should be secured so that access control can be reinstated again should any opening show abuse by motorcyclists.
- This section would connect then with the shared footway/cycleway along Hind Heath Road that is currently being built (the shared footway/cycleway is not mentioned in the Transport Assessment probably due to timing issues). Using the bridge would also be more direct and safe than the junction Hind Heath Road/Crewe Road.

APPRAISAL

The key issues are:

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

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan will run until 1st May 2015.

- Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'.*

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 165 dwellings. The size of the development would therefore be contrary to the draft policy and the wider vision for Sandbach within the draft Neighbourhood Plan.

Sandbach is an area that has been under significant development pressure over the last two years with a number of large scale unplanned developments which have been approved and/or granted at appeal due to the housing land supply situation. To give this some context the expected level of development for Sandbach within the plan period identified in the CELP – Submission Version is 2200 dwellings. Existing committed developments already account for some 2700 dwellings which clearly already exceed the planned figure by a significant margin. Even accounting for the uplift in the OAN figures that have come through the review of the housing position for the Local Plan Examination a further development of some 200 dwellings is a significant and substantial increase which threatens the proper planning of the Sandbach area.

The draft Neighbourhood Plan clearly recognises the CELP position and the existing committed developments. It will be for the Examination into the Neighbourhood Plan to determine the further extent and form of development in the Sandbach area. Comments and objections into the draft Neighbourhood Plan are noted. Nevertheless there are a number of other large-scale applications for housing developments within the Sandbach area awaiting determination all of which could be said to share similar characteristics in terms of their sustainable credentials. To allow this proposal at this time would further add to the committed but unplanned developments. Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform

The scale of this development would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Sandbach area for the purposes of the SHMA update 2013. This identified a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18, a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed and 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 308 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 117 x 1 bed, 125 x 2 bed, 58 x 3 bed and 8 x 4+ bed units.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure. Policy SC5 of the Local Plan Strategy Submission Version requires that developments of 15 dwellings or more (or 0.4 hectares) at least 30% of all dwellings are to be affordable. The applicant has confirmed in their accompanying Planning Statement that 30% of the total dwellings will be affordable equating to 60 dwellings and this will be secured as part of a S106 Agreement together with the required tenure split.

Public Open Space

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

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

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

Education

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

Health

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

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

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

Noise

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

Air Quality

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

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

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. In particular, the development has the potential to impact upon the A5022/A534 Junction 17, M6 Air Quality Management Area (AQMA) declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂).

There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure.

The assessment uses a model to consider the NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development and other permitted /proposed developments.

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

With regards to PM₁₀ concentrations at existing receptors, it is predicted that all 27 receptors modelled will fall below the objective, thus describing the impacts as negligible.

The impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled. A number of receptors are within the AQMA or at sensitive locations. Outside of the AQMA, one receptor is predicted to exceed the objective with a number of other receptors predicted to be close to the objective. It is the view of the Environmental Health Officer that any increase is considered significant and directly converse to our Local Air Quality Management objectives.

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

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

Contaminated Land

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

Public Rights of Way

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

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

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

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

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

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

Impact upon the setting of the Listed Building

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

Highways

This is an outline application for up to 200 dwellings and a community facility with all matters reserved except for access. There is one proposed access point taken off Crewe Road and is shown as a priority junction on the submitted plans.

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

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

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

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

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

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

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

Trees and Hedgerows

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

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

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

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

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

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

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

As referred to above the access off Crewe Road will require the removal of a short section of Hedgerow and the AIA identifies that the internal access layout has the potential to impact upon

two 'middle-aged' unprotected B category Sycamores (T36 and T37). The report states that there is sufficient room between these two trees for the road to be constructed without requiring their removal. As other supporting information does not provide the level of detail to ensure the technical feasibility that these trees could be retained without damage to their long term health and safe well being, the retention or otherwise of these trees will remain a concern.

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

Design

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

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

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

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

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

Landscape

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

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, ELP5 Wimboldsley, as identified in the Cheshire Landscape Character Assessment 2008, and the Wheelock Rolling Plain, as identified in the Landscape Assessment of Congleton 1999.

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

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

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

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

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

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

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

Ecology

Designated Sites

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

Hedgerows

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

Woodland

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

Great Crested Newts, Water Vole and Reptiles

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

Otter

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

Other Protected Species

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

The submitted report includes a number of proposals to mitigate the potential impacts of the proposed development upon other protected species. These include the provision of a wildlife corridor/buffer along the sites eastern boundary and the linear park located along the sites

southern boundary. To ensure that the proposed development does not result in an unacceptable adverse impact upon other protected species it must be ensured that these measures are incorporated into any detailed design produced at the reserved matters stage. The Council's Ecologist advises that if planning consent is granted a condition be attached that any future reserved matters application be supported by an updated survey and a detailed mitigation strategy.

Barn Owls

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

Bats

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

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

Common Toad

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

Breeding Birds

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

Flood Risk

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

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

There are a number of localised areas of surface water flood risk throughout the site. An assessment of the risk of flooding from surface water should be undertaken and appropriate measures should be incorporated into the site layout to mitigate any risk of flooding from this source.

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

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

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

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

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

Archaeology

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

Agricultural Land Quality

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

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

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

Ground Conditions

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

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

In relation to this issue the Brine Board has suggested the use of a planning condition and as such it is considered that this issue can be addressed. Should the application be approved it is considered that this issue should be dealt with at the Building Control stage.

Health Infrastructure

The NHS state that they have no comments to make on this application and as such the application is considered to be acceptable in terms of the impact upon medical infrastructure.

ECONOMIC SUSTAINABILITY

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

CIL Regulations

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

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

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

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

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

The PROW contributions are required to improve the PROW in the vicinity of the site which are in a poor state of repair and do not have cyclist access. The development would result in increased use of the PROW and upgrades are required. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

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

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

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

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

Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform. Having regard to the relative weight that can be attached, it is considered that the development would be premature following the publication of the consultation of the Sandbach Neighbourhood Plan.

RECOMMENDATION:

REFUSE for the following reason:

- 1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic

Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Provision of a fully serviced site to be large enough to accommodate a 1 Form Entry Primary School (or other community facility to be agreed in writing with the LPA) and the requested contributions of £390,466 (for primary education) and £424,910 (for secondary school education).
4. Highways Contribution of £166,000
5. PROW Contribution of £42,280



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Application No: 14/1189C

Location: Land off, ABBEY ROAD, SANDBACH

Proposal: Proposed residential development of up to 165 dwellings, including 'affordable housing', highway and associated works, public open space and green infrastructure.

Applicant: Fox Strategic Land & Property Ltd

Expiry Date: 18-Nov-2014

SUMMARY

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

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

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

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

An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields.

Taking account of the context of housing developments within the Sandbach area and the relative weight to be attached to emerging policies it is considered that in this case the development would be premature following the publication of the draft Sandbach Neighbourhood Plan and this will form the reason for refusal.

RECOMMENDATION

Refuse

PROPOSAL

This is an outline planning application for up to 165 dwellings (reduced from 190 dwellings during the course of the application). Access is to be determined at this stage with all other matters reserved.

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

The development would consist of 2-2.5 stories in height (a maximum 10 metres in height). The application extends to 9.36 hectares and would include a net development area of 5.65 hectares which would give a density of 29 dwellings per hectare.

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

This application is accompanied by an Environmental Statement.

SITE DESCRIPTION

The site of the proposed development extends to 9.36 hectares and is located to the east of Abbey Road. To the east of the site is Abbeyfields a Grade II Listed Building. Sandbach United Football Club is located to the south of the site with the Wheelock Rail Trail beyond. To the south-west of the site are employment units which front Lodge Road and to the west are residential properties which front onto Abbey Road.

The land is currently in agricultural use and there are a number of trees and lengths of hedgerow to the site boundaries. Some of these trees to the boundary with the property known as Abbeyfields and north-east corner of the site are subject to TPO protection.

RELEVANT HISTORY

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

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

21219/1 – Residential development – Refused 22nd August 1989

21218/1 – Residential development – Refused 22nd August 1989

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68 Requiring good design

216 Implementation

Development Plan

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

RC2 – Protected Areas of Open Space

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Mix and type
H4 – Preferred Locations
PC2 – Landscape Character

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: No objection. Conditions suggested.

United Utilities: Drainage condition suggested. UU will not permit any building over public sewers.

Strategic Highways Manager: No comments received at the time of writing this report.

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

NHS England: No comments received.

Ansa (Public Open Space): Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. Therefore there is a requirement for new Amenity Greenspace and the Design and Access Statement illustrates a community park 1.96 Ha in size.

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

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.

A NEAP (Neighbourhood Equipped Area for Play) standard play facility is required in accordance with the SPG1. As with the Amenity Greenspace it is recommended that future maintenance of the play area be carried out by a Management company.

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

Archaeology: Condition suggested.

Countryside Access Team: The Phase 1 development is understood to have secured various proposals to improve pedestrian and cyclist facilities to the north and west of the proposed development site. In order to provide sustainable travel links to and from the proposed development site, the developer should be tasked to contribute to the improvement of facilities to the south and east:

- An aspiration has been logged under the Council's statutory Local Transport Plan/Rights of Way Improvement Plan to improve access to this western end of the Trail, which could be partly met by this improvement. Aspirations have also been registered to improve cyclist and disabled access along the Trail.
- An aspiration has been logged under the Council's statutory Local Transport Plan/Rights of Way Improvement Plan (ref. T104) for the creation of a pedestrian and cyclist link to form an easterly access point to the proposed development should it go ahead, on to Park Lane.
- The potential pedestrian link proposed to the south of the site adjacent to the football club and connecting to the Wheelock Rail Trail should be sought for the use of pedestrians and cyclists as both categories would use the Trail for leisure and commuting. It is understood, however, that this land is in third party ownership.
- The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

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

Education: This development would be expected to generate up to 34 primary aged pupils and 25 secondary aged pupils. The following contributions should be secured:

Primary = $34 \times 11919 \times 0.91 = \text{£}325,388.70$

Secondary = $25 \times 17959 \times 0.91 = \text{£}343,196.49$

VIEWS OF THE PARISH COUNCIL

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

- Goes against saved policies in place to protect green gap.
- Poor access route onto busiest road in Sandbach.
- No provision for additional facilities or infrastructure.
- Significant negative impact on infrastructure. Particularly schools, traffic and doctors surgery.

REPRESENTATIONS

Letters of objection have been received from 118 local households raising the following points:

Principle of development

- The site is outside the settlement boundary
- Brownfield land should be promoted over the use of Greenfield land
- No decision should be issued until the Sandbach Neighbourhood Plan is in place
- The site is not sustainable
- Loss of agricultural land
- Cumulative impact from the approved developments in Sandbach
- There should be more development around the other towns in Cheshire East
- Residents are unable to sell their houses due to the numbers being built
- Loss of the green gap between Elworth and Sandbach
- The developers will not provide the required level of affordable housing
- Loss of greenfield land
- The development will create urban sprawl
- The site is not included within the position statement dated February 2014
- Speculative development
- The development would be contrary to Local Plan Policy
- The site is not currently identified for residential development
- The development would be crammed onto the site
- Sandbach is a commuter town
- There is a 5 year supply of housing within Cheshire East
- Local residents do not want any further housing development

Highways

- The highway network does not have capacity for the additional dwellings without an adverse impact
- Increased traffic congestion
- Increased danger to pedestrians
- The highway network is poorly maintained
- Abbey Road is not suitable to serve a development of this size
- Speeding traffic along Abbey Road
- Linking phases 1 and 2 will affect the traffic flows from Phase 1

- The submitted Transport Assessment is not accurate
- There is a greater need for cycle storage within Sandbach
- The development would result in increased dangers to cyclists
- There is a need for traffic calming measures along Hind Heath Road
- The highway network cannot cope if there is an accident on the M6
- The proposed access point is not adequate
- The vehicular access to the site should be via Middlewich Road
- There are on-street parking problems along Abbey Road
- The trees along Abbey Road will obscure the site lines at the access point

Green Issues

- Increased flooding
- Impact upon wildlife
- The site is well used by bird life
- Impact upon protected species
- Loss of biodiversity
- Other applications which impact upon the tree along Abbey Road have been refused
- Loss of trees
- Increased air pollution
- The impact upon the trees along Abbey Road

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Poor water and gas pressure in the area
- The development will provide minimal improvements to infrastructure

Amenity Issues

- Disturbance caused during the construction phase of the development
- Harm to the amenities of the dwellings which front Abbey Road
- A buffer should be provided to Abbey Road
- Loss of light
- Loss of privacy
- Visual Intrusion
- Noise and disturbance caused by the access to the site
- Increased light pollution
- Increased noise pollution

Other issues

- The site suffers from subsidence
- Impact upon property values
- Lack of consultation as part of this application
- Archaeological implications of the development

An objection has been received from the Friends of Abbeyfields Action Group which raises the following points:

- The majority of residents are against further development in Sandbach
- Concerns over the high volume of committed development in Sandbach

- Residents were assured that there would not be any further development on this site following the meeting regarding the football club facility
- The development will result in the complete development of Abbeyfields
- Lack of consultation as part of this application
- Any committee meeting should be held in Sandbach to discuss these proposals
- The position statement of February 2014 satisfied the NPPF in terms of the Councils 5 year supply of housing land
- There are discrepancies in the SHLAA in relation to this site
- Impact upon town infrastructure – the road network, medical facilities and education
- Developers are attracted to Sandbach on profit grounds
- Low water pressure in the area
- Loss of trees along Abbey Road
- There is a lack of alternatives to the private motor vehicle in Sandbach
- Cars are the only viable mode of transport
- Sandbach does not have the correct ratio between employment and housing
- Loss of high value agricultural land

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

- Improvements to Cycle route between Park Lane and Abbey Road. This would require coordination with the proposed developments 'Abbey Road' (14/1189C) and 'Abbeyfields' (12/1463C) which provide access points to Abbey Road. Another potential access point for this route exists opposite Fields Drive within the 'blue boundary/Wider Ownership'.
- The development provides the opportunity for a link between the site and the Wheelock Rail Trail

APPRAISAL

The key issues are:

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

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it

constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan will run until 1st May 2015.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that ‘*refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process*’.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 165 dwellings. The size of the development would therefore be contrary to the draft policy and the wider vision for Sandbach within the draft Neighbourhood Plan.

Sandbach is an area that has been under significant development pressure over the last two years with a number of large scale unplanned developments which have been approved and/or granted at appeal due to the housing land supply situation. To give this some context the expected level of development for Sandbach within the plan period identified in the CELP – Submission Version is 2200 dwellings. Existing committed developments already account for some 2700 dwellings which clearly already exceed the planned figure by a significant margin. Even accounting for the uplift in the OAN figures that have come through the review of the housing position for the Local Plan Examination a further development of some 165 dwellings is a significant and substantial increase which threatens the proper planning of the Sandbach area.

The draft Neighbourhood Plan clearly recognises the CELP position and the existing committed developments. It will be for the Examination into the Neighbourhood Plan to determine the further extent and form of development in the Sandbach area. Comments and objections into the draft Neighbourhood Plan are noted. Nevertheless there are a number of other large-scale applications for housing developments within the Sandbach area awaiting determination all of which could be said to share similar characteristics in terms of their sustainable credentials. To allow this proposal at this time would further add to the committed but unplanned developments. Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform

The scale of this development would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

SOCIAL SUSTAINABILITY

Affordable Housing

The accompanying planning statement outlines that 30% of the units will be provided as affordable. In the draft heads of terms the tenure split outlined is 65% affordable rent and 35% intermediate tenure. This is in line with the requirements of the IPS and represents a benefit of this development.

Public Open Space

This indicative layout shows that an area of POS would be located to the east of the site. The Design and Access Statement identifies that the development would provide 1.96 hectares of open space in the form of a community park.

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

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

Education

The proposed development would be expected to generate up to 34 primary aged pupils and 25 secondary aged pupils.

In order to mitigate the impact of this development a contribution of £325,388.70 will be required towards primary school education and a contribution of £343,196.49 will be required towards secondary school education. These contributions will be secured as part of a S106 Agreement.

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – To be provided on site
- Children's Play Space (500m) – To be provided on site
- Primary School (1000m) – 725m
- Leisure Facilities (leisure centre or library) (1000m) – 965m
- Secondary School (1000m) – 965m
- Bus Stop (500m) – 50m
- Community Centre/Meeting Place (1000m) – 965m
- Post Box (500m) – 280m
- Bank/Cash Point (1000m) – 320m
- Public Right of Way (500m) – 320m
- Pharmacy (1000m) – 885m
- Railway Station (2000m where geographically possible) – 960m

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

- Child Care Facility (nursery or crèche) (1000m) - 1125m
- Public House (1000m) – 1125m

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

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

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

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

Noise

Monitoring undertaken at the site indicates that the required external and internal noise limits, applicable to road noise, would be met even with windows open during both daytime and night-time, without the need for mitigation. It is therefore considered, unlikely that traffic noise would have an unacceptable impact on the proposed development.

Noise from the Elmbank Internet Logistics Limited premises may be audible on this site, and may therefore require some form of noise mitigation to protect the amenity of future occupants of the proposed development. This would be secured through the imposition of a planning condition.

Air Quality

An Air Quality Impact Assessment has been submitted as part of the Environmental Statement. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows. The proposed development is considered significant in that it is highly likely to change traffic patterns in the area.

In particular, the development has the potential to impact upon the A5022/A534 Junction 17, M6 Air Quality Management Area (AQMA) declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure.

The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this development and other permitted/proposed developments.

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

Regarding existing receptor impact, it is highlighted that there is likely to be a negligible increase in exposure to airborne pollution at all receptors for all scenarios modelled. A number of these receptors are within the AQMA or at highly sensitive locations in accordance with guidance.

It is the view of the Environmental Health Officer that any increase in concentrations within an AQMA is significant as it is directly converse to our local air quality objectives and the Air Quality Action Plan. The NPPG requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles.

As a result of a worsening of air quality, the reports recommend the following mitigation measures be implemented:

- Robust Travel Plans for each householder focusing away from private vehicle use. These are to be monitored and enforced throughout the lifetime of the development;
- Incorporation of electric vehicle recharge technology into properties, these shall be maintained throughout the use of the development;
- Reserved residential parking will be provided for low emission vehicles

The mitigation measures described form the basis of a low emission strategy for the development. Subject to conditions to secure a low emissions strategy and a scheme of dust control the Environmental Health Officer raises no objection to this development on air quality grounds.

Contaminated Land

The contaminated land officer has no objection to the above application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land.

Public Rights of Way

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

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

- To improve access to the western end of the Wheelock Rail Trail
- The creation of a pedestrian/cycle link onto Park Lane
- The provision of a pedestrian link to connect to the Wheelock Rail Trail

The contribution required would be £25,000 for the Wheelock Rail Trail this contribution could be secured as part of the S106 Agreement.

The suggestions in relation to the links to Park Lane and the Wheelock Rail Trail would involve third party land and could not be achieved at this stage.

Impact upon the setting of the Listed Building

No comments from the Councils Built Heritage Officer had been received at the time of writing this report. An update report will be provided in relation to this issue.

Highways

No comments from the Strategic Highways Manager had been received at the time of writing this report. An update report will be provided in relation to this issue.

Trees and Hedgerows

The Sandbach Urban District Council (Abbeyfields) TPO 1970 protects individual and groups of trees within parcels of land around Abbeyfields to the south and east of the application site.

Access to the site will be provided off Abbey Road between Nos 83 and 93 across a wide highway grass verge. The proposed access will necessitate the removal of two unprotected Oak trees and categorised as category C (low quality) and Category B (moderate quality). The report concludes that both trees provide a wider collective landscape value to the group of trees along Abbey Road, however their individual quality has been downgraded due to previous stem failures, exposed heartwood and poor crown form.

The Councils tree officer considers that it would be difficult to justify the retention of both trees as individual specimens as both their current form, past failures and physiological condition limits their future contribution to the amenity of the area. It is accepted that they provide some modest contribution to the wider group of trees along Abbey Road, but that their loss is not significant in amenity terms and that there is scope for replacement planting in mitigation within the highway verge. Other existing Oak trees and a Lime adjacent to the access will not be significantly affected by the proposed access. There appears to be a slight intrusion within the Root Protection Area (RPA) of one Oak. However this is de minimis and subject to a satisfactory tree protection scheme the development is unlikely to present any long term implications for the health of the trees.

Two A and two B category unprotected trees located on the site boundaries are located within the development area. In this regard the design of the development will need to be addressed at reserved matters in accordance with the criteria set out in Section 5 of BS5837:2012 to ensure their long term retention.

Protected trees (Oaks T6-T9 of the TPO) also border with the edge of the development to the south east. Again the design of the development will need to be addressed at reserved matters in accordance with the criteria set out in Section 5 of BS5837:2012 to ensure their long term retention

The trees at part of Area A2 of the TPO located to the eastern section of the site will be located within the proposed Community Park. Therefore these trees will not be affected by the development proposals.

It is noted that the five hedgerows identified within the ecological appraisal have been assessed under the wildlife and landscape criteria of the Hedgerow Regulations with none been considered important under these criteria. However it should be noted that the hedgerows with around the boundaries of the site would be retained.

Design

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

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

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

The developable area of the proposed dwellings (as shown on the development framework plan) would be 29 dwellings per hectare. This is considered to be reasonable on this site.

According to the development framework plan, the open space would be located as a buffer to the Listed Building at Abbeyfields and would be well overlooked. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

Landscape

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

A detailed landscape masterplan broadly in accordance with the Development Framework drawing should include an adequate screen buffer between and the development would not result in a detrimental impact upon the landscape character of the area.

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

‘The presence of open fields between Elworth and Sandbach is highly valued by local people. Clear views are difficult to obtain from public vantage points. The fields can be glimpsed between the houses in Middlewich Road, Abbey Road and Park Lane, but the best views are from rear gardens. Public footpaths do not cross the appeal site, and the fields do not have

any special landscape designation. The proposed 3.4ha community park would ensure that a large swathe of land would remain open and, unlike at present, the park would allow public access and enjoyment. I have therefore reached the view that the loss of part of the green gap between Elworth and Sandbach would not in itself be sufficiently harmful to make the appeal proposal unacceptable'

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

Ecology

Designated Sites

Natural England have confirmed that they do not consider that this application would impact upon Sandbach Flashes SSSI

Barn Owls

Based upon the submitted survey the Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

Great Crested Newts and Reptiles

The Councils Ecologist advises that Great Crested Newts and reptiles are unlikely to be present or affected by the proposed development.

Common Toad

This UK Biodiversity Action Plan priority species is likely to be present on site. Provided the community park area is designed appropriately the Councils Ecologist advises that sufficient terrestrial habitat is likely to be retained as a result of the proposed development to avoid a significant impact occurring in respect of this species. The provision of an additional purpose designed wildlife pond on site would considerably enhance the available breeding habitat for this species. This could be secured by means of a condition if outline consent is granted.

Other Protected Species

A number of setts have been recorded around the boundaries of this site. These include a main sett and a series of outlying setts. Based upon the submitted illustrative master plan it appears feasible to retain the main sett and an associated area of foraging habitat. However it is likely that a number of the outlying setts would require either temporary or permanent closure to avoid any risk of disturbance by the proposed development. Any sett closure would be undertaken under the terms of a Natural England license. The Councils Ecologist advises that this approach is acceptable. However as the status of the setts is likely to change over time and if outline planning consent is granted a condition should be attached requiring each future reserved matters application to be supported by an updated badger survey report and mitigation strategy.

Bats

A number of trees have been identified on site as having potential to support roosting bats including a tree with a confirmed roost. All of the identified trees are shown as being retained within or adjacent suitable open space on the illustrative masterplan and arboricultural assessment. The Councils Ecologist advises that the proposed development is unlikely to have a direct adverse impact upon roosting bats.

Hedgerows

Hedgerows are a habitat of principal importance and hence a material consideration. Based on the submitted layout plan it appears that much of the existing hedgerows could be retained as part of the proposed development. There are however likely to be losses associated with the site entrance and access roads. The Councils ecologist advises that any losses of hedgerows must be compensated for by means of appropriate native species planting. If planning consent is granted this matter could be dealt with by means of a landscape condition.

Woodland

There is an existing area trees/woodland associated with Abbeyfields. The existing habitat is shown on the submitted indicative plan as being 'buffered' from the proposed development by means of additional planting associated with the community park area. This approach is supported.

Ecological enhancements

Opportunities exist to secure significant ecological enhancements as part of the proposed development through the incorporation of native planting and other wildlife enhancements in the eastern part of the site identified as a community park.

Flood Risk

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

The submitted FRA indicates that the site is at a low risk from all forms of flooding. Surface water will be directed to an attenuation pond. The surface water networks will be designed in accordance with the British Standard guidance up to the 100 year storm event including an allowance for climate change.

The FRA also identifies that there is no flood displacement or increased rate of runoff and the proposal will not increase flood risk in this locality.

The Environment Agency, United Utilities and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

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

Archaeology

The application is supported by an archaeological desk-based assessment. It concludes that the area has a limited archaeological potential and that this may be addressed by a targeted programme of trenching. This would examine features such as paths, boundaries, and structures which are depicted on the historic mapping and are primarily associated with the former park around Abbeyfields House. The archaeological assessment defines an appropriate scheme of archaeological mitigation, a report on the work will be required and it is recommended that the work may be secured by condition, a suggested wording for which is given below.

One further point that should be noted concerns the programme of archaeological evaluation recently carried out on the fields to the north, in connection with a separate planning application. This work detected the line of the Roman road from Middlewich and demonstrated that it will not cross the application area. However, it also revealed traces of early industrial activity on the eastern side of the road. It seems entirely possible that similar remains are present on the western side of the road, which lies at the eastern extremity of the present application area.

The remains detected included waterlogged deposits and, in view of the complexity of remains of this type, there is a case for pre-determination evaluation trenching to establish their presence or absence in the relevant part of the present application area. The Development Framework Plan, however, shows the area of interest as part of the proposed community park. In these circumstances, it is accepted that pre-determination trenching would not be reasonable although this advice has been formulated on the clear understanding that development will not be permitted in this part of the application area.

A scheme of archaeological work will be secured as part of a planning condition.

Agricultural Land Quality

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

Although no survey of the site has been undertaken the applicant has stated that the land is Grade 2 and 3a (the same as Phase 1).

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

Ground Conditions

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

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

In relation to this issue the Brine Board has suggested the use of a planning condition and as such it is considered that this issue can be addressed. Should the application be approved it is considered that this issue should be dealt with at the Building Control stage.

ECONOMIC SUSTAINABILITY

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

CIL Regulations

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

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

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

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

The Wheelock Rail Trail contribution is required to improve the Wheelock Rail Trail in the vicinity of the site which is in a poor state of repair and does not have cyclist access. The development would result in increased use of the Wheelock Rail Trail and upgrades are required. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable

development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

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

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

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

The adverse impacts of the development would be:

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

An update will be provided in relation to the highways impact and the impact upon the setting of the Listed Building at Abbeyfields.

Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform. Having regard to the relative weight that can be attached, it is considered that the development would be premature following the publication of the consultation of the Sandbach Neighbourhood Plan.

RECOMMENDATION:

REFUSE for the following reasons:

1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
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 unsustainable and contrary to the provisions of the National Planning Policy Framework.

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Primary school education contribution of £325,388.70
4. Secondary school education contribution of £343,169.49
5. PROW Contribution of £25,000

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Application No: 13/5239C

Location: Land off Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

Proposal: Reserved Matters following Outline Approval (12/4874C) for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area (accompanied by an Environmental Statement).

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Feb-2015

SUMMARY

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, air quality public rights of way or open space.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

RECOMMENDATION

Approve subject to conditions and the outcome of the referral to the Secretary of State

PROPOSAL

The application seeks approval for all reserved matters following the outline planning permission 12/4874C for a residential development comprising 50 dwellings including 15 affordable dwellings and an area of public open space and a children's play area. The application is accompanied by an Environmental Statement.

SITE DESCRIPTION

The application site comprises grazed paddocks with barns, stables, orchards and poultry pens and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

12/4874C - Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 20.11.14

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

89. Green Belt

Development Plan

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR16 (Footpath, Bridleway and Cycleway networks)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)
The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments
Site CS 30: North Cheshire Growth Village

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H2 – Design and layout

H3 – Housing Mix and type

H4 – Preferred Locations

PC2 – Landscape Character

Supplementary Planning Documents:

National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

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

CONSULTATIONS

Environment Agency – No formal response required. Responsibility for ordinary watercourses and surface and ground water flooding now with the Lead Local Flood Authorities.

Flood Risk Manager – No comments received

United Utilities – No objection subject to condition requiring submission of drainage details.

Environmental Health – No objections subject to conditions relating to piling, submission of environmental management plan, implementation of noise mitigation scheme, travel planning, electric vehicle infrastructure, and contaminated land.

Public Rights of Way – No objection subject to part extinguishment right of way.

Strategic Highways Manager – No objections

Housing Strategy & Needs Manager – No objections

Sandbach Town Council - Members object on the following grounds:

Contrary to Policy GR6 (iv), the proposal will have unduly detrimental effect on amenity of neighbouring properties due to impact of traffic generation, access and parking.

- Single access does not provide adequate or safe access and egress route
- The scale of traffic generated by this development will worsen existing traffic problems to an unacceptable level
- Development of the site will obstruct public rights of way and there are no plans in place to divert.
- Some houses, specifically plots 13-16, are too tall for the area
- Full tree survey required
- Members were greatly concerned about the accuracy of the documents provided.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle.

Approximately 39 letters of representation, and a petition signed by 163 people, have been received objecting to the proposal on the following grounds:

- Traffic congestion
- Highway safety
- Impact on infrastructure
- Impact on local services
- Impact on air quality
- Unsustainable position
- Brownfield sites available
- Out of character – Hawthorne Drive comprises bungalows
- Increased pollution
- Ecological impact / impact on wildlife corridor
- Impact on public footpath
- Enabling contribution to employment development should be made
- Transport statement flawed
- Play area is inadequate
- Contrary to emerging local plan
- Noise from play area
- Overshadowing
- Fails to supply low cost housing
- Number of houses being built in Sandbach far exceeds the numbers planned for the town
- Flood risk
- Loss of agricultural land
- Impact on trees
- Lack of provision for public transport and cycling
- Revision to right of way should avoid use of estate road (circular 1/09)
- Impact upon outlook and privacy for existing residents
- Density out of character

APPRAISAL

The key issues are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Public Right of Way
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Character & Appearance

The local area is characterised by a variety of house types – bungalows, terraced, semi-detached and detached – of varied ages and materials, and therefore the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings predominantly in brick, but with some render. The appearance of the properties is fairly standard and is perfectly acceptable in the context of the local area.

A number of letters of representation make reference to the positioning of the proposed two-storey dwellings to the rear of the bungalows on Hawthorne Drive being out of character. There are other examples in the local area of bungalows being positioned next to two-storey properties. Furthermore, the land drops to the rear of Hawthorn Drive therefore the visual impact of the two storey properties will be reduced, and their scale is not considered to have a significant impact upon the character of the area.

The layout does generally contain streets and there are distinctive aspects and features, including the threshold open space at the entrance. It is also a relatively small scheme and therefore has inherent legibility. The streets do appear to be designed to reduce traffic speeds and adopt certain manual for streets principles. However, maximising opportunities for landscaping would further reinforce them as multifunctional spaces for pedestrians and vehicles, and serve to reduce the dominance of frontage parking by breaking up views of parked cars.

Amenity

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

The relationships of the proposed dwellings with existing properties all meet the distances above with the exception of plots 9 and 10 and their relationship with 7 Wrights Lane. The separation distance between these properties is just over 17 metres. However, there is a substantial hedgerow that will be retained to the boundary between these properties, which will minimise the impact of the proposal to a level that is considered to be acceptable. In terms of the properties to the rear of Hawthorn Drive, these are set at a lower land level, which will further help to minimise the impact upon the living conditions of existing residents. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Concern has been raised by some residents regarding the impact of noise arising from the children's play area. This area is limited in scale and will be self regulating in terms of numbers of children able to use the play area at any one time. Consequently the level of noise arising from the play area is not considered to significantly impact upon the living conditions of neighbours. No further amenity issues are raised.

Ecology

The nature conservation officer has commented on the application and notes that most ecological matters relating to this site were resolved at the outline stage. It is advised that the existing hedgerows on site should be retained, however if there are any losses of hedgerow this must be compensated for through the incorporation of suitable replacement hedgerows as part of the detailed landscaping of the site. The open space area should include native plant and tree species for the benefit of biodiversity, which it does. No further ecological issues are raised.

Trees / landscape

There are established hedgerows to the north and south east and a small number of trees on / adjacent to the site. These include a mature TPO protected Oak tree in the garden of a property on Wrights Lane and off site trees to the south, (one of which is subject to TPO protection) to the rear of properties on Hawthorn Drive.

In considering the impact of development proposals on trees and hedges, the LPA needs to take into account the guidelines contained within BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations. In addition, the outline approval included conditions which are relevant to trees and hedgerows:

Condition 9 – levels

Condition 13 - retention and enhancement of existing hedgerows

Condition 25 – tree retention

In terms of the two off site protected trees, there is no significant change in levels or other development within their respective root protection areas. Therefore it is not considered that there will be any direct impact from the development on retained trees. This is also the case for the hedgerows within the site, which are to be retained. Conditions relating to tree retention and tree protection are recommended.

In terms of the landscape details that have been submitted, these are generally acceptable as confirmed by the landscape officer, however, the layout has been tweaked since the landscape details were submitted. Further opportunities for planting along the streets could also be explored. Consequently landscape conditions are recommended.

Highways

The principle of accessing the site from Hawthorne Drive was considered and accepted at the time of the outline permission. In terms of the reserved matters, the Head of Strategic Infrastructure initially raised concerns regarding the level of parking provision and 2 metre wide service strips not being provided on the proposed layout. Revised plans have been received that now provide the service strips and a minimum of two parking spaces have been provided to serve the dwellings, with the exception of plots 4 and 5 which are 2 bed properties which have 1 parking space.

The Head of Strategic Infrastructure raises no objections to the revised proposal.

Public Right of Way

Public Footpath Sandbach No. 14 will be obstructed by the proposed development. The applicants have held discussions with the Council's Public Rights of Way officers regarding the most appropriate way to proceed in terms of the public right of way, and the conclusion is

that an extinguishment order for part of FP14 Sandbach is the way forward. The following process would be followed:

- The footpath would be closed on a temporary basis when works on site begin.
- The developer will provide an alternative temporary path (to be agreed).
- The developer can begin the process of applying for the Extinguishment Order but must NOT build on or otherwise permanently obstruct the footpath (plot 24 appears to be the only building proposed to be on the line of the footpath).
- Once the estate road is adopted the Extinguishment Order can come into operation.
- The developer is aware that there is no guarantee that an Extinguishment Order will be successful, if we receive objections then the Order will be sent to the Planning Inspectorate for determination.

Using an estate road as an alternative to an extinguished path is not the preferred option. Ideally it is a suitable diversion for the path though a landscaped area would be sought. Indeed the Rights of Way Circular (1/09) states:

“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”

However a diversion through a landscaped area is not readily achievable in this case, and given the relatively short length of extinguishment required, an estate road is considered to be acceptable in this case. The Rights of Way Unit raises no objection to the proposal provided the developer is agreeable to the above points and makes an application for an extinguishment order and provides a suitable temporary diversion.

Contaminated land

The Contaminated Land team raise no objection to the proposal but note that the application area has a history of landfill use and therefore the land may be contaminated and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present

The applicant has previously submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land under the outline application for this site (12/4874C). Although the site investigation report showed no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required. An appropriate condition requiring further investigations was attached to the outline permission.

Flood Risk

No comments have been received from the Flood Risk Manager, however, the management of surface water was the subject of conditions attached to the outline consent.

Air Quality / Noise

Despite the principle of the development already having been accepted at the outline stage, after this reserved matters application was first registered, the Secretary of State identified the development as EIA development for the following reason:

"It is concluded that the proposal, in cumulation with housing proposals in Sandbach which have consent or are under construction, would give rise to likely significant effects in relation to air quality at an Air Quality Management Area where environmental limits are already being exceeded, namely Junction 17 of the M6. It is noted that a junction improvement is proposed imminently for M6 Junction 17. However, currently there is insufficient information to indicate that the proposed improvement will address the likely significant effects in relation to air quality."

The application has been accordingly re-advertised.

Environmental Health have provided the following comments in terms of air quality. Whilst the scheme itself is of a relatively small scale, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Sandbach has one Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

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. This was conditioned as part of the outline consent.

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. An appropriate condition is therefore recommended.

An Environmental Management Plan was also conditioned as part of the outline consent which was required to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.

The noise impacts of the proposal, and any required mitigation, were addressed at the outline stage. However a condition relating to pile driving is recommended to protect the living conditions of neighbouring properties during construction.

SOCIAL SUSTAINABILITY

Affordable Housing

As part of the outline approval the applicant entered into a s106 agreement securing the provision of affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has provided a housing layout outlining the affordable housing units as well as confirming that the units will be provided as 6x 2bd units and 4x 3bd units for rent and 5x 3bd units as intermediate tenure. The pepper-potting of the units is acceptable and the units meet the identified housing need in Sandbach.

Open Space

Amenity greenspace is provided in two locations, at the site entrance and at the western side of the site to the rear of Hawthorn Drive. The children's play area is also provided at the western side of the site. All open space facilities will be managed and maintained by a management company.

ECONOMIC SUSTAINABILITY

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

PLANNING BALANCE

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, public rights of way or open space.

The application is therefore recommended for approval, subject to conditions. The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

RECOMMENDATION

The application is recommended for approval and the outcome of the referral to the Secretary of State.

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

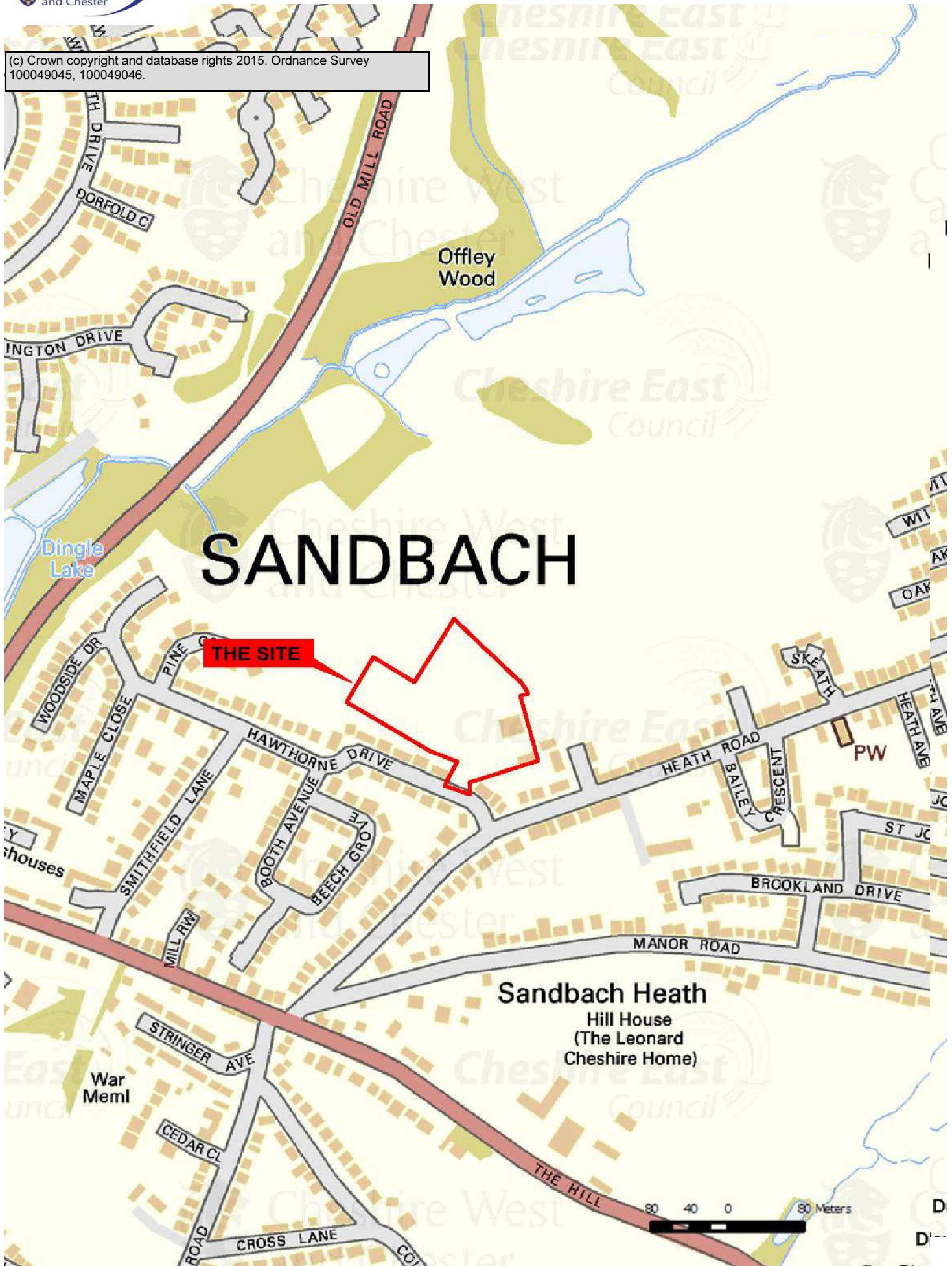
approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. A25GR - Obscure glazing requirement
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A01LS - Landscaping - submission of details
9. A04LS - Landscaping (implementation)
- 10.A23GR - Pile Driving - details to be submitted
- 11.A12LS - Landscaping to include details of boundary treatment
- 12.Provision of electric vehicle charging infrastructure
Foul and surface water drainage details to be submitted

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Application No: 14/5615N

Location: WEAVER FARM, THE GREEN, WRENBURY, CHESHIRE, CW5 8EZ

Proposal: Outline Planning Permission for a residential development comprising up to 85 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space and childrens play area, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access.

Applicant: Gladman Developments Ltd

Expiry Date: 05-Mar-2015

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites so there is a presumption in favour of sustainable development as advised by paragraph 14 of the Framework. It states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS/Country Park provision, a play area and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Wrenbury.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, the setting of the Listed Buildings and the Scheduled Ancient Monument, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land and the less than significant impact upon the setting of the Conservation Area.

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

development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline planning application for the erection of up to 85 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Cholmondeley Road which would be located to the northern boundary of the site.

The indicative plans show that the site would include a country park which would extend to 5.1 hectares.

SITE DESCRIPTION

The site of the proposed development extends to 8.8 ha and is located to the southern side of Cholmondeley Road. The site is within Open Countryside. To the southern boundary of the site is agricultural land. To the east of the site is residential development which forms the village of Wrenbury (fronting Cholmondeley Road, New Road and St. Margaret's Close). Watercourses form the southern and western boundaries of the site and further to the west is the Llangollen Branch of the Shropshire Union Canal. The Wrenbury Conservation Area runs along the northern boundary of the site.

The land is currently in agricultural use and forms one large field and two small paddocks. There are a number of trees and hedgerow to the boundaries of the site. Including some trees which are located within the centre of the site. Some of the trees are protected by a Tree Preservation Order (TPO).

Part of the application site is located within Flood Zone 2 as identified by the Environment Agency Flood Maps.

RELEVANT HISTORY

14/5484S - Environmental Impact Assessment Request for a Screening Opinion for residential development of up to 85 dwellings – EIA Not Required.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.7 (Conservation Areas)
BE.15 (Scheduled Ancient Monuments)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: The Environment Agency has no objection in principle to the proposed development but suggests conditions in relation to flood risk and a buffer to the River Weaver.

United Utilities: Drainage condition suggested.

CEC Flood Risk Manager: Conditions suggested in relation to surface water drainage and overland flow.

NHS England: No comments received.

Natural England: Statutory sites – no objection. For guidance on protected species refer to the standing advice.

Strategic Highways Manager: The proposal for 85 dwellings on the land at The Green can be accessed conveniently and safely from the highway network by means of a simple priority access.

The traffic impact of such a proposal in percentage terms would be quite high but in absolute terms it would be modest and, in terms of operational capacity of the highway network, would be limited.

Claims relating to public transport and accessibility to employment and local services appear to be somewhat exaggerated in the TA to support the development. Nevertheless, such access might be described as moderate and acceptable.

The Head of Highway Infrastructure therefore has no objection to this planning application.

Canals and Rivers Trust: No objection

Environmental Health: Conditions suggested in relation to hours of operation, piling works, external lighting, travel plan, electric vehicle infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Ansa (Public Open Space): There is already a well equipped children's play area in Wrenbury, plus a Multi Use Games Area on the Parish Council owned open space. These were constructed in 2008, so are relatively new.

It would make more sense to provide an outdoor fitness area (12 different pieces of equipment) on the informal public open space within this development, rather than to provide yet another children's play area so close to the existing facility.

Historic England: Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

CEC Archaeology: Condition suggested.

Network Rail: Offer no comments.

CEC Countryside Access: The Development Framework shows an eastern access marked as 'proposed footpath' onto Cholmondeley Road from the proposed estate road. Such a link would increase the permeability of the proposed site to non-motorised users. However, consideration should be given to the fact that this trajectory, towards the facilities of the village, could be anticipated to be a desire line for cyclists in addition to pedestrians, and therefore may be better designed to accommodate both categories of users, to best practice.

The legal status, maintenance and specification of the proposed footpaths in the open space of the site, and the link on to Cholmondeley Road referred to above, would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists. The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted, if appropriate.

CEC Public Rights of Way: The development does not appear to affect a PROW.

Education: 85 dwellings would generate 15 primary school children (85 x 0.18) and 11 secondary school children (85 x 0.13).

Forecasts show that the development will impact upon primary education, resulting in a shortfall of 10 primary places.

Forecasts show that the development will impact upon secondary education.

As such the following contributions will be required:

$10 \times 11,919 \times 0.91 = \text{£}108,462.90$ primary education

$11 \times 17,959 \times 0.91 = 179,769.59$ secondary education

Total = 288,232.49

VIEWS OF THE PARISH COUNCIL

Wrenbury Parish Council: Object to the application on the following grounds:

- The development is outside the settlement boundary, as set out in the adopted Crewe and Nantwich Local Plan and emerging Cheshire East Local Plan; as such it is open countryside.
- The development will increase the number of homes in Wrenbury village by over 25% and is far too big and unsustainable.
- Such a large increase in the village will adversely affect road safety and add to the unique traffic congestion associated with the lift bridge over the adjacent canal. Cholmondeley Road is also particularly narrow in the vicinity of the proposed site entrance.
- The Parish Council disputes the applicant's assertion in the Interim travel plan that the site is accessible by bus, and bus travel is considered to be a realistic mode of transport for site users. There are only seven buses per day, Monday to Saturday, and no buses on a Sunday. This will result in the vast majority of residents using private cars with the associated exacerbation to highways problems in the area.
- As the village is surrounded by open countryside, there is no need for the development of a country park, particularly with the problem of flooding in this area – the Parish Council has no interest in adopting either the country park or the play area. There is already a play area with associated open space and MUGA within the village which the Parish Council maintains.
- The Parish Council is concerned that the 'Statement of Community Involvement' is incorrect in that the Parish Council did reply to the letter from Gladman and requested a presentation to an open meeting. Gladman, however, declined this opportunity to consult properly with the residents of the village, which illustrates that they do not seriously believe in proactive engagement with community involvement and consultation.

REPRESENTATIONS

Letters of objection have been received from 11 local households raising the following points:

Principle of development

- The site is within the open countryside
- Intrusion into the open countryside
- The development is not infill
- The development would result in a 25% increase in the population of Wrenbury
- There is no need for this development
- Approving the application will lead to further applications for residential development
- Approving the development would turn Wrenbury into a town
- There are no jobs in Wrenbury
- Impact upon the landscape
- The development would be visible from PROW and the canal
- Impact upon local tourism
- No need for a new play area in the village
- The development would be contrary to numerous local plan policies

Highways

- Cholmondeley Road is too narrow to serve the development
- The queuing traffic at the Grade II Listed Lift Bridge will block the entrance to the site
- Wrenbury cannot cope with the additional volume of traffic
- The application does not mention the proposed marina opposite the site

- Long diversions are required if the lift bridge is broken
- There is a blind bend at the junction of Cholmondeley Road and New Road
- The roads within the village are dangerous and are used by large agricultural vehicles

Green Issues

- Impact upon wildlife
- The site is subject to flooding
- The development could lead to pollution of the River Weaver

Infrastructure

- Local infrastructure cannot cope
- Poor broadband connection in the village
- Lack of adequate pedestrian access
- Sewage infrastructure does not have capacity
- No details have been provided in relation to the maintenance of the proposed POS
- Poor mobile phone signal in the area
- The local primary school is full

Amenity Issues

- The pedestrian link to the play area would raise privacy issues to the adjacent dwelling
- Loss of light
- Loss of privacy
- The siting of the play area would raise privacy issues
- The play area would be secluded and would attract anti-social behaviour
- Noise and disturbance from the dwellings
- As the application is outline it is not possible to ensure that the open space and buffers will be provided

Design issues

- As the application is in outline form it is not possible for the applicant to produce a photomontage in support of an outline application
- A suburban development would be out of keeping with the village

Other issues

- Loss of agricultural land
- The water attenuation basin within the open space would be dangerous for children
- Additional information has been submitted past the consultation period
- The development on New Road already spoils the outlook of the village
- There are a number of large scale developments proposed in Wrenbury (the proposed marina's and Sandfield House
- No benefits to local residents
- Letters submitted as part of the pre-application consultation have been ignored
- Detrimental impact upon the users of the adjacent public house
- The development would be against the wishes of the community
- Increased usage will damage the Grade II Listed Bridge

APPRAISAL

The key issues are:

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

Principle of Development

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

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

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

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Wrenbury sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 20 new affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 15 x 2 bed units, 12 x 4+ bed units and 2x 1bd older persons units. The SHMA showed an over-supply of 3 bed units (-9).

In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 21 applicants who have selected the Wrenbury lettings area as their first choice. These applicants require 8 x 1 bed, 8 x 2 bed and 5 x 3 bed units and 1 x 5 bed unit.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size. For areas with a population of over 3,000 the threshold is 15 units or 0.4 hectare.

The proposal is for up to 85 dwellings, including a minimum of 30% affordable dwellings which equates to 26 dwellings which should be provided as 17 affordable or social rent and 9 intermediate tenure. The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,975sq.m and the indicative plan shows that the developer will provide 54,000sq.m of open space which would comprise a country park, public open space and play area. As such there would be an over provision of open space as part of this development.

In terms of children's play space there is already a well equipped children's play area in Wrenbury, plus a Multi Use Games Area on the Parish Council owned open space. These were constructed in 2008, so are relatively new. As such the Councils Open Space officer has requested that an outdoor fitness area (12 different pieces of equipment) be provided rather

than to provide yet another children's play area so close to the existing facility. This would be secured as part of a S106 Agreement.

Education

In terms of primary school education, the Councils Education Department have confirmed that there are capacity issues at the local schools that would serve this development. The proposed development would generate 15 new primary school places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £108,462.90. This will be secured via a S106 Agreement should the application be approved.

In terms of secondary school education, the Councils Education Department have confirmed that there are capacity issues at the local schools that would serve this development. The proposed development would generate 11 new secondary school places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £179,769.59. This will be secured via a S106 Agreement should the application be approved.

Health

Although no consultation response has been received from the NHS there is a medical centre within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

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

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 100m
- Public House (1000m) – 200m
- Public Right of Way (500m) – 300m
- Child Care Facility (nursery or crèche) (1000m) - 800m
- Community Centre/Meeting Place (1000m) – 300m
- Primary School (1000m) – 800m
- Medical Centre (1000m) – 800m
- Convenience Store (500m) – 500m
- Train Station (2500m) – 1200m
- Post office (1000m) – 500m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 9000m
- Outdoor Sports Facility (500m) – 800m
- Pharmacy (1000m) – 9000m
- Secondary School (1000m) – 9000m

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

It should also be noted that Wrenbury is identified as a Local Service Centre within the Submission Version of the Local Plan so is accepted as having appropriate facilities to support further sustainable development.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are Rosehaven which fronts Cholmondeley Road to the eastern corner of the site and has a number of windows to its side elevation onto the boundary of the site and the properties which front St Margaret's Close to the south-east corner of the site.

An illustrative masterplan has been provided within the submitted Design and Access Statement. However it should be noted that the detailed layout will be determined at the reserved matters stage and it is considered that an acceptable scheme could be secured that would not have a detrimental impact upon residential amenity.

Air Quality

The proposed development is not close to any air quality management areas (AQMAs). A condition will be attached in terms of dust control from the construction phase of the development.

Contaminated Land

The application site is within 250m of a known landfill site and has a history of agricultural use and therefore the land may be contaminated. As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to any approval.

Public Rights of Way

There is no PROW located on the application site.

In response to the comments made by the Councils PROW Officer the pedestrian links onto Cholmondeley Road could be negotiated at the Reserved Matters stage and secured as part of a planning condition. The proposed footpaths within the community park would be maintained as part of a management company.

Highways

Access

The proposed access is considered to offer a suitable layout for the proposed development with a sufficient level of visibility (2.4m x 43m) for observed speeds with the removal of a section of hedgerow. The access provides footways although no specific cycle facilities and a condition would be attached to ensure that details are provided at the reserved matters stage.

Highway capacity

The trip rates used in the Transport Assessment (TA) are representative of those for a village of this type. The capacity assessments of local junctions indicate no capacity issues on the network at current traffic levels. The analysis also indicates no capacity issues with the development traffic added. It is accepted that the local highway junctions operate within capacity at current traffic levels and that the addition of development traffic would not unduly impact upon delays or capacity in Wrenbury.

The TA does not consider the operation of the lift bridge in Wrenbury and its potential impact to delay traffic nor what impact the proposed development and its associated traffic might have on queuing at the bridge. The traffic generation data presented by the applicant indicates 21 additional vehicles trips travelling westbound towards the bridge in the AM peak hour. If the bridge were to lift for say five minutes in this period the proposed development would add to the existing queues at the bridge by two vehicles on its western side. Such additional queuing would not have a severe impact upon the highway network in terms of blocking or otherwise. (In fact, it is the bridge lifting that impacts upon traffic seeking to cross the canal and any increased lifting would cause increased delay to traffic seeking to make such movements, only increased canal traffic will cause the bridge to lift more frequently).

The submitted Transport Assessment demonstrates that historically very few road related personal injury accidents (PIAs) have occurred in Wrenbury. One 'slight' PIA was recorded in a recent five year period.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and would be acceptable. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

Trees

Some of the trees within the application site are protected by a Tree Preservation Order. Cholmondeley Road forms the boundary of Wrenbury Conservation Area to the north east boundary of the site where trees adjacent to the site may contribute to its character or appearance.

The access to the site is off Cholmondeley Road to the east and will require the removal of a section of hedgerow. The Assessment proposes that this section of hedgerow is to be replaced within the site.

The tree survey identifies 18 individual trees and 8 groups of trees. Six individual trees have been assessed in accordance with BS5837:2012 as Category A (High Quality) trees; seven individual trees and three groups as Category B (Moderate Quality) and four individual trees and eight groups as Category C (Low Quality). One tree and early mature English Elm has been classified as unsuitable for retention. Most notably four mature Oak to the west, and a fine Oak within the centre of the site are prominent features in the landscape and contribute significantly to the amenity of the area. Various individual and groups of Alder, Sycamore, Ash and Crack Willow to the west of the site have a strong association and contribute to the River Weaver Corridor.

The supporting statements advise that no existing trees will be removed to accommodate the development as the development area will be located within the north east section of the site with the majority of existing mature trees including trees along the River Weaver to be located within open space provision. One mature A category Oak is shown for retention within the development area and if this tree is to be retained successfully within the development window it will be necessary to ensure compliance with the design requirements of Section 5 of BS5837:2012. Similarly there are two groups of trees to the southern boundary identified for retention which will interface with development and will require a sympathetic design to ensure their long term retention.

A condition should be attached to address future layout and design issues in relation to trees at reserved matters stage.

Design

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

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

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved (subject to the provision of a landscape buffer along the Conservation Area as discussed below) and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Impact upon Built Heritage (Wrenbury Conservation Area and Listed Buildings)

The Wrenbury Conservation Area runs along the Cholmondeley Road frontage of the site. Unlike the land to the opposite side of Cholmondeley Road the Conservation Area does not extend into agricultural land which forms part of the application site.

The village of Wrenbury is centred on four distinct nodes: the canal crossing, the village green, the school and the railway station, separated by agricultural land.

The proposed development would therefore alter the inherent character of the village by linking together two of these nodes (the canal crossing and the village green). The development would result in the loss of an area of open countryside which contributes to the Conservation Area which the developer states will be mitigated through the planting of a landscape buffer along the frontage of the site to soften the impact of the development (final details will be secured at the Reserved Matters stage).

Concerns have been raised in relation to the impact upon the Conservation Area but in this case Historic England has decided not comment on this application. As such it is considered that the development would cause less than substantial harm to the Conservation Area and as such Paragraph 134 of the NPPF applies and states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'

Given the separation distances involved it is considered that the development would have a negligible impact upon the setting of the Listed Buildings within the village of Wrenbury including the Church of St Margaret (Grade II*) and Wrenbury Bridge (Grade II and a Scheduled Ancient Monument).

The submitted Transport Assessment identifies that the development would generate 29 two way vehicle movements within the AM Peak Hour which would use Wrenbury Bridge and 27 two way vehicle movements within the PM Peak Hour which would use Wrenbury Bridge. It is not considered that this increase in vehicle movements would have an adverse effect on the Scheduled Ancient Monument and Grade II Listed Structure at Wrenbury Bridge and the development would accord with Policy BE.15 of the Local Plan. This is supported by the fact that no objections have been raised in relation to this issue from Historic England, The Canals and Rivers Trust and the Councils Conservation Officer.

Archaeology

The application is supported by an archaeological desk-based assessment. The report concludes that there is no archaeological objection to the development or any requirement for further pre-determination evaluation. However it does accept that the site's location 150m to the west of the medieval parish church indicates that there may be some potential for evidence of early settlement within the application area. In addition to medieval and early post-medieval activity, the recognition of features which may be of Roman date during investigations around the church

is particularly noted. The report concludes that this potential may be addressed by means of a supervised metal detector survey across the site, with the work secured by condition.

The Councils Archaeologist advises that this represents an appropriate approach and that the metal detector survey should be undertaken by suitably-experienced individuals working under direct archaeological supervision who have signed a form waiving any claim to the finds or a reward under the Treasure Act (1996). A condition will be attached to ensure that a written scheme of investigation is submitted to the Council for approval in writing.

Landscape

The application site extends over three fields, comprising of two small paddocks in the north east corner, the remainder is one large field. There are hedgerows boundaries around the fields as well as a number of mature hedgerow trees; in addition there are a number of mature trees in the large field, remnants of a former hedge line. The topography of the site falls from the north eastern corner, where it is approximately 71m AOD to the western boundary, where it is approximately 66m AOD. The Wrenbury Conservation area extends along the entire length of Cholmondeley Road to the north of the application site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, ELP1 Ravensmoor, as identified in the Cheshire Landscape Character Assessment 2008.

The proposals are for a residential development of up to 85 dwellings, the application indicates that the residential development will extend over approximately 3.14 hectares and that the public open space will cover an area of approximately 5.38. The public open space consists of a country park to the west, covering approximately 5.1 hectares of the site and a play area to the north east of the site covering 0.28 hectares. These areas are illustrated on the Illustrative Masterplan.

The assessment identifies the landscape effects on the national character area, the county level, the immediate site context and at the site level, giving the impact at year zero and at 15 years. The Councils Landscape officer agrees with the landscape effects at the national level - negligible, as well as the county level - minor/moderate, reducing to minor adverse after 15 years.

As part of the visual assessment 20 photo viewpoints have been assessed. The assessment then identifies visual effects on Residential properties and settlement, recreation and Public Rights of Way and public roads. The Councils landscape Officer broadly agrees with the assessment of effects upon recreation and Public Rights of Way. However the effects will be greater than the assessment indicates for users of Cholmondeley Road.

Ecology

Otter and Water Voles

Otters and Water Voles are known to be present on the River Weaver which forms two boundaries of the application site. However, if the development came forward in accordance with

the submitted indicative layout these two protected species are unlikely to be affected by the development.

Grassland

Following the receipt of additional information the grassland habitat within the larger field is of no significant nature conservation value.

The two smaller paddocks on site however support semi-improved grassland which has sufficient grass species to potentially qualify for designation as a Local Wildlife Site. However the submitted survey did not record sufficient numbers of flowering plant species for the fields to qualify, but as the survey was undertaken in February it is likely that a number of species would have been missed. The applicant has submitted proposals for the creation of an additional area of species rich grassland within the country park area associated with the development as a means of compensating for the habitat lost.

The Councils Ecologist recommends that if outline planning consent is granted planning conditions would be required to secure the following in support of any future reserved matters application:

- Submission of detailed proposals for the creation of species rich grassland within the country park area which includes the results of soil testing to identify current nutrient levels.
- Submission of detailed habitat management proposals.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted ecological assessment states that 215m of hedgerow (from hedgerows 6 and 7) and a short section of hedgerow 1 are likely to be lost as a result of the proposed development. The submitted master plan has now been amended to show the provision of a significant length of replacement hedgerow planting to compensate for that lost.

If outline planning consent is granted the Councils ecologist recommends that a condition be attached requiring the submission of a detailed replacement hedgerow planting in support of any future reserved matters application.

Other Protected Species

A main sett has been recorded on site. Under the submitted development master plan the sett would be lost as a result of the proposed development. To mitigate for the adverse impacts of the development upon this species the applicant is proposing to close the sett under the terms of a Natural England license and compensate for the loss of the sett through the provision of a replacement artificial sett. The Councils Ecologist advises that this approach is acceptable.

If outline planning consent is granted a condition must be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation method statement.

Bats

Two trees are identified as having moderate potential to support roosting bats. Both of these trees would be retained as a result of the proposed development.

Bat activity was recorded around a number hedgerows and trees on the site. The Councils Ecologist advises that the proposed development is likely to result in the loss of some bat foraging habitat. However the appropriate planting of the open space area associated with the development is likely to be adequately to compensate for this loss.

Flood Risk

The site is bound to the south and west by the River Weaver (Main River) and is located partially within Flood Zones 2 and 3 (although the proposed residential development as shown on the submitted development framework plan would be located within Flood Zone 1). In this case the finished floor levels should be set at a minimum of 600 mm above the modelled 1 in 100 annual probability flood level (including an allowance for climate change). Based on the existing levels and the position of the dwellings as shown on the indicative layout plan it is not anticipated that there would be any change in land levels on this site as the existing levels are above 67.9m above OD.

There are parts of the site that are considered to be at risk of flooding from surface water, with evidence of standing water during a site visit. It will need to be demonstrated that as part of the proposals, appropriate overland flow routes are provided so as to ensure this risk of flooding is not exacerbated as a result of the proposed development.

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

Agricultural Land Quality

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

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

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

In this case the Agricultural Land Assessment indicates that 2.54 hectares of the site is Grade 2 (29%) and 6.27 hectare is Grade 3b (71%). As a result this issue needs to be considered as part of the planning balance.

ECONOMIC SUSTAINABILITY

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

CIL Regulations

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

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

As explained within the main report, POS and play equipment is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

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

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14 of the Framework. This states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a Country Park would provide a facility for future residents and other residents in Wrenbury.

- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Wrenbury.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral
- The development would have a negligible impact upon the setting of the Listed Buildings in the area and the Scheduled Ancient Monument

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- The development would have a less than substantial impact upon the Wrenbury Conservation Area

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

RECOMMENDATION:

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company in perpetuity
3. Primary School Education Contribution of £108,462.90
4. Secondary School Education Contribution of £179,769.59

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters – Landscaping to include a landscape belt along the road frontage
3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Contaminated land
7. Construction Management Plan for the construction phase of development
8. Dust Control
9. Compliance with the submitted Flood Risk Assessment
10. Undeveloped buffer of 8 metres along the River Weaver
11. Submission of a surface water drainage scheme
12. Submission of a scheme of management of overland flow
13. Reserved matters allocation to be supported by an updated badger survey and mitigation method statement.
14. Submission of detailed proposals for the creation of species rich grassland within the country park area which includes the results of soil testing to identify current nutrient levels.
15. Submission of detailed habitat management proposals.
16. The reserved matters application to include replacement hedgerow planting
17. Reserved matters application to include an Arboricultural Impact Assessment
18. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation 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.

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 Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

2. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company
 3. Primary School Education Contribution of £108,462.90
 4. Secondary School Education Contribution of £179,769.59

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Application No: 14/3054C

Location: Land off Crewe Road, Alsager

Proposal: Outline application for the erection of up to 70 dwellings

Applicant: Hollins Strategic Land LLP

Expiry Date: 24-Sep-2014

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing (for which there is significant demand), as well contributions to education. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon, amenity, flood risk, drainage and landscape.

However there is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will have an adverse impact on highways and ecology.

The scheme therefore fails to represent a sustainable form of development and the planning balance weighs against the development and accordingly it is recommended for refusal.

SUMMARY RECOMMENDATION:

REFUSE

PROPOSAL

Outline planning permission is sought for the erection of up to 70 dwellings with open space and associated infrastructure. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

SITE DESCRIPTION

The application site is in two parts, both comprising of agricultural fields of a total of some 4.3 hectares.

RELEVANT HISTORY

There are no relevant previous decisions.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

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

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005).

Policies in the Local Plan

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

H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG3 – Proposed Green Belt
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS

Environment Agency: no objection subject to the development being implemented in accordance with the submitted FRA and mitigation measures detailed within the FRA concerning finished floor levels, 8m buffer strip to watercourse, all development to be within Flood Zone 1, Surface water discharge rates from the site to be limited to current 'greenfield' rates with any subsequent attenuation requirement designed to accommodate 100-year plus climate change rainfall event. A scheme to create adequate exceedence flood flow paths and

routing across the site has been submitted to, and approved in writing by, the local planning authority. Scheme to determine safe finished floor levels, and contamination of the site

United Utilities: No objection to the proposal providing that the recommended conditions are met.

Strategic Highways Manager: Refuse on the ground that further major residential sites would only increase the level of congestion at the major junctions in Alsager.

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

PROW Improvement Team: The proposed construction of a footway to link the westernmost access of the development site to the existing footway provision towards the centre of Alsager would improve the accessibility of the site for pedestrians. Consideration should also be given to providing a means of crossing Crewe Road for pedestrians accessing the site.

The Masterplan indicates, by means of a dashed line, a path connecting with Public Footpath No. 7 which is the entrance track to the Poacher's Pocket. A more sensible route for this path would be directly on to the entrance track opposite the path from the southwest corner of the adjacent development in order to offer more direct connections between these two residential areas. The legal status, specification and maintenance of the proposed paths within the public open space of the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Education:. A development of up to 70 dwellings is expected to generate 13 primary (70 x 0.18) aged pupils and 9 secondary (70 x 0.13) aged pupils.

Primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the site have been considered for capacity. Once approved sites and secured S106 contributions have been taken into account the primary schools are anticipated to be cumulatively over subscribed whilst there would be sufficient capacity in the local secondary school.

Therefore the following sum will be required in lieu of primary education:-

$$13 \times 11919 \times 0.91 = \text{£}141,002$$

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

Strategic Housing Manager: No objection subject to the provision of 30% affordable housing in a 65% affordable rent: 35% intermediate tenure split to be secured by S106 Agreement in accordance with the Council's IPS on Affordable Housing.

HSE: No objection subject to conditions concerning the height of the buildings and the use of brick and tile materials

Alsager Town Council - Objection on the following grounds:

- No development should take place on greenfield sites (including this one) in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites that have access to the countryside are protected and preserved against residential development.
- Loss of more sites such as this will have a negative visual effect on the character of the town affecting its openness
- The site is not allocated within the Local Plan or the Alsager Town Strategy.
- The proposed highway access onto Crewe Road is considered unsafe for vehicles and pedestrians and unacceptable given the number of access point .
- The Town Council has considerable concern about the environmental impact of flora and fauna on the site. Residents use the site the site recreationally
- The land identified in the application is situated outside the current area for housing development in the town.

REPRESENTATIONS

Circa 18 representations of objection have been received to the application raising the following points;

Principle of the development

- Loss of Greenfield land
- Loss of open countryside
- Contrary to the SHLAA
- Alsager is an area of housing restraint around Stoke-on-Trent, which is why we should have a SMALLER than average housing allocation - but this application would increase still further an already excessive allocation.
- Because Alsager has less parkland than average, our surrounding countryside is our necessary "heart and lungs". This continues the slow strangulation that the council is imposing on us.

Highways

- Increased traffic congestion
- Highway safety
- There is no footpath on this south side of Crewe Road, and the plans propose none, endangering pedestrians. At the very least, a footpath is required from its current end point to the Plough, and preferably extended to the Radway Green Trading Estate.
- Crewe road is very dangerous, particularly at junctions (Close Lane / "The Point" apartment complex - terrible junction / Cranberry Lane / Hassle Road etc).

Infrastructure

- Existing schools are full
- Doctors and local dentists are full
- No employment opportunities in Alsager so proposal will result in more out commuting

Ecology

- Impact upon protected species
- Loss of habitat
- Loss of Trees and hedgerows

Amenity

- Loss of recreational value to community of the site
- Disruption from building work
- Building on this side of Crewe Road would extend the perceived size of the town, causing yet more harm to its rural nature
- light pollution
- pollution from more cars

Other issues

- No demand for new houses
- Affordable housing for local needs catered for by committed developments
- Increased flooding from the site

APPRAISAL

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

Principle of Development.

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

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

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

The most important material consideration in this case is the NPPF which 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.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy GR5 is not a housing land supply policy. However, Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy PS8 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to “flex” in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - n *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*
 - n *specific policies in the Framework indicate development should be restricted.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14.

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

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

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

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

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

SOCIAL SUSTAINABILITY

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Affordable Housing

The applicant in their affordable housing statement has confirmed that 30% of the total dwellings will be provided as affordable. This equates to 21 units to be provided, with 14 as social or affordable rent and 7 as intermediate tenure. The applicant has not confirmed what tenure split the units will be provided as. It would be my preference that the tenure split in line with the IPS is secured in the s106 agreement.

Although the applicant has suggested that this should be secured through condition, the Council would seek to secure this via a legal agreement.

Given the identified need, the provision of affordable housing is also considered to be a substantial benefit of the scheme.

Public Open Space

Initial concerns were raised about the use of the amenity greenspace as both amenity space and as an ecological area. Amended plans have been submitted showing an area of public open space separate to the ecological mitigation area. This was considered to be an improvement, although the amount of Useable Amenity greenspace required in accordance with Policy is 1680m² and the scheme is still deficient.

The Amenity Greenspace Area plan demonstrates that the developers are providing some 20,076sq m of amenity greenspace (AG) and the developers do not consider that all of this needs to be 'usable'. The Open Space Interim Policy Note (IPN) defines AG as "*informal recreation spaces and green spaces in and around housing*". Nevertheless, they have split the AG into two areas: accessible AG and AG that has deterred access (this is to deter people from disturbing the Great Crested Newt pond). The accessible AG measures some 14,597sqm and the AG with deterred access is some 5,479sqm.

A further plan has been submitted which demonstrates that the LEAP can provide 400sqm of amenity space as required. It is also adjoined by an area of 'informal play space' (amenity greenspace) which measures some 1,025sqm.

Following further discussions the developers have confirmed the following:

- That the equipment will be sited on level ground and not on the slope
- That the equipment will be sited outside the tree canopy
- That the area labelled 'grassed play area' in which the equipment is to be sited (excluding the informal play space) will be eradicated of the vigorous vegetation and resown with an Amenity mix which will be cut on a regular basis
- That there will be a seat/ bench on level ground for supervising adults/children

The developer has confirmed that all of the above can be achieved, and at the request of the greenspaces officer, the plan for the LEAP has been amended to illustrate the requirements above.

Management and Maintenance

The master plan also shows new and existing ponds. Whilst it is appreciated this promotes biodiversity and complies with regulatory requirements it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS

be transferred to a management company. The Management and Maintenance plans need to be submitted to the LPA for approval.

Accordingly, Greenspaces have confirmed that this has addressed their concerns.

Infrastructure

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

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

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that there will be an impact upon primary education provision in the locality and has requested a commuted sum of £141,002 to mitigate for the impact.

ENVIRONMENTAL SUSTAINABILITY

Landscape

The site is currently mainly in agricultural use although a section of grassed roadside verge on the Crewe Road frontage with occasional mature trees is included. There are well established hedgerows to several of the boundaries. A number of mature hedgerow trees are located around the periphery and a copse of trees stands around the centre and rear of the larger portion of the site.

The tree lined Valley Brook runs to the south, outside the site boundary.. The land falls at a gentle gradient from north to southThe application does not include a Landscape and Visual Assessment or appraisal.

The application includes an Indicative Masterplan which indicates the built area of the development behind an extensive tree belt along Crewe Road and the boundaries to the rear of the site and accordingly, the Councils Landscape Architect is of the view that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

Amenity

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

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

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

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

Ecology

Grassland Habitats

Semi-improved grassland habitats cover a significant proportion of the application site. Based upon the further botanical surveys undertaken on site the council's ecologist has advised that the grassland habitats on site are unlikely to be of sufficient quality to qualify as UK Biodiversity Action Plan Priority habitat. As discussed below these habitats do however offer opportunities for protected species.

Woodland Habitats

There is an area of woodland within the application site which appears on the UK BAP Inventory of priority habitats. Habitats of this type are a material consideration during the determination of this application and would meet the site selection criteria for designation as a Local Wildlife Site. Historical mapping suggests that although this woodland has been affected by episodes of clearance in the past, there is a recorded history of woodland cover in this area of the site since at least 1777. The council's ecologist has stated that he will continue to investigate the recorded history of this woodland and will provide an update if he is able to identify and further useful information.

Based upon the figures provided by the applicant, the current revised proposals which seek now seek to retain a portion of the woodland would result in the loss of 0.57ha of this woodland habitat. 0.40ha of woodland habitat would be retained under the current proposals. To compensate for the loss of woodland habitat the applicants has proposed additional tree planting of 0.62ha.

The Council's ecologist has advised that woodland planting is very poor compensation for the loss of UK BAP/Priority woodland habitat consequently the woodland planting proposed as part of this development is inadequate as a means of compensating for the loss of established UK BAP/Priority woodland. The current proposals would therefore result in a significant loss of priority habitat with an associated loss of biodiversity.

To avoid this impact he recommends that the proposals be amended to retain the existing area of woodland, otherwise the application should be refused on this basis.

Great Crested Newts

A medium sized great crested newt population has been recorded breeding at a pond within the application site. In the absence of mitigation the proposed development would result in the loss of a significant area of great crested newt terrestrial habitat, pose the risk of killing or injuring newts during the construction phase and present an increased risk of post development interference with the pond.

To mitigate the potential impacts of the proposed development on great crested newts the applicant is proposing to retain and enhance the core area of terrestrial habitat associated with the breeding pond and provide an additional two ponds. It is also proposed that the risk of great crested newts being killed or injured during the construction phase of the development be mitigated by removing and excluding newts from the work areas under the terms of a Natural England license.

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

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

In this case the proposed additional ponds will be of significant benefit for great crested newts as the existing pond is quite isolated and is now potentially deteriorating due to the presence of excessive shade and invasive non-native species.

The Council's Ecologist does, however, advise that the importance of the woodland habitats on site for great crested newts has been undervalued by the original ecological reports. These habitats are likely to provide significant opportunities for great crested newts in terms of providing foraging and suitable sites for shelter and protection. The distance of these habitats from the known breeding pond is not considered great enough to limit their usage by this species.

To mitigate the loss of woodland habitats for great crested newts the applicant has amended their previous proposals to include the construction of an extensive network of hibernacula constructed from the timber of the trees felled as part of the clearance of the woodland discussed earlier. The Ecologist advises that this approach is acceptable to mitigate the potential impacts associated with the loss of woodland upon great crested newts. However, as discussed above this woodland is of sufficient value in its own right to warrant its retention. In respect of great crested newts the retention of the woodland would be preferable to seeking compensate for its loss as retention of the existing habitat is much more certain to be successful compared to the proposed compensation.

The submitted great crested newt mitigation strategy proposed that the potential risk of great crested newts being killed or injured outside the core habitat areas be mitigated by the implementation of 'Reasonable Avoidance Measures'. This approach is acceptable outside those areas where GCN are considered reasonable likely to occur. However the applicant should provide more details of the proposed measures in the form of an outline method statement.

Valley Brook

Valley Brook located along the southern boundary of the application site has the potential to support protected species and has value as a linear habitat in its own right.

It is recommend that if planning consent is granted a condition be attached to ensure no development, including footpaths, takes place within 10m of the top of the bank of the brook. This would be adequate to maintain the nature conservation value of the brook corridor and avoid any potential impacts upon protected species.

Reptiles

Grass snakes are known to occur in Alsager. The Council's Ecologist advises that the application site has the potential to support this species. Whilst there is no evidence of this species on the application site it is advised that the presence of this species, on at least a transitory basis, cannot be entirely ruled out.

It is also advised that the mitigation proposed for great crested newts (subject to agreement of detailed reasonable avoidance measures discussed in the GCN section) would be adequate to mitigate the risk of grass snakes being killed or injured during the construction phase and that this species is also likely to benefit from the proposed new ponds.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration.

There is likely to be some loss of hedgerow associated with proposed access to the site. It is recommended that if outline planning consent is granted any unavoidable losses of hedgerows be compensated for through the provision of appropriate replacement planting at the detailed design stage.

Badgers

Badgers are active on site, however the only sett recorded on site was inactive at the time of the submitted survey. The Council's Ecologist that the proposed development will result in the loss of some foraging habitat utilised by badgers, but this would be partially mitigated for through the retained area of great crested newt habitat.

As badger activity can change over time it is recommended that an updated badger survey be undertaken to inform the determination of this application.

If planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated detailed badger survey and revised mitigation/compensation proposals.

Barn owls

Barn owls are known to occur within 300m of the proposed development. Whilst the application site is not optimal for foraging barn owls, evidence of small mammals was evident during my site visit, and consequently the loss of grassland habitat at this site may have an adverse impact upon foraging barn owls. The retention of the Great Crested Newt mitigation area may help to mitigate this impact. However, in my view barn owl foraging activity is likely to be reduced as a result of the proposed development. It is advised that, in the event that planning consent is granted the residual impact of the proposed development on barn owls should be offset by means of the payment of a commuted sum payable to the local barn owl group. This should be secured through a section 106 agreement associated with the development of the site.

The commuted sum would be used to implement barn owl conservation work in the borough. It is suggested a sum in the region of £2,000 would be appropriate.

Breeding Birds

The application site is likely to support a number of breeding bird species including more widespread Biodiversity Action plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Hedgehog

This UK BAP priority species may potentially occur on site. If planning consent is granted a condition should be attached to ensure that any garden fences proposed as part of the detailed design of the scheme incorporate a suitable gap to facilitate the movement of this species.

Urban Design

The application is outline form with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. An indicative layout has been provided with circa 70 individual units indicated in two development zones each accessed off a single central road from Crewe Road.

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

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

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

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

Although matters of detail are reserved, in principle, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence.

Flood Risk and Drainage

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

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

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

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

Access to facilities

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

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

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

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

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

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

- post box (640m),
- post office (1287m),
- pharmacy (1270m),
- medical centre (1448m)
- local meeting place / community centre (1126m),

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or by bus from Crewe Road and therefore it is considered that this site is locationally sustainable.

Highways

Further to the previous comments on this application, the applicant has submitted a further technical note that assesses the traffic impact of the development on all of the major Crewe Road junctions within Alsager which CEC identified as being congested.

The conclusions of the Technical Note 3 was that the traffic impact of the development would be able to be accommodated at all of the junctions with the exception of the Crewe Road/Sandbach Road North/Lawton Road junction that had a marginal impact. It is the applicants view that the development impact is not considered severe as is the relevant test in the NPPF. Notwithstanding this view, the applicant was willing to provide a financial contribution to the CEC improvement scheme at the Crewe Road/Sandbach Road North/Lawton Road junction or a bespoke improvement on Sandbach Road South that would provide an additional approach lane to the junction.

There has been a considerable number of residential developments that have come forward in Alsager that are not planned Local Plan sites, the effects of which needed to be assessed on the local road network. The Highway Authority has undertaken an Alsager study that assesses the capacity of the principal road junctions in Alsager considering a number of scenarios.

- Local Plan sites
- Local Plan + Committed Sites
- Local Plan + Committed Sites + Unplanned Sites

This study has assessed the cumulative impact of the adding each residential development application on the road network, it is clear from the capacity results that a number of junctions would be operating over capacity with just Local Plan sites and already committed sites. Further major residential sites would only increase the level of congestion at the major junctions in Alsager.

On this basis the Strategic Highways Manager recommends refusal of the application due to the cumulative impact on the highway network.

Trees & Hedges

The latest Masterplan presents a more compatible layout in terms of the relationship and social proximity of dwellings and garden plots to the TPO woodland. The removal of Plots 69 and 70 shown in the Revision A drawing; their relocation to the south of Plot 66 and the routing of the internal access arrangement around the south western edge of the protected woodland generally addresses arboricultural concerns.

Tree losses (part Compartment B, H and I and Group G9, G33 and G45 Appleton Tree Report Rev. C) are required to enable Plots 58-65 and 66-69. Group G9 comprises of 3 low category early mature Goat Willow (one of which is dead), the remaining part of Compartment B affected by the development footprint is predominantly low quality young Birch regeneration (Comp B) and young low quality Hawthorn, Goat Willow and Elder 'scrub' (Comp H and I). A mature multistemmed B category Sycamore (T28) located on a mound within Comp I will require removal to facilitate the access arrangements to Plots 58 and 59.

Whilst the tree is of moderate quality and is a distinctive feature and some collective landscape value its arboricultural merit is reduced due to its multistemmed form and potential weak included forks. Compartment I also includes a number of dead trees specifically Trees 38-42 (Willow, Oak, Hawthorn and Sycamore) which are shown for removal to accommodate Plots 58-59.

Para 6.7 of the Arboricultural Report sets out the estimated loss (in ha) of trees and UK BAP priority habitat in relation to Revision A and must presumably include Compartment B (although not specifically referred to). The north east section of Compartment B which comprises of Birch regeneration is now shown on Revision D drawing as a retained area connecting into the protected woodland and is an improvement in terms of tree loss from that proposed in the earlier schemes

Hedgerows

Whilst hedgerows within the site have been assessed under the Archaeological and historical criteria of Part II Schedule I there appears to be no evidence submitted under Wildlife or Landscape Value (Paragraph 6, 7 and 8). Hedgerows must be evaluated against **all** the criteria specified within the Regulations.

The hedgerow assessment (Appleton Group Report dated 17/2/14) identifies 4 hedgerows; along the lane from Crewe Road to The Old Mill; along the length of Valley Brook (length B-C) and from the footbridge over Valley Brook to The 'Wacky Warehouse' (length C-D) and the hedgerow bordering Crewe Road Hedgerows H1-H3. These have been identified as forming an integral part of the field system pre-dating Enclosure Act, therefore meeting the criteria for determining an Important Hedgerow (Paragraph 5).

Para 5.1 of the Hedgerow Report refers to the hedgerow on Crewe Road on the field parcel to the north east (currently being developed) was not considered as part of an Integral part of a field system pre dating the Enclosure Acts. Clearly there is some ambiguity at this point in the two assessments which requires further clarification.

It is intended that the hedgerow fronting Crewe Road will be breached in two locations for the purposes of provision of access, resulting in the degradation of this Important hedgerow. Such losses, if unavoidable need to be adequately compensated elsewhere in the application site.

Subject to the above considerations should planning consent be granted The Councils Arboricultural Officer recommends a condition requiring the submission of an Arboricultural Impact Assessment including the evaluation of tree constraints a draft tree protection plan (in accordance with para 5.4.3 of BS5837:2012) and Arboricultural Method Statement to provide certainty of outcome to test feasibility of the detail.

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

ECONOMIC SUSTAINABILITY

Supporting Jobs and Enterprise

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

Paragraph 19 states that:

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

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

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

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

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

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural land

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

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

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

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

The applicant has submitted an agricultural land classification study which concludes that the site comprises 3 hect of Grade 3a land with the remainder of the site being in non agricultural use.

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land and does not provide a reason for refusal in itself. However, as in the Audlem Road, Stapeley Secretary of State case, where the loss of the best and most versatile agricultural land makes the scheme less sustainable and counts against the scheme in the overall planning balance. The proposal is therefore considered to be contrary to policy SE2 of the provisions of the NPPF in respect of loss of agricultural land.

Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations

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

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

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

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

PLANNING BALANCE AND CONCLUSION

The proposal is contrary to development plan policies PS8 (Open Countryside) GR1, GR18 (Traffic Generation) NR1, NR3, NR4 (Nature Conservation) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14.

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

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of

jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land, impact on highway safety, loss of open countryside and impact on ecology.

Previous open space and tree concerns have now been resolved and can be addressed through appropriate conditions, and it is no longer considered that these provide sustainable reasons for refusal.

On the basis of the above, it is not considered that the proposal represents sustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits and that the proposal represents sustainable development. Accordingly it is recommended for refusal for the reasons set out below.

RECOMMENDATION

MINDED TO REFUSE for the following reasons:

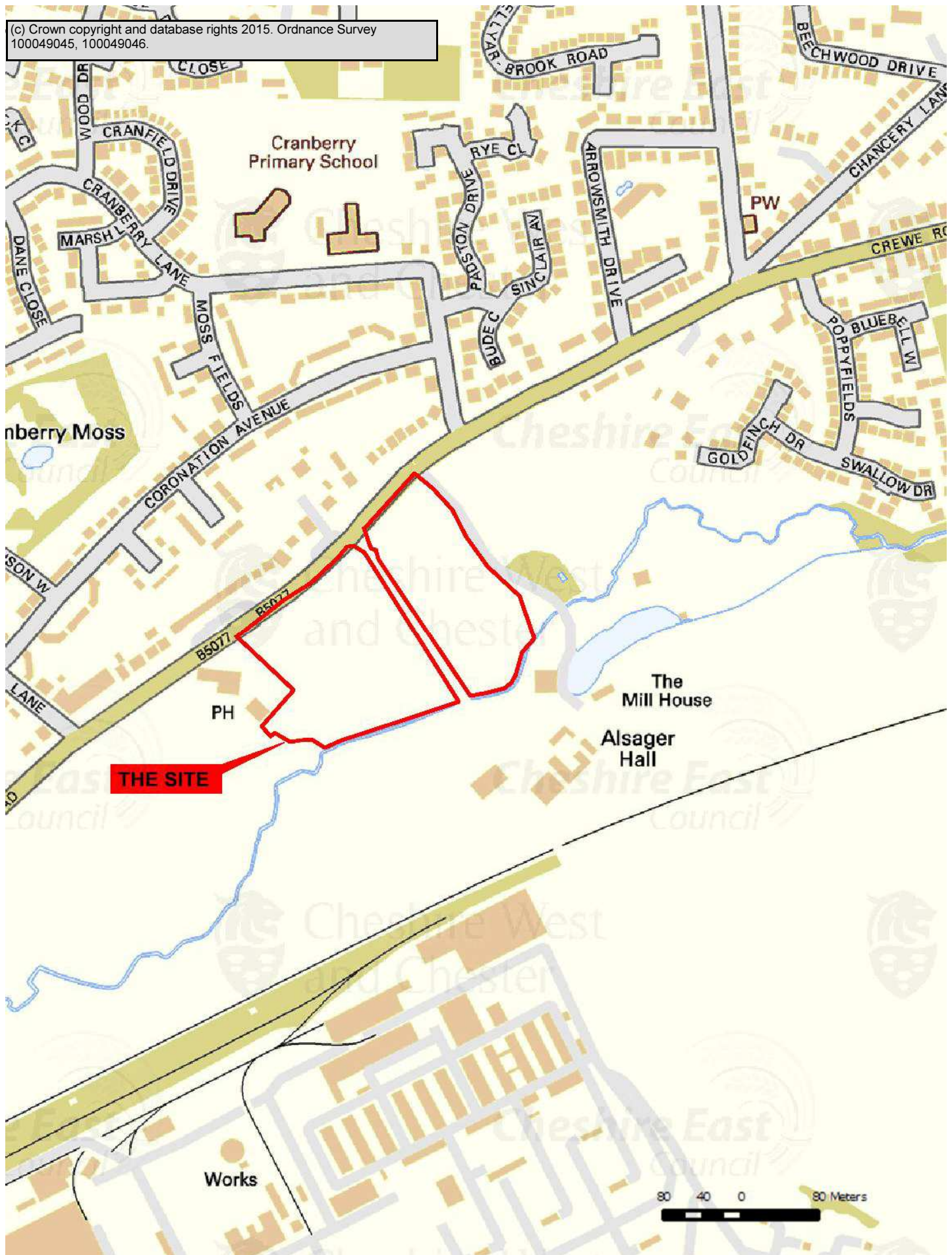
1. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the unacceptable environmental impact of the scheme on the intrinsic character and beauty of the open countryside and woodland which appears on the UK BAP inventory of priority habitats and is identified as Broad Leaved Woodland on the Habitat Survey submitted by the applicant in support of the application. There would also be an unacceptable, social, economic and environmental impact, in terms of increasing the level of congestion at the major junctions in the town which would already be operating over capacity as a result of the cumulative impact of other committed development in Alsager. Furthermore, there would be an adverse environmental and economic impact resulting from loss of best and most versatile agricultural land. These factors significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS8, GR1, GR18, NR1, NR3, NR4 of the adopted Congleton Borough Local Plan First Review and Policies PG5, SE2, SE3, SE5 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework

RESOLVE to enter into a Section 106 Agreement in respect of the forthcoming Appeal to secure the following:

- 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 shared recreational open space and the provision of on site children's play space to include a NEAP with 8 pieces of equipment**
- **Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity**
- **Education (primary) contribution of £141,002**

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date:	3 rd June 2015
Report of:	David Malcolm – Head of Planning Regulation
Title:	Update following the resolution to approve application 13/4121C subject to a S106 Agreement
Site:	Former Twyford's Bathrooms Ltd, Lawton Road, Alsager, ST7 2DF

1.0 Purpose of Report

1.1 Planning application 13/4121C was determined by the Strategic Planning Board on 2nd April 2014. This report is to consider the amendment to the Heads of Terms within the SPB resolution for this application.

1.2 The minutes from the meeting are as follows:

'That for the reasons set out in the report and in the update to Board the application be referred to the Secretary of State with a recommendation to approve subject to the completion of a Section 106 Agreement securing the following:-

- £5,000 Travel Plan Monitoring
- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- **£198,000 for the provision of the agreed new bus service for the site sum to be paid prior to commencement of development**
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

And subject to the following conditions:-

1. Standard Time – 3 years
2. Approved Plans
3. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
4. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

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

6. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

8. 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 local planning authority. The remediation strategy shall be implemented as approved.

9. Contaminated Land

10. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

11. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil

12. Construction Management Plan

13. External Lighting Details

14. Hours of Deliveries to the Store and Biomass Boiler to be submitted and agreed

15. Hours of Operation of the Biomass Boiler

16. Details of Fixed Plant and Equipment

17. Scheme of security barriers for the proposed car park

18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.

19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.

20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA

21. *The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.*

22. *Dust mitigation measures during construction*

23. *Prior submission and approval of materials*

24. *Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.*

25. *Nesting Bird Mitigation Measures*

26. *Mitigation recommendation of the 2014 Badger report to be secured*

27. *Boundary Treatment Details including details of all retaining structures*

28. *Tree protection measures*

29. *Arboricultural Method Statement*

30. *Implementation of the submitted landscape proposals*

31. *Cycle Parking Details*

32. *The net sales area shall be limited to 2,322sq.m*

33. *1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.*

34. *Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.*

35. *Prior to first use all access roads and car parking will be constructed and formally marked out.*

36. *Prior to first use the developer will fully construct the off-site highway works: proposed roundabout access junction, the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads, the new bus stops on the A5011 and the agreed junction improvement at the A5011/A50/B5077 cross-roads*

37. *Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.*

38. *Details of the opening of the culvert to be submitted to the LPA for approval in writing.*

2.0 Decision Required

- 2.1 To agree to the amended Heads of Terms to secure additional contributions to the bus service to the site.

3.0 Background

- 3.1 The application relates to 3.28 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.
- 3.2 To the south of the site is the Crewe-Derby railway line. To the north there is tree cover which forms a TPO (Crewe Road/Linley Lane TPO 2007). The site is relatively flat and is well screened, the site includes part of a large factory and warehouse building which has a floor area of 64,095sq.m. An existing office building and a more modern warehouse building are located outside the red-edge for this planning application.

4 Proposed Development

- 4.1 13/4121C is a full planning application for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces.
- 4.2 The access to the store would be taken via the access road which would be provided as part of a new roundabout off Linley Lane.

5 Officer Comment

- 5.1 In this case there have been negotiations regarding the bus service contribution and it has been concluded that the sum of £198,000 within the Heads of Terms would not cover the agreed bus service for a period of three years.
- 5.2 Following further negotiations with the Strategic Highways Manager, the Transport Services Manager, the landowner and the applicant it has been agreed a contribution of £330,000 would cover the bus service and as such it is necessary to amend the Heads of Terms to ensure that this sum is included within the S106 Agreement.
- 5.3 It has also been agreed that the trigger for the payment can be altered to six months before the store opens (the development would have a 9 month build). This would still enable the Transport Services Manager to negotiate the contract with the bus service operator and to ensure an operational service on the day that the store is first brought into use.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the amendment to the committee resolution is acceptable.

7 Recommendation

- 7.1 The Heads of Terms are altered as follows:
- *£5,000 Travel Plan Monitoring*

- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- **£330,000 for the provision of the agreed new bus service for the site sum to be paid 6 months before the store is first brought into use**
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

- 7.2 The slip rule was included within the officer report but was not included within the minutes and it is also recommended that this is attached to the resolution:

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.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of negotiating and completing a S106 Agreement for application 13/4121C and to issue the planning permission.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- Application 13/4121C

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