

Strategic Planning Board

Agenda

Date:	Wednesday, 29th July, 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 - 10)

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. **14/4938C-Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C, Land West of Goldfinch Close Congleton for Seddon Homes Limited (Pages 11 - 44)**

To consider the above application.

6. **14/5615N- Outline Planning Permission for a residential development comprising up to 65 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, Weaver Farm, The Green, Wrenbury for Gladman Developments Ltd (Pages 45 - 68)**

To consider the above application.

7. **14/5841W-Application to complete restoration of Hough Mill Quarry over a period of four years by accepting inert fill, processing the material and utilising the processed clean inert fill to complete the restoration of the site, Hough Mill Quarry, Back Lane, Walgherton for Anthony Construction Ltd (Pages 69 - 82)**

To consider the above application.

8. **15/1552N-Outline Planning Permission for Residential development for up to 99 dwellings (Use Class C3), with public open space, vehicular access and associated infrastructure, Land off East Avenue, Weston for Gladman Developments Ltd (Pages 83 - 104)**

To consider the above application.

9. **14/5841N-Outline planning permission for a residential development comprising of up to 118 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space, surface water attenuation and associated ancillary works, with all matters reserved for future determination with the exception of access, Land South of Queens Drive, Nantwich for Gladman Developments Ltd (Pages 105 - 140)**

To consider the above application.

10. **15/0553C-Reserved matters application for residential development of 80 homes, (24 affordable), the creation of an area of public open space and children's play area and associated works (outline approval 13/0041C), Land off Middlewich Road, Holmes Chapel for Niall Mellan, Persimmon Homes North West** (Pages 141 - 150)

To consider the above application.

11. **15/1541C-Installation and operation of a solar farm, Land South of Wood Lane, Bradwall for Lightsource SPV 178 Limited** (Pages 151 - 166)

To consider the above application.

12. **15/2256M- Glass House with associated water tanks and heat storage tank, Robinson Nurseries, Bolshaw Road, Heald Green for Peter Robinson, W Robinsons Nurseries Limited** (Pages 167 - 184)

To consider the above application.

13. **Proposal Alterations to the Section 106 Agreement to in respect of management company for public open space at Coppenhall, (11/1643N)** (Pages 185 - 188)

To consider the above report.

14. **13/3571C-Land West of Goldfinch Close, Congleton, Withdrawal of Reasons for Refusal** (Pages 189 - 202)

To consider the above report.

15. **Performance of the Planning Enforcement Service for Quarters 3 and 4 2014/15** (Pages 203 - 218)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 1st July, 2015 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)

Councillors C Andrew, B Burkhill, T Dean, L Durham, S Gardiner (Substitute),
D Hough, N Mannion (Substitute), D Newton, S Pochin, M Sewart and J Wray

OFFICERS IN ATTENDANCE

Mr D Evans (Principal Planning Officer), Mrs N Folan (Planning Solicitor), Mr
B Haywood (Major Applications-Team Leader), Mr P Hooley (Planning and
Enforcement Manager), Mr P Hurdus (Highways Development Manager) and
Mr P Wakefield (Principal Planning Officer)

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey, J
Hammond, Mrs J Jackson, S McGrory and G Walton.

17 DECLARATIONS OF INTEREST/PRE DETERMINATION

None.

18 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

19 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

20 WITHDRAWN-15/0446C-ERECTION OF 154 TWO STOREY DETACHED, SEMI DETACHED AND MEWS DWELLINGS LANDSCAPING, FORMATION OF COMMUNITY PARK, OPEN SPACE, PARKING AND ASSOCIATED WORKS, LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD, SANDBACH FOR NEIL ARKWRIGHT, REDROW HOMES LTD & ANWYL HOMES

This application was withdrawn by Officers prior to the meeting.

- 21 **14/5654N-PROPOSED RESTORATION AND CONVERSION OF THE GRADE I DODDINGTON HALL AND GRADE II STABLES TO A 5 STAR COUNTRY HOUSE HOTEL (CLASS C1) PROVIDING 120 LETTING ROOMS, RESTAURANT, BARS, FUNCTION ROOMS INVOLVING A SERIES OF INTERNAL AND EXTERNAL ALTERATIONS, INTEGRATING / RETAINING THE 3 NO. COTTAGES AND STABLES INTO THE SCHEME AND THE ERECTION OF A NEW BUILD BEDROOM ACCOMMODATION ANNEX WING; WITH A NEW BUILD SPA LEISURE FACILITY (CLASS D2); TEMPORARY EVENT SPACE AND ASSOCIATED PARKING PROVISION, LANDSCAPE (GARDEN) RESTORATION OF THE GRADE II REGISTERED PARK AND GARDEN; DETAILED LANDSCAPING, AND THE INSTALLATION OF A NEW ELECTRICITY SUB-STATION. O PROPOSED STRUCTURAL RESTORATION, REFURBISHMENT AND CONVERSION OF THE GRADE I DELVES CASTLE (DELVES TOWER / DELVES HALL) : WITH ITS USE TO BE DEFINED AT A LATER DATE OUTWITH OF THIS APPLICATION. O PROPOSED STRUCTURAL RESTORATION AND REFURBISHMENT OF THE GRADE II* STAR BARN : WITH ITS USE TO BE DEFINED AT A LATER DATE OUTWITH OF THIS APPLICATION**

Consideration was given to the above application.

(Councillor P Groves representing the Ward Councillor Mrs J Clowes, Parish Councillor Charmian Brewin, representing Doddington & District Parish Council, Parish Councillor Simon Chettle, representing Hatherton & Walgherton Parish Council, Mr Bob Frodsham, representing Stand Together Against New Development, (STAND), and Justin Paul, the agent for the applicant attended the meeting and spoke in respect of application).

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. Time Limit
2. Plans
3. Submission / approval and implementation of Materials
4. Submission / approval and implementation of Construction Environmental Management Plan
5. Hours of construction
6. Revised Lighting scheme to be submitted not lighting to be carried out in accordance with submitted report
7. Submission / approval and implementation of Acoustic Enclosure of any fans
8. Submission / approval and implementation of Electric Vehicle Charging Infrastructure,
9. Submission / approval and implementation of scheme for the improvement of the existing sewerage system
10. Submission / approval and implementation of Travel Plan

11. Submission / approval and implementation of cycle facilities
12. Submission / approval and implementation of programme of archaeological works
13. Development to proceed in accordance with the recommendation made by section 6.3.5 the submitted Ecological Assessment dated 2nd December 2014
14. Submission / approval / implementation of a detailed planting plan and method statement for the proposed woodland creation and parkland restoration.
15. Submission / approval / implementation of a 10 year woodland and parkland management plan (including proposals for the removal of rhododendron from the woodlands around Doddington Pool (as identified as target notes 7 and 8 on submitted Phase One habitat plan).
16. Nesting birds requiring surveys to be carried out prior to commencement of works during nesting season
17. Provision of nesting boxes
18. Construction of access prior to first use
19. Provision of Parking prior to first use
20. Development to take place in accordance with submitted tree protection
21. Any excavation within the root protection zone of retained trees should be supervised by an arboricultural consultant and undertaken by hand excavating or an agreed method such as an air spade.
22. The retention of the veteran tree, bear pit, and early hydro.
23. submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.
24. Existing doors, windows (including retention of single glazing), fireplaces, floorboards, cornices and skirting boards to be retained and any repairs to any of these features to be carried out in like for like materials, design and colours.
25. Full details of its proposed design, materials and colours of marquee to be submitted for approval.
26. Provision of Heritage trail and footpaths
27. A costed schedule of full repairs to Delves Hall, following the recommendations of the Ellis & Moore Consulting Engineers Condition Survey Report dated 10 December 2014, shall be submitted to the local planning authority for approval within six months of commencement of the development hereby permitted and these repairs shall be completed at least six months prior to the first occupation of the Hall as a hotel
28. Updated Badger Survey
29. Requiring the exact route of the pipeline for the heat exchange pumps to be agreed with the LPA prior to installation.
30. 6 functions per year...No more than a single marquee at any time
- Submission / approval and implementation of sustainable urban drainage

31. Proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge)
32. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods
33. Retention / repair of the river washed cobbles to stable and service yard
34. Window / door / rainwater goods details
35. Retention of stable features - cupboard doors, feeding troughs, circular windows
36. Detailed recording condition
37. Details of plaster / brickwork

In addition two informatives were included as follows:-

Any works to the Star Barn or Delves Tower should not be carried out until a bat and barn owl survey has been carried out to ensure compliance with the Wildlife and Countryside Act.

That the permission does not imply any predetermination of a potential future enabling development application on the site

(During consideration of the application, Councillor D Newton arrived to the meeting. He did not take part in the debate or vote on the application).

- 22 **14/5656N-LISTED BUILDING CONSENT FOR PROPOSED RESTORATION AND CONVERSION OF THE GRADE I DODDINGTON HALL AND GRADE II STABLES TO A 5 STAR COUNTRY HOUSE HOTEL (CLASS C1) PROVIDING 120 LETTING ROOMS, RESTAURANT, BARS, FUNCTION ROOMS INVOLVING A SERIES OF INTERNAL AND EXTERNAL ALTERATIONS, INTEGRATING / RETAINING THE 3 NO. COTTAGES AND STABLES INTO THE SCHEME AND THE ERECTION OF A NEW BUILD BEDROOM ACCOMMODATION ANNEX WING; WITH A NEW BUILD SPA LEISURE FACILITY (CLASS D2); TEMPORARY EVENT SPACE AND ASSOCIATED PARKING PROVISION, LANDSCAPE (GARDEN) RESTORATION OF THE GRADE II REGISTERED PARK AND GARDEN; DETAILED LANDSCAPING, AND THE INSTALLATION OF A NEW ELECTRICITY SUB-STATION. O PROPOSED STRUCTURAL RESTORATION, REFURBISHMENT AND CONVERSION OF THE GRADE I DELVES CASTLE (DELVES TOWER / DELVES HALL) : WITH ITS USE TO BE DEFINED AT A LATER DATE OUTWITH OF THIS APPLICATION. O PROPOSED STRUCTURAL RESTORATION AND REFURBISHMENT OF THE GRADE II* STAR BARN : WITH ITS USE TO BE DEFINED AT A LATER DAT**

Consideration was given to the above application.

(Justin Paul, 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 the application be approved subject to the following conditions:-

1. Time Limit
2. Plans
3. Submission / approval and implementation of Materials
4. The retention of the veteran tree, bear pit, and early hydro.
5. submission of details of the location, design, materials and the colour of all new radiators, fan coil unit enclosures, and ensuite pods.
6. Existing doors, windows (including retention of single glazing), fireplaces, floorboards, cornices and skirting boards to be retained and any repairs to any of these features to be carried out in like for like materials, design and colours.
7. Full details of its proposed design, materials and colours of marquee to be submitted for approval.
8. Provision of Heritage trail
9. Details of repairs to Delves Tower and Star Barn - a scheme of works including a timetable for implementation to be submitted prior to commencement of development.
10. Retention / repair of the river washed cobbles to stable and service yard
11. Window / door / rainwater goods details
12. Retention of stable features - cupboard doors, feeding troughs, circular windows
13. Detailed recording condition
14. Details of plaster / brickwork
15. A costed schedule of full repairs to Delves Hall, following the recommendations of the Ellis & Moore Consulting Engineers Condition Survey Report dated 10 December 2014, shall be submitted to the local planning authority for approval within six months of commencement of the development hereby permitted and these repairs shall be completed at least six months prior to the first occupation of the Hall as a hotel.
16. Full schedule of works (including opening up works) and associated method statement for those works

23 15/1867N-AMENDMENT TO APPROVAL NOTICE 14/2155N FOR REPLAN AND PLOT SUBSTITUTION OF PLOTS 18-21, 56, 57, 58, 60, 61, 63-67, 77, 79-85, 87, 88, 91, 93, 94, 96-98, 111-119, 121-123, 125-136, 139-142, 145-151, 158, 159 & 164-168, LAND AT FORMER STAPELEY WATER GARDENS, LONDON ROAD, STAPELEY FOR MRS JACQUELYN COLQUHOUN, DAVID WILSON HOMES NORTH WEST

Consideration was given to the above application.

(Andrew Taylor, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons outlined in the report the application be approved subject to the completion of Section 106 Deed of Variation securing:

1. A scheme for the provision of 30% affordable housing– 50% to be provided as social rent/affordable rent with 50% 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. A financial contribution of £314,542 towards improved primary school provision.

3. A scheme for provision of a Public Open Space to be maintained by a private management company in perpetuity. The scheme shall include:

- Timing and delivery of POS and its phasing into the development
- Long term maintenance and management

And subject to the following conditions:-

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees/hedgerows and aftercare
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Pump Station to be submitted
9. Submission of 10 year habitat management plan including proposals for monitoring
10. Implementation of recommendation made by the submitted Protected Species Survey undertaken by CES Ecology.
11. Survey for breeding birds
12. Features for Breeding Birds to be submitted and approved in writing by the LPA

13. Details of newt tunnels to be submitted and agreed in writing by the LPA
14. Parking to be provided prior to first occupation of the dwelling
15. Method Statement for pile driving to be submitted. 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
16. Noise mitigation measures to be carried out in accordance with Acoustic Statement including provisions for ventilation
17. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
18. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
19. Removal of permitted development rights
20. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
21. 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.
22. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing
23. Details of phasing of development to be submitted and approved
24. Tree and hedgerow retention and protection scheme to be submitted and agreed in writing
25. A single Electric Vehicle Charging Point shall be provided in each property with designated parking spaces (including garages). Charge points to be suitable for overnight charging of electric vehicles.
26. A robust Travel Plan shall be developed for with the aim of promoting alternative /low carbon transport options. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and enforced throughout the use, reviewed every 5 years, with a report provided to the LPA annually on achievements against the agreed targets.
27. Details of external lighting to be submitted and agreed in writing with the LPA
28. Full details of the footpaths/cycleways to be submitted and agreed in writing
29. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.
30. Upon completion of the 25th dwelling the developer will provide MOVA control at the A5301 Peter DestapleighWay / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.

31. Upon completion of the 25th dwelling the developer will provide a UTC system at the A5301 Peter DestapleighWay / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.

32 Upon completion of the 25th dwelling the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.

33. Drainage Scheme to be submitted and agreed in writing

34. Features for Hedgehogs to be incorporated into the scheme

35. Prior to the commencement of development detailed proposals for the incorporation of a suitable access to be provided to the adjacent great crested newt mitigation area.

36. Prior to the commencement of development details for a scheme for rainwater harvesting from the proposed residential properties to provide an additional source of water for ponds A2,A3 and A4 to be submitted to the LPA prior to the commencement of development.

37. Bin Storage

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Planning Enforcement Manager, 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 from 12.45pm until 1.30pm).

24 14/5886C-RE-PLAN OF PREVIOUSLY APPROVED DEVELOPMENT 11/4545C TO PROVIDE 13 DWELLINGS INSTEAD OF 8 UNITS IN THIS AREA (INCREASE BY 5). LAND AT THE GREEN, MIDDLEWICH FOR MR SEAN MCBRIDE, PERSIMMON HOMES

Consideration was given to the above application.

(Councillor M Parsons, the Ward Councillor, Kat Robinson, an objector and Adele Snook, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit and to allow Officers further discussions with the applicant to improve parking provision on the site including ensuring internal garage dimensions are 2.7m x 5.5m (compliant with the emerging Local Plan).

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

25 14/5579C-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF UP TO 119 DWELLINGS

(INCLUDING A MINIMUM OF 30% AFFORDABLE HOUSING), STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, A VEHICULAR ACCESS POINT FROM MAIN ROAD AND ASSOCIATED ANCILLARY WORKS, LAND OFF, MAIN ROAD, GOOSTREY FOR GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor, Parish Councillor Cath McCubbin, representing Goostrey Parish Council, Mrs Catherine Morris, representing Shear Brook Action Group, Professor Garrington, representing Jodrell Bank Observatory, Mr Stuart Thorley, an objector, Mrs Jo Lynch, an objector and Mr David Johnson attended the meeting and spoke in respect of the application. In addition a statement was read out by the Principal Planning Manager on behalf of the Councillor L Gilbert, the Ward Councillor).

RESOLVED

That the application be refused for the following reasons. (Any decision is subject to the determination of the Secretary of State's assessment on call in.):-

1. The proposed residential development is located within the Open Countryside and the Jodrell Bank Consultation Zone, and will result in impairment to the efficiency of the Jodrell Bank Radio Telescope. The proposal is therefore contrary to policies PS8, PS10 and H6 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF. These factors significantly and demonstrably outweigh the economic and social benefits of the proposed development in terms of contribution to boosting housing land supply, including the contribution to affordable housing.

2. The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm is considered to amount to "less than substantial harm" as defined in the National Planning Policy Framework. The public benefits of the proposal, when taken as a whole, are not considered to be sufficient to outweigh this harm to the heritage asset. The proposed development is therefore contrary to policy BH4 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF.

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

- 26 **WITHDRAWN-15/1247W-APPLICATION TO VARY CONDITION 11 OF PERMISSION 7/2006/CCC/11, CONDITION 8 OF PERMISSION 11/3389N AND CONDITION 8 OF PERMISSION 13/3774W TO INCREASE THE PERMITTED VEHICLE MOVEMENTS IN RESPECT OF BANK AND PUBLIC HOLIDAYS FROM 10 MOVEMENTS (5 IN, 5 OUT) TO 20 MOVEMENTS (10 IN, 10 OUT), WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE FOR MR F H RUSHTON**

This application was withdrawn by Officers prior to the meeting.

The meeting commenced at 10.00 am and concluded at 3.20 pm

Councillor H Davenport (Chairman)

Application No: 14/4938C

Location: LAND WEST OF GOLDFINCH CLOSE, CONGLETON, CHESHIRE

Proposal: Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C

Applicant: Seddon Homes Limited

Expiry Date: 16-Feb-2015

SUMMARY:

The proposal is contrary to development plan policies PS8 (Open Countryside) and GR5 (Landscape) 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 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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.

The proposed development would provide a safe access and the development site from the existing streets in Goldfinch Close and the Moorings. In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a LEAP which would require 5 pieces of equipment to comply with policy.

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

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

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

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

Previous highways and urban design concerns have now been resolved and can be addressed through appropriate conditions and contributions, and it is no longer considered that these provide sustainable reasons for refusal.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development particularly given the concerns over the landscape impact. However, the change in the housing land supply position and the uplift in housing numbers to 36,000 significantly alters the way in which this should be viewed in the overall planning balance. It is not considered that in this case there is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and Section 106 Agreement.

PROPOSAL:

This application seeks outline planning permission with all matters reserved except for access, for:

“The erection of up to 220 dwellings, access, open space, and associated landscaping and infrastructure”.

Although detailed consideration is limited at this stage to means of access, the proposal seeks agreement in principle for residential development, including up to 30% affordable housing, with associated parking, open space and infrastructure.

Planning permission for up to 230 dwellings on the same site was refused on 16 May 2014 (Application reference: 13/3517C). This application addresses those reasons for refusal.

Indicative information has been provided in respect of the scale, layout, landscaping and general appearance of the development but at this stage, consideration of detail is limited to the proposed means of access.

The application proposes a comprehensive development of up to 220 dwellings including up to 66 affordable homes (30%). However, within the application site sits two parcels of land, known as 'Land off The Moorings' and 'Land off Goldfinch Close and Kestrel Close', which already benefit from outline planning permission for up to 80 dwellings, which was granted on appeal.

This application therefore seeks planning permission for the additional 140 homes only (as 80 already have planning permission), bringing the total number of houses to be delivered on the site to 220.

An indicative mix of property types and sizes has been included within the submitted Design and Access Statement and on the indicative site layout, which includes the two parcels of land that already benefit from outline planning permission. The detailed design of the proposed development will be addressed at the reserved matters stage.

SITE DESCRIPTION:

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

This application is accompanied by an Environmental Impact Assessment.

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

The site has a network of existing hedgerows and trees and agricultural fields, of greater or lesser use (the area directly to the rear of Goldfinch/Kestrel Close has been left to nature and

has become overgrown, although the other parts of the site have agricultural appearance and have been used as such during the time that Officers have been visiting the sites.

RELEVANT HISTORY:

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

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

12/3028C - Land off The Moorings, Congleton

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

13/3517C - Land West of Goldfinch Close, Congleton, Cheshire

Planning permission for up to 230 dwellings on the same site was refused on 16 May 2014. Appealed scheduled for September 2015. The initial housing land supply reason was removed at SPB in February 2015, so the remaining reasons subject to the appeal are as follows:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.*
- 2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*
- 3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.*
- 4. The proposal, by virtue of the increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to Paragraph 32 of the NPPF and contrary to Policy CO1 of the Cheshire East Local Plan Strategy – Submission Version.*

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), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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:

United Utilities - no objection to the proposed development provided that conditions are attached to any approval requiring a scheme for the disposal of foul and surface waters for the entire site to be submitted and approved. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.

Highways – No objection subject to:

- Travel Plan to be submitted prior to occupation
- Highway Improvements to be constructed prior to occupation
- Construction Management Plan
- Provision of 2No. Quality Bus Stops

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

Rights of Way: The development is to affect **Public Bridleway No.4 Congleton**, as recorded on the Definitive Map of Public Rights of Way held at this office. The development is also adjacent to **Bridleway No.1 Congleton**.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, the normal advisory notes should be added to the planning consent to ensure there is no obstruction of the PROW.

NHS - NHSE and other health stakeholders will identify a schedule of capital projects in the emerging strategic health infrastructure delivery plan. This will recognise the impact of committed housing sites and strategic sites allocated in the Cheshire East Council Local Plan Strategy and are subject to necessary developer financial contributions which are fairly related to the direct impact of each development on health infrastructure in the Congleton locality.

This application relates to additional developments on unallocated sites which will further impact on health infrastructure.

Should this application be approved, mitigation of these significant and substantial impacts are requested through a financial contribution towards healthcare infrastructure provision in this locality through an appropriate planning agreement, which is currently understood to be Section 106 Town and Country Planning Act 1990.

This is currently estimated at a minimum cost of additional health infrastructure solely for the application site of £223,000 and minimum developer contribution towards such costs of £145,000 which excludes the cost impact relating to the 80 houses previously approved.

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

Flood Risk

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

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

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

- scheme to limit the surface water runoff generated by the proposed development,

- a scheme to manage the risk of flooding from overland flow of surface water,
- a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the watercourse running through the site (from south to north) and any built development

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

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

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

Education: Confirm that no contribution is required from this application.

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

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

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

Public Open Space:

Amenity Greenspace

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on the Council's Guidance Note on its Draft Interim Policy

Note on Public Open Space Requirements for New Residential Development the amount of formal Public Open Space required in the form of Amenity Greenspace would be 5520m"

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

Children and Young Persons Provision

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

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

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

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

Sustrans: Have the following comments

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

Congleton Town Council objects on the following grounds:

The proposed development fails to comply with the CBC saved policies on a number of grounds and should be refused

1. PS8 Open Countryside

The proposed development is an inappropriate form of development within the Open Countryside and can only be permitted if it satisfies one or more of the eight criteria mentioned under policy PS8. The applicant may argue that the development satisfies PS8 (IV) which refers to controlled infilling, but, to meet this criteria also requires satisfying policy H6. Policy H6 states that new residential development will not be permitted unless it meets one or more of the criteria within this policy. The applicant may argue that it satisfies H6 (V) but this refers to limited development within the infill boundary line. A proposal for 220 dwellings cannot be described as infill, nor does it meet the criteria laid down for affordable housing H6 (VI) and H14

2. GR 19 Infrastructure

The proposed development would be contrary to the interests of highway safety as it would result in additional traffic using Canal Street which is already used at unacceptable levels. Indeed the policy requires applicants to make adequate provision for any infra-structure requirements which arise directly from the proposed development, but, has made no provision for improving the congestion being experienced in Canal Street which will be exacerbated by increased volumes of traffic emanating from the proposed development.

3. Repeat Application

The application is a repeat application.

REPRESENTATIONS:

Objections have been received raising the following points;

Principle of the development

- Loss of Greenfield land
- Loss of open countryside
- the local plan has excluded these sites for development (Area F was not included in the Congleton Town Strategy. The preferred sites for Congleton's growth are all located in the north of town together with a planned Link Road to current motorway networks and associated infrastructure.
- Proposal does not contribute to the 3 strands of sustainability within the NPPF

Highways

- Increased traffic congestion
- Parking problems
- Highway safety
- The proposed Urban Realm High Street improvements miss the point of the Urban realm Strategy and is unsafe

Infrastructure

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

Ecology

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

Amenity

- The development would have a negative impact on the quality of life of the existing populations

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

Other issues

- No demand for new houses
- The sustainability credentials are over stated
- Increased flooding from the site

APPRAISAL:

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 118 new family homes, including 30% affordable homes.

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.

Affordable Housing

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

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

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

Public Open Space

Amenity Greenspace

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

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the amount of formal Public Open Space required in the form of Amenity Greenspace would be 5520m²

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

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

Children and Young Persons Provision

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

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

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

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

Health Impact of the Development

NHS England advises that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This

site, together with its sister site, are not one of the planning sites. The NHS requires a commuted sum of £145,000 to mitigate for this development. However, in the light of the recent Holmes Chapel Road Appeal decision, where the Inspector determined that the NHS had provided insufficient evidence as to how the contribution would be spent given that they had no definite infrastructure delivery plans in place, it is not considered that such a contribution would be CIL compliant.

Education

The Council's Education Officer, in response to a consultation has confirmed that there is adequate capacity in local schools to cater for the development and therefore no contribution is required in this case.

ENVIRONMENTAL SUSTAINABILITY

Landscape

This is an outline application for up to 220 dwellings, apart from access all matters are reserved. An updated Indicative Masterplan has been included with the application, this illustrative layout identifies open space and associated landscaping and infrastructure.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been prepared in accordance with the 'Guidelines for Landscape and Visual Impact assessment' (GLVIA), Third Edition, 2013, Landscape institute and the Institute of Environmental Management and Assessment.

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

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

The application includes a baseline description of the landscape context and character, this includes the national, regional and local character areas, namely the Lower Farms and Woods Brereton Heath Character Area (LFW2) and the Cheshire Plain in the Congleton Landscape Character Assessment of 1999. The assessment also offers commentary on the local site context, acknowledging that the site, along with fields to the west are identified in the Cheshire Historic Environment record as medieval town fields, and that many of the

hedgerows within the site represent the remnants of this historic field pattern. All but three of the fifteen fields within the application site are currently still used for agricultural purposes.

It is agreed that this is a landscape of medium sensitivity and that the trees and hedgerows within the site are also of medium sensitivity and that this landscape is principally viewed from the footpath network, by users deemed to be of high sensitivity. It is also agreed that the change brought about by this development to the landscape character of the Brereton Heath Character Area as a whole will be negligible. However, Council Landscape Officer's do not agree that the magnitude of change will be low for landscape character on and around the site. Consequently the significance of effect on the landscape character of the site and immediate area will be greater than identified in the assessment, and that it will in reality be greater than slight adverse.

With reference to landscape features, it is quite clear that the agricultural use of much of the application site will cease and that the historic hedgerow network of hedges will be altered in places and some sections will be removed, and although the proposals do include the provision of new landscape features it is felt that the overall the effects on the landscape features will be adverse, rather than moderate beneficial for the existing features and field pattern.

With reference to the visual assessment, it is broadly agreed that the construction effect for some of the receptors as shown on Table 5.1, although it is likely it would be greater for a number of receptors, while the residual effects as shown in the assessment, Table 5.1, are over optimistic and that the residual visual effects would remain more adverse for most receptors.

The assessment identifies that Policy GR5 landscape is relevant to this application. Policy GR5 states that 'development will be permitted only where it respects or enhances the landscape character of the area' and notes the importance of such areas and that particular attention will be paid towards the protection of features that contribute to the setting of urban areas. It would appear that the predicted adverse impacts would also indicate that this application is contrary to Policy GR5, since it is agreed that there will be an adverse impact on landscape character and the proposals will also lessen the visual impact of landscape features when viewed from areas accessible to the public.

The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The additional information submitted with this application has reduced Officers concerns over the impact on the landscape, however the acknowledged impact on landscape and visual effects will still be contrary to policy SE4 and will weigh against the sustainability of the proposals in the overall planning balance.

Amenity

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

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

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

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

Ecology

Congleton Wildlife Corridor

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

Broad Habitat Value

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

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

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

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

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

Bats

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

Badgers

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

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

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

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

Great Crested Newts

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

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

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

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

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

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

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

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

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

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

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

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is

likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

It is the view of the Councils Ecologist that if planning consent is granted the proposed mitigation/compensation for the loss of grassland habitat is required. However, in this case whilst there is considered to be some harm to the landscape character and there is an alternative, i.e. to not develop the site, given the benefits in terms of housing land supply, the first 2 Tests of derogation are therefore now met.

Urban Design

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

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

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

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

A revised Design and Access statement sets out how the revised proposals respond to the concerns expressed in relation to the original submission. The scheme has been amended to include the following:

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

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

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

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

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

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

The attractiveness and quality of the countryside, in determining the development philosophy of the site should be focused upon maintaining a sense of landscape quality and also a sense that the countryside still permeates to the heart of Congleton. Even with the benefits of the revisions, there remain some concerns whether the right balance is being achieved effectively.

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

Urban Design Implications of the Highways Mitigation

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

Lawton Street and High Street constitute most of the medieval core of Congleton. The area of the proposed highway works is situated within the Moody Street Conservation Area, which was reviewed in 2010 and a character appraisal and management plan prepared. The site of the

works is also immediately outside the Town Hall, a grade II* listed building. The street environment is especially important to how the listed building is viewed within the public realm, the approach to its main entrance and consequently acts as its civic foreground and therefore has a significant bearing upon the setting of the heritage asset.

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

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

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

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

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

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

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

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

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

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

“The High Street is an important traffic and bus route. As a result of that it will not be possible to pedestrianise the area. The area is currently dominated by traffic and has very narrow footpaths.

A shared surface solution will enable the continued use of the route by vehicles while giving pedestrians a higher priority. This will create a more enjoyable and leisurely retail experience and emphasise the number of attractive buildings outlined in the conservation area appraisals.

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

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

The previous proposal created concerns for both highways and design/conservation in attempting to create the right balance between functionality and character. The previous engineered solution would have caused harm to the significance of the Town Hall and the Moody Street Conservation Area. It would significantly and unacceptably erode the objectives of the public realm strategy, which could set an unfortunate tone for compromising the implementation of the strategy in the future. It was considered that such proposals would be contrary to both para 132 of the NPPF and policies in the Local Plan and also policy SE7 of the Local Plan Strategy Submission Version.

Consequently, this formed a reason for refusal of the previous application. However, further discussions have taken place and having regard to the technical and safety considerations, it has been established that, based on current circumstances, it would not be possible to deliver a full shared surface approach in this area as advocated by the Public realm strategy. Consequently, the general principle of the revised street alignment and principles as set out in Appendix 6 would be considered acceptable in urban design terms, albeit the detail of the entry calming feature on Albert Place would be considered inappropriate and should be modified to achieve a high quality palette of materials and specification.

In regard to the overall acceptability of the proposals in the context of their impact upon the character and appearance of the conservation area and the setting of the concentration of listed buildings in the area, there will be a requirement for a high specification in the finer detailing and the palette of materials, in order to preserve or enhance this setting. The ES suggests that these highway improvements will have benefits for the conservation area. It is considered that the impact to be neutral, but only if the palette of materials is appropriate in quality and detailing terms. If the palette of materials were not of this quality then it would erode the character and appearance of the conservation area and the setting of listed buildings in the area (in other words, a high quality palette will compensate for a more engineered street form but also the increased vehicular activity in this part of the conservation area).

The approach set out would help to deliver the spirit of what the public realm strategy was aiming to achieve in this area – a character of streetscape more in tune with the historic setting and one that provided better and more attractive conditions for pedestrians.

The main principles can be summarised as follows:

- High quality natural stone materials for pavements
- Natural stone (granite surfacing) for the road surface in front of the Town Hall
- Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
- Entry thresholds in natural granite
- Minimise signage and road markings
- Keep kerb heights to a minimum and use natural stone, conservation kerbing
- Blacktop for other sections of street, where natural stone is not advocated

On the basis of the principles and materials specification set out above, the objection on urban design/built heritage grounds would be overcome.

Flood Risk and Drainage

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

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.

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

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

- public right of way (500m)

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

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

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

The majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey.. Accordingly, it is

considered that this is a locationally sustainable site. This was also accepted by the Planning Inspector at the Moorings and Goldfinch and Kestrel Close who states;

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

Highways

This application is resubmission of a previous similar application, there are up to 220 dwellings proposed in this planning application. There are three points of access to the site taken from Goldfinch Close, Kestrel Close and the Moorings. Approval for residential development has already been granted at appeal for up to 80 units on the site which also uses the same points of access.

One of the key highways issues is to determine whether the proposed development will result in capacity problems on the road network and also whether the impact can be considered severe enough to warrant refusal of the application. A number of junctions have been assessed by the applicant and these can be seen below;

- § Canal Road/Goldfinch Close Priority Junction
- § Albert Place/High Street/Lawton Street Priority Junction
- § A54 Mountbatten Way/Worrall Street/market Street signal controlled junction
- § A34 Rood Lane/Rood Hill/ A34 Clayton Bypass
- § A55/West Road/West street roundabout
- § A527 Biddulph Road/Leek Road/Read's Lane signal junction

Of the junctions tested, the main capacity and safety concern was the junction of the High Street and Albert Place where the existing junction layout would operate in excess of capacity with the development added. The applicant has submitted a revised junction proposal from that previously submitted and this proposes to change the priority so that Lawton Street would give way to traffic using High Street and Canal Road. There are also improvements to Chapel Street where the footways have been widened to provide pedestrians a shorter distance to cross the road. It is also proposed to improve the pinch point on Canal Road by slightly widening the footway and provide a raised table formal one-way working section of carriageway.

The change in priority at the junction fundamentally effects the capacity operation of the junction and where previously long queues would have been formed on Albert Place, the junction is predicted to operate within capacity even with the development added to the background traffic flows. There is an existing pinch point on Canal Road and the narrowing of the carriageway would not change this situation but does provide increased footway width through this section of road.

The Rood Hill/A34 junction has existing capacity problems and although the impact from this site would only have a small percentage increase in queues at the junction it would cumulatively add to the problems. As the Highway Authority have planned improvements to the Rood Hill/A34 junction as a result of the impact of other developments in Congleton, this application should provide a financial contribution of £143,789 towards the improvements at the junction and should be secured in the S106 Agreement.

There are three points of access proposed to the site, these being Goldfinch Close, Kestrel Close and The Moorings, these are existing cul-de-sacs but were designed technically to accommodate further development and the suitability of the accesses was given consideration by the Inspector at inquiry who considered them acceptable. I do not consider that there are technical grounds to object to the application on the access points proposed.

The accessibility of the site has also been considered at the appeal where the Inspector considered that the site had a good level of accessibility, although this application is for a larger site it is considered that it would not result in a different conclusion being reached. The applicant has proposed additional bus stops on Canal Road in the vicinity of St Peters Close, these further facilities would help reduce walking distances to access bus services.

The Highway Authority recommended refusal on the previous application as there was a major capacity impact at the High Street junction with Albert Place, as there would be long queues forming on the Canal Road approach to the junction. This application has proposed changes to the junction that in technical terms addresses the problem with capacity at the junction, the change in priority in flow reduces substantially the queues at the junction. There has also been changes proposed to the existing pinch point where the section of road has been traffic calmed and the width of footway available has been widened for the benefit of pedestrians. This section of carriageway still remains a concern despite the measures being put forward in mitigation but the assessment needs to take account of the NPPF that requires the cumulative impact to be severe. Given the measures proposed and the relatively short section of carriageway and footway that is below standard highways do not consider that a reason for refusal on the basis of a severe impact can be sustained.

Therefore, highways have no objections to this particular application subject to the highway improvements as indicated on drawing number 0011.07 Rev A being secured by condition and implemented via a S278 Agreement. Additionally, a financial contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction and a further condition for the applicant to provide two No. quality bus stops on Canal Road, these to be delivered by means of a S278 Agreement.

Trees and Hedgerows

This is an outline application and resubmission of application 13/3517C (Forestry consultation comments 6/11/2013 refer) for the erection of up to 220 dwellings with detailed proposals for access. All other matters are reserved for future determination.

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

The application is supported by a Parameters Plan (Drawing 502A 03J) dated September 2014 showing the proposed development area, indicative spine roads, green space, landscape and woodland buffer. A Tree Survey Report (TBA Landscape Architects Ref PD/3986/TSR/OCT14) provides details of existing trees within the application site and includes an assessment of their condition and contribution to amenity. Two drawings

(drawings 3986.06 E and 3986.07 E dated November 2014) provide details of Root Protection Areas which provide below ground constraints for development.

The report does not identify if any trees are likely to be removed for development, although the D & A statement refers to the application site having a number of tree and hedgerow assets including ten trees near Kestrel Close and a further eight trees and two tree groups around Highfield House which are protected by the TPO. Five TPO trees are no longer present on the site and the report identifies that others are not of high quality with only 2 trees assessed as Category A; 11 trees and 1 group as Category B; and 1 tree a Sycamore (T19) assessed as Category U requiring removal.

The parameters plan indicates that all A and B category trees to be retained including those around Highfield House. The successful retention of these trees and their integration within the development will be determined by the final site layout design. The parameters plan shows proposed development (shaded shades of orange) close to retained trees. Para 5.3 of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* states that it has to be demonstrated that Root Protection Areas (RPAs) of trees need to remain viable. On this site land contours suggest that there are likely to be significant level changes which could impact upon the RPA of trees. Other factors in the design process (as stated in para 5.2.3 and 5.3.4 of the British Standard) which include proposed end use of space around trees, social proximity, shading and sunlight/daylight requirements will require assessment to ensure the long term viability of retained trees. The application of these design requirements can impact on the number of proposed units and in this regard a figure of 220 units may not be achievable.

The design of the development envelope is critical when taking account of the social proximity and juxtaposition to proposed woodland. In this regard compartments W2; W3; W5 and W6 interface with proposed woodland buffers (cross hatched) which are narrow in width. The design and position of Plots along the woodland interface will need to take account of the future growth potential of woodland planting within these areas and it is considered that that narrow width of the woodland buffer is unlikely to sustain reasonable levels of woodland canopy cover if gardens and plots are affected by shade and lack of daylight/sunlight from trees.

The Tree Report submitted in support of the previous application (13/3517C) identified two Veteran Trees within the site (Oak T3 and Ash T9). The current Tree Report only identifies one Veteran Tree (Ash T9). There is some disagreement in the supporting information provided on the existence of Veteran trees as the Ecological Impact Assessment (EcIA Envirotech July 2013) states at para 6.1 that there are no trees within the application site that are considered to be of 'Veteran' status.

Para 118 of the NPPF states that Veteran Trees should be retained within development unless the need for, and benefits of the development in that location clearly outweigh the loss. The retention of these trees, preferably within open space should be secured as part of the final design layout.

The Tree Report identifies some 16 hedgerows within the application site, although none have been assessed in the document for their Importance under the criteria set out in the Hedgerow Regulations 1997.

The Ecological Impact Assessment (EclA Envirotech July 2013) has identified 34 hedgerows within the site, although the criteria for assessment is different to that of the Tree Report. The Ecology report identifies one hedgerow (Hedgerow 10) as 'Important' under the Hedgerow Regulations which is located along the southern boundary adjacent to Lamberts Lane. Three other hedgerows are considered significant in the local context using Wildlife and Landscape criteria (Hedgerows 1, 2 and 8). All four hedgerows are shown for retention within proposed woodland buffer.

Should Members be minded to approve the following details will require to be submitted with a reserved matters application: An Arboricultural Impact Assessment (in accordance with para 5.4.3 of *BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations*) including an evaluation of the Tree Constraints and a draft Tree Protection Plan. This can be secured by condition.

ECONOMIC SUSTAINABILITY

Supporting Jobs and Enterprise

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 3.69 hectares of the site (27%) is an area of Grade 3a land. The remainder being Grade 3b.

This reduces the sustainability of the proposal and counts against the proposal in the overall planning balance.

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 above, the affordable housing and public open space are a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local highway network which would require an engineered solution in the form of off-site improvements. It is considered that any financial contribution to address the capacity issues within the local transport network would be fairly and reasonably be related to the impact of this development, as is a contribution towards education provision to cater for the children generated by the development.

On this basis S106 financial contributions to highways mitigation is compliant with the CIL Regulations 2010. However, in the light of the recent Holmes Chapel Road Appeal decision, where the Inspector determined that the NHS had provided insufficient evidence as to how the contribution would be spent given that they had no definite infrastructure delivery plans in place, it is not considered that the a healthcare contribution would be CIL compliant.

Planning Balance and Conclusion

The proposal is contrary to development plan policies PS8 (Open Countryside) and GR5 (Landscape) 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 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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.

The proposed development would provide a safe access and the development site from the existing streets in Goldfinch Close and the Moorings. In terms of Ecology, the development

would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a LEAP which would require 5 pieces of equipment to comply with policy.

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

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. The inspector accepted the site to be generally sustainable on the two appeals which form part of the site.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

Previous highways and urban design concerns have now been resolved and can be addressed through appropriate conditions and contributions, and it is no longer considered that these provide sustainable reasons for refusal.

It is also necessary to consider the negative effects of this incursion into Open Countryside particularly given the landscape concerns. Nevertheless, the change in the housing land supply position and the uplift in numbers significantly alters the way in which this should be viewed in the overall planning balance, and it is not considered that in this case this is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

RECOMMENDATION

Approve subject to Section 106 Agreement to secure:

- **Amenity Greenspace of 5520m²**

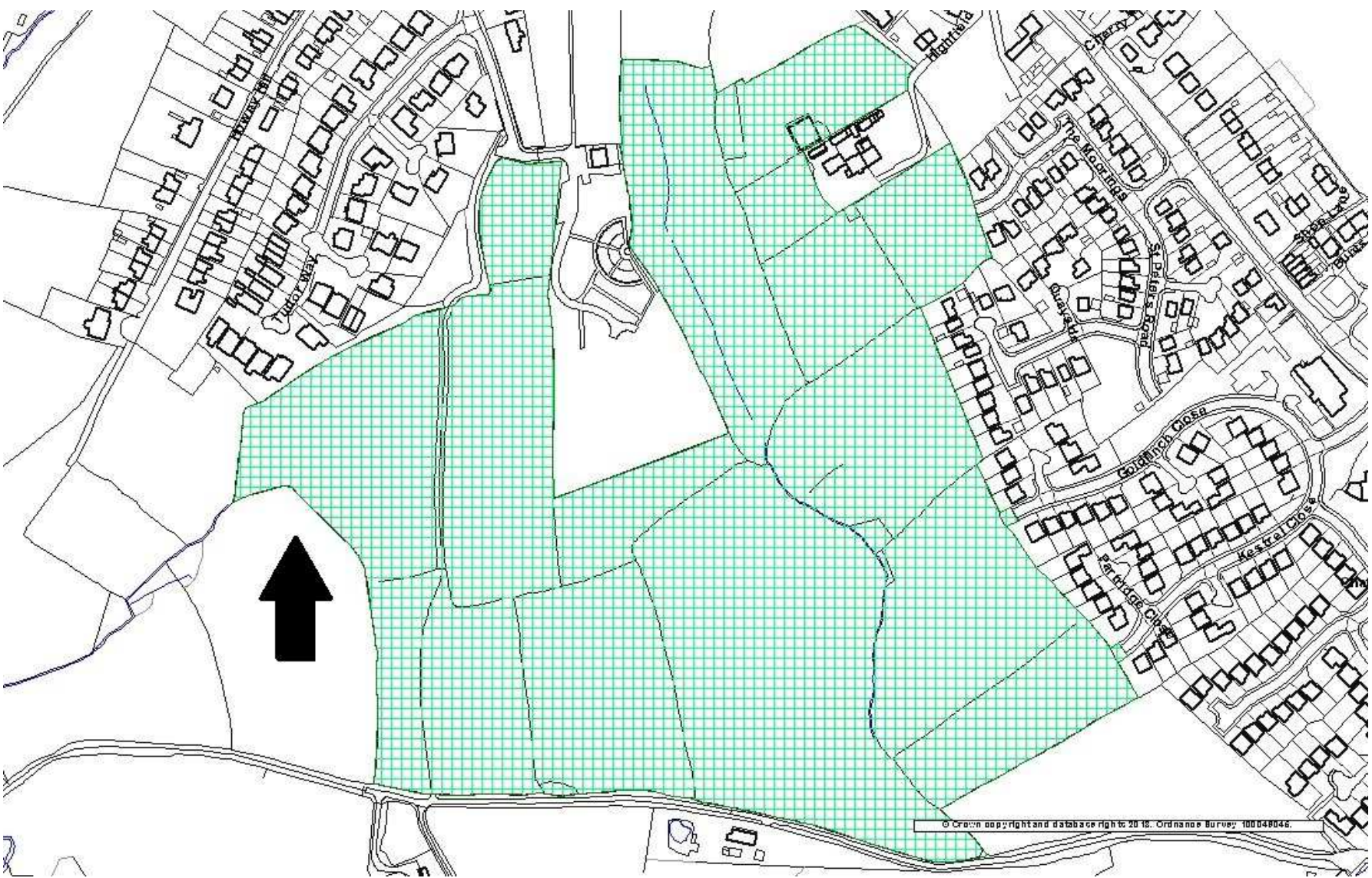
- LEAP (Locally equipped area of play) including at least 5 items incorporating DDA inclusive equipment
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Highways contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction
- 30% affordable housing as follows: 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. This equates to up to 69 affordable units, with 45 as social or affordable rent and 24 as intermediate tenure
- affordable homes to be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.
- All the Affordable homes to be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- Housing transferred to and managed by an RSL as set out in the Housing Act 1996”
- Financial contribution to ‘offset’ the impacts of the development on ecology to be calculated using an assessment of the residual ecological impacts of the proposed development using the Defra ‘metric’ methodology.

and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Submission, approval and implementation of details of existing and proposed ground levels
6. Submission, approval and implementation of details of materials
7. Submission, approval and implementation of scheme of sustainable surface water drainage
8. Submission, approval and implementation of scheme of foul water drainage
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.
10. scheme to limit the surface water runoff generated by the proposed development,
11. a scheme to manage the risk of flooding from overland flow of surface water,
12. a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the watercourse running through the site (from south to north) and any built development
13. Any proposed surface water discharges from this site must be limited to the undeveloped greenfield equivalents to mimic current surface water runoff and discharges from the site and taking account of soil permeability established from

detailed site investigation. Discharges above this allowable rate must be safely attenuated to the 1% or 1 in 100 year annual probability event including current allowances for climate change.

14. Submission, approval and implementation of a scheme of archaeological mitigation
15. Hours of construction
16. Submission, approval and implementation of external lighting
17. noise mitigation measures (to protect future residents from noise from the public house),
18. Submission, approval and implementation of contaminated land investigation
19. Submission, approval and implementation of Environmental (Construction) Management Plan including dust control measures
20. Submission, approval and implementation of Travel Plan
21. Submission, approval and implementation of electric vehicle infrastructure
22. Submission, approval and implementation of features for use by breeding birds
23. Reserved Matters to make provision for retention of hedges and replacement hedge replanting
24. Reserved Matters to make provision for retention of veteran trees within open space
25. Implementation of Great Crested Newt and Badger mitigation.
26. Submission, approval of scheme of tree protection
27. Implementation of tree protection
28. An Arboricultural Impact Assessment (in accordance with para 5.4.3 of *BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations*) including an evaluation of the Tree Constraints and a draft Tree Protection Plan to be submitted reserved matters
29. Submission, approval and implementation of open space scheme with first reserved matters
30. Submission, approval and implementation of maintenance plan for open space
31. Submission, approval and implementation of scheme of bin storage
32. Submission, approval and implementation of details of boundary treatment
33. Highway Improvements / public realm works to be constructed prior to occupation
34. Provision of 2 No. Quality Bus Stops on Canal Road
35. Submission / approval of detailed design for Public realm works to accord with the following main principles
 - High quality natural stone materials for pavements
 - Natural stone (granite surfacing) for the road surface in front of the Town Hall
 - Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
 - Entry thresholds in natural granite
 - Minimise signage and road markings
 - Keep kerb heights to a minimum and use natural stone, conservation kerbing
 - Blacktop for other sections of street, where natural stone is not advocated



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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 65 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

DEFERRAL

This application was deferred at the Strategic Planning Board meeting on 3rd June 2015 for further discussions with the applicant to consider a reduced number of dwellings on the site.

PROPOSAL

This is an outline planning application for the erection of up to 65 dwellings (This has been reduced following the deferral of the application on 3rd June 2015). Access is to be determined at this stage with all other matters reserved.

The proposed residential development would be sited on an area of 2.33 hectares which gives a density on the developable area of the site of 28 dwellings per hectare.

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 6.5 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.

14/1579N – Land North of Cholmondeley Road, Wrenbury - 2.37 hectare 200 berth marina basin with pump out facilities, lighting and landscaping, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal with new tow-path bridge over canal connection; a main sewer connection; a facilities building to include the following incidental/ancillary uses: boat hire/time share and brokerage; management offices, toilets, showers and laundry block and cafe with retail space and public toilets; chemical effluent and household waste recycling facilities; and existing site access onto Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and services areas; diversion and enhancement of public footpath no. 3, wildflower meadow and bat/barn owl tower (Resubmission of 13/4286N) – Refused 19th September 2014 – Appeal lodged – Appeal Allowed 16th June 2015

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.

CEC Education: Since the original assessment in January, a new yield has been produced for primary and secondary contributions. The development is still forecast to impact secondary education but not primary school education.

Therefore; 65 dwellings is forecast to generate 10 secondary children.

$10 \times £17,959 \times 0.91 = £163,426.90$ secondary education

Revised total = £163,426.90

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.

Following the appeal decision for the proposed marina to the opposite side of Cholmondeley Road, the Parish Council have conducted a lift bridge survey which shows as follows:

- Friday 23rd May (survey undertaken between 12:30-18:00 for a total of 3 hours and 10 minutes) – average vehicles per hour towards Wrenbury 45.8 – average vehicles from Wrenbury 50.8.

- Saturday 24th May (survey undertaken between 08:00-12:15 for a total of 4 hours and 15 minutes) – average vehicles per hour towards Wrenbury 42.4 – average vehicles from Wrenbury 35.5.
- Tuesday 6th May (survey undertaken between 07:30-10:30 for a total of 3 hours) – average vehicles per hour towards Wrenbury 50.3 – average vehicles from Wrenbury 47.
- Friday 23rd May (12:00-17:18 – 3 hour survey) – bridge lifted 16 times in 3 hours – average time road closed 4 minutes – average queue length 4.9 vehicles
- Saturday 24th May (08:00-11:57 – 4 hour survey) – bridge lifted 16 times in 4 hours – average time road closed 4.8 minutes (based on last 5 bridge lifts) – average queue length 6.2 vehicles (based on last 5 bridge lifts).
- Monday 5th May – Bank Holiday - (07:00-17:30 – 10 and a half hour survey) – bridge lifted 24 times in 10 and a half hours – average time road closed 4 minutes – average queue length 4.7 vehicles

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 65 dwellings, including a minimum of 30% affordable dwellings which equates to 20 dwellings which should be provided as 13 affordable or social rent and 7 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

A development of 65 dwellings is forecast to generate 12 primary school children and 10 secondary school children.

Since the original assessment in January, a new yield has been produced for primary and secondary contributions. The development is still forecast to impact secondary education but not primary school education. The details of this are contained within the table below:

	PAN	PAN	NOR	NET CAF	Change	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2013 School Census						
	Sep-15	Sep-16	Jan-15	May-15				2015	2016	2017	2018	2019		
Primary Schools														
Wrenbury	20	20	127	140	140	13	9.29	120	119	113	114	111		
OVERALL TOTAL	20	20	127	140	140	13	9.29	120	119	113	114	111		
OVERALL SURPLUS PLACES PROJECTIONS								20	21	27	26	29		
OVERALL SURPLUS % PROJECTIONS								14.29	15.00	19.29	18.57	20.71		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP								20	21	27	26	29		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP								14.29	15.00	19.29	18.57	20.71		
	PAN	PAN	NOR (excl 6th)	NET CAF	Change	UNFILLED PLACES	UNFILLED PLACES %	PUPIL FORECASTS based on October 2013 School Census						
	Sep-15	Sep-16	Jan-15	May-15				2015	2016	2017	2018	2019	2020	2021
Secondary Schools														
Brine Leas (not within 3 miles but is catchment)	215	215	1,078	1050		-28	-2.67	1117	1142	1180	1192	1203	1204	1203
OVERALL TOTAL	215	215	1,078	1050		-28	-2.67	1117	1142	1180	1192	1203	1204	1203
OVERALL SURPLUS PLACES PROJECTIONS								-67	-92	-130	-142	-153	-154	-153
OVERALL SURPLUS % PROJECTIONS								-6.38	-8.76	-12.38	-13.52	-14.57	-14.67	-14.57

As such there is a requirement for a contribution from this development towards secondary school education and the sum of £163,426.90 will be secured as part of a S106 Agreement.

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.

Members should be aware that Wrenbury is identified as a Local Service Centre within Policy PG2 of the Submission Version of the Local Plan so is accepted as having appropriate facilities to support further sustainable development.

As part of the examination of the Local Plan there were a number of objections raised in relation to the position of certain settlements within the settlement hierarchy of the Borough. However these objections were dismissed by the Inspector who found that the settlement hierarchy is *'appropriate, justified and soundly based'*.

The concerns that Wrenbury is not a Local Service Centre cannot be justified and as such the settlement will be expected to accommodate its share of new homes (local service centres were expected to accommodate 2,500 new homes under Policy PG6 prior to the increase in the number of dwellings over the plan period as referred to within the Housing Land Supply Section above).

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 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).

It should also be noted that since the deferral of the application that an appeal decision has been received for the proposed marina opposite this site. As part of this appeal decision the Inspector refers to the issues of the lift bridge and finds that:

'the appellant has provided traffic count evidence, which shows that vehicle numbers at the peak hour are modest, with just over 1 vehicle per minute each way. Therefore, I agree with the

appellant that even with some additional bridge openings, queue lengths should not normally be excessive and dispersal time should be reasonable.

Clearly, there might well be occasional instances where circumstances would combine to produce long delays, just as appears to happen now. But the evidence suggests that the appeal proposal would not generate additional severe impacts that would justify withholding planning permission.

The other potential source of increased traffic currently known would be the proposed marina at Wrenbury Heath Bridge, which would be somewhat smaller than the current appeal proposal. Were both proposals to go ahead, there would be a corresponding adverse effect on the operation of the bridge. But based on the CRT data, the cumulative effect would not be so severe that planning permission should be withheld'

Survey of the lift bridge has been carried out by both the applicant and the Parish Council and both show that traffic flows across the lift bridge are relatively low. The TA (which is based on 85 dwellings rather than the 65 now applied for) forecasts 21 additional trips westbound across the bridge in the AM peak and 8 eastbound. In the PM peak hour the additional flow across the bridge are 9 westbound and 19 eastbound.

According to the appellants survey the existing maximum queues in these periods are 4 vehicles on the eastern side of the bridge and 2 on the western side of the bridge in the AM peak hour. In the PM peak hour there are 3 on the eastern side and 4 on the western side.

In terms of the Parish Council Surveys there is no reason to believe that the surveys are in any way inconsistent with those presented by the applicant. The traffic flows are relatively low in peak periods (PM peak hour 1700-1800) 103 two-way vehicle movements (including cycles) on Friday 23 May and (AM peak hour 0800-0900) 108 two-way vehicle movements on Tuesday 6th May and even lower during the day.

The bridge opening/closing data provided by the Parish Council is helpful and interesting as it refers to a Bank Holiday weekend where it would be expected to be a busier boating time than a typical weekend. Although it is unclear as to some of the headings (is no. of cars + HGVs the queue at the bridge? which direction?).

The residents concerns regarding the delays that the lift bridge imposes when lifted are noted, but this is an existing situation. The consented marina nearby will lead to additional openings of the bridge that will increase delay to local residents by increasing the number of lifts at the bridge.

The housing traffic will not increase the number of times the bridge lifts but it will generate some traffic that will assign to the network using the bridge. The result of this is that it will add marginally to queues at the bridge but, given queues clear each time the bridge comes back down, this will not lead to any noticeable increases in delay at the bridge let alone any significant delay increase.

The likelihood is that the additional development traffic will on average; add no more than one vehicle to the queue on either side of the bridge during peak hours on the highway network.

It should also be noted that the peak hours on the highway network do not coincide with the busiest periods for canal traffic and even with a doubling of the number of lifts in a peak hour the impact of the housing development on queue lengths will not be severe.

The survey data confirms the conclusions reached by the Head of Strategic infrastructure on the 85 dwelling application; i.e. that there will not be a cumulative severe highway impact as a result of the development proposal. As a result the Head of Strategic Infrastructure has raised no objection to this planning application.

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 a development of 85 units (the application has now been reduced to 65 units) 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 hedgerow 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 65 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 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 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. Secondary School Education Contribution of £163,426.90

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 resting 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:

- 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**
- 3. Secondary School Education Contribution of £163,426.90**



Application No: 14/5816W

Location: HOUGH MILL QUARRY, BACK LANE, WALGHERTON

Proposal: Application to complete restoration of Hough Mill Quarry over a period of four years by accepting inert fill, processing the material and utilising the processed clean inert fill to complete the restoration of the site

Applicant: ANTHONY CONSTRUCTION LTD

Expiry Date: 20-Mar-2015

SUMMARY:

This section 73 application seeks to vary the condition that covers the completion date of the restoration of the quarry, thereby enabling consented levels to be reached and the desired and consented restoration achieved. It is important to recognise that this application does not seek to increase the consented levels of the site or bring any additional inert materials in addition to that already approved by the previous consent.

The proposed extension of time would enable the restoration of a former sand quarry which has been worked and abandoned without restoration to a suitable standard, leaving areas of open voids and un-restored land. The application proposes to continue to import and process inert waste materials to achieve sensitive restoration for agricultural use.

Whilst a time extension would prolong associated impacts on residential amenity, these would be limited due to the topography of the site and nature of the proposal. There has been no history of complaints during the restoration of the quarry. Current planning conditions to aid the mitigation of noise and dust would be continued to ensure that there are no nuisance issues. The applicant proposes no increase in consented vehicle movements, which were significantly less vehicle movements than that originally permitted when it was an active quarry.

The proposal would be beneficial in terms of visual amenity as it would result in a significant improvement in the visual amenity of the site, with partially restored areas being completed, voids filled and machinery removed. The proposal would provide significant nature conservation benefits derived from the implementation of appropriate habitat management to enhance existing areas of ecological value.

The failure to grant planning permission would result in failure to remedy the original problem of restoring the site. It is considered that the proposed development, subject to appropriate conditions and an appropriate Deed under s106 would not have an unacceptable impact on any other material considerations. As such the proposal would

represents environmental, economic and social sustainable development and planning permission should be granted.

RECOMMENDATION:

Approve subject to entering into an appropriate Deed under s106 and subject to planning conditions.

PROPOSAL

This is an application to vary condition 3 of consent 7/P05/0217 to permit a further 4 years to complete the restoration of the site. This would permit works to continue until August 2019. No other amendments are proposed to the approved development apart from minor modifications to the restoration scheme to incorporate mitigation proposed in the amphibian survey.

The applicant has estimated that 40,000 m³ of restoration material is required to complete the operations which would enable a 2m thick layer of inert material to be placed across the site to achieve the approved restoration profile. No changes are proposed to the permitted working arrangements on site. These allow inert material to be screened and processed using mobile plant on site to produce sufficient soil making material for the project; with any remaining oversized/unsuitable material processed and exported to the local construction sector as a secondary aggregate. The hours of operation remain unchanged at 0730 – 1800 hours Monday to Friday 08.00 – 12.30 Saturday with no operations on Sunday or public holidays. Plant maintenance is permitted between the hours of 07.30 – 19.00 Monday to Saturday. Likewise no additional vehicle movements are proposed over consented movements of 72 vehicle movements in a day (36 in and 36 out).

SITE DESCRIPTION

Hough Mill Quarry is a former sand and gravel quarry situated on the southern edge of Wybunbury, approximately 4 miles south and south east of Crewe and Nantwich respectively.

Access to the site is from the A51 London Road which forms the south western site boundary. Land to the east, south and west beyond A51 is in agricultural use, whilst Wybunbury village lies to the north of the site. Lea Forge Trout Farm is situated directly to the south east of the quarry, whilst a commercial fishing lake borders the north eastern boundary of the site. A bridleway (Lea BR6) runs adjacent to the eastern edge of the site which would be unaffected by the development.

An order to divert Public Footpath Lea No.2 outside of the application site to accommodate the restoration activities was confirmed on 26th April 2012 and has been advertised.

The application site covers 27ha and includes the former quarry workings in the north east and north west, separated by Jerusalem Pool fishing lake, and Forge Brook, which flows through the centre of the site. The site also includes the former processing/stockpile areas, access road and land to the south of the access road.

Two Grade B Sites of Biological Importance are situated adjacent to the application site boundary: Jerusalem Wood on the northern boundary and Jericho Wood and Pasture situated adjacent to Jerusalem Pool. The site also lies within 1.6km of Wybunbury Moss, Ramsar Site, Special Area of Conservation, Site of Special Scientific Interest and National Nature Reserve.

A small number of residential and commercial properties lie in close proximity to the site, with the majority aligned along the western boundary. A derelict farm house lies adjacent to the western site boundary, whilst a further property is located adjacent to the trout farm.

RELEVANT HISTORY

The extraction of sand and gravel at this quarry has been undertaken since the mid 1960's. The historical permission for the site approved a restoration to agriculture and nature conservation through the importation of inert material. The site was worked sporadically by a number of owners who left the land with significant open voids and in a poor, semi-restored state.

A time limited consent was granted in 2005 (ref 7/P05/0217) to fully restore the site to agriculture and nature conservation by April 2010, using inert fill material and top soil. The consent permitted the importation of 400,000 m³ of clean inert waste material to act as a 2m containment layer for the previously poorly restored surfaces, which was to be overlain by top soils and planted in accordance with the approved restoration scheme. The consent was subject to a section 106 legal agreement to provide for extended management and aftercare of the nature conservation and wetland area of the central portion of the site for a 15 year period in accordance with an agreed management plan.

In June 2014, an application (10/1149W) was granted to vary condition 3 of the consent to allow further 5 years to complete restoration of the site. This was due to the economic downturn and subsequent lack of available fill material for the restoration. The economic downturn continued for some time leading to this application to allow for a further 4 years to complete the restoration of the site.

The restoration of the site has progressed with the north western section being filled to permitted levels and re-seeded. The north eastern section is mid-restoration and requires further fill material, whilst work is yet to start on the central section and some restoration has taken place on the southern sections. Due to the economic downturn and subsequent lack of available fill material for the scheme, a large proportion of the site remains un-restored.

NATIONAL & LOCAL POLICY

National Policy:

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

The National Planning Policy for Waste (NPPW) seeks sustainable management of waste.

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 2: The Need for Waste Management Facilities

Policy 12: Impact of Development Proposals

Policy 14: Landscape

Policy 17: Natural Environment

Policy 18: Water Resource Protection and Flood Risk

Policy 20: Public Rights of Way

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 27: Sustainable Transportation of Waste and Waste Derived Materials

Policy 28: Highways

Policy 29: Hours of Operation

Policy 32: Reclamation

Cheshire Replacement Minerals Local Plan (CRMLP)

Policy 9: Planning Applications

Policy 41: Restoration

Policy 42: Aftercare

Borough of Crewe and Nantwich Adopted Local Plan 2011

BE.1: Amenity

BE.4: Drainage, Utilities and Resources

NE.2: Open Countryside

NE.5: Nature Conservation and Habitats

NE.8: Sites of Local Importance for Nature Conservation

NE.9: Protected Species

NE.12: Agricultural Land Quality

NE.17: Pollution Control

RT.9: Footpaths and Bridleways

National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

Other Material Considerations

Government Review of Waste Policy in England 2011

Waste Management Needs Assessment – For Cheshire East Borough Council – Final Report 6th November 2014

Planning Practice Guidance - Waste

CONSULTATIONS:

Highways:

No objections subject the existing access being used.

Environmental Protection:

The planning proposal is for a further extension of time for restoration activities. Existing controls are in place at this site to mitigate the impacts of noise and dust from restoration operations to acceptable levels.

The planning conditions relating to noise and dust controls includes the setting of noise limits agreed in Planning Permission 10/1149W in 2010 are considered relevant and all should be attached to any planning approval given for this proposal.

Natural England:

No objection.

Environment Agency:

No objection.

Mid Cheshire Footpath Society:

Have no representations with respect to the proposed restoration. Should the application be approved however, we would ask that the applicant be made aware of his obligations to keep Walgherton BW 8 and Lea footpath safe for walkers and horses and open and walkable at all times.

Hatherton Parish Council:

On the basis that this application seeks only to extend the completion of a previous permission there was no objection, but comment that the restorations are completed and land settled before any further development is contemplated. Also that all the footpaths and the bridleway are fully restored in their original positions.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. These include one from a nearby listed building and one from Cllr Janet Clowes. The representations express several concerns including the following:

- The quarry should be restored more quickly
- Other quarries have not had these issues
- Additional vehicle movements
- Continued disturbance and noise
- Adverse impact of vibrations caused by lorries on local roads such as damage to property
- Damage to local roads and verges

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The proposed variation is required to avoid the site being left partially restored and unfit for any beneficial purpose, as has been the case in the past. The scheme also allows for the continued long term management of the ecological and nature conservation assets on the

site including the SBI at Jericho Woodland and Pasture, Jerusalem Wood and Jerusalem Pool.

The original timescales for the project were calculated on the basis of achieving average monthly loads of approximately 1200 tonnes. Following the prolonged economic downturn, the operator has struggled to obtain sources of suitable inert fill. Average monthly loads in 2014/15 were approximately 250, and whilst this represents a slow improvement, there still remains an estimated 40,000 m³ of restoration material required to complete the works. Should works on site cease before the scheme is completed, this would leave land partially restored with an unsympathetic landform and which lacks appropriate landscape treatment. It would also make the aftercare arrangements difficult to implement.

In addition, it is noted that the inert subsoils used for the restoration of this site enable a sustainable means of diverting Construction, Demolition and Excavation waste (CD&E) from landfill which is one of Cheshire East's largest waste streams (49% of the overall waste arisings). This helps to meet the requirements of the revised waste framework directive, targets in the Waste (England and Wales) Regulations 2011, and the planning objectives of the NPPW and the CRWLP. The Waste Management Needs Assessment (WMNA) Final Report 2014 forecasts that up to 2020 there will be waste arisings of 125,000 tonnes of CD&E per annum. The WMNA has also assessed in 2012 was currently 10,000 tonnes of capacity for inert waste in Cheshire as a whole, significantly lower than that which is required. The results from studies into construction waste conclude that there is a need to ensure that there is a broad distribution of appropriate sites to support the proper management of this type of waste. It is also noted that there are few similar facilities in the south of the authority able to provide an outlet for CD&E waste arisings and the scheme also accords with the approach of NPPF which requires minerals sites to achieve high quality restoration and aftercare schemes.

On this basis, it is considered that the proposal is in accordance with the overall objectives of CRWLP and PPS10, and supports the approach of PPS10 and NPPF.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Landscape

The site is a former quarry and the proposal would allow for the final restoration of the site to take place. This would be a positive benefit to the local landscape and weighs in favour of the application.

Ecology

The proposed development is located over 1km of Wybunbury Moss which forms part of the Midland Meres and Mosses Phase 1 Ramsar and is also designated as a Special Area of Conservation (SAC) and SSSI.

It is noted that in their consultation comments Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken is available to view on the Councils website. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

An updated protected species survey has been undertaken and submitted in support of the application. It is considered that there are unlikely to be a significant impact on badgers arising from the current proposals.

Great Crested Newts were recorded on site during surveys undertaken in respect of the last application at this site (10/1149W). A suitable mitigation strategy was submitted in respect of this earlier application (dated July 2011, updated 2013) and made a condition of that application. It is considered that provided a similar condition is attached to the current

application the proposed development would be unlikely to have an impact upon Great Crested Newts and so it would not be necessary for the Council to have regard to the Habitat Regulations in respect of this protected species when determining this application.

Restoration and Aftercare

No amendments are proposed to the approved site restoration scheme aside from minor modifications to incorporate recommendations of the amphibian survey. This requires:

- a small strip of the land on the southern boundary to be left free from infilling to regenerate naturally,
- an area adjacent to the former settling ponds to be left undisturbed for the creation of an invertebrate habitat mound, and
- a larger area adjacent to the former settling pond left free from any infilling to secure a buffer of retained habitat for great crested newts.

Accordingly, the approved restoration plans were amended to reflect these provisions and are considered acceptable by the Landscape and Nature Conservation Officers.

The original extension of time consents were subject to a s106 legal agreement to secure a 15 year period of habitat management for those areas of the site identified to be of nature conservation value that are not subject to direct restoration works. This includes Jerusalem Pool fishing lake, Jericho Wood and Pasture SBI and the section of Forge Brook passing through the site. The legal agreement ensures that these nature conservation habitats are appropriately managed until December 2020, in accordance with an approved habitat management plan which was agreed in conjunction with the Nature Conservation Officer, Environment Agency and Natural England. Should planning permission be granted, it is proposed that this requirement will continue to be secured on any further consent by means of an appropriate Deed under s106.

As the broad restoration proposals and aftercare arrangements remain as per previously approved, the scheme is considered to accord with policies 41 and 42 of CRMLP, policy 14 of CRWLP and paragraph 143 of NPPF.

Highways

No changes are proposed to the permitted working arrangements on the site, in particular vehicle movements. These will remain at a maximum of 72 per day (36 in and 36 out). As such the Head of Strategic Infrastructure raises no objection to the proposal on highway grounds.

The objection from the occupier of Thatchers Cottage, London Road, Walgherton has expressed concerns about vibration and degradation of the roads caused by heavy lorries. However this could not be solely attributed to this site and its associated vehicle movements.

ECONOMIC SUSTAINABILITY

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’

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.

‘The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain employment at the site.

SOCIAL SUSTAINABILITY

The restoration of the site would retain existing employment for a period of time and would result in the restoration of the site to the benefit of the local area.

There are a number of Grade II and Grade I Listed Buildings around the edge of this large site and the proposed restoration works would serve to improve the setting of these buildings.

Residential Amenity

There are no changes proposed to the hours of operation of the site, these are 0730 – 1800 hours Monday to Friday, 0800 – 1230 hours Saturday with no operations on Sunday or public holidays. Plant maintenance would still only take place between the hours of 0730 – 1900 Monday to Saturday. It is considered that these restrictions are adequate to protect the residential amenity of nearby properties.

NPPF and policies 12, 23, 24 of the CRWLP require that the impacts of noise and dust emissions are suitably assessed and controlled in accordance with Government guidelines.

The noise assessment concludes that the noise generated by site operations remain below established noise levels, controlled by condition on the existing consent.

The dust assessment identifies that the current dust emissions are considered negligible. The only potential source of significant dust emissions are those associated with the movement of vehicles on the internal haul road and the site operates in accordance with an approved dust mitigation scheme.

With the continuation of existing mitigation procedures the level of impact is considered to be negligible and regular monitoring ensures that noise and dust levels generated by operations at the site accord with current environmental standards. There is no history of

complaints during the restoration phase and the Environmental Health Officer does not object to this application.

On the basis that the current mitigation procedures will remain in place, it is considered that the scheme will not generate any significant detrimental noise or dust impacts that would impact on human health or the natural environment. As such, it accords with NPPF paragraphs 17, 123 and 144, Policies 12, 23 and 24 of the CRWLP, along with the NPPW and NPPF paragraphs 120 and 123.

Conclusion – The Planning Balance

The proposed extension of time would enable the restoration of a former sand quarry which has been worked and abandoned without restoration to a suitable standard, leaving areas of open voids and un-restored land. The application proposes to continue to import and process inert waste materials to achieve sensitive restoration for agricultural use.

Whilst a time extension would prolong associated impacts on residential amenity, these would be limited due to the topography of the site and nature of the proposal. There has been no history of complaints during the restoration of this development. Current planning conditions to aid the mitigation of noise, dust, would be continued to ensure that there are no nuisance issues. The applicant proposes no increase in consented vehicle movements, which were significantly less vehicle movements from that originally permitted when it was an active quarry.

The proposal would be beneficial in terms of visual amenity as it would result in a significant improvement in the visual amenity of the site, with partially restored areas being completed, voids filled and machinery removed. The proposal would provide significant nature conservation benefits derived from the implementation of appropriate habitat management to enhance existing areas of ecological value.

The failure to grant planning permission would result in failure to remedy the original problem of restoring the site. Overall, there appear to be no significant planning reasons to warrant refusal of this application. It is considered that the proposed development, subject to appropriate conditions, and an appropriate Deed under s106, would not have an unacceptable impact on any other material planning consideration. As such, planning permission should be granted.

RECOMMENDATION

That the application be APPROVED subject to the following:

(1) An appropriate Deed under s106 to continue the management of nature conservation land in accordance with an approved habitats and fisheries management plan for a period until 12th December 2020.

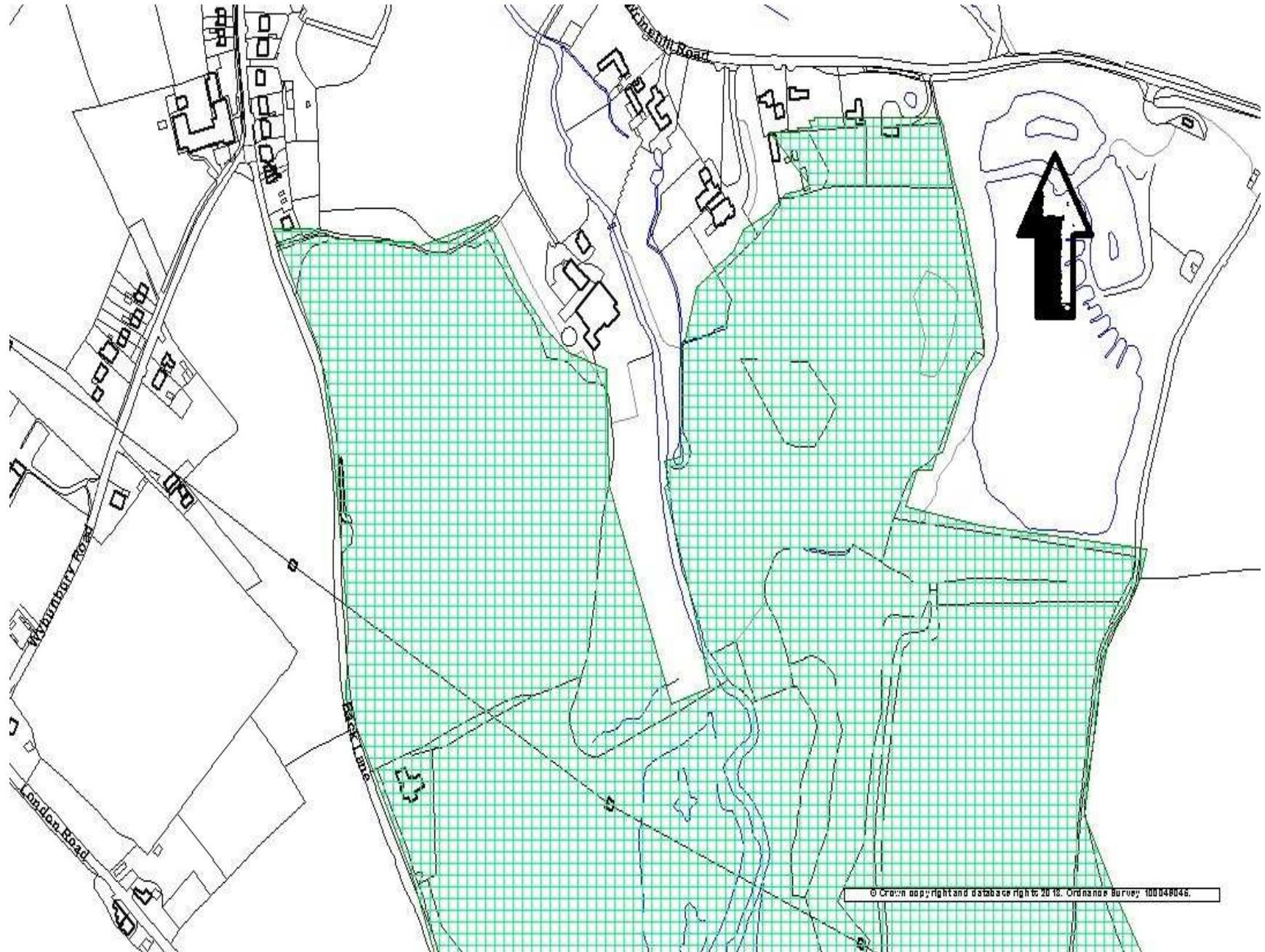
(2) Planning conditions covering in particular: -

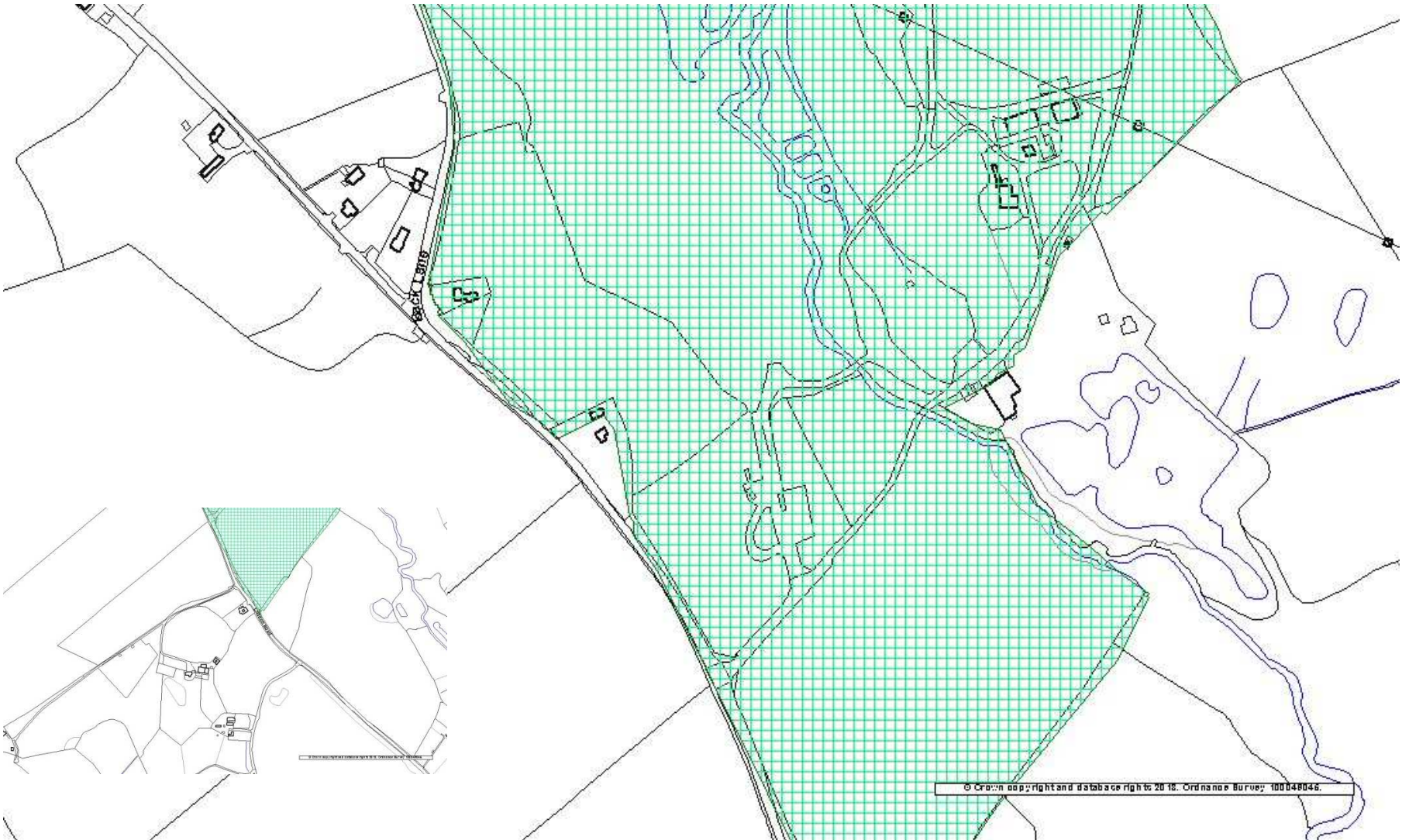
All the conditions attached to permission 7/P05/0217 unless amended by those below;

**Approved plans;
Completion of the restoration works by August 2019; and
Implementation of the mitigation identified in the ecological surveys
Protection of breeding birds**

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) 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 (Regulation) 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.





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Application No: 15/1552N

Location: Land Off, EAST AVENUE, WESTON

Proposal: Outline Planning Permission for Residential development for up to 99 dwellings (Use Class C3), with public open space, vehicular access and associated infrastructure.

Applicant: Gladman Developments Ltd

Expiry Date: 25-Jun-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 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 and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Weston.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity/noise/air quality 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 scale of the development relative to Weston.

An update will provided in relation to contaminated land.

The adverse impacts in approving this development would significantly and demonstrably outweigh the benefits of the development and as such the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

This is an outline planning application for the erection of up to 99 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto East Avenue 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 1.36 hectares.

SITE DESCRIPTION

The site of the proposed development extends to 5.2 ha and is located to the southern side of East Avenue. The site is within Open Countryside. To the southern boundary of the site is agricultural land. To the north of the site is residential development which forms the village of Weston (fronting Meadow Avenue, Fairview Avenue, Mere Road, West Avenue and East Avenue). A watercourse (Basford Brook) runs to the west of the site and drainage ditches run along the western and part of the southern boundaries of the site.

The land is currently in agricultural use and forms one large field. 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.

Two PROW (Weston FP7 and Weston FP8) cross the north-east corner of the site.

RELEVANT HISTORY

14/5328S - Environmental Impact Assessment Request for a Screening Opinion for Outline Application with means of access to be considered for residential development of up to 100 dwellings (use class C3), access, open space and associated infrastructure – 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 site is within Flood Zone 1. Refer to the standing advice.

United Utilities: No objection. Drainage condition suggested.

CEC Flood Risk Manager: No objection. Conditions suggested.

Natural England: Statutory sites – no objection. For guidance on protected species refer to the standing advice.

Head of Strategic Infrastructure: The use of East Avenue as access to the site has been examined in highway technical terms and is of a standard that can accommodate the additional units proposed. A number of local junctions have been assessed in regards to capacity and none of the modelled forecasts indicate that the local junction will be operating over capacity. With regard to the impact on the wider road network, given the relatively small numbers of peak hour traffic generation from the development that will use the strategic road network it is simply not possible to demonstrate that this particular development will have such a detrimental impact to be considered severe.

The application does not raise sufficient highway problems that would warrant refusal of the application.

Environmental Health: Conditions suggested in relation to construction management plan, travel plan, electric vehicle infrastructure and dust control.

Objection raised in relation to contaminated land as insufficient information has been submitted with the application relating to the development in order to assess adequately the impact of the proposed development having regard to land contamination issues. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

Ansa (Public Open Space): The LAP proposed is too small for a development of this size. A Locally Equipped Area of Play (LEAP) on the open space will be required for this site.

CEC Archaeology: No further mitigation required.

CEC PROW: Informative suggested in relation to the PROW which cross the site.

The site should be permeable and accessible to pedestrians and cyclists. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists. The most northerly access point is shown on the Development Framework plan as being for pedestrians only. It could be anticipated that this access point be a main desire line for cyclists to and from the proposed development, as it would lead to Cemetery Road and then Croatia Mill Road which will in turn have a connection to the shared use pedestrian/cyclists route alongside the Crewe Green Link Road. This route would therefore form the main desire line to the

facilities of Crewe and should be designed to best practice to accommodate both pedestrians and cyclists. It is noted, however, that the lane to which this access point connects may not be recorded as public highway so could not be used for public access. The status of the lane would need to be confirmed or an alternative access point identified.

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.

The legal status, maintenance and specification of the proposed paths on site would need the agreement of the Council as the Highway Authority.

CEC Strategic Housing Manager: No objection

Education: This development of 99 dwellings is expected to generate 19 primary and 15 secondary aged pupils.

There is sufficient capacity in the local secondary schools but a need in the primary sector.

$19 \times £11,919 \times 0.91 = £206,079.51$ primary contribution

VIEWS OF THE PARISH COUNCIL

Weston and Basford Parish Council: Object to the application on the following grounds:

- The site lies wholly outside the Weston Village envelope as defined on the Proposals Map of the Crewe and Nantwich Adopted Local Plan 2011. The development of 99 dwellings in this location clearly doesn't comply with Policy NE2. In the Weston & Basford Parish Plan over 70% of the residents questioned said 'no' when asked 'do you agree with the future development of open space'.
- Weston Village is already under pressure for more development and Weston & Basford Parish more so. The applicants make no reference to the Strategic Sites proposed as part of the emerging Local Plan within the Parish. The Parish Council has accepted in principle the Strategic Sites of Basford East and the proposed South Cheshire Growth Village which together could potentially provide up to 1800 dwellings. This in itself represents 150% increase over the existing number of dwellings within the Parish which numbers around 1200. The application site is not included within the emerging Local Plan. The Parish, which is small compared with most others in the borough, is accepting more than its fair share of housing during the Local Plan period and in doing so is punching well beyond its weight! It is considered totally unacceptable to have an additional development of the scale now proposed imposed upon the parish.
- Weston Village alone contains approximately 400 dwellings. The addition of a further 99 will represent around a 25% increase. This scale of increase will in the Parish Council's judgement completely destroy the character of the Village and be seriously detrimental to the amenities and quality of life currently enjoyed by its residents many of whom are elderly. A primary aim of the Parish Council's representation to the emerging Local Plan is to retain the character of the existing communities which make up the parish. This in so far as Weston Village was concerned was strongly reflected in the Parish Plan and will form a cornerstone of the Neighbourhood Plan for the Parish which is currently under preparation.

- The application site is very open in character, the only physical boundary to the south being a raised hedge line. This lack of containment will in the Parish Council's opinion leave the site wide open to future 'development creep' across a very large open field towards Weston Hall and physically link the Village with the Wychwood Developments.
- The proposed vehicular access into the site is to be from East Avenue, a narrow estate cul de sac serving Weston Primary School and flanked on one side by elderly persons bungalows. East Avenue is extremely congested and often gridlocked, particularly at peak school times, and has little or no off street parking space. Uninhibited access for emergency vehicles is already extremely difficult. The same comments apply to the section of Cemetery Road which is the main feed from the proposed development on to the primary road network. (See attached photos). Cemetery Road is also used as a rat run for motorists to and from the Shavington direction seeking to avoid congestion on the primary road network. The only other potential access to this site is from Meadow Avenue which is again part of a narrow estate road network, totally unsuited to accommodating additional development of the scale now proposed. In summary 99 new houses equates to 238 new residents and a minimum of 238 new cars (the applicants figure). The existing road system within the village is totally incapable of satisfactorily and safely accommodating a development of this scale.
- Foul and Surface Water drainage is already a significant problem in this part of Weston. The applicants propose to connect into the existing system. The Parish Council question whether this is capable of coping satisfactorily with this extra demand.
- Weston Village is in the Parish Council's opinion totally unsustainable when factors such as lack of facilities - school already operating at capacity, inadequate bus service, remote medical practice and only one small shop – along with congestion are taken into account. This application does nothing to address such issues which will be greatly exacerbated if a development of the scale proposed is allowed to proceed.

REPRESENTATIONS

Letters of objection have been received from 180 local households raising the following points:

Principle of development

- The site is within the open countryside
- Intrusion into the open countryside
- The development is unwanted
- The development will result in urban sprawl
- Cumulative impact of developments upon this area with Basford East, Gorstyhill Golf Course and Crewe South Village which is too much for the area
- Inappropriate development within the village of Weston
- Brownfield sites should be developed first
- The development would provide no benefits to the village of Weston
- This development could lead to further applications for residential development
- Impact upon the landscape
- The development would be disproportionate to the size of Weston
- The site is within a gap between Weston and Wychwood Park
- Weston only has 270 houses and this development would represent an increase to the size of the village by 27%
- The site is not identified within the Cheshire East Local Plan
- The development would be contrary to numerous local plan policies

- The development is too large compared to Weston village
- The application is premature
- The application site is designated as Green Belt
- Weston is becoming a satellite town
- Weston is not a sustainable location and lacks local facilities
- There is no demand for additional housing in Weston
- Weston is a small community and cannot cope with a development of this scale
- Future occupants will not spend money in the local economy
- Basford East is a better solution for housing development

Highways

- Increased traffic
- Traffic congestion at rush hour times
- Lack of public transport in Weston
- Construction traffic will cause a health and safety risk for local school children and elderly residents
- Parking problems
- The access to the site is not safe
- Existing roads within Weston are used as a rat run
- The development will add to existing queues along Main Road
- Existing access problems for the school bus, emergency vehicles and delivery vehicles
- East Avenue is not suitable to serve a development of this size
- A new access is required to bypass the village
- The submitted Travel Plan is inadequate
- The development will be dependent on the use of the car

Green Issues

- Loss of ecology and habitat
- Impact upon wildlife
- Impact upon numerous bird species
- Construction works could damage trees on and adjoining the site
- Construction works could cause pollution which would damage native bluebells within the adjacent woodland
- The site is in close proximity to a nature conservation area
- The application is proposing the removal of trees which are not in the ownership of the applicant

Infrastructure

- Local infrastructure cannot cope
- The local school is full
- No medical facilities within the village
- Pre-school facilities do not have further capacity
- The existing sewage system floods
- Drainage infrastructure is unable to cope with additional dwellings
- The doctors surgeries are full
- The sewers cannot cope with the additional dwellings
- The cemetery is now full

Amenity Issues

- Increased noise pollution
- Increased air pollution
- Increased light pollution
- Impact upon the health of local residents
- Loss of privacy
- Loss of outlook
- Loss of light
- Overbearing impact
- Concerns about how land levels will be treated on this site

Design issues

- Visual appearance of this development and its impact upon the village
- Loss of village character

Other issues

- Loss of local culture
- Increased litter
- Increased crime and social problems
- Loss of agricultural land
- The site includes well used PROW
- Loss of a view
- There are a number of inconsistencies contained within this application
- No benefits to local residents

An objection has been received from Edward Timpson MP raising the following points:

- There are a number of significant reasons why this application should be refused
- This is one of a number of unwanted applications in this area. Local residents do not believe that the local infrastructure can sustain further development on this scale
- The area is already heavily congested with traffic from Wychwood Park and village and this development will result in significantly increased traffic, noise and pollution
- The site does not form part of the Cheshire east Local Plan submission
- The site is within the open countryside and is contrary to the Crewe and Nantwich Local Plan
- The SoS recently refused planning permission as part of application 13/2874n and his view that the development would pre-empt or prejudice the outcome of the Local Plan could apply here
- The application is neither wanted nor does it meet any acceptable planning criteria and should therefore be refused.

An objection has been received from Cllr Edgar raising the following points:

- The village of Weston is gridlocked every morning with commuters, school buses and service vehicles. This development will exacerbate the situation.
- Cemetery Road is used as a rat run
- Whites lane is used as a rat run
- Increased traffic congestion along Main Road which is not included within the submitted Traffic Assessment
- Lack of capacity at the local primary school
- No doctors surgery within the village
- Oversubscribed pre-school facilities
- The sewage system already floods

- This application will eventually result in 200+ dwellings being built on the site
- Builders traffic will cause years of disruption
- The site is outside the settlement boundary of Weston
- Loss of agricultural land
- Air pollution
- Noise pollution
- Overcrowding and over burdening of the village
- There is already proposed development at Wychwood Village, Wychwood Park, Basford East, Basford West, the South Cheshire Village, Shavington East and Wybunbury Triangle.

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.

Scale of Development

Weston is classed as an 'other settlement' the lowest tier under the settlement as identified by policy PG2 of the Cheshire East Local Plan Submission Version. Policy PG2 states that in other settlements development should be confined to small scale infill and the change of use existing buildings in order to sustain local services.

Policy PG6 states that other settlements and rural areas will be expected to accommodate 2,000 new homes for the plan period (an average of 100 each year). However it should be noted that this figure may increase and the proposed approach is to increase the distribution to 2,950 dwellings for the plan period for other settlements and rural areas (including Alderley Park) which would leave a shortfall of 570 dwellings.

In this case it is considered that a development of 99 dwellings adjacent to Weston would be of a scale that would not respect this small rural settlement. The submitted representations identify that this development would represent an increase in the size of Weston village by 27% and as such it is not considered that this scale of development would comply with the spatial distribution of development or Policy PG2 which states that development should be confined to small scale infill or change of use. The development would not represent a sustainable form of development for this rural village and as such this weighs against this proposed development.

The representations submitted as part of this application make reference to the cumulative impact of other developments within the village of Weston. However this is only given limited weight as the only site with a resolution to approve is Basford East which is an extension to Crewe and would be reliant on the services and facilities within Crewe. The application at

Gorstyhill Golf Course is still under consideration and no application has been received the South Cheshire Growth Village.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Haslington and Englesea sub area for the purposes of the Strategic Housing Market Assessment update 2013. This identified a net requirement of 44 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 1 x 1 bed, 11 x 2 bed, 19 x 3 bed, 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation.

In addition to information from the SHMA, Cheshire Homechoice shows there are currently 3 applicants who have selected the Weston lettings area as their first choice. These applicants require 1 x 1 bed and 2 x 2 bed units.

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 99 dwellings and the developer has confirmed that the development would be policy compliant with 65% rented and 35% 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 3,465sq.m and the indicative plan shows that the developer will provide 13,600sq.m of open space. As such there would be an over provision of open space as part of this development.

In terms of children's play space the Councils Open Space officer has requested the provision of a LEAP with 5 different pieces of equipment. This would be provided and could 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 19 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 £206,079.51. 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 no capacity issues at the local secondary schools that would serve this development.

Health

Although no consultation response has been received from the NHS there are 4 medical centres within 3 miles of the site and according to the NHS choices website they are 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) – 400m
- Public House (1000m) – 320m
- Public Right of Way (500m) – located on site
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Community Centre/Meeting Place (1000m) – 320m
- Primary School (1000m) – 200m
- Convenience Store (500m) – 320m
- Post Office (1000m) – 320m
- Outdoor Sports Facility (500m) – 300m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 5000m
- Train Station (2500m) – 4200m
- Medical Centre (1000m) – 3400m
- Pharmacy (1000m) – 4800m
- Secondary School (1000m) – 4200m

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 Weston, 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 Weston from the application site. However, the majority of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development via a short bus journey (There is a bus service that runs along Main Road between Newcastle and Crewe which is an hourly service). Accordingly, it is considered that this small scale site is a sustainable site.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are the dwellings which front onto Meadow Avenue, Fairview Avenue, Mere Road, West Avenue and East Avenue. 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 (AQMA's). A condition will be attached in terms of dust control from the construction phase of the development.

Contaminated Land

At the time of writing this report further investigations were being undertaken in relation to contaminated land on this site. This follows consultations with the Council's Contaminated Land Officer and an update will be provided in relation to this issue.

Public Rights of Way

Two PROW (Weston FP7 and Weston FP8) cross the north-east corner of the site. The submitted Development Framework Plan indicates that both PROW would be retained.

The Council's PROW Officer has raised no objection to this development and an informative could be attached to any approval to ensure that the PROW is retained as part of this development.

Highways

Access

In considering the suitability of the access to serve the development, East Avenue is approximately 6m wide and has footways on both sides with a highway verge. East Avenue is a cul-de-sac that serves some 30 existing residential units and also Poppy Close which acts as an access to the primary school. The standard of access being 6m wide is technically suitable to serve the proposed additional units and also the junction at Cemetery Road has been assessed in regard to capacity with the development included, the results indicate that the junction will operate well within capacity at the end of the Local Plan period in 2030. Therefore, in regards to the use of East Avenue as access to the development there are no technical reasons to reject the proposals.

Highway capacity

An assessment of the traffic impact of this proposal has been undertaken in the submitted Transport Assessment and this has looked at a number of local junctions on the road network in regard to

the operational capacity of junctions. There were no identified committed developments in the vicinity of the site that have been considered in the Transport Assessment.

The traffic impact has been derived from the TRICS database and the generation predicted is some 66 trips to and from the site in the worse case PM peak. These figures have been increased to 2030 and used in the junction assessment models to assess the capacity impact of the development. The applicant has assessed local junctions to the site at Main Road/Cemetery Road and Whites Lane/Mill Lane but none of the junctions wider afield at the A5020 or the Newcastle Road roundabout.

In regards to the strategic highway network there are some major congestion concerns on the A5020 and the A500 and at other major junctions in the vicinity of the site. However, once the development traffic is distributed on the road network the level of impact at the junctions is very small indeed and given that the NPPF policy test requires the development impact to be severe, this level of impact could not be considered to have such an impact.

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

The application is supported by an Arboricultural Assessment. The survey has identified 18 individual trees; 5 groups of trees and six hedgerows within and immediately adjacent to the site. Taking into consideration the quality of trees as defined by the categories stated in Table 1 of the BS5837:2012 the survey has identified 2 individual Moderate (B) category trees and two Moderate category groups. The remaining trees and hedgerows have been placed in the Low (C) category.

The Arboricultural Assessment is informed by an Illustrative Layout which in design terms respects existing retained trees, the majority of which are located around the boundary of the development site or are just offsite within existing residential gardens. One tree, (T16 Oak B category) stands isolated to the southern central section of the site and is shown for retention within public open space and therefore will not be directly affected by the indicative proposals. The tree has been assessed for bats and had a low potential to support bats. The topography of the land does fall away from East Avenue to the Brook to the southern boundary of the site and in this regard some regarding works may necessary around the southern edge of the built area which will require addressing in terms of the root protection area (RPAs) of retained trees.

Access of East Avenue does not have any implications in terms of retained trees; there are a number of proposed Plots within the northern section of the site (facing trees T3-T6) which could require modification, as their social proximity and relationship to trees will impact upon private garden amenities and living conditions of residents.

None of the hedgerows within and along the boundaries of the site were identified as being 'Important' under the wildlife and landscape criteria of the Hedgerow Regulations 1997 however none of the hedgerows appear to have been assessed under the historical criteria of the Regulations. Two of the hedgerows as defined in the submitted Ecological appraisal are not deemed important as they form the boundary of a residential curtilage.

As a result there are no significant arboricultural implications with this proposal.

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."

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 (Weston Conservation Area and Listed Buildings)

Given the separation distance to the Conservation Area and Listed Buildings it is not considered that this development would have a detrimental impact upon the setting of the Conservation Area or Listed Buildings within the area.

Archaeology

No sites currently recorded in the Cheshire Historic Environment Record will be affected by the proposed development. In addition an examination of the historic mapping, aerial photographs, and place name evidence has not indicated any areas of particular archaeological potential. In these circumstances, and mindful of the limited results from a number of recent developments in the immediate area, the Councils Archaeologist advises that further work would be difficult to justify and no further mitigation is recommended in this instance.

Landscape

As part of the application a Landscape and Visual Appraisal has been submitted. The application extends over approximately 5.21 hectares and is located to the south of Weston. The southern edge of Weston is located directly to the north of the application site, the western part of the application site is adjacent to Basford Brook and the remainder of the site is surrounded by the wider agricultural landscape. The topography of the application site slopes down from the east towards Basford Brook, with variations in topography across the site. There are two footpaths that cross the eastern part of the application, Footpath 7 Weston and Footpath 8 Weston.

As part of the Assessment the baseline landscape character is given. The National character area has been identified, as well as the character type as identified in the Cheshire Landscape Character assessment 2009 (Lower Farms and Woods –LFW7 Barthomley).

The Landscape and Visual Impact assessment states that approximately 1.36 hectares will be retained as soft landscape in the form of ecological corridors, ponds and meres, wildflower meadows and the retention of boundary hedges and features. The submitted Masterplan indicates that many of the existing mature former hedgerow trees within the site will also be retained, since much of the landscape features within the site are relatively immature, the Councils Landscape Architect considers it important that these mature trees are retained wherever possible. The Councils Landscape Architect states that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Ecology

Basford Brook and Mere Gutter Local Wildlife Site

The proposed development is located 50m from this local wildlife site. Whilst the construction phase is unlikely to have a direct impact upon the Local Wildlife Site any contamination of the ditch on site has the potential to find its way into the designated site.

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring any future reserved matters application to be supported by a method statement detailing measures designed to minimise the contamination of the adjacent water courses during the construction process.

A similar condition is also required to ensure pollution prevention measures are incorporated into the proposed SUDS scheme for the site in order to minimise any risk of contamination during the operational phase of the development.

Great Crested Newts

No evidence of Great Crested Newts has been recorded during the submitted surveys. The submitted survey was constrained by poor weather conditions during some of the survey visits. However considering the quality of habitat lost to the proposed development, the distance of the proposals from the pond and the nature of the habitat offered by the pond and immediate surroundings, the Councils Ecologist advises that on balance great crested newts are not likely to be affected by the proposed works.

Common Toad

This priority species was recorded during the Great Crested Newt survey. However the Councils Ecologist advises that the proposed development would only result in the loss of poor quality habitat for this species.

Water Vole and Otter

No evidence of Water Voles or Otter was recorded during the submitted surveys. The Councils Ecologist advises that these species are unlikely to be present or affected by the proposed development.

Onsite Ditch

As well as having potential to support protected species the ditch present on site appears to have some botanical value. Regardless of whether any evidence of protected species is recorded within the ditch the Councils Ecologist advises that it should be retained as part of the proposed development. An undeveloped buffer zone of 5m to the site of the ditch would be required to ensure the ditch is safeguarded during the construction process.

Hedgerows

Two hedgerows are present on site that are of sufficient quality to be considered as priority habitats. Based upon the submitted master plan it seems feasible to retain these hedgerows as part of the proposed development.

Other Protected Species

Other protected species were recorded as being active on the application site but no evidence of a sett was recorded. The Councils Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon other protected species. However as the status of other protected species on a site can change within a short time scale the Councils Ecologist advises that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey.

Flood Risk

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

As shown on the Environment Agency (EA) surface water flood map, parts of the site and surrounding area are at risk of flooding from surface water. As such the Councils Flood Risk Manager supports the proposal to maintain a flow route across the site towards the ordinary watercourse to the south.

A number of the representations from local residents have raised concerns about the capacity of the local sewerage system in this area and that this development would result in flooding. However it should be noted that the submitted FRA considers that this risk would be low and this is supported by the letter of no objection from United Utilities.

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 24% is Grade 2 and 76% is Grade 3a. 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 Weston 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 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 school education is required. This is considered to be necessary and fair and reasonable in relation to the development. This contribution would not breach Regulation 123 of the CIL regulations in relation to the pooling of contributions.

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 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 LEAP this is considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Weston.

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 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 adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- The scale of development would not respect the existing scale of Weston and would not respect the spatial distribution for development.

An update will be provided in relation to contaminated land on this site.

The contribution of the development of this site towards the housing need of the Borough is noted. However in this instance, the scale of the development, the loss of open countryside, other developments in the Parish having regard to the spatial distribution of planned development and the loss of BMV agricultural land are considered to outweigh the benefits and as such the application will be recommended for refusal.

RECOMMENDATION:

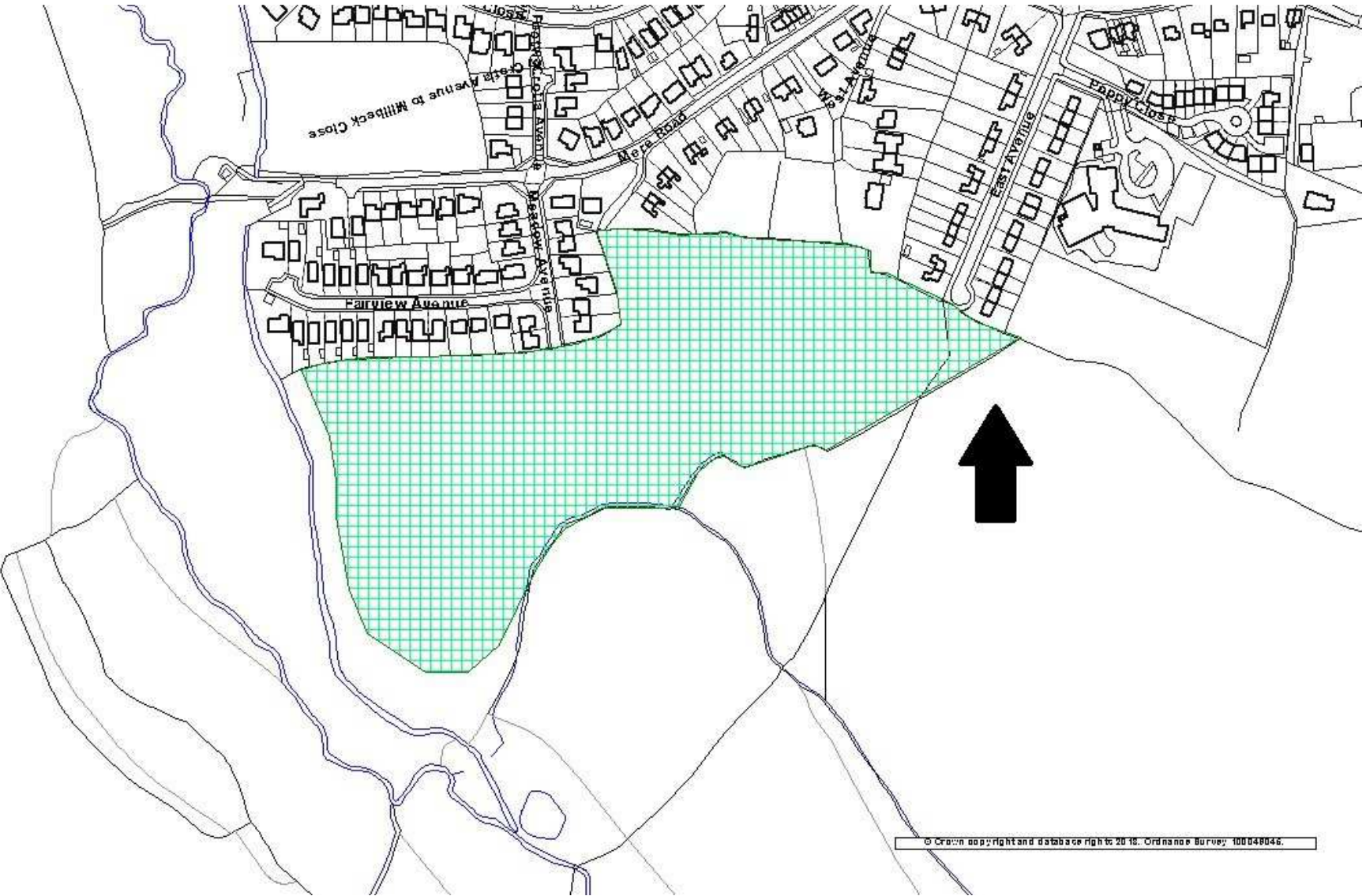
REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (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.**
- 2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. The scale of this development would exceed the spatial distribution for Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.**

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 her 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 LEAP (5 pieces of equipment) to be maintained by a private management company in perpetuity**
- 3. Primary School Education Contribution of £206,079.51**



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Application No: 14/5841N

Location: LAND SOUTH OF QUEENS DRIVE, NANTWICH, CHESHIRE

Proposal: Outline planning permission for a residential development comprising of up to 118 residential dwellings (including 30% affordable housing), structural planting and landscaping, informal public open space, 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: 24-Mar-2015

SUMMARY:

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will represent an intrusion into the open countryside.

However, 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.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secured 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 highway safety, amenity, flood risk, drainage, landscape and ecology.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph

14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and Section 106 Agreement.

PROPOSAL:

This application seeks outline planning permission for

- Up to 118 new, mostly family, homes (including affordable housing delivered in accordance with planning policy);
- New access arrangements including an informal footpath/cycle link to extend the Nantwich Riverside Park into the site; and
- New structural landscaping
- 1.15ha of formal and informal open space

SITE DESCRIPTION:

The site of the proposed development is located approximately 1.2km south west of Nantwich town centre. The site covers a total area of approximately 6 hectares. It is currently a greenfield site comprising of pasture fields. The natural topography of the site is generally flat.

The site is bound to the north by the properties on Queens Drive. Open agricultural land borders the site to the south west. The east of the site is bound by the Crewe to Shrewsbury railway line running in a northeast to southwest direction. Towards the centre and eastern boundary of the site lies buildings and an equestrian exercise ground associated with Fields Farm. The red line boundary of the application site excludes the buildings associated with Fields Farm.

The current proposal will form an extension to the consented scheme (Queens Drive Phase 1) which is located to the west of the site and gained planning consent by Appeal in July 2013 (Appeal Ref: APP/R0660/A/12/2187264). The site will be accessed via that development and the consented access onto Queens Drive. The site access to the existing farming facilities is accessed via Queens Drive to the north of the site.

RELEVANT HISTORY:

There is specific planning history of relevance to the current application site. However, it sits alongside and takes access from the Phase 1 scheme for which Reserved Matters have now been granted.

- Gladman Developments Ltd. Date Registered: 29-Jun-2012; Ref: 12/2440N; Outline Application - Proposed Residential Development; Land off Queen's Drive, Nantwich; Appeal Allowed: 18 July 2013.

- Bovis Homes & Barratt Homes; Date Registered: 11-Apr-2014; Ref: 14/1823N; Reserved Matters application for erection of 268 residential dwellings including 29 apartments and associated infrastructure and facilities; Land off Queen's Drive, Nantwich; Granted: 11 July 2014

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), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning 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:

United Utilities - no objection to the proposed development provided that conditions are attached to any approval requiring a scheme for the disposal of foul and surface waters for the entire site to be submitted and approved. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.

Highways – No objection subject to the following conditions:

- A detailed TM scheme to be submitted and agreed by the LPA and delivered via a S278 Agreement.
- A S106 contribution of 25k for the TRO's and consultation.
- No development to commence prior to introduction of the traffic management scheme.
- Submission of a Construction Management Plan

Archaeology - The application is supported by an archaeological desk-based assessment, which has been produced by CgMs Consulting and appears as Chapter 13 in the Environmental Statement produced by Wardell Armstrong. Paragraph 13.6 concludes that no further archaeological mitigation is required and I'm inclined to accept the judgement in this instance, in view of the relatively limited area affected, the lack of known archaeological sites and potential, and the fact that no archaeological mitigation was advised with regard to the development to the west.

Rights of Way - The development is to affect Public Footpath No.'s 2, 3 and 4 Edleston, as recorded on the Definitive Map of Public Rights of Way held at this office.

From the site layout plan (Drawing LE12512-003) on the northern boundary of the site, FP3 Edleston appears to be shown slightly to far to the south. The definitive map shows the line of the footpath closer to the site boundary. Although it is noted that this footpath is not part of the developable area and should not therefore be affected by the proposal.

The line of Footpath No.2 Edleston was incorrectly shown on the plan, it was brought to my attention that it should be shown on the eastern side of the boundary. It would appear that the line of the footpath has been consistently shown on the east side and as far as I am aware that is how it has always been on the ground.

Also suggest to the developer that they consider applying for an extinguishment order as part of the planning process for this section of FP2, as this footpath is a cul-de-sac and appears to serve no useful purpose. There are two other footpaths (FP3 & FP4 Edleston) that form a link with the remainder of FP2.

Natural England

- Standing Advice should be used to assess impacts on protected species
- Natural England would encourage the incorporation of GI into this development.
- The authority should consider securing measures to enhance the biodiversity of the site from the applicant,
- GIS tool should be used to assess Impact Risk Zones for Sites of Special Scientific Interest

Environment Agency

No objection in principle to the proposed development but would like to make the following comments.

We note potential sources of contamination exist at the site and in the vicinity of the site including railway land, historical infilled ponds and the potential for historical chemical storage, fuel tanks, bunds and waste to be present at the farm. We agree with the requirement for site investigation to be undertaken at the site. Please ensure that trial pits undertaken on the site extend to a minimum of 4.00mbgl depth. If boreholes are not undertaken as part of the site investigation, sufficient justification for this decision will need to be provided within the Phase 2 Site Investigation Report.

The application should consider the hydrogeology of the area, if impacts are identified mitigation methods must be put in place. The final planning application should be accompanied by a scheme to dispose of foul and surface water. There should be no infiltration of surface water on contaminated land or any discharge of any contaminated water to ground.

Therefore we request that the following planning conditions are attached to any approval as set out below.

- Submission of a sustainable urban drainage scheme for surface water
- Remediation Strategy for contaminated land

Education:

118 dwellings, generating 21 (118 x 0.18) primary and 15 (118 x 0.13) secondary

21 x 11,919 x 0.91 = £227,772.09 primary education

15 x 17,959 x 0.91 = £245,140.35 secondary education

Total = £472,912.44

Network Rail

No objection subject to:

- condition requiring footpath diversion and closure of level crossing
- provision of additional information relating to the balancing pond close to the railway boundary
- condition requiring details of all excavations and earth works to be submitted
- submission of a risk assessment and method statement to Network Rail
- landscaping to include no trees adjacent to railway boundary and only evergreen species
- Provision of suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary
- Approval of any acoustic fence and its foundation design by Network Rail
- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.
- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should then use conditions as necessary.

Environmental Health

No objection subject to the following conditions:

- Piling Method Statement to be submitted
- Restriction on hours of piling
- Environmental Management Plan to be submitted
- Hours of construction
- Details of Lighting to be submitted
- Noise Mitigation to be submitted
- Travel Plan to be submitted
- Details of Electric Vehicle Infrastructure to be submitted
- Phase 2 contaminated land investigation to be submitted

Nantwich Town Council objects strongly to this proposed development. The site is not a preferred site in the Nantwich Town Strategy or the Cheshire East Core Strategy and was not supported in the consultation on the Local Plan. Access is through a site which was also not a preferred site. The development will add a further 118 dwellings to the Core Strategy total for the Nantwich area thus leading to a considerable over supply over the local plan period. The

effect may be to delay development of sites which were preferred within the strategy and a delay in associated infrastructure benefits to the town.

The only access to the site is from the top of Queens Drive and the combined traffic flows from this site and the site under construction will lead to problems of highway safety at the junction and along the length of Queens Drive.

Acton and Henhull Parish Council

- This council objects to this development as the access of one single point plus an emergency access is insufficient for this development along with the site already being developed to the west. In addition this proposal would make worse the impending traffic problems at the junction of Queens Drive and Welsh Row. At no stage has this site been considered appropriate for development in the work to date on the local plan. If the council is minded to approve the application opportunity should be taken to improve the circular walk around Nantwich by the building of a footway of suitable rural character between the canal bridge at Marsh Lane and Dig Lane as identified in the Acton, Edleston & Henhull Parish Plan and supported by Cheshire East previously.
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Nantwich Civic Society - OBJECT to this proposal.

Despite the current problems with CEC's Local Plan, caused by National government's badly revised National Planning guidance - the free for all that is ensuing makes a mockery of both Localism and good Planning. The community is dispirited and disappointed by the current chaos in housing sites coming forward.

The site is adjacent to the current land which gained permission against the wishes of local people.

This was for good reasons that seem to have been largely cast aside.

The same reasons apply here:

- The extension of the built up area into an area of countryside that does not form a natural extension of the built up area. It makes the blot bigger.
- The Access is through the only access point to the first site, on to Queens Drive, close to the old Canal humped bridge.
- The increase in traffic using this single access point will create a danger for emergency and large vehicles, serving hundreds of dwellings. Fire tenders and ambulances will struggle to gain swift access through this large estate.
- The increased traffic through Marsh lane and Queens Drive onto Welsh Row, will be simply too much for this historic road system to cater for efficiently.
- The application again proposes a few junction improvements, a possible one way system on Welsh Row and improved Traffic lights at Waterlode/Welsh Row Bridge.
- The one way direction should not take people away from the town centre, out to the Aqueduct and the long way round via Waterlode, past a bus school at Malbank.
- They will have a significant detrimental effect on local people not just near the site but all along the new routes being proposed.
- Longer car journeys will be necessary, through currently quiet residential streets. This is not sustainable, making longer journeys and more fuel being burned.
- The proposal also shows some improvements to the Traffic lights at Welsh Row/Waterlode. The technical notes are impossible for lay people to understand.
- The new intelligent scheme needs to ensure the changes are faster than the current slow phasing, makes allowances for turns from other directions in addition as just one direction.
- Pedestrian button causes all the lights to be delayed, whether pushed on one post or all. The delays are very long.
- The pedestrian lights need to be intelligent and also have a count down to tell walkers how long they have to get across -to deter late decisions that cause traffic to have to wait for late pedestrians.
- Basically, this junction needs to be speeded up, made easier to see by both pedestrians and vehicles. There is plenty of room within the junction .

In conclusion such road and control changes show a significant element of convoluted desperation to try to make the effect of such increases in traffic work - or at least to persuade the LPA and Highways Engineers that it is not worth them refusing. Even more houses and traffic should be refused .

REPRESENTATIONS:

Principle of development

- Development is not in the local plan
- Not supported by the people of Nantwich
- Not supported by the Strategic Housing Land Availability Assessment, which says it is not currently developable.
- The housing already being built at the top of Queen's Drive was a development rejected by the Council and by the people of Nantwich. It is regrettable it went to appeal and they were powerless to stop something decided for our town, its local community and visitors by people who see only their own profit and don't have to live with the impact this housing
- There are other earmarked sites: Stapeley- brownfield site, Kingsley Fields and the land sold by Reaseheath College. Those 3 sites will satisfy housing requirements in Nantwich,
- This is not a planning permission that Cheshire East Council wanted to permit.
- Contrary to the Nantwich Town Strategy and Cheshire East Core Strategy, neither of which have indicated that this is a preferred site for housing development.
- Not supported in the consultation in the local plan.
- The development will add a further 118 dwellings to the Core Strategy total for the Nantwich area thus leading to a considerable over supply over the local plan period.
- This is another predatory speculative application being made due to lack of adoption of the Cheshire East core strategy.
- Applicant has no interest in the long-term evolution of Nantwich in line with the intentions of the town or Cheshire East plans.
- Until such time that the Core Strategy is ratified, there should be a moratorium in granting consent to speculative planning applications for housing that do not align to the intentions of the Nantwich Town Strategy or the Cheshire East Core Strategy
- Will delay development of sites which were preferred within the strategy and a delay in associated infrastructure benefits to the town.
- This cynical and speculative application has been made because of the failure of Cheshire East council to adopt a Local Plan.
- As a result developers have declared a free for all in East Cheshire for unsuitable housing development.
- Threatens to change the character of Nantwich as a small market town. There have already been significant numbers of new houses approved around the town and this is just one step too far.
- Understand that these houses are to be built in order to provide affordable housing. If there is really a shortage of this housing in Nantwich (which I doubt) then why does the development that has just started further up Queens Drive not include solely 'affordable housing'?
- Over last 25 years very large housing developments built on previously rural sites: next to Marsh Lane, opposite Malbank school, behind Malbank school and in Stapeley. More recently Stapeley Water Gardens, once billed as the top tourist attraction in the North West, has been replaced by more houses and another large development has started next to the canal at the top of Queens Drive.
- Houses should be built on existing sites (such as the current redevelopment of the Millfields pub site) rather than on previously undeveloped fields.
- There are many more such sites in the Crewe and Nantwich area, not to mention the rest of East Cheshire, that could be used for this purpose.

Highways

- The ongoing, already approved, development at the top of Queens Drive is already causing major traffic congestion and this will only get worse as the houses are occupied.
- Inadequate emergency vehicle access to a development that, if extended, is significant.
- One access point is unsafe.
- As most home owners have at least one car and most have two cars and If the current proposal is for 118 houses, then there will be between 118-236 extra cars on Queens Drive daily, which will filter onto Welsh Row. Also, it is important to note the already approved development adjacent has been approved for 380 houses, which has a potential for 380 – 760 cars on Queens Drive. $236 + 760 = 996$ extra cars daily on Queens Drive.
- If a road user is turning left onto Marsh Lane they have to traverse a small canal bridge. Busy traffic will lead to road traffic accidents
- Drivers tend to treat Queens Drive as a high speed route in and out of town and speeds already regularly exceed 30 mph.
- Loss of control on the bend adjacent to Riverside Park is a real worry for us as parents of young children due to the frequency of poor driving.
- Children currently play in and around the park and along the road. Clearly such use of the road as a social space will become highly dangerous.
- residents of the new developments will not use alternative routes into or through Nantwich. The friction of distance will lead them to choose to drive the shorter route down Queens Drive.
- To ensure the development is sustainable and traffic minimised the footpaths and cycle paths must extend into Riverside Park and link with pathways over the river and into town.
- Existing paths should be upgraded to provide an attractive and safe car free route into town.
- Family cycling on the canal will be impeded unless the adjacent roads are safe to cycle on. Cycle paths must be linked up to enable a traffic free route into town when (and if) traffic is increased on Marsh Lane and Queens Drive.
- The traffic assessment submitted with this planning application clearly states that the current road network, in particular the Welsh Row/Waterlode traffic lights junction would be at 'over practical and theoretical capacity' (long queues of traffic) in 2019. Any person who uses these roads now will confirm that this is the current situation, prior to the additional traffic generated by the imminent 380 dwellings of Malbank Waters adds to the queues. A further 118 dwellings worth of traffic is unacceptable.
- The report also states that by implementing either one of two proposed one-way schemes the problem will be just moved to adjacent road junctions. Although these 'negative' points have been totally omitted from the conclusion.
- The traffic assessment is out of date as its software models used the traffic priority island in the Welsh Row/Queens Drive which has now been removed following an embarrassing number of vehicle collisions.
- Any 166 page report assessing the local traffic situation which omits the terms 'queues' and 'gridlock', which fails to conclude on its own findings and which has been paid for by the developers is so biased as to be considered as misleading.
- Before the Saltmeadows estate was built Queens Drive and Marsh Lane were considered inadequate for its associated traffic. Permission for the Saltmeadows estate was granted on the condition that a through road (Sir Edmund Wright Way) was built

linking it to the Welsh Row/Chester Road traffic lights. The developers and the council did not make this happen. Since then many new dwellings have been built on Marsh lane, many dwellings are nearing completion on Marshfield pub site and 380 dwellings are being constructed on the Malbank Water estate with no action or even a plan of action being taken to improve the road network.

- There is already a stationary/crawling stream of traffic for several hours each day on Marsh Lane, Queens Drive, Welsh Row and Waterlode.
- The implications to further traffic congestion caused by this proposal and all the other imminent additional housing in the area should be reviewed publicly and independently prior to any planning approval is granted.
- The cycle/Public foot path which runs along the private access track to Fields Farm and surrounding dwellings will become the main pedestrian and cycle route for the majority of almost 500 dwellings to and from the town centre. The track will also have to be crossed to access the public space adjacent to the railway line. This narrow single lane track is used by vehicles for several houses, farm traffic, railway service vehicles and emergency vehicles it has no passing places. Vehicles often have to reverse to allow for oncoming traffic which can only be seen by the drivers when they are part way along the track. The mix of reversing bin lorries, kids on bikes, parents with prams, horse boxes and probably a dog or two on a track not wide enough for any of these combinations to pass each other safely is an accident waiting to happen.
- the construction traffic will be added to the lethal mix of cars, children, pedestrians and utility service vehicles.
- The access route also includes historic, vulnerable Welsh Row once described as “the best street of Nantwich” by the historian and writer Nikolaus Pevsner. There is already a problem with queuing traffic along here as well as vehicles parked along the road.
- The construction vehicles cause vibration felt from inside houses on Queen’s Drive so there is concern also for the old buildings of Welsh Row.
- Gladman think the “area could incorporate the proposed development without concerns for highway layout and safety.” (Environmental statement para 7.8.16). This is a theoretical conclusion made before the completion of almost 500 new houses with all the extra car and utility traffic this will produce. This statement doesn’t reflect reality and doesn’t consider near misses and of course, unreported incidents.
- Most of the children attending Malbank School walk or cycle the length of Welsh Row to and from school. This road is already dangerous to cross because parked cars make visibility poor and there are various bus stopping points along the route. The junction at Queen’s Drive is especially busy and dangerous with traffic turning in and out and pedestrians crossing. Comparatively few children would walk from Taylor Drive or Acton to make use of the only crossing – the Toucan near the Aquaduct (cited as mitigating road danger in paragraph 7.9.10 of Gladman’s Environmental Statement.
- The Transport Assessment document considers options for traffic flow along Queens Drive/Marsh Lane/Welsh Row and through the Saltmeadows estate. Examples of one-way systems are put forward but there are other options which should have been considered. It would also be possible to maintain the 2-way traffic flow along Welsh Row, but have a no-entry system/physical blockage in the vicinity of Kings Lane/The Oddfellows Arms. In doing so, Edmund Wright Way and Marsh Lane would remain the access and egress points to the A534W and Waterlode from the area to the west side of town. Marsh Lane should be made 1-way from Welsh Row to the junction of Millfields/Edmund Wright Way, improving safety outside Millfields Primary School in the process. Edmund Wright Way from this junction would be 2-way and the remainder of Marsh Lane remains as 2-way.

This would force traffic arriving from the A51 under the canal bridge to use Waterlode past the football ground rather than travel E down Welsh Row and those cars leaving the residential areas to do the same. It would reduce a heavy traffic flow from W-E down Welsh Row to the lights at the river crossing and improve road safety in the vicinity of Malbank School on Welsh Row due to a reduced traffic volume. The Queens Drive junction with Welsh Row would then also have reduced traffic flow because the road is shut-off near Kings Lane. This means that traffic turning right from Queens Drive onto Welsh Row would be able to do so more safely due to little/no traffic travelling W-E toward town down Welsh Row and also the majority of traffic travelling E-W up Welsh Row from the river would be turning left down Queens Drive. This would become a safer junction. Traffic from the existing consented Bovis/Barratt development at the top of Queens Drive/Marsh Lane should then use Edmund Wright Way to access Waterlode as the primary route out of town and to the by-pass. Travelling down Queens Drive to Welsh Row would only be for town access. The physical barrier itself on Welsh Row could be a raising bollard system to permit emergency vehicle access both ways up and down Welsh Row.

- In deciding the road layout, consideration also needs to be given to the future core strategy development in the Kingsley Field area. The options should also consider the viability of both sets of traffic lights at Welsh Row (the canal bridge and river bridge). Either the timing of the light signals may need to be changed or why not consider a roundabout at Waterlode/A534/Welsh Row/Edmund Wright Way junction to improve traffic flow?
- The current proposal is that the main traffic flow should be along Marsh Lane, Edmund Wright Way and Taylor Drive to the traffic lights by the aqueduct, but part of Marsh Lane is very narrow and two lorries or buses would find it difficult to pass there.
- Another proposal is to make Welsh Row one way. However this would cause considerable inconvenience to drivers. At present a lot of visitors to the shops, pubs and restaurants along Welsh Row enter from Waterlode and park on First Wood Street or St Anne's Lane car parks. When they have finished their visit they return to Waterlode across the bridge. If it were one way then they would have to make a long detour along Welsh Row to the aqueduct and then round Waterlode to the traffic lights. That adds at least a mile to their journey, using more fuel and causing more pollution. One result of this could be that customers are deterred from visiting Welsh Row. Moreover more and more people are moving into the new houses on St Anne's Lane and they will have to make the same one mile detour if they are travelling to the town centre, the south or the M6. And of course the 84 bus from Chester to Crewe would have to be diverted via Waterlode, missing out all the stops on Welsh Row.
- Making Welsh Row one way would be a bad move. There are sometimes long delays for traffic emerging onto Welsh Row from Queens Drive, but a better solution to this problem would be a mini roundabout at the junction, which would give these drivers priority over traffic travelling west along Welsh Row. However this would not solve the problem completely so if this new application were approved it would result in more unnecessary congestion at this point.
- If the application were to be approved, one of the conditions should be that there will be no road connection to the site from the present access track from Queens Drive to Fields Farm.
- A weight restriction was introduced into Welsh Row in recent years to try to restrict heavy vehicles due to the historical nature of this area and the age and nature of the road bridge

- Given that St Annes Close now has additional properties where the Gas Works used to be so there are more vehicles flowing around Welsh Row, causing tailbacks from the lights to Queens Drive, further inhibiting egress, which can already be time consuming,.

Infrastructure

- Increased pressure on schools and potential traffic increase if children are placed in schools that are not a realistic walking distance. Only Millfields is really local and is full.
- Lack of community facilities. In particular the developer's initial consultation included a play area but we believe this is now missing.
- The infrastructure of the town (doctors, schooling, parking) is already at full capacity. Further additional housing without prior expansion in the infrastructure will exasperate this situation.

Right of Way

- The right of way Edleston FP3 is different to that which the footpath officers suggest.
- The right of way Edleston FP2 is used by the public and should not be suggested for Extinguishment.

Amenity Issues

- Residents backing on to the development we are extremely concerned by the plan to build on countryside and the subsequent loss of outlook.
- In relation to 199 Queens Drive, concern about the proximity to the border of the house planned behind. As 119 is set back and so closer to the border than neighbour's homes, occupants are concerned that building will have a particular effect in reducing our outlook and privacy. It will also overshadow garden.
- To reduce impact on outlook and to protect wildlife, it is essential that the existing tree and hedge line is retained IN FULL, not just protected trees.
- Loss of privacy and overlooking.
- The development proposed would totally surround existing dwellings which are currently surrounded by open countryside.
- Gardens would become over shadowed and the current outlook of open countryside would be lost.
- Loss of open countryside.
- The development is outside of the Nantwich town boundary, and would eat into Edleston.
- The development would destroy the outlook of open countryside for the many people and dog walkers who enjoy the current easy escape from suburbia via the public footpaths on the proposed land.
- The proposed development of housing and would generate additional noise and pollution.

Ecology

- Local wildlife found in gardens (and presumably therefore in the proposed development area) include grass snakes and squirrels. Loss of habitat will reduce local biodiversity. Grass snakes are protected under the Wildlife and Countryside Act 1981 and classified as a priority species in the UK Biodiversity Action Plan.

- This is green space used for grazing, home to wildlife and places people enjoy to walk and find a sense of wellbeing. Gladman's photographs attempt to show that from the Lake, no-one would see the new houses. These pictures are taken from behind deciduous shrubs! In the winter, with no leaves the houses will be seen from this tourist attraction - not to mention the noise from 118 (plus 380) houses.

Public Open Space

- The location of a public area next to a railway line and a pedestrian railway crossing must be considered hazardous both to the trains from objects which may be thrown over any fence by rogue individuals, and to the public themselves, some of who may venture through any damaged barrier between them and the railway or via the crossing.
- The public area adjacent to the railway is isolated from and has limited access to the housing areas of the proposal. It should not be considered as open space within the development.
- The isolated location of the public area would make it unattractive to any developers interested in purchasing the housing areas of this proposal. It should be clearly stated who would undertake the tree planting, fencing and future maintenance of this area should permission be granted.
- The isolated location, size and shape of the public area would make it attractive for even more housing in the future. Its status as a public space would need to be protected.

Other issues

- The proposed development is centred around 'affordable housing'. Yet, the homes developed to date are not 'affordable' for most young people and families in Nantwich. Doubt the development will serve those most in need.
- As a general measure of local residents feeling towards this development quote Gladman's own document. "over the last 18 months, this forum of consultation has progressively become less informative and a trend towards aggressive, vocal and adversarial engagement has been experienced". Gladman have not held a public meeting for this application for fear of allowing the public to openly express their opinion.

APPRAISAL:

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 118 new family homes, including 30% affordable homes.

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.

Affordable Housing

The site falls adjacent to the existing Nantwich settlement boundary. The SHMA update 2013 identified for the Nantwich sub-area there is a net requirement for 78 affordable homes per annum. This equates to a need for 40x 1bd, 15x 3bd, 35 x 4+bd general needs units and 16x

1bd older persons accommodation. The SHMA identified an over-supply of 2 bed general needs and older persons units. Information taken from Cheshire Homechoice shows there are currently 431 applicants who have selected the Nantwich lettings area as their first choice. These applicants require 162x 1bd, 178x 2bd, 72x 3bd and 13x 4+bd units. Therefore there is an identified housing need.

The applicant has stated in their accompanying Planning Statement that 30% of the dwellings will be affordable equating to 35 units. This is acceptable. These should be provided in line with the tenure split identified in the IPS, equating to 23 rented and 12 intermediate tenure units.

The applicant has detailed that the tenure and mix will be determined at Reserved Matters stage. Whilst it is satisfactory to reserve the residential mix of the affordable units, the tenure split will need to be secured at this stage via s106 agreement. The applicant has also provided a draft heads of terms which includes affordable housing to be 30% however this isn't clear on what the tenure split between affordable rented and shared equity is. The units should be provided in line with the tenure split identified in the IPS.

The IPS states that: -

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

The applicant has proposed that the affordable housing is secured by condition, our preference is that the affordable housing is secured by way of a S106 agreement, which: -

- secures 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure.
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
- Requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funded programme.

Public Open Space

Policy RT.3: Provision of recreational open space and children's playspace in new housing developments, of the Replacement Crewe and Nantwich Local Plan, 2011 requires that

"in new housing developments with more than 20 dwellings, with the exception of sheltered housing, the local planning authority will seek the provision of a minimum 15 sq m of shared recreational open space per dwelling. Where the development includes family dwellings (i.e. those with two or more bedrooms) an additional 20 sq m of

shared children's play space per family dwelling will be required as a minimum for the development as a whole”.

This policy requirement equates to a requirement of 1770 sqm shared recreational open space and 2360 sqm shared children's play space which is a total of 4130sqm open space.

The indicative proposals for the site include 1.15ha of formal and informal open space and therefore the shared recreational requirements of the development are considerably exceeded. No children's playspace is shown on the indicative masterplan. However, clearly 2360 sqm of the 1.15ha could be dedicated to children's play whilst still allowing 1770 sqm shared recreational open space to remain.

Notwithstanding this, the developer argues that the playspace requirements are met through the provision of the play area and MUGA on the adjacent Phase 1 site, which exceed the appropriate amount. A view as to whether the playspace requirements could be met on the adjacent development was being sought from greenspaces at the time of report preparation and an update in respect of this matter will be provided to committee prior to their meeting.

A private management company would be required to manage the greenspace on the site. However, this could be easily secured through the Section 106 Agreement.

Impact on Railway

In 2013, Network Rail were involved in responding to a planning application for 240 dwellings which would impact upon the level crossing at Green Lane and Fields Farm. The developer is now proposing another 118 dwellings in addition to the 240 and on this occasion are proposing in the Transport Assessment that:

3.3 Pedestrian/Cycle Access

3.3.1 The proposed highway access onto Queens Drive and through the consented residential development will include 2m wide footways on both sides.

3.3.2 An existing public footpath extends into the proposed site via the existing farm access and it is proposed that this would provide a pedestrian/cycle link to the eastern extent of Queens Drive towards Nantwich town centre.

3.3.3 It can be seen from the indicative masterplan 4973-PH2-L-02 in Appendix C that it is the intention to deliver a permeable development scheme with pedestrian routes throughout which provide access to existing footpaths across the proposed and adjacent site.

The site plan as submitted shows the pedestrian and cycle routes which link into the existing routes over Fields Farm Level Crossing and also over Green Lane level crossing. It appears therefore that the developer intends for future residents to utilise the walking / cycling routes in, around and adjacent to the site, which would lead pedestrians and cyclists as part of these routes over Green Lane and Fields Farm Level Crossing.

Accordingly Network Rail objected to the scheme on the grounds that the developers are seeking 118 dwellings in this application to add to a further 240 dwellings which have already

been approved, making a total of 358 dwellings adjacent to the operational railway and Green Lane level crossing and Fields Farm level crossing leading to a substantial increase in the use of these crossings.

Network Rail is also concerned that with the developer promoting cycling over a public footpath and a bridleway, that this may be seen an opportunity by the LPA to use these routes as an adopted cycling route.

In addition to the above Network Rail raised concerns regarding the proposed balancing pond. Due to the close location of the balancing pond to the railway boundary and the potential risk this is likely to place on Network Rail's assets the holding objection also applies to this section of the application. Network Rail therefore requested additional information regarding the balancing pond including:

- a) The level of the pond in relation to the existing ground levels and our boundary fence
- b) The average depth of the pond, and a detail design including any information regarding survey, ground investigation and geotechnical analysis work
- c) Information regarding the drainage system and maintaining the pond will also be required
- d) Network Rail would also ask whether the pond location could be moved further from the railway boundary

This has now been provided by the Applicant to Network Rail. Furthermore, Network Rail, have now met with the landowner, developer, and the Cheshire East Public Rights of Way Manager and have agreed to drop their objection subject to a condition as follows:

"The diversion of Footpath FP2 from Field's Farm level crossing to the adjacent underpass shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority."

All other matters raised by Network Rail can be adequately addressed through appropriate conditions.

Education

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that a contribution of £472,912.44 will be required. This can be secured through the Section 106 Agreement

Environmental Sustainability

Landscape

This is an outline application for a residential development of up to 118 dwellings on land to the south of Queens Drive, Nantwich. The application site is located on the southern edge of Nantwich. The Shropshire Union Canal is located at short distance to the west of the application site, the Crewe to Shrewsbury Railway is located to the east. Fields Farm is

located along the eastern boundary 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 application site extends over a number of fields which is predominantly grazing land with hedgerows and hedgerow trees. There is a small block of woodland in the north eastern corner, a stream runs along the northern boundary and there are two ponds located towards the southern part of the application site. The topography of the site falls from west to east. The Illustrative Masterplan indicates that the residential element of the development will be located in the central part of the site, with open space to the north and south. Access to the site would be by a road linking through to Phase 1 of the Queens Drive development, which has already been permitted to the west of the application site.

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. I would broadly agree with the visual assessment that has been undertaken. The assessment also 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. I would also broadly agree with the landscape assessment.

The application includes an Indicative Masterplan Proposal and I feel that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Amenity

In terms of the surrounding residential properties, the site is adjoined by the rear gardens of the existing properties in Queens Drive to the north, the phase 1 development to the west and the existing farmhouse, which sits in the middle of the application site but excluded from the red line boundary.

The existing dwellings in Queens Drive have substantial rear gardens and the new development to the west will be bounded by a landscape buffer, there is also a significant curtilage around the farm buildings. Therefore it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer (amenity and contaminated land) has requested conditions in relation to an environmental management plan, external lighting, noise mitigation and contaminated land.

Air Quality

An air quality impact assessment has been submitted with this application and considers the effects of estimated construction and operational impacts.

Construction activities would give rise to dust emissions and these should be mitigated through a planning condition. A robust impact assessment of the additional road traffic associated with the proposed development has been carried out and is accepted. The assessment takes into consideration the cumulative impacts of a number of developments in the Nantwich area.

There are predicted to be small adverse impacts in the Air Quality Management Area in Hospital Street, Nantwich as well as in the area surrounding the development. As a result mitigation measures have been proposed. These have been considered and are reflected in the proposed planning conditions set out below.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

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

Ecology

Designated Sites

The proposed development is located within 5km of The Midland Meres and Mosses Phase 1 Ramsar and west Midland Meres and Mosses SAC. From their consultation comments Natural England advise that the proposed development is not likely to have an adverse impact any designated sites.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects' on Europeans designated sites. This assessment has been undertaken by the applicant and forms part of their submitted Ecological Assessment. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

The Council's ecologist has recommended that Council adopts the submitted assessment and the conclusions of the assessment which states:

SACs are strictly protected sites, designated under the Habitats Directive, which contain habitats and/or species (excluding birds) considered to be most in need of conservation at a European level.

Ramsar Sites are strictly protected sites designated under the 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat. Wetlands are designated, protected and promoted in order to stem encroachment upon and/or loss of wetlands, such as marsh, fen, peat land, and open water habitats.

Guidance on International sites is provided by the National Planning Policy Framework and Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System. In brief the circular states that the competent authority (the local planning authority (LPA)) must establish if any proposals not directly connected to or necessary for the management of the international site, either alone or in combination, are likely to have a significant effect on the interest feature of the site. If, on a precautionary basis, there is a risk that there may be a significant effect upon the international site then a further appropriate assessment may be required.

The study area does not receive any statutory or non-statutory nature conservation designations such as SAC, SPA, SSSI, or LNR.

Midland Meres and Mosses Phase 1 Ramsar Site and West Midlands Mosses SAC is located approximately 4740m southeast of the study area boundary, and is connected to it via the Crewe & Nantwich Circular Walk which is located immediately adjacent to the study area's southern boundary. The site is designated as a SAC as it consists of two priority habitats: dystrophic lakes and ponds; and transition mires and quaking bogs. Its Ramsar designation is due to its diverse range of wetland habitats from open water to raised bog, and because it supports a number of rare species of plants associated with wetlands, together with an assemblage of rare wetland invertebrates. No priority wetland habitats or rare species are present within the study area.

Given the distance of the site from the SAC and the nature of the important habitats within the site, it is considered that there will be no likely significant effect from increased recreational pressure. No other likely significant effects are predicted.

The boundary of the Meres and Mosses NIA is located approximately 273m to the south of the study area. The southern end of the study area, including the ponds, is to be retained and enhanced. This, alongside strategic planting around its boundaries, particularly along the railway line, will ensure that corridors of movement are retained around the study area, and will provide linkages to the NIA from north to south.

Bridge Farm Flushes SBI is located approximately 493m south of the study area. It is enclosed by fields with no public footpaths or roads adjacent or running through it, and is separated from the proposed development by arable lands. It is considered far enough removed from the development to not be directly or indirectly affected.

Protected Species

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

Great Crested Newts

Great Crested newts have been identified as breeding at two ponds towards the south of the proposed application site. One pond is located just off site and the second is within the redline boundary.

In the absence of mitigation the proposed development would have an adverse impact upon this species as the result of the loss of an area of lower quality habitat and the risk of newts being killed or injured during the construction phase.

To mitigate the impacts of the proposed development the applicant is proposing to retain and enhance the higher quality habitats located in close proximity to the on-site ponds and also to remove and exclude amphibians from the footprint of the proposed development using stand best practice methodologies under the times of a Natural England license.

If planning consent is granted the Council's Ecologist has advised that the proposed outline mitigation as shown on the submitted indicative master plan is adequate to maintain the favourable conservation status of the local great crested newt population.

If planning consent is granted the Council's Ecologist has recommended that a condition be attached to ensure that any future reserved matters application be supported by an updated protected species assessment and mitigation proposals.

Veteran Trees

A tree (T3) present towards the north western corner of the site has been identified as being a veteran tree. Trees of this type are highlighted by the NPPF as being of significant value. It is advised by the Council's Ecologist that the submitted master plan should be amended to show the retention of this tree with an area of suitable open space. However, as the masterplan is indicative, this could be addressed at the Reserved Matters Stage and an appropriate condition could be imposed to ensure that this takes place.

A further tree (T2) was identified as having moderate bat roosting potential. It appears feasible for this tree to be retained as part of the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted master plan it appears feasible to maintain the majority of hedgerows on site. Suitable native planting must however be incorporated into the detailed design for the scheme at the reserved matters stage to compensate for any losses. This could also be secured by condition.

Urban Design

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

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

The site is a rural edge to Nantwich and there is a necessity to create a townscape/landscape transition between urban and rural. There are also established landscape features that are extremely important to the character of the site, not least the strong hedge line bisecting the site, the ponds at the southern end of the site and the veteran trees within the site.

Matters of layout, appearance and scale are reserved for a future application. However, it will be important to ensure that the final site layout respects the existing features referred to above.

The Framework Plan submitted with the application appears to show the majority of the existing hedge to be retained, with the exception of a small gap being created through it for access. In addition, substantial areas of open space, with new woodland planting bounding the railway are proposed to the south of the site, around the pond and in the north east corner. These will also help to ensure an acceptable soft treatment to the open countryside and avoid any acoustic fencing necessary to protect houses from railway noise impacting on views towards the development from the surrounding fields or the railway itself.

As the plan stands at present, insufficient space appears to have been left around the veteran trees to ensure retention. However, the substantial areas of open space referred to above could be easily reduced slightly in order to provide a further area of open space in this location, without impacting on overall numbers or density. This could be secured by condition.

Careful consideration also needs to be given to the interface with the phase 1 development. At present the boundary between the 2 sites is formed by a post and rail fence, which is bordered by a strip of proposed open space within the approved development. Proposed properties within the phase 2 development will need to be arranged to address this area, rather than backing on to it. This can be addressed at the reserved matters stage, however.

Therefore, on the basis of the above, there is nothing to indicate that the numbers of dwellings proposed on the site could not be accommodated whilst achieving a satisfactory design solution which respects the character of the site and surrounding area, including the phase 1 development and complies with local plan policies and the provisions of the NPPF in this regard.

Flood Risk and Drainage

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

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 as a 'rule of thumb' to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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:

Category	Facility	Queens Drive, Nantwich
Open Space:	Amenity Open Space (500m)	400m
	Children's Play Space (500m)	400m
	Outdoor Sports Facility (500m)	725m
Local Amenities:	Convenience Store (500m)	700m
	Supermarket* (1000m)	1815m
	Post box (500m)	700m
	Playground / amenity area (500m)	400m
	Post office (1000m)	700m
	Bank or cash machine (1000m)	700m
	Pharmacy (1000m)	1815m
	Primary school (1000m)	955m
	Secondary School* (1000m)	1403m
	Medical Centre (1000m)	2010m
	Leisure facilities (leisure centre or library) (1000m)	1842m
	Local meeting place / community centre (1000m)	1852m
	Public house (1000m)	1426m
	Public park or village green (larger, publicly accessible open space) (1000m)	725m
	Child care facility (nursery or creche) (1000m)	955m
Transport Facilities:	Bus stop (500m)	240m
	Railway station (2000m where geographically possible)	1880m
	Public Right of Way (500m)	149m
	Any transport node (300m in town centre / 400m in urban area)	149m
Disclaimers:		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard

	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

It is considered that the proposal does not meet the minimum standards of accessibility to the following facilities:

- Supermarket
- Pharmacy
- Medical Centre
- Leisure Facilities
- Community Centre

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.

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 Nantwich, 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 Nantwich and are accessible to the proposed development on foot, by bus or bike and therefore it is considered that this small scale site is sustainable.

Highways

Planning permission has been granted at appeal for 270 units on land immediately west of this site with access onto Queens Drive. There is a number of highway mitigation measures agreed as part of the approval of this appeal scheme to deal with the traffic impact of the application.

The site lies to the east of the already approved scheme and is bounded by the railway line, the application is for the construction of up to 118 units. It is proposed that the site will be served through the already approved site and uses the existing access onto Queens Drive, given the number of units proposed there is a need to provide at least an emergency access and this is proposed at the eastern end of the site onto Queens Drive. This access will serve as a permanent pedestrian and cycle access to the site.

An assessment of the traffic impact of this proposal including the committed development has been undertaken in the Transport Assessment and this has looked at a number of local junctions on the road network in regard to the operational capacity of the junctions. The results of the capacity tests show that in the 'Do Minimum' scenario with no change to the

road network the Waterlode signal junction will be operation over capacity as would the Queens Drive/Welsh Row junction. To address these impacts the applicant has modelled two different options:-

Option 1 – Welsh Row One Way eastbound between Queens Drive and Waterlode and also Marsh Lane One Way southbound to Edmund Wright Way.

Option 2 – Welsh Row One Way westbound between Queens Drive and Waterlode and also Marsh Lane One Way southbound to Edmund Wright Way.

Both of the options tested indicate that the Waterlode junction will operate below capacity and there is a benefit in introducing a one way system on Welsh Row. In regard to Marsh Lane and the traffic movements on the road network it is beneficial to restrict traffic to travelling one way southbound from Welsh Row to Edmund Wright Way.

The accessibility of the site to sustainable modes was assessed at the Phase 1 inquiry and was found to acceptable and as the site is situated slighter closer to the town centre the accessibility of this proposal would be improved.

There has been a considerable amount of committed development in the vicinity of the site in Nantwich and the capacity tests indicate that the Welsh Row has capacity problems as does the traffic signal junction at Waterlode. In order to accommodate this development, there needs to be traffic management changes that reduces the traffic flows on Welsh Row and also improves the operation of the signal junction at Waterlode. Whilst both one way options tested does reduce the congestion and both are options to be considered, it is preferable if Option 1 is implemented with all traffic travelling eastbound on Welsh Row towards Nantwich. This option would not require a turning head to be provided for vehicles travelling along Welsh Row and having to turn around or use Queens Drive.

Marsh Lane is narrow and is not suited to cater for large volumes of traffic, operationally a one way southbound on Marsh Lane from Welsh Row to Edmund Wright Way is preferred. Clearly, the introduction of a one way on this section of Marsh Lane only works if the Taylor Drive link is implemented.

Overall there are benefits in the introduction of a one way system on Welsh Row as this would reduce traffic in the conservation area and also have air quality benefits as well as reducing congestion. Whilst the Strategic Infrastructure Manager (SIM) would support the introduction of a traffic management system in mitigation of the impact, the introduction of a one way system needs to be supported by a TRO and clearly local residents and Members will have to be consulted regarding the changes. Therefore, although the SIM does not raise any objections to the application subject to the introduction of a traffic management scheme and changes to the signal equipment/arrangement at the Waterlode junction it does rely on traffic regulation orders being confirmed that cannot be conditioned on this application. The issue of TRO's will also apply to the proposed changes to Marsh Lane will the introduction of a one way section.

There are identified capacity issues on Welsh Row and at the Waterlode signal junction that this development traffic will exacerbate if the TRO's are not confirmed at this makes providing a recommendation difficult as there is no certainty that the traffic management scheme can be implemented. However, a condition can be attached that requires the implementation of a

scheme of traffic management on Welsh Row prior to commencement of the phase 2 scheme.

Trees

The site comprises agricultural land divided into a number of fields. With the exception of one hedgerow, running north from Pear Tree House, the mid site boundaries are fenced. The northern and southern boundaries are defined by hedgerows with hedgerow trees with the northern boundary separating the site from properties on Queens Drive. There are trees in the vicinity of Pear Tree House and a small number of trees within the site.

The submission is supported by an Arboricultural assessment forming Appendix 10.2 of ES and dated December 2014. The assessment includes a survey covering 19 individual trees, 18 groups of trees and 2 hedgerows and states that it has been carried out in accordance with British Standard 5837:2012 *'Trees in Relation to Design, Demolition and Construction - Recommendations'*

As an outline application with only access included, limited weight can be given to the Arboricultural Impact assessment (AIA) in relation to the development impacts of the submitted Framework Plan. The full impacts of development proposals would only be identified on analysis of a detailed layout in relation to arboricultural constraints at reserved matters stage. Nevertheless, whilst not recognised in the AIA, the Landscape Officer has identified elements on the Framework plan and the indicative layout in the design and access statement which would not be acceptable as they indicate plots with an unacceptable relationship to trees on the northern boundary. A design to overcome these issues may impact on the capacity of the site to accommodate the number of dwellings proposed.

Specific areas of concern identified include the vicinity of tree 14 in the survey which appears to be a veteran specimen. The tree is located on the boundary of this site and the adjacent development where it has been afforded a level of protection by being located within an area of open space. It is also considered that a similar provision needs to be provided on this site. Tree 16, a Grade A Oak would also appear likely to be compromised. The final layout needs, therefore to accommodate veteran tree T14 in open space and to afford tree T16 sufficient separation to avoid conflict. This can be ensured by condition.

For the remainder of the site, the landscape officer is satisfied that provided British Standard 5837:212 is used to inform a detailed design, existing trees should not pose a major constraint to development. There should not be any direct impacts for trees arising from the proposed access into the site, taken from the adjacent site. A section of existing hedge would be removed to achieve an access link road north of the existing farmstead.

The Arboricultural report makes reference to the opportunities for new tree planting as part of the development. Although further planting would be welcomed, the feasibility of some areas shown on the Framework Plan would need to be considered further at reserved matters stage. For example, new woodland strips along the eastern boundary adjacent to the railway. Restrictions on planting placed by Network Rail may prevent this being achieved.

In the event that the principal of development is deemed acceptable, any reserved matters application should be informed and supported by a comprehensive a package of arboricultural information in accordance with BS 5837:2012.

Hedgerows

As indicated above there are hedgerows on the site. The Framework layout as submitted would result in the loss of a section of a mid site hedge to achieve access.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The findings of the submitted ecological survey within the Environmental Statement indicate that none of the hedgerows were found to qualify as important under the ecological and landscape criteria in the Hedgerow Regulations.

There is, however, no specific reference to analysis of the historic value of the hedgerows in relation to the relevant criteria in the Regulations. For completeness, it is recommended that the applicant be asked to confirm the status of the hedgerows in accordance with the relevant criteria. From the 1842 Tithe map, it appears possible the line of hedge running north of the farmstead and the northern boundary line was present.

The Archaeological and cultural heritage section of the Environmental Statement indicates that in preparation, pre-application discussions have taken place with the Cheshire Shared Services Archaeologist and Cheshire Archives/Local Studies. These bodies can advise on the relevance of the hedgerows in relation to the criteria.

On the potential loss of historic hedgerow to access the north-eastern field, the developer's heritage consultant has looked at the hedge in question and notes that it is 'Important' in relation to the Hedgerows Regulation 1997, Schedule 1, Part II, Criterion 5a: *The hedgerow "is recorded in a document held at the relevant date (24th March 1997) at a Record Office as an integral part of a field system pre-dating the Inclosure Acts"*.

He states that the phrase 'pre-dating the Inclosure Acts' should be taken to mean before 1845 (whether or not Inclosure Acts exist for the area in question), that being the earliest of the Acts known by the collective title given by the Short Titles Act 1896. As has already been noted the hedgerow is on the 1842 Tithe Map.

The recent appeal decision at Audlem Road, Audlem deals with a very similar situation relating to an outline application within Cheshire East where the inspector concludes that the effects could be suitably mitigated by condition.

In any event, it should be borne in mind that the application is in outline and a wide opening within the hedgerow already exists to accommodate a field-gate to achieve access to the

north eastern field. The Framework Plan shows the majority of the hedgerow for retention with a single gap being created for access between the two parts of the site. Any existing gap, not required for access, could be infilled with replacement planting, such that the historic line of the hedgerow could continue to be traced in the landscape.

However, it would be important to ensure that this was done within an area of public open space rather than between domestic gardens to ensure that future residents did not replace the hedgerow with other forms of boundary treatment.

All of this could be covered by condition and therefore it is not considered that a refusal on the grounds of loss of hedgerows could be sustained.

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.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

Agricultural land

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

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

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

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

According to the Agricultural Land Assessment produced by the applicant, the soils on site partly give rise to land of sub-grade 3a and it is therefore categorised as ‘best and most versatile’. This reduces the sustainability of the proposal and counts against the proposal in the overall planning balance.

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 above, the affordable housing and public open space are a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space is needed to maintain these areas in perpetuity.

The proposal would have an impact upon capacity of the local highway network which would require an engineered solution in the form of off-site improvements. It is considered that any financial contribution to address the capacity issues within the local transport network would be fairly and reasonably be related to the impact of this development, as is a contribution towards education provision to cater for the children generated by the development.

On this basis S106 financial contributions to Education Infrastructure, and highways mitigation is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 and RES5 (Open Countryside) and NE12 (Agricultural Land) 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 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

There is an environmental impact in the locality due to the loss of open countryside and agricultural land and the proposal will represent an intrusion into the open countryside.

However, 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.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secured 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 highway safety, amenity, flood risk, drainage, landscape and ecology.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably

outweighed by the benefits. Accordingly it is recommended for approval subject to a legal agreement and conditions.

RECOMMENDATION

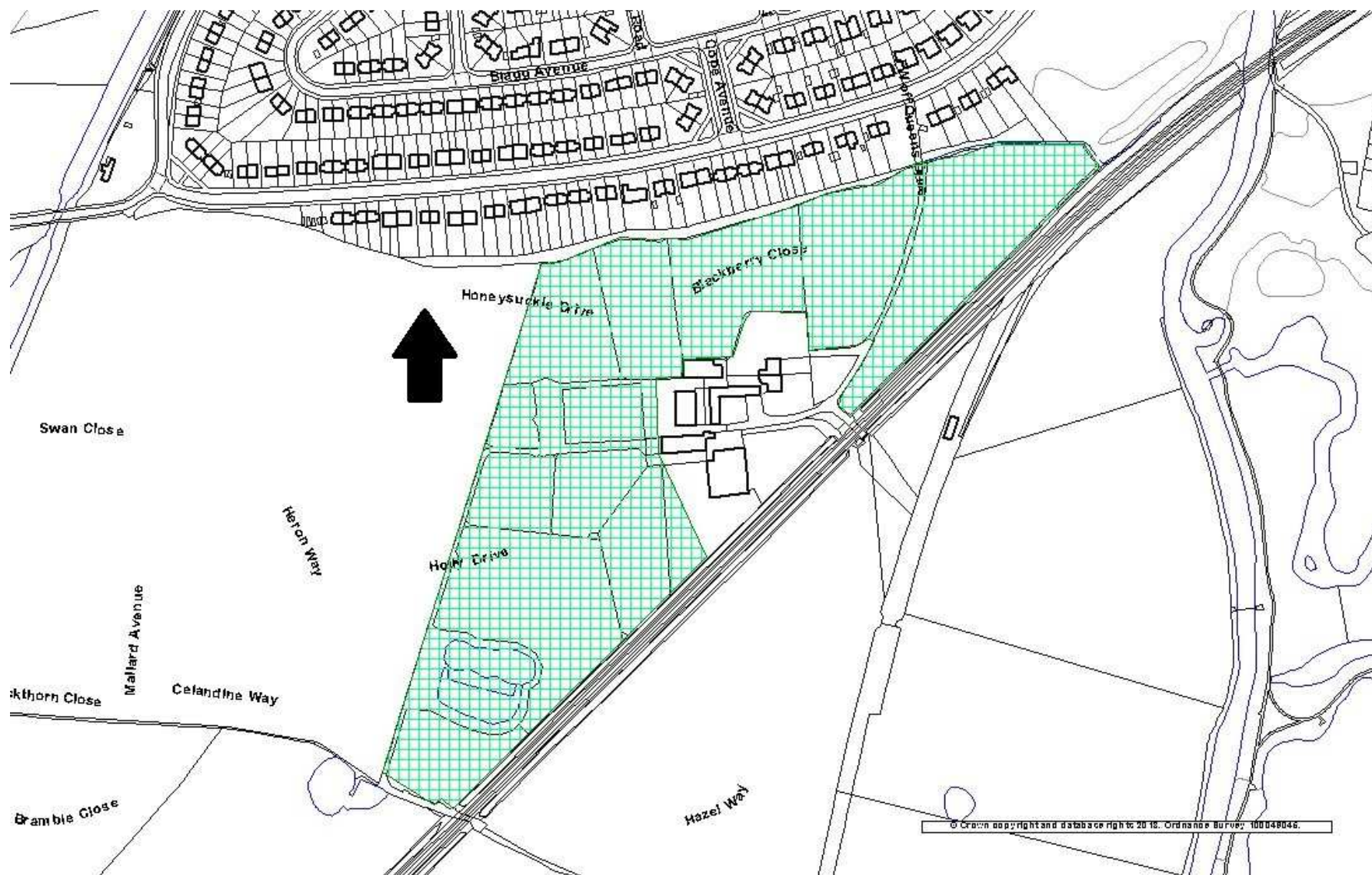
Approve subject to Section 106 Agreement to secure:

- 1770 sqm shared recreational open space and 2360 sqm shared children's play space
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Education Contribution- £227,772.09 primary education; £245,140.35 secondary education Total = £472,912.44
- Highways contribution of 25k for the TRO's and consultation.

and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Submission, approval and implementation of details of existing and proposed ground levels
6. Submission, approval and implementation of details of materials
7. Submission, approval and implementation of scheme of sustainable surface water drainage
8. Submission, approval and implementation of scheme of foul water drainage
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.
- 10.
11. Submission, approval and implementation of Phase II contaminated land investigation
12. Submission, approval and implementation of Environmental (Construction) Management Plan
13. Submission, approval and implementation of Travel Plan
14. Submission, approval and implementation of electric vehicle infrastructure
15. Piling Method Statement to be submitted
16. Restriction on hours of piling
17. Hours of construction
18. Details of Lighting to be submitted
19. Noise Mitigation to be submitted
20. Submission, approval and implementation of features for use by breeding birds
21. Reserved Matters to make provision for retention of hedges and replacement hedge replanting
22. Submission, approval of scheme of tree protection
23. Implementation of tree protection
24. Arboricultural Survey with each reserved matters

25. Submission, approval and implementation of open space scheme with first reserved matters
26. Submission, approval and implementation of maintenance plan for open space
27. Submission, approval and implementation of scheme of bin storage
28. Submission, approval and implementation of details of boundary treatment
29. Amendment to framework plan / indicative layout to accommodate veteran tree T14 in open space and to afford tree T16 sufficient separation to avoid conflict .
30. The diversion of Footpath FP2 from Field's Farm level crossing to the adjacent underpass shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority.
31. any future reserved matters application be supported by an updated protected species assessment and mitigation proposals.
32. implementation of a scheme of traffic management on Welsh Row prior to commencement.
33. Affordable housing condition which
 - secures 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure.
 - requires them to transfer any rented affordable units to a Registered Provider
 - provide details of when the affordable housing is required
 - includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
 - Requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funded programme.



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Application No: 15/0553C

Location: Land off, Middlewich Road, Holmes Chapel, CW4 7LH

Proposal: Reserved matters application for residential development of 80 homes, (24 affordable), the creation of an area of public open space and children's play area and associated works (outline approval 13/0041C).

Applicant: Niall Mellan, Persimmon Homes North West

Expiry Date: 11-May-2015

Summary

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

The proposed POS provision and the proposed LEAP are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Trees afforded protection under tree preservation order will not be unduly harmed. Whilst a section of hedgerow will be lost to facilitate the access, the proposed landscaping of the site would compensate for this loss.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

The internal design of the highway layout/parking provision meets with standard and is acceptable. The impact on the designate Heritage asset (Cotton Hall) would be

minimised through the design and landscaping.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL:

This is a reserved matters application for 80 dwellings. The issues which are to be determined relate to the access, appearance, landscaping, layout and scale of the development. Access would be taken directly off Middlewich Road.

SITE DESCRIPTION:

This reserved matters application follows the approval of outline application 13/0041C. The application site measures approximately 4.6 hectares in size and is located on the northern side of Middlewich Road towards the west of Holmes Chapel Village. The site comprises of a series of flat grassed paddocks which are used for the keeping of horses. The site is adjoined to the east by residential development, to the north by the Grade II listed 'Cotton Hall' and an equestrian centre, and to the west it is adjoined by 'Cotton Farm Barns' and open fields. The site falls outside of the settlement limits for Holmes Chapel and is therefore designated as Open Countryside in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

13/0041C - Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of New Access to Serve Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Approved 7th October 2014

24296/1 – Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area – Approved 05-Dec-2014

POLICIES

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 Council First Review 2005. The relevant Saved Policies are: -

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
GR 22	Open Space Provision
BH4	Listed Buildings Impact of Proposals
BH5	Listed Buildings Impact of Proposals
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	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:

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

Other Considerations:

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

CONSULTATIONS:

Environment Agency: No objection subject to drainage conditions.

United Utilities: No objection subject to drainage conditions.

Cheshire East PROW: No objection but advise that if the footpaths within the development are not adopted, details of their maintenance must be included within the same provisions for the public open space.

Natural England: No objection

Strategic Highways Manager: No objection

ANSA Open Space: No comments received at the time of writing this report.

Environmental Protection: no objection subject to conditions requiring updated noise survey, submission of an environmental management plan, dust control, a travel plan, submission of a contaminated land phase II investigation and an informative dealing with construction hours.

VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL:

Recommend that the applicant reconsider the layout of the affordable homes to comply with the usual policy of CEC to pepper pot through a development rather than cluster together.

REPRESENTATIONS:

Letters have been received from 5 addresses objecting to this application on the following grounds:

- Design and architectural proposals are poor

- Affordable homes are not pepper potted
- Affordable housing should be for local people only
- There are other sites in the Borough which are more appropriate, including brownfield
- Traffic - the main Middlewich Road is clogged everyday with traffic, including motorway traffic when there is an incident which happens quite regularly and this development will make it worse
- No more amenities are planned for Holmes Chapel which is already over loaded with the present number of houses
- The doctors are over subscribed
- The schools have waiting lists
- There is insufficient parking
- Will get worse if sites like the former FADS site come forward
- There should be no access through to Ravenscroft
- Impact on privacy
- Poor drainage

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application referenced 13/0041C. This application does not offer to opportunity to revisit the principle of the development, which has already been accepted. This application seeks approval of all of the reserved matters. These relate to access, appearance, landscaping, layout and scale of the development.

Affordable Housing

The proposed development will provide 24 affordable units (16 social/affordable rent and 8 for intermediate tenure) within the proposed 80. This provision accords with the Council's policy and the s106 agreement attached to the outline application which required 30% of the units to be affordable with a tenure split of 65% affordable/social rent and 35% as intermediate tenure. This was in accordance with policy. This is acceptable to meet the identified housing need.

The Council's Strategic Housing Manager expressed concern that the affordable units were not pepper potted. To address this, amended plans have been secured which now detail 2 clusters of affordable units spread across the site. The Council's Strategic Housing manager has confirmed that the location of the affordable units is now acceptable and the detail within the submitted Affordable Housing Scheme meets with approval.

Highways Implications

The traffic generated by 80 units and its impacts on the local highway network were assessed as part of the outline application and were considered to be acceptable. The Head of Strategic Infrastructure (HSI - Highways) has sought clarification on parking standards and provision of the pedestrian crossing along Middlewich Road, which was secured at the outline stage. The applicant has submitted an amended layout and supplemental information to clarify these points and the HSI has confirmed that the layout and parking arrangements are acceptable.

With respect to the access serving the development itself, the existing access which serves Cotton Hall to the north would be widened and extended into the site. Highways have not objected to such access arrangement and as such, the required visibility standard is met.

Residential Amenity

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site show that these distances will be maintained to the adjoining dwellings. Therefore, no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore, the layout also demonstrates the required distance standards are achieved within the site and that an acceptable level of private amenity space can be achieved. Where separation distances are not met, the shortfall is only marginal and in most cases, the units are offset at angles from each other.

Trees, Hedgerows & Landscaping

The submission is supported by an updated arboricultural survey and constraints report. The layout generally respects tree root protection areas and crown spreads. The row of proposed dwellings on the Middlewich Road frontage would be influenced to a degree by shade from the Poplar trees which are now afforded protection under a Tree Preservation Order. However, the submitted arboricultural report states that this will not result in undue pressure to prune. The Council's Tree Officer is currently considering the updated information and this will be fed back by update.

In terms of hedgerows, a section of hedgerow (H5) would have to be removed to facilitate the construction of the access. The loss would not be significant in terms of length and would be mitigated by the landscape proposals for the site. The hedgerow is not considered 'important' under the Hedgerow Regulations 1997 and as such, its partial loss is not considered to be detrimental. Elsewhere, the majority of the hedgerows would be retained as part of the proposed development and supplemented as part of the landscape proposals.

Design

The application is a reserved matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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 submitted layout is arranged around a main spinal road which travels through the proposed areas of Public Open Space at the western edge of the site. The POS would perform as a gateway to the development and would be framed by properties overlooking and fronting these areas. Once into the site, the main road would travel from west to east would have roads and cul-de-sacs spanning off at 90 degrees with properties arranged in a linear pattern forming blocks. The layout would ensure that key views terminate on appropriate frontages and would ensure appropriate spacing for the two-storey scale of the proposed units.

Turning to the design of the dwellings themselves, amended plans have been secured which have addressed concerns regarding the treatment of corner plots by introducing window openings within side elevations to properties are dual fronted and do not create blank facing side treatments. The property types would be mixed and this would assist the street scenes. The detailed design is considered to be acceptable and would not harm the character or appearance of the area.

The frontage to the site along Middlewich Road is tree lined with mature protected poplars. The layout would respect these specimens and these will help to screen the development from views of the main approach road into Homes Chapel.

Impact on Setting of Listed Building

To the north of the site, lies the grade II* listed Cotton Hall. At outline stage, English Heritage advised that the proposal should be determined in accordance with national and local policy and in accordance with the council's own specialist conservation advice.

In response to advice received from the Council's Conservation Officer at outline stage, the layout has been amended so that the nearest units to the heritage asset are laid out in a crescent shape. This will help to provide a less regimented layout, a better gateway to the development and a softer buffer with the boundary to the curtilage of the listed building. It is considered that such amendments would result in a development that would have an acceptable impact on the setting of Cotton Hall, subject to high quality materials being secured by condition.

Ecology

The Council's Nature Conservation Officer (NCO) has noted that the landscaping scheme for the site includes proposals for the creation of a wildflower meadow as part of the gateway park located adjacent to the site access. The management plan for the site however proposes an intense cutting regime which would limit the nature conservation value of the resulting meadow. The supplier of the proposed meadow seed mix provide general management prescriptions for this seed mix and as such the NCO has suggested that the submitted management plan be amended to reflect this. If planning consent is granted a condition could be attached requiring the submission and agreement of details of the management plan.

Public Open Space

In accordance with the outline consent, the scheme proposes an area of Public Open Space (POS) offset towards the western portion of the site which would accommodate a Locally Equipped Area of Play (LEAP). This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space

and play area would be managed and maintained by a management company which was secured by the Section 106 Agreement.

Education

This issue was dealt with as part of the outline application where the Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

PROW

The development would not directly impact upon any public rights of way.

Archaeology

The Cheshire Shared Services Archaeologist has advised that there is limited archaeological potential to generate a requirement for any further predetermination work. However, a programme of archaeological works is necessary and this is secured by conditions attached to the outline consent.

Flood Risk and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Such conditions were attached to the outline consent.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

The proposed POS provision and the proposed LEAP are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Trees afforded protection under tree preservation order will not be unduly harmed. Whilst a section of hedgerow will be lost to facilitate the access, the proposed landscaping of the site would compensate for this loss.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

The internal design of the highway layout/parking provision meets with standard and is acceptable. The impact on the designate Heritage asset (Cotton Hall) would be minimised through the design and landscaping.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions

- 1. Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Implementation of the tree and hedge protection measures as proposed**
- 6. Adherence to the submitted Arboricultural method statement**
- 7. Adherence to the submitted Tree Protection Scheme**
- 8. Construction Method Statement to be submitted**
- 9. Updated noise mitigation to be submitted. Development to be carried out in accordance with agreed mitigation**
- 10. Dust control measures**
- 11. Phase II contaminated land investigation to be submitted**
- 12. Removal of permitted development rights classes A-E**
- 13. Obscured glazed on selected plots with no further openings to be created**

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 her 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.



Application No: 15/1541C

Location: Land South Of, WOOD LANE, BRADWALL

Proposal: Installation and operation of a solar farm

Applicant: Lightsource SPV 178 Limited

Expiry Date: 30-Jun-2015

SUMMARY

The proposed development would provide a source of renewable energy to power 1,600 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

In environmental terms, the proposal would have positive environmental planning benefits via the provision of renewable energy. Furthermore, it is considered that the proposed impact upon the landscape, subject to the implementation of the submitted revised landscaping scheme would not be significant.

The development would be on grade 3a agricultural land and therefore the loss of BMV land must also be weighed in the planning balance. The development would not be for a permanent use. It would however, have a limited agricultural use during this period.

The landscape effects would be limited to the site and its immediate surroundings and the proposed mitigation would provide a slight beneficial effect. Therefore the proposals would not result in any significant adverse landscape or visual effects.

It is considered that the positive planning benefits by way of the provision of renewable energy on a well contained site, outweighs the other environmental dis-benefits and as such, it is considered that the proposal would adhere to Policies PS8 (Open Countryside), NR9 (Renewable Energy) and GR5 (Landscape) of the Local Plan and would be considered as sustainable.

As a result of the above reasons, the application is recommended for approval

RECOMMENDATION

APPROVE subject to conditions and completion of a legal agreement

PROPOSAL:

The proposal is for a solar farm.

The photovoltaic panels would cover 14.16 hectares of the site and provide the annual power needs of approximately 1,600 households. It is advised within the Design and Access Statement that the development would avoid 2,800 tonnes of carbon dioxide.

The energy generated would be fed directly into the local power grid network for use by the nearest points of demand.

It is advised that the farm will be temporary, medium term, use of the site. At the end of its operational life (approximately 30 to 35 years), all equipment associated with solar farm will be removed from the site, and the land restored to its former condition.

The photovoltaic panels will each be 1.65m x 0.992m x 0.05m. The mounted panels will have a height of 2.3m above the ground level and at the lower end will be 0.8m above the ground. The frames and panels would be angled to 30 degrees. They would be fixed in place and would not move to 'track' the sun. The mounting frames would be either galvanised aluminium or steel with a rough matt finish. The glass surfaced panels are coated to maximise daylight absorption and minimising glare.

SITE DESCRIPTION:

The application site lies within approximately 14.16 hectares of agricultural land located on the south-western side of Wood Lane, Bradwall to the north of Sandbach within the Open Countryside.

The site consists of 3 agricultural fields comprising of 2 adjacent elongated fields extending in a north-east to south-west direction constrained by Wood lane to the north-eastern boundary. A field spanning the width of both of these fields to the south-western end of the site forms the 3rd field. On the south-western boundary is a woodland and a stream.

The site is relatively flat but drops to a lower gradient at the juncture of all 3 fields. The site is currently used for grazing stock.

RELEVANT HISTORY:

14/4315S – EIA Screening Opinion - EIA not required 3rd October 2014

19414/1 - New 18 hole golf course, clubhouse and leisure facilities, residential development – Refused 21st June 1988

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, 17 – Core planning principles, 93-108 – Climate change, 109-125 – Natural environment

Development Plan:

PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 & GR5 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR16 (Footpath, Bridleway and Cycleway Networks), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation), NR3 (Habitats), NR4 (Non-statutory Sites), NR8 (Agricultural Land), NR9 (Renewable Energy) and E5 (Employment Development in the Open Countryside)

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), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE7 (The Historic Environment), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

CONSULTATIONS:

Jodrell Bank (University of Manchester) - No comments received at the time of report.

Natural England – No objections

United Utilities - No comments received at the time of report

Head of Strategic Infrastructure (HSI) - No objections, subject to condition that HGV movements are restricted to 10 per day

Environmental Protection - No objections, subject to an hours of construction informative

Environment Agency - No objections, but recommend an informative regarding the construction of any development within 8 metres of the bank of the brook on site

Flood Risk Manager (Cheshire East Council) - No objections, subject to a condition that the development be carried out in accordance with the submitted Flood Risk Assessment (FRA)

Archaeology (Cheshire East Council) – No objections

Manchester Airport - No objections

Cheshire East PROW – No objections

Bradwall Parish Council – No objections

REPRESENTATIONS:

Three letters of support has been received relating to this application..

One of the letters received from the South East Cheshire Cycling Action Group requesting that if developer contributions are sought, the developer contribute to the upgrading of certain nearby footpaths.

APPRAISAL:

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic). More specifically, the acceptability of;
 - Landscape
 - Loss of Agricultural Land
 - Ecology
 - Highways
 - Trees and Hedgerows
 - Drainage and Flooding
 - Highway Safety
 - Archaeology
 - Amenity

Principle of Development

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

Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Congleton Borough Local Plan First Review 2005 are Policies PS8 (Open Countryside) and NR9 (Renewable Energy).

Policy PS8 identifies that the Open Countryside should be protected from inappropriate development. Where development is proposed, it should preserve its openness and maintain or enhance its local character.

The policy states that in the open countryside development will only be permitted if it is for one of a number of purposes including;

- Agriculture and forestry
- Facilities for outdoor sport, recreation and tourism, cemeteries, and other uses of land which preserve the openness of the countryside and maintain or enhance its local character
- New dwellings
- Controlled infilling
- Affordable housing
- Employment development in accordance with Policy E5
- The re-use of rural buildings
- The re-use or re-development of existing employment sites

As it is not considered that the proposal clearly falls into any of the above-mentioned criteria, its acceptability in principle, is determined on its impact upon the openness of the countryside and its impact upon the local character. This is largely determined by its impact upon the landscape which is considered later in the report.

Policy NR9 is considered to be consistent with the NPPF in that it is intended to ensure that such proposals cause minimum harm to the landscape, ensuring a quality environment for all residents of the Borough. Policy NR9 states that development will only be permitted where:

- *The proposal would not have an unacceptable impact on landscape or townscape*
- *The proposal would not have an unacceptable impact on features and areas of recognised nature conservation, archaeological, geological, environmental, architectural, historic, cultural or landscape interest or value.*
- *The proposal would not have unacceptable consequences for residential amenity or other local land uses;*
- *The proposal would not have unacceptable consequences for the health and safety of local residents or other members of the public*

Emerging Policy

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

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

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

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

Policy PG5 relates to Open Countryside and largely echoes the requirements of Policy NE.2 of the adopted local plan.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

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

Environmental Role

Landscape

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

The application is supported by a Landscape Visual Impact Assessment (VIA).

The Council's Landscape Officer originally reviewed this information and raised an objection to the scheme. However, following a further meeting between the Planning Officer, agent, the Council's Landscape Officer and the applicants Landscape Officer, a revised landscaping scheme was submitted.

The topography of the area is generally flat, the land slopes from approximately 55m AOD at the northern corner, to a level of approximately 50m AOD along the south western boundary.

The Landscape and Visual Impact assessment identifies that it has been based on the methodology set out in the Landscape Institute and The Institute of Environmental management & Assessment Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013, and Landscape Character Assessment Guidance. As part of the Landscape and Visual Impact Assessment the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located in the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, and specifically the Wimboldsley Character Area (ELP5). The application site has many of the characteristics of this character area.

The LVIA identifies a number of residential receptors, transport corridors and footpaths within the immediate vicinity of the application site, as well as a Zone of Theoretical Visibility (ZTV). As part of the landscape assessment a description of the site and surrounding area is given. This notes that the site is in pastoral use, surrounded by hedgerows with mature hedgerow trees, and mature deciduous woodland. It also notes that the woodland cover in the vicinity of the site forms an important landscape feature and that Hollins Wood, to the south west of the site is ancient, semi-natural broadleaved woodland that is also designated as a Local Wildlife Site (SBI).

It is considered that the proposed development would impact upon the landscape in the immediate vicinity of the site. It is also considered that the physical characteristics of the site and land use pattern would be affected during the construction phase and that this would have an impact on the perceptual characteristics of the local area, such a tranquillity; however, the nature of these effects would be temporary and would be very localised. The proposed development would introduce new features into the landscape, but with the mitigation and enhancement that is proposed it is considered that it would result in 'a slight beneficial effect'. It is considered that the visual

assessment is acceptable, and that the mitigation and enhancement proposed would mean that any visual effects are temporary in nature.

The landscape effects will be limited to the site and its immediate surroundings; however it is considered that the proposed mitigation will provide a slight beneficial effect. As such it is not considered that the proposals will result in any significant adverse landscape or visual effects.

As such, it is considered that the proposed development would not have a significant detrimental impact upon the landscape and as such, would adhere to Policy NR9 and GR5 of the Congleton Borough Local Plan First Review 2005.

Agricultural Land

An Agricultural Land Classification Report has been submitted with the application.

This report concludes that the grading of the land is Grade 3a quality across the site.

Grade 3a means that the land is;

‘Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.’

Policy NR8 of the Local Plan refers to Agricultural Land. Policy NR8 advises that proposals which involve the use of the best and most versatile agricultural land (Grades 1,2 and 3a based on the MAFF classification) for any form of irreversible development not associated with agriculture will only be permitted where a number of criteria are satisfied including;

- *‘The circumstances and need for development are supported in the Local Plan; and*
- *The development cannot otherwise be accommodated using;
Another site which is suitable and available for the proposed use
Derelict or non-agricultural land
Land of a lower quality (Grades 3B, 4 or 5 based on the MAFF classification) and*
- *The proposal does not break up a viable agricultural holding or holdings.’*

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

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

The guidance references a Ministerial speech of April 2013 by the Rt Hon Gregory Barker MP which includes the statements “Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more. But not at any cost... not in any place....” And “Where

solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation....”

As it has been identified that the land is Grade 3a, the proposed development would result in the loss of 14.16 hectares of best and most versatile agricultural land for the approximate 30-35 year lifetime of the development.

The issue of loss of BMV was a key issue at the other solar farm applications considered by Cheshire East Council and recent appeals where the solar panels were proposed for 25 years resulting in the loss of BMV. As part of two appeals (Swale District Council and Bebergh Borough Council) the Inspector concluded that the word *necessary* requires a developer to provide a sequential test to support their application, which demonstrates that there are no more suitable alternative sites (brownfield and then greenfield) within the vicinity. The Inspectors also concluded that the search area should not be confined by district boundaries.

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

In this case the applicant has undertaken search for non-agricultural land. More specifically, the applicant has submitted a sequential analysis study. This study considered alternative sites within a 10km buffer of the application site. The study concludes that;

- *The use of agricultural/greenfield land is necessary in the absence of previously developed land and barriers to the deployment of large-scale commercial roof-space for solar photovoltaic development;*
- *There are no potential alternative sites of any poorer agricultural quality land and subject to any less environmental constraints than the application site within the study area; and*
- *That the application would remain in agricultural use and that biodiversity improvement would be delivered as part of the proposed development.*

Consequently, the applicant has demonstrated that the use of this particular agricultural land is necessary. The loss of BMV land must therefore be weighed in the planning balance. The development would not be for a permanent, irreversible use. It would however, for a 30 year period have an impact on agricultural use during this period. Taking account of past applications and appeals and to take account of the ‘temporary’ nature of solar farms it is considered that a legal agreement to secure a bond for restoration after a 25 year period should be secure on any approval.

Ecology

Sandbach Flashes SSSI

Natural England have reviewed the proposal and advised that the proposals would not have an impact upon the features for which this SSSI was designated.

Hollins Wood Local Wildlife Site

This local wildlife site which supports ancient woodland habitats is located adjacent to the southern boundary of the application site. In accordance with current best practice the submitted ecological assessment recommends the provision of an undeveloped 15m buffer between the proposed development and the boundary of the woodland. The Council's Nature Conservation Officer has advised that if planning consent is granted, a condition should be attached to secure the provision of the undeveloped 15 buffer in this location.

Great Crested Newts

No evidence of this species was recorded during the submitted survey.

Bats

A number of trees are present on site that have the potential to support roosting bats. Based upon the submitted layout plan it appears that all mature trees would be retained as part of the proposed development. The Council's Nature Conservation Officer therefore concludes that roosting bats are therefore not reasonable likely to be directly affected by the proposed development.

'Other' protected species

Evidence of 'other' protected species activity including the presence of a number of setts has been recorded on the application site. The submitted report recommends that a further more detailed protected species survey be undertaken to allow an assessment to be made of the potential impacts of the proposed development upon this species.

The Council's Nature Conservation Officer advises that the applicant must submit a detailed assessment of the potential impacts of the proposed development upon 'Other' protected species which should include mitigation and compensation proposed designed to address any potential impacts upon this species. This report can be provided as part of a planning condition.

To enable the 'Other' protected species to have free movement around the site following the installation of the panels, it is also recommended that the proposed security fence incorporates a 200mm gap at its base.

Hedgehog and Polecats

These two priority species have been recorded within the board locality of the application site.

The Council's Nature Conservation Officer has advised that the incorporation of the suggested 200mm gap at the base of the security fence would ensure that these species continue to have access across the application site.

Hedgerows

Hedgerows are a material consideration. However, none are to be removed as part of the proposal and as such, no objections are raised.

Nesting birds

The marsh area located towards the centre of the application site appears to have potential to support priority wading bird species. If this habitat was utilised by open country wading birds, the Council's Nature Conservation Officer has advised that it is likely that the installation of the proposed panels would deter such birds from using this habitat.

The Conservation Officer recommended that a more detailed assessment of the usage of the marsh area by wading birds be undertaken and submitted in support of this planning application.

This initial finding of the first of 3 surveys proposed has subsequently been submitted and advises that the proposal should not have an impact upon wading birds.

Habitat Management Plan

A Habitat Management Plan has been submitted in support of this application.

The management plan recommends that the application site continues to be grazed. In the event that grazing is not implemented on site it will be necessary for the grassland habitats to be cut. The Council's Nature Conservation Officer recommends that the submitted management plan be amended to include details of a suitable cutting regime designed to maximise the botanical value of the grassland habitats.

It is recommended that if planning consent is granted a condition should be attached requiring the implementation of the management plan for the duration of the operational life of the proposed development.

Trees and Hedgerows

The site is bordered to the south by two areas of woodland (Barlow Wood & Hollins Wood) both of which are formally protected by a Tree Preservation Order (TPO). The application is not supported by any specific arboricultural detail.

The Council's Tree Officer has advised that the main areas of concern relate to the possibility of tree root damage during the erection of the solar panels, their management, and possible restriction of light attenuation.

The Tree Officer has advised that the site edged red and the associated ground has been used for the purposes of agriculture, which brings with it issues of compaction associated with heavy machinery and root severance through ploughing. Any additional direct impact is considered to be limited, but this can be mitigated by the use of an appropriate tree protection scheme for both the protected and un-protected trees

Whilst the northern field aspect supports panels almost across its full expanse, the southern field immediately adjacent to both identified woodlands contains panels within the central area excluding a significant strip around the south eastern and western edges. The Council's Tree Officer has advised that his set back mitigates any significant negative issues in terms of restricting light attenuation, and possible applications to undertake un-acceptable pruning/felling of protected trees.

As a result there are no tree objections to this development subject to the imposition of a tree protection condition

Flood Risk/Drainage

The application is supported by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed that application and advised that they have no objections, but recommend an informative regarding the construction of any development within 8 metres of the bank of the brook on site.

The Council's Flood Risk Manager has advised that should the application be approved, it should be implemented in accordance with the recommendations detailed within the submitted FRA.

Highways Implications

The applicant has submitted construction and traffic generation figures expected as part of the development. This information shows that it is the construction element of the solar farm that needs to be considered as once erected, the site will not generate vehicles movements except for maintenance vehicles.

Within the report, the predicted HGV movements are between 4-6 per day over 8 -12 week construction period. The Head of Strategic Infrastructure (HSI) has advised that even though Bradwall Lane is a narrow rural lane it can accommodate low HGV movements over the course of a day.

The HSI has advised that it is important that the figures presented are representative of the actual HGV movements that will occur during construction, and therefore would want to attach a condition that limits the HGV movements to 10 per day.

Subject to the condition, the HSI raises no objections to the development.

Archaeology

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

The Council's Archaeologist has reviewed the submitted report and advised that given the limited ground disturbance that will be caused by the development, there are unlikely to be any significant archaeological deposits to be disturbed and no further archaeological mitigation is advised.

Conclusion

The development would have positive environmental planning benefits via the provision of renewable energy. Furthermore, it is considered that following the provision of a revised proposed landscaping plan for the site, the development would not have a significant impact upon the landscape.

The development would be on grade 3a agricultural land and therefore the loss of BMV land must be weighed in the planning balance. The development would not be for a permanent use. It would however, have a limited agricultural use during this period.

Subject to conditions, and the outcome of a further ecology survey via condition, it is not considered that the proposal would have a detrimental impact upon ecology.

No issues in relation to trees and hedgerows, flooding and drainage, highway safety and archaeology would be created subject to conditions where necessary.

As such, subject to the implementation of the submitted revised landscaping scheme and a number of other conditions, it is considered that the proposed environmental benefits of the scheme outweigh the environmental dis-benefits and it is considered that the proposal would be environmentally sustainable.

Social Role

The proposal would contribute to the distribution of renewable energy which would be of benefit to the population by virtue of contributing to energy security. In addition;

Amenity

Given the isolated rural nature of the site, the closest neighbouring properties to the application proposal would be the occupiers of 2 farmhouses. These include Wood Lane Farm which would be located approximately 84 metres to the north-west and the occupiers of Hollinswood Farm approximately 150 metres to the northwest.

Given the nature of the development large distance of the development to these neighbouring dwellings, it is not considered any issues in relation to loss of privacy, light or visual intrusion.

With regards to environmental disturbance, the council's Environmental Protection team has raised no objections.

Aircraft Safety

Manchester Airport have reviewed the proposed development and raised no objections.

Conclusion

Notwithstanding the landscape issues of the proposal, it is considered that the development would be socially sustainable.

Economic Role

Government policy is committed to supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It is considered that the proposal would create limited short term employment opportunities during the construction of the facility which would be an economic benefit.

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.

Securing a bond for restoration after 25 years is considered necessary and reasonable in the context of the solar farm and taking account of the agricultural land matters directly relates to the development of the solar farm.

Planning Balance

The proposed development would provide a source of renewable energy to power 1,600 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

In environmental terms, the proposal would have positive environmental planning benefits via the provision of renewable energy. Furthermore, it is considered that the proposed impact upon the landscape, subject to the implementation of the submitted landscaping scheme would not be significant.

The development would be on grade 3a agricultural land and therefore the loss of BMV land must be balanced accordingly. The development would not be for a permanent use. It would however, have a limited agricultural use during this period. To tip the balance in support of the scheme a bond to secure the restoration of the agricultural land is considered necessary and this should be by means of a legal agreement.

The landscape effects would be limited to the site and to its immediate surroundings, and the proposed mitigation would provide a slight beneficial effect. Therefore the proposals would not result in any significant adverse landscape or visual effects.

It is considered that the positive planning benefits by way of the provision of renewable energy on a well contained site, outweigh the other environmental dis-benefits and as such, it is considered that the proposal would adhere to Policies PS8 (Open Countryside), NR9 (Renewable Energy) and GR5 (Landscape) of the Local Plan and would be considered as sustainable.

As a result of the above reasons, the application is recommended for approval.

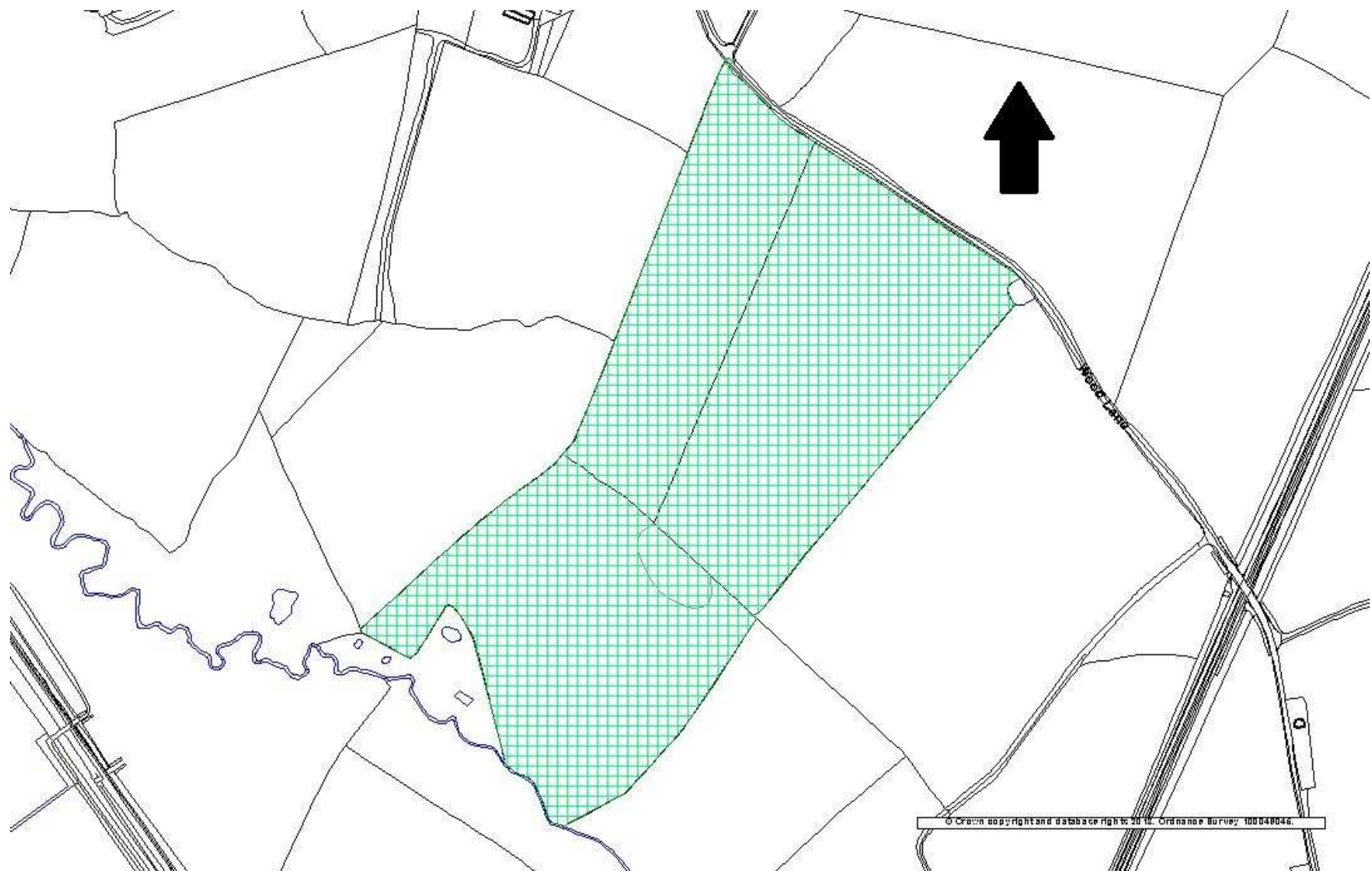
RECOMMENDATIONS

APPROVE subject to completion of a s106 legal agreement to secure a bond for the clearance and restoration of the land to agricultural use after 25 years

And the following conditions;

1. Time
2. Plans
3. Materials as per application
4. Landscaping – Implementation
5. Provision of an undeveloped 15m buffer between the proposed development and the boundary of the woodland
6. Prior submission of a detailed assessment and mitigation of the potential impacts of the proposed development upon 'Other' protected species
7. Prior submission of security fence details - including 200m gap at base
8. Prior submission of an updated management plan to include details of a suitable cutting regime designed to maximise the botanical value of the grassland habitats. To be implemented for lifetime of solar farm
9. Tree protection
10. Flood Risk Assessment – Implementation
11. HGV Movements – 10 per day

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



Application No: 15/2256M

Location: Robinsons Nurseries, BOLSHAW ROAD, HEALD GREEN

Proposal: GLASS HOUSE WITH ASSOCIATED WATER TANKS AND HEAT STORAGE TANK

Applicant: PETER ROBINSON, W ROBINSONS NURSERIES LTD

Expiry Date: 18-Aug-2015

Date Report Prepared: 15th July 2015

SUMMARY/CONCLUSION

- The proposed development would support the growth of the existing horticultural business.
- The proposed is acceptable development in the Green Belt within the context of Green Belt policy.
- Though the proposals would have some impact on the openness of the Green Belt, it is considered that the would be of a limited and acceptable degree.
- The impact on the landscape and character and appearance of the surrounding area is considered to be acceptable.
- The proposals would not result in any significant adverse impact on the amenities of nearby residential properties.
- Access arrangements remain as existing; the projected limited increases in vehicular movements to/from the site do not create any highways safety issues.
- The proposals do not have any significant ecological impact.
- It is considered that the proposed would not result in any significant drainage/flooding issues.
- All representations have been borne in mind.
- Overall, it is considered that the proposed development constitutes a sustainable form of development and accords with all relevant Development Plan policies and other material considerations.

RECOMMENDATION: Approve, subject to outstanding consultations, conditions & informatives.

DETAILS OF PROPOSAL

Full planning permission is sought for 1) a large glass house measuring approx. 144m by 235m at a height of approx. 7.8m (with a footprint of approx. 33,360sqm), and 2) 5 No. associated water tanks measuring approx. 12.7m diameter by 4.6m high (though the water tanks are sunk into the ground a depth of 1m) and 1 No. heat store measuring approx. 16m diameter and 12m high.

The proposal will form an extension to the existing and established commercial horticultural business (W Robinson and Sons), which operates from Yew Tree Farm. The glass house is to be used for the production of high value, low yield tomato varieties. The water storage tanks are designed to collect roof run off water for re-use in the production process. The heat store tank is designed to store water heated during the day as a by-product of CO2 production and is then used at night to maintain the correct temperature in the glass house, thereby providing a more efficient heat storage system.

DESCRIPTION OF SITE AND CONTEXT

The application site is a field adjacent to an existing commercial horticultural business (W Robinson & Sons) operating from Yew Tree Farm, off Bolshaw Road, Heald Green. The wider site is located both within the Borough of Stockport and Cheshire East. The area of land to which the application relates is located within the Borough of Cheshire East, hence, the reason for the application being submitted to Cheshire East Council.

The eastern side of the northern boundary of the site is adjacent to the rear gardens of residential properties on Davies Avenue; the western side of the northern boundary and the northern half of the western boundary face existing glasshouses and plant associated with the existing horticultural business; the southern half of the western boundary faces trees; the southern and eastern boundaries abut fields; beyond the field adjacent to the southern boundary the SEMMMS relief road is being constructed and beyond the field adjacent to the eastern boundary is a small residential development at Bolshaw Farm on Bolshaw Lane.

Public Footpath No. FP119 (Wilmslow) passes along the western boundary of the site.

The site is relatively flat. Access to the site will be via the existing access to the wider site which is located at the western end of Bolshaw Road.

This site is identified within the Macclesfield Borough Local Plan as forming part of the North Cheshire Green Belt.

It is noted that revised plans have been received during the course of the application, reducing the indentation slightly in the north-eastern corner of the proposed glass house in order to improve the relationship a little with some neighbouring properties on Davies Avenue.

RELEVANT PLANNING HISTORY

The most recent planning history of note is 14/3395M , which was for a Woodchip Biomass Boiler and was approved on 27.03.2015. The woodchip biomass boiler is to be located to the west of the current application site, within the wider site of the nursery.

POLICIES

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

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

Macclesfield Borough Local Plan, Saved Policies

BE1- Design guidance
GC1- New buildings in Green Belt
DC1- New build
DC3 - Residential Amenity
DC6 - Circulation and Access
DC8 - Landscaping
DC13 and DC14 - Noise
DC17, DC18 and DC20 - Water Resources
DC28 - Agricultural Buildings
DC38 - Space, light and privacy
DC63 – Contaminated Land

Other Material Considerations

National Planning Policy Framework

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable, though they should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are considered to be consistent with the NPPF and therefore should be given full weight.

The particular chapters of the NPPF relevant to the determination of this application are:

- Chapter one: Building a strong competitive economy
- Chapter two: Supporting a prosperous rural economy
- Chapter four: Promoting sustainable transport
- Chapter seven: Requiring good design
- Chapter nine: Protecting Green Belt Land
- Chapter ten: Meeting the challenge of climate change, flooding and coastal change
- Chapter eleven: Conserving and enhancing the natural environment

National Planning Practice Guidance

The National Planning Practice Guidance came into force on 6th March 2014 and replaces a plethora of policy guidance notes with a streamlined, web-based resource.

Cheshire East – Local Plan Strategy (Submission Version)

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

SP1 – Promoting economic prosperity by creating conditions for business growth
SP3 – Protecting and enhancing environmental quality
MP1 - Presumption in favour of sustainable development
PG3 – Green belt
SD1 - Sustainable development in Cheshire East
SD2 - Sustainable development principles
EG1 – Economic prosperity
EG2 - Rural economy
SE1 - Design
SE3 - Biodiversity and geodiversity
SE4 - The landscape
SE5 - Trees, hedgerows and woodland
SE8 - Renewable and low carbon energy
SE9 - Energy efficient development
SE12 – Pollution, land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable travel and transport

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1992 and Conservation of Habitats & Species Regulations 2010

CONSULTATIONS

Highways (Strategic Infrastructure Manager):

No objections

Environmental Health:

The Environmental Protection Team have raised no objections to the development subject to a condition regarding hours of construction (to be limited to between 08.00 to 18:00 hrs Mondays to Fridays, 09:00 to 14:00 hrs on Saturdays and Nil on Sundays and Bank Holidays) and an informative advising that the applicant is obliged to adhere to all relevant regulations regarding contaminated land.

Heritage & Design – Nature Conservation:

No objections, subject to conditions re 1) development in accordance with the Great Crested Newt Survey, 2) up-dated Badger survey and 3) survey to check for nesting birds if development carried out between April and August.

Heritage & Design – Landscape:

The Landscape officer raises no objections, subject to conditions for landscape screening and implementation.

Awaiting formal comments, though it is noted that the Landscape Officer has verbally indicated that the proposal would not significantly impact on the character of the landscape and that appropriate landscape screening could be accommodated.

Stockport Metropolitan Borough Council:

No objections, subject to a condition requiring a Delivery Management Plan.

Countryside Rights Of Way:

No objections, subject to an informative advising the applicant of the need to ensure the public are able to use the footpath continuously and in a safe manner and to inform the applicant what to do if a temporary closure is required.

Manchester Airport (safeguarding):

No objections, subject to a condition requiring that no coniferous trees are planted and an informative requiring the safe use of cranes on site, if used during construction.

Environment Agency:

No comments received to date

Flood Risk Management Officer:

The Flood Risk Management Officer notes that, although there doesn't appear to be any flood risk concerns, some additional, quantified, information is required regarding surface water and drainage management.

REPRESENTATIONS

Representations have been received from 43 No. properties within the area, details of which can be read on file. The planning issues raised are summarised as follows:

Development within the area

- General concerns about progressive development on surrounding land, eg. development of the A34 by-pass, Manchester Airport (SEMMMS) relief road, Cheshire East Council's intention to build thousands of houses in the area

Green belt, landscape, character of the area

- Loss of green belt land; changing to brownfield land; contrary to 'Handforth Town Strategy' – reduction in green gap between Handforth and Heald Green and encroachment into countryside; contrary to purposes of including land within the green belt (as outlined in the NPPF)
- Detrimental impact on the landscape
- Impact on character of the area

- Increase of 40-50%; larger than any other development of this type in the area and adjacent to residential properties

Highways safety

- Additional traffic having a detrimental impact on road surfaces; detrimental impact on residential amenity and generating highways safety issues

Residential amenity

- Impact on residential amenities, resulting in loss of outlook, increased noise & pollution, loss of privacy and overshadowing
- Will transform the site into an industrial site
- Impact of construction traffic
- Impact on footpaths
- Additional staff required will impact on local facilities & services

Design

- Unsightly buildings; too large; size out of proportion
- Present structures are unsightly and should have been screened

Ecology, drainage, other

- Impact on wildlife
- Drainage problems stemming from development on the site; increased flooding in the area
- Claims that there has been a lack of notification to residents about the proposed development

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council:

Object, on the grounds that the site is within the green belt, poor visual appearance and increase in vehicles in the area.

APPLICANT'S SUPPORTING INFORMATION

In support of this application, the applicant has submitted the following additional documents, details of which can be read on file; some key points are extracted from the documents as/when required in this report

‘Design and Access Statement’

This document outlines what the proposal is for, the background of the company, the rationale for the proposals, a description of the designs of the proposals, the policy context, the planning issues and other material considerations.

‘Horticultural Appraisal’

This document provides general details of the British tomato industry, the tomato market, energy, the environment and food safety and specific factors relating to the application,

‘Letter of support from National Farmers Union (NFU)’

This letter emphasises the need for tomato growers to be more sustainable and efficient and to get longer and greater yields.

‘Letter of support from British Tomato Growers Association (TGA)’

This letter of support points out that the UK only produces 18% of total crop consumed in the UK and that there is a need to reduce reliance on imports. It emphasises the importance of modern glasshouses.

‘Letter of support from large salad and vegetable distributor (EVG)’

This letter stresses the need for investment in order to remain competitive. EVG act as marketing agents for smaller growers such as Robinsons Nurseries and have secured contracts with Sainsbury’s for the crop. It is pointed out in the letter that UK supermarkets want to double the amount of British food sold in the next six years and there is a guaranteed market for quality produce; however, they (EVG) need to be able to guarantee continuity of supply of high value speciality tomatoes.

‘Preliminary Ecological Appraisal’

This document provides an assessment of the potential ecological impacts of the proposals, broadly covering trees & hedgerows, breeding birds, amphibians (Great Crested Newts), bats and badgers. Additional work and mitigation measures are highlighted where required.

‘Great Created Newt Method Statement’

The proposed development needs to be carried out under a European Protected Species Licence issued by Natural England. This document outlines the mitigation and compensation measures provided in this to ensure that there are no direct impacts on individual Great Crested Newts and that any habitat loss is minimised through landscaping and planting design and other suitable mitigation and compensation measures.

During the course of the application the applicant submitted a response to the representations made and, as noted above, amended plans.

OFFICER APPRAISAL

The key issues are:

- Sustainability
- Principle of the development
- Green Belt issues (appropriateness of the development/impact on the Green Belt)
- Design, impact on the landscape & character of the surrounding area
- Impact on residential amenity
- Highway safety
- Ecological impact

Sustainability

The 'Foreword' to the NPPF states that: *"The purpose of planning is to help achieve sustainable development."* Paragraph 7 of the NPPF states that

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

Paragraph 14 of the NPPF states that there is *"a presumption in favour of sustainable development"* and that such development should be approved without delay.

Principle of the development and Green Belt issues

As noted, the application site is located within the Green Belt. Policy GC1 of the Macclesfield Borough Local Plan advises that approval will not be given, except in 'very special circumstances', for the construction of new buildings within the Green Belt, unless it is for one of a small number of exceptions, one of which is the provision of buildings for *agricultural and forestry purposes*. This advice is consistent with paragraph 89 of the NPPF, which states that:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

However, again there are a number of exceptions to this, one of which is

Buildings for agriculture and forestry

Within Section 336 of the Town and Country Planning Act (TCPA) 1990 the definition of agriculture

...includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins of fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where the use is ancillary to the farming of land for other agricultural purposes, and agriculture shall be construed accordingly.

The applicant advises that the proposed glasshouse is for horticultural purposes, required for the production and control of an artificial growing environment for tomato plants and would form an extension to an existing and established agricultural business.

Hence, the proposed development would fall within the exception criteria in both policies GC1 and the NPPF, i.e. a *"building for agricultural"* purposes, and therefore complies with Policy GC1 of the Macclesfield Borough Local Plan and guidance within the NPPF regarding development within the Green Belt. The proposed development is not 'inappropriate development' in the Green Belt and therefore 'very special circumstances' do not need to be presented to justify the proposals.

Impact upon the openness of the Green Belt

Paragraph 79 of the NPPF states that the essential characteristics of the Green Belt are its openness and permanence. The proposed glasshouse and associated water tanks and heat store will inevitably have some impact upon the openness of the Green Belt. However, it is considered that, as such development is deemed not to be inappropriate in respect of Green Belt policy and guidance, it appears to be implicitly accepted within such policy and guidance that there will be some impact on the openness of the Green Belt from such development of an acceptable degree.

In addition, the glass house will be constructed primarily of glass, which is lightweight in appearance. The water tanks and heat store are sited adjacent to the proposed glass house and existing glass houses, buildings and infrastructure.

Bearing the above factors in mind, it is considered that, with appropriate landscape screening to soften the appearance when viewed from neighbouring residential properties, the impact of the proposals on the openness of the Green Belt will be of a limited and acceptable degree.

Design/impact upon the landscape and character of the surrounding area

Policies BE1 and DC1 promote high standards of design and seek to ensure that the layout, siting, scale, design and materials of development reflect and are sympathetic to local character and respect surrounding buildings and their setting. Policy DC8 seeks to ensure appropriate landscaping for developments as required.

Policy DC28 of the Macclesfield Borough Local Plan sets out criteria to be met for new agricultural buildings. Of relevance to this application, this policy requires (amongst other things) a) the siting, design, scale, and materials of proposals to harmonise with the existing landscape and buildings, b) proposals should not have a significant adverse impact upon residential amenity and c) conditions for landscaping may be imposed.

The application site is currently agricultural land, forming part of the larger horticultural site, V Robinson and Sons. The site currently comprises a number of glass houses, other buildings and associated infrastructure. The proposed glass house, water tanks and heat store are to be sited in the south-eastern corner of the wider site adjacent to existing glass houses, buildings and infrastructure.

There are residential properties located broadly north-east of the wider site and there is open countryside immediately to the north, west, south and south-east of the site (with the SEMMMS Airport relief road currently under construction beyond the southern boundary of the site). There is a public footpath (FP119) that passes along the western boundary of the site. The site is relatively flat and accessed via the existing access located at the western end of Bolshaw Road.

The proposed glass house measures approx. 144m by 235m with a max. height of approx. 7.8m and is to be constructed from a steel frame set in concrete with clear glass panels. The 5 No. associated water tanks measure approx. 12.7m diameter by 4.6m high but are sunk into the ground a depth of 1m. The associated heat store measures approx. 16m diameter and 12m high and is proposed to be finished in the colour of goosewing grey.

The Council's Landscape Office notes the following:

- *The structure is unlikely to be visible from Bolshaw Lane or the B5358 Wilmslow Road due to good roadside hedges and existing developments. There would be distant filtered views from Clay Lane about 450 metres to the south. (The proposed airport relief road will however significantly alter views from this direction).*
- *The glasshouse would obviously be prominent from public footpath Wilmslow FP119 where it passes through the site but these views are already impaired by the existing glass houses, chimney and other structures. A native hedgerow along the southern site boundary would, when established, screen views from this footpath when approaching the site from the south*
- *Views from the properties at Bolshaw Farm, 130 metres to the east, could be reasonably well screened and filtered by a native hedgerow with trees on the eastern site boundary. The structure would be in closer proximity to the rear of the properties on Davies Avenue but there is scope to plant a native tree and shrub belt which, when established, would screen and filter views from these properties.*

Bearing all the above in mind, subject to appropriate landscape screening conditions the proposals are considered to be of appropriate size, scale and design with the use of appropriate materials. As such, the proposals are considered to be in keeping within the context of the site and the surrounding area; therefore the proposed development complies with Local Plan policies BE1, DC1, DC8 and DC28.

Impact on residential amenity

As noted above, there are residential properties located broadly to the north-east of the wider site. More specifically, the eastern end of the proposed glass house is located to the rear of properties on Davies Avenue; other properties to the east of these along Davies Avenue will have oblique views of the proposed development. There is also a small development of approx. 8 No. dwellings east of the site at Bolshaw Farm, on Bolshaw Farm Lane.

It is noted that revised plans have been submitted as a result of Officer questioning the impact on the amenities of neighbouring residential properties. The amendment is relatively minor but does improve the relationship a little between the proposed glass house and some dwellings on Davies Avenue.

The range of amenity concerns expressed within the submitted representations relate broadly to: outlook, noise, pollution, privacy, overshadowing, additional construction traffic, impact on footpaths and local facilities & services.

The nearest residential properties to the proposed glass house are numbers 30–38 Davies avenue. The rear elevation of number 38 (the nearest property) will be approx. 30m from the northern facing elevation of the glass house; the rear elevation of number 30 (which is oriented at an angle of approx. 45deg to the glass house) will be approx. 48m from the glass house and approx. 50m the most easterly, and nearest, water tank. Hence, the distances between the rear elevations of numbers 38–30 Davies Avenue and the northern facing elevation of the proposed glass house ranges between 48m to 30m.

It is noted that the proposed heat store is sited a distance of approx. 145m from the rear elevation of the nearest dwelling; also, relative to the dwellings of concern, it is located behind, west of, the proposed glass house. The nearest dwellings located to the east on Bolshaw Lane are located approx. 130m from the eastern boundary of the site.

Recall that 1) the proposed glass house measures approx. 144m by 235m with a max. height of approx. 7.8m; 2) the 5 No. associated water tanks measure approx. 12.7m diameter by 4.6m high but are sunk into the ground a depth of 1m, and 3) the associated heat store measures approx. 16m diameter and 12m high. Hence, the height of the proposed glass house is similar to that of a modest house. Though it is acknowledged that the relationship between dwellings and agricultural buildings differs to that of the relationship between dwellings and other dwellings, it is noted, as a means of comparison, that if residential properties were constructed to the rear of dwellings on Davies Avenue the max. distance required in policy DC38 (back to back of dwellings) is 25m. Hence, at between 30m and 48m the distance between the existing dwellings and the proposed glass house is greater. In addition, landscape screening is proposed to soften the impact. The height of the water tanks above ground level will be approx. 3.6m, and it is noted these will not be visible from neighbouring residential properties, given their siting in relation to existing buildings and hedgerows and the position of the proposed glass house. It is also noted that the applicant has proposed landscape screening within the north-eastern corner of the site and along the eastern boundary of the site to mitigate against any visual impact or perceived loss of amenity (some hawthorn hedging has already been planted along the eastern and southern boundaries). Should the application be approved, details of such landscape screening could be secured via condition.

Hence, bearing the above factors in mind it is considered that the proposed would not have a significant impact on the amenities of immediate or surrounding residential properties in respect of outlook, privacy or overshadowing.

As noted above, no objections have been received from the 'Countryside Rights Of Way' Officer. Hence, the proposed development is considered not to have any detrimental impact on local footpaths.

It is stated in the 'Design and Access Statement' (para 4.6) that it is expected that additional production on site would not add noticeably to traffic generation, as there will be more efficient use of existing deliveries, which currently have space capacity for increased loads. Para 4.5 states that all vehicular activity would remain within the nursery itself, the new build being serviced off the existing internal yard area (using electric buggies and trailers to move materials and crops around the site). It is also stated that the proposals would not generate any noise and no lighting is required and para 4.6 also notes that an additional 9 No. full-time staff and 9 No. seasonal staff will be required.

Although the size of the proposed glass house is relatively large, the additional traffic generation, number of additional employees on site and noise and/or pollution generated on site or with deliveries to/from the site are considered to be of a nature and scale that would not significantly harm the amenities of local residents re noise, pollution, traffic or use of local facilities and services.

Finally, it is noted that the applicant has submitted a response to concerns raised (details of which can be read on file). He notes that a siren currently sounds on site to demarcate working times during the day (and this has occurred on site prior to the neighbouring housing estate being built). As a gesture of goodwill, the applicant has proposed to switch the siren off. This gesture is noted and if the applicant wishes to do this they are entitled to do so. However, it is not considered reasonable nor necessary to require this.

Hence, bearing all the above factors in mind, subject to conditions, it is considered overall that the proposed development will have a limited and acceptable degree of impact on the amenities of occupants of neighbouring and surrounding properties. As such, the proposed development accords with policies DC3, DC13, DC14 and DC38 of the Local Plan.

Highways safety

The Council's Strategic Infrastructure Manager has been consulted on the application and raises no objections. It is noted that the access to the site (off Bolshaw Lane) lies within the Borough of Stockport and therefore is outside the jurisdiction of Cheshire East Council. (Note: As noted above, Stockport Metropolitan Borough Council was consulted on the application and has recommended a condition requiring a Delivery Management Plan to ensure safety on the surrounding road network following development). The Strategic Infrastructure Manager also notes that the 'Design and Access Statement' indicates that the development proposals will result in nine additional full time employees and nine seasonal staff and that HGV delivery traffic generation associated with proposals would be unlikely to increase noticeably, as the existing delivery vehicles which have spare capacity will be largely utilised to service the proposed glass house. Accordingly, it is concluded that the commuter peak hour and daily traffic generation associated with the development proposals would not be expected to have a material impact on the operation of the adjacent or wider highway network. Bearing these comments in mind, subject to a condition requiring a Delivery Management Plan, it is considered that there would be no highways safety concerns arising from the proposed and therefore proposed accords with policy DC6 of the Local Plan.

Ecological impacts

The Council's Nature Conservation Officer has been consulted on the application and makes the following observations, comments and recommendations:

Great Crested Newts

Great Crested newts have been recorded at two ponds within 250m of the proposed development. In the absence of mitigation the proposed development would result in the loss of a sizable area of low quality terrestrial amphibian habitat. The proposed works would also result in the risk of any newts present on site being killed or injured during the construction process.

It should therefore 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 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.

To compensate for the loss of terrestrial habitat associated with the development the applicant is proposing to provide areas of rough grassland and the proposed glass house together with a number of hibernacula. The risk of amphibians being killed or injured during the construction phase would be mitigated through the exclusion of amphibians through the use of fencing under the terms of a Natural England license.

Bearing in mind the above, the Nature Conservation Officer advises that if planning permission were to be granted the submitted great crested newt mitigation and compensation measures would be adequate to maintain the favourable conservation status of the species concerned. It is recommended a condition is attached to secure the mitigation and compensation measures.

Badgers

Evidence of badgers has been recorded in the broad locality of the proposed development; however there is no evidence of badgers on the actual application site. As the status of badgers can change within a short time scale the Nature Conservation Officer advises that if planning consent is granted a condition should be attached requiring a updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.

Breeding birds

If planning consent is granted the Nature Conservation Officer recommends a condition be attached to safeguard nesting birds.

Bearing in mind the Nature Conservation Officer's comments above, it is noted that the favourable conservation status of Great Crested Newts will be maintained and that, with various conditions, this can be secured along with ensuring the protection of badgers and breeding birds. It is considered that there are significant benefits resulting from the increased tomato production on site and as such the development can be considered to be of overriding public interest. The submitted supporting information concludes that there are no suitable alternative sites. It is concluded that, subject to conditions, the proposed would not have any significant ecological impacts and therefore the proposed accords with policy NE11 of the Local Plan.

Other Material Considerations:

Drainage & Flooding

The site lies within Environment Agency Flood Risk Zone 1, which has a low probability of flood risk. Although a formal Flood Risk Assessment has not been submitted with the application, it is stated in the 'Design & Access Statement' (para 4.7) that there are a) no sewers within the vicinity of the site, b) no risk of flooding on site due to overloading of local sewers, c) no other local bodies of water likely to present a flood risk and d) no incidences of local groundwater flooding in the area. Para 4.9 states that at present all rainfall falls to a natural soakaway, which is a field which drains gradually to the south towards the new link

road. The nursery areas and hard-standing drain to a land drainage system. The proposed 5 No. water tanks are to store, re-use and re-cycle rain water for on site irrigation...and will serve as a sustainable drainage system. Any surplus rainfall will be released in a controlled manner (rates equivalent to green-field run off into the existing drainage system and sustainable drainage area at the northern end of the nursery) (para 4.10).

Para 4.11 of the 'Design & Access Statement' concludes that,

"Subject to the attenuation and storage measure...the proposed would not lead to any risk of off site flood risk whilst at the same time providing clean rain water for irrigation purposes."

Consultation comments are awaited from the Environment Agency and, as noted above, CE Flood Management Team has requested further details. This matter will be dealt with in a committee up-date. However, given that the site is in a Flood Risk Zone 1, if the measures proposed are demonstrated to be satisfactory, then the proposed would accord with policies DC17, DC18 and DC20.

Very special circumstances

Should the Council conclude that 'very special circumstances' are required, the 'Design & Access Statement' states that, broadly, there are 2 No. factors that would constitute 'very special circumstances that outweigh any harm to the Green Belt re impact on openness: 1) the need for the site to be located where proposed and 2) the potential benefit from UK production (paras 6.4 – 6.15).

Sustainability (conclusions)

Environmental sustainability

From the issues outlined above it is considered that the proposed would protect the natural and built environment, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change, in accordance with the requirements of the NPPF (para 7).

Economic sustainability

The information outlined in the 'Horticultural Appraisal' provides a detailed case of the economic benefits of the proposed development. For example, a) a capital investment in the company of some £2.25 million, yielding an annual income to the order of £1.9 million, creating 18 No. additional jobs; b) the proposed development is necessary to improve and maintain the efficiency and competitiveness of existing operations and meet the growing demands from new customers; c) the site is well served by the existing road network, transport services, utility provision and potential employees. Hence, the proposed would contribute to building a strong, responsive and competitive economy in accordance with the requirements of the NPPF (para 7).

Social sustainability

Some of the environmental and economic benefits outlined above would in themselves provide some social benefits and the spin-offs from some of these would also provide social benefits, for example a) employment opportunities, b) locally produced food and c) energy efficiencies, all of which contribute to strong, vibrant, healthy communities, in accordance with the requirements of the NPPF (para 7).

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

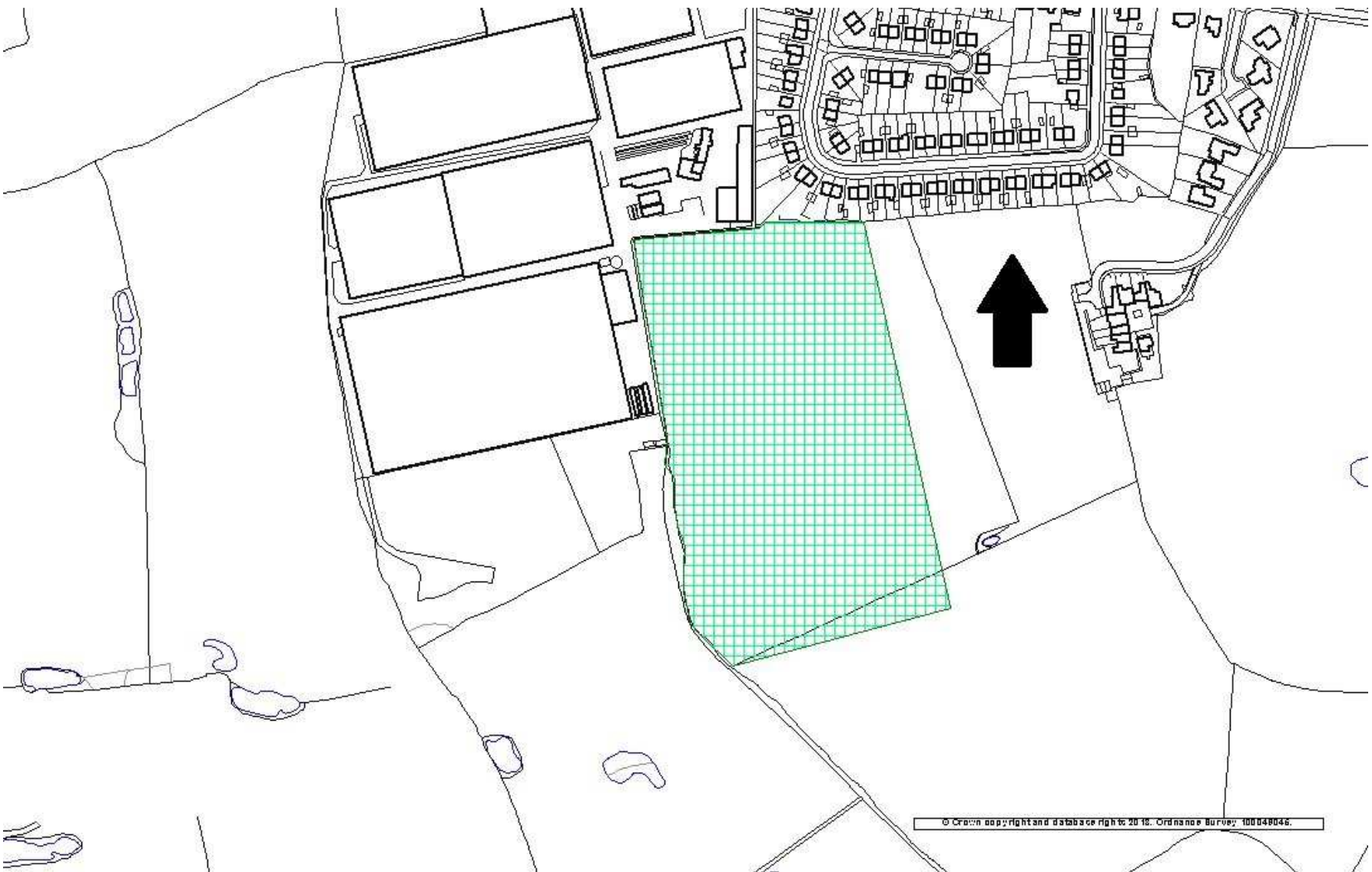
The proposed development would support the growth of the existing horticultural business and is not an inappropriate form of development in the Green Belt. Though the proposals would have some impact on the openness of the Green Belt given a) the implicit policy acceptance of such development and its impact on openness, b) the lightweight nature of the proposed glass house, c) the proposed siting of the water tanks and heat store and d) suitable landscape screening conditions, it is considered that the impact of the proposed on the openness of the Green Belt is of a limited and acceptable degree. The impact of the proposals on the landscape and character and appearance of the surrounding area is considered to be acceptable, given the nature and context of the existing site within the area. The proposals would not result in any significant adverse impact on the amenities of nearby residential properties. Access arrangements remain as existing; the projected limited increases in vehicular movements to/from the site do not create any highways safety issues. Subject to conditions, the proposed does not have any significant ecological impact. Subject to outstanding consultation comments re Environment Agency and Flood Management, it is considered that the proposed would not result in any significant drainage/flooding issues. All representations have been borne in mind and the matters raised addressed within the report. Overall, it is considered that the proposed development constitutes a sustainable form of development and accords with all relevant Development Plan policies and other material considerations. As such, it is recommended the application be approved, subject to outstanding consultations, conditions and informatives.

Application for Full Planning

RECOMMENDATION:

1. Development in accord with approved plans
2. Submission of landscape screening scheme
3. Development in accordance with Great Crested Newt Method Statement
4. Commencement of development (3 years)
5. Landscaping screening (implementation)
6. Details of materials and colour of the water tanks to be submitted
7. Materials for glass house and heat store as specified in the application
8. Up-dated Badger Survey to be submitted

- 9. Breeding birds
- 10. Delivery Management Plan
- 11. Hours of construction (and associated deliveries)
- 12. No coniferous trees
- 13. Use of cranes (if used)
- 14. Contaminated land
- 15. Public Rights Of Way
- 16. Paras 186 and 187 of the NPPF



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 29th July 2015
Report of: David Malcolm – Head of Planning Regulation
Title: Proposal Alterations to the Section 106 Agreement to in respect of management company for public open space at Coppenhall. (11/1643N)

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/1643N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 That the Board resolve to amend the Section 106 Agreement removing Schedule 6 Clause 12, and replacing with an updated clause about how the Management Company would be set up and maintained.

3.0 Background

- 3.1 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.
- 3.2 The application relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe. The site is generally flat and currently comprises predominantly undeveloped agricultural land. Field boundaries are marked by hedgerows and hedgerow trees. The Cross Keys public house, which is a locally listed building, is located on the south western corner of the site. A public right of way dissects the central part of the site.
- 3.3 The site is bounded to the south by the residential properties fronting Remer Street and the Monks Coppenhall Primary School and Nursery; to the west by Stoneley Farm and the residential properties fronting Stoneley Road and to the north and east by more sporadic residential development fronting Stoneley Road and Groby Road, including the Grade II Listed Foden's Farm.

- 3.4 Beyond Remer Street and Stoneley Road to the south and west of the site are the established older residential areas of Crewe, whilst beyond Stoneley Road and Groby Road to the North and East lies primarily agricultural land, including farms known as Groby Farm, Race Farm and Shandon House Farm and the Maw Green Landfill site To the south east lies Maw Green farm
- 3.5 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for an outline application for up to 650 new homes of various types and sizes including 35% affordable housing spread throughout the site. The Cross Keys public house would be demolished to make way for a new roundabout giving access to the site and improving traffic management at the existing junction. A new public house is proposed along with a local convenience store to replace the existing Cross Keys public house. The development would include substantial areas of new public open space including a new equipped childrens' play area, sports pitch and informal recreational areas. Two habitat areas would be created for Great Crested Newts and Barn Owls that currently inhabit the site.
- 3.6 Phase 1 Reserved Matters (Application No: 13/4725N) was subsequently approved pursuant to outline planning permission 11/1643N. Works have now commenced on site.
- 3.7 The planning permission was subject to completion of Section 106 Agreement making a number of provisions, including the establishment of a management company to maintain the public open space on site.
- 3.8 As the development has now commenced the developers are progressing with the establishment of the Management Company. The Section 106, Schedule 6, clause 12 requires buyers to become members of the management company. This is not ideal, as their usual approach is that they establish an embedded management company i.e.: managing agent who are responsible rather than residents as the S106 requires.
- 3.9 An embedded management company (managing agent) reduces risks in relation to the open space, in such that there is a company established to look after the open space, rather than the developer having to hand over to residents, but more importantly it reduces the risk of the site running into disrepair as the residents could lose interest which in turn could impact on the liquidity of the management company in the long term.
- 3.10 In effect via an embedded Management Company the residents are obliged to pay the Management Charge, but the responsibility lies with the Managing Agent.
- 3.11 The developer is therefore seeking to amend the Section 106 Agreement in this regard, removing Schedule 6 Clause 12, and

replacing with an updated clause about how the Management Company would be set up and maintained.

4 Conclusion

- 4.1 The Greenspaces Officer has considered the request and has no objection to the proposals. On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

5 Recommendation

- 5.1 **That the Board resolve to amend the Section 106 Agreement removing Schedule 6 Clause 12, and replacing with an updated clause about how the Management Company would be set up and maintained.**

6 Financial Implications

- 6.1 There are no financial implications.

7 Legal Implications

- 7.1 The Borough Solicitor has been consulted on the proposals and raised no objections

8 Risk Assessment

- 8.1 There are no risks associated with this decision.

9 Reasons for Recommendation

- 9.1 To ensure that the open space on site is adequately provided and maintained in perpetuity and to enable the development works to be completed in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Ben Haywood – Major Applications Team Leader
Tel No: 01270 686761
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- Application 11/1643N & 13/4725N

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Meeting: 29 July 2015
Report of: David Malcolm – Head of Planning (Regulation)
Title: 13/3571C LAND WEST OF GOLDFINCH CLOSE,
CONGLETON

1.0 Purpose of Report

- 1.1 To consider the withdrawal of the reasons for refusal relating to full planning application 13/3517C for the erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure

2.0 Decision Required

- 2.1 To agree to the withdrawal of all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to legal agreement and conditions as detailed.

3.0 Background

- 3.1 On the 13 May 2014, Strategic Planning Board considered an outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure. On 18 February 2015 the reasons for refusal were amended to reflect the Council's current position in respect of Housing Land supply and that aspect was removed.

- 3.2 The application was therefore refused for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy

SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.

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

- 3.3 The application is now the subject of an Appeal to be heard by means of Public Inquiry starting 9 September 2015.
- 3.4 However, since the time of the original application further discussions have been on-going with the applicant on the back of a resubmitted planning application (14/4938C). The Highways Officer, the Urban Design Officer and Planning Officers have reconsidered their position in the light of amendments to the appeal scheme and mitigation for the proposed highway/public realm solution.
- 3.5 In addition further information and assessments have been submitted in respect of the landscape impact of the scheme, such that Landscape Officers are less concerned about the impact as part of the planning balance. These matters are examined in detail below.

Design / Public Realm

- 3.6 To address highways capacity and safety issues as a direct consequence of this development, a scheme of improvement has been put forward for improvements to the town centre public realm.
- 3.7 Lawton Street and High Street constitute most of the medieval core of Congleton. The area of the proposed highway works is situated within the Moody Street Conservation Area, which was reviewed in 2010 and a character appraisal and management plan prepared. The site of the works is also immediately outside the Town Hall, a grade II* listed

building. The street environment is especially important to how the listed building is viewed within the public realm, the approach to its main entrance and consequently acts as its civic foreground and therefore has a significant bearing upon the setting of the heritage asset.

- 3.8 In the summary of interest, the appraisal identifies the importance of the Town Hall and significant views along Lawton Street and High Street
- 3.9 The appraisal identifies in the section relating to problems, pressures and capacity for change that:

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

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

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

- 3.10 In respect to both the Conservation Area and the Town Hall, it is considered that the engineered character of the proposed highway works would be detrimental to their respective heritage significance. This would lead to harm that would be considered less than substantial in scale.
- 3.11 Para 132 of the NPPF requires that in considering impact on designated assets, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight. It advises that harm can result as a consequence of works to the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification. Para 134, requires that where less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.12 A public realm strategy was produced by the Congleton Partnership, Cheshire East Council and the Town Council on behalf of the Congleton Community, both businesses and residents. This was adopted by the stakeholders in 2011.
- 3.13 As part of the public realm framework, it identifies the creation of a new public square in the location of the proposed highway works. This is

further set out in the Coding and Detailing section of the strategy under key projects, the text extract is provided below. It states:

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

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

- 3.14 Whilst the public realm strategy is not a formal Supplementary Planning Document it still carries some material weight in the consideration of any proposals to changes to the public realm of the town centre. Although the information contained within it is a concept level of detail, it sets the vision for delivering the public realm strategy, which certainly did not envisage an engineered solution such as that being proposed.
- 3.15 Given initial objections on design grounds, discussions have since taken place with the applicant's representatives, upon a solution that sought to address both highway and urban design concerns. In respect to both conservation and public realm design, this was a compromise upon the shared surface solution as indicated in the public realm strategy, but one that, if appropriately specified and detailed, could still have achieved an acceptable solution in conservation and public realm design terms.
- 3.16 This did not satisfy the Strategic Highways manager, who objected to both the originally submitted engineered scheme and the revised urban realm scheme.
- 3.17 The engineered solution would have caused harm to the significance of the Town Hall and the Moody Street Conservation Area. It would significantly and unacceptably erode the objectives of the public realm strategy, which could set an unfortunate tone for compromising the implementation of the strategy in the future. Consequently, it was considered that such proposals would be contrary to both para 132 of the NPPF and policies in the Local Plan and also policy SE7 of the Local Plan Strategy Submission Version.
- 3.18 Consequently, this formed a reason for refusal of the previous application. However, further discussions have taken place and having regard to the

technical and safety considerations, it has been established that, based on current circumstances, it would not be possible to deliver a full shared surface approach in this area as advocated by the Public realm strategy.

- 3.19 In regard to the overall acceptability of the proposals in the context of their impact upon the character and appearance of the conservation area and the setting of the concentration of listed buildings in the area, there will be a requirement for a high specification in the finer detailing and the palette of materials, in order to preserve or enhance this setting. The ES suggests that these highway improvements will have benefits for the conservation area. It is considered that the impact to be neutral, but only if the palette of materials is appropriate in quality and detailing terms. If the palette of materials were not of this quality then it would erode the character and appearance of the conservation area and the setting of listed buildings in the area (in other words, a high quality and palette will compensate for a more engineered street form but also the increased vehicular activity in this part of the conservation area).
- 3.20 The approach set out would help to deliver the spirit of what the public realm strategy was aiming to achieve in this area – a character of streetscape more in tune with the historic setting and one that provided better and more attractive conditions for pedestrians.
- 3.21 The main principles can be summarised as follows:
 - High quality natural stone materials for pavements
 - Natural stone (granite surfacing) for the road surface in front of the Town Hall
 - Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
 - Entry thresholds in natural granite
 - Minimise signage and road markings
 - Keep kerb heights to a minimum and use natural stone, conservation kerbing
 - Blacktop for other sections of street, where natural stone is not advocated
- 3.22 On the basis of the principles and materials specification set out above, the objection on urban design/built heritage grounds would be overcome.

Highways

- 3.23 There are up to 230 dwellings proposed in this planning application, (although as part of the negotiations the Applicant has agreed to reduce the number to 220 which could be secured by condition). There are three points of access to the site taken from Goldfinch Close, Kestrel Close and the Moorings. Approval for residential development has already been granted at appeal for up to 80 units on the site which also uses the same points of access.

- 3.24 One of the key highways issues is to determine whether the proposed development will result in capacity problems on the road network and also whether the impact can be considered severe enough to warrant refusal of the application. A number of junctions have been assessed by the applicant and these can be seen below;
- Canal Road/Goldfinch Close Priority Junction
 - Albert Place/High Street/Lawton Street Priority Junction
 - A54 Mountbatten Way/Worrall Street/market Street signal controlled junction
 - A34 Rood Lane/Rood Hill/ A34 Clayton Bypass
 - A55/West Road/West street roundabout
 - A527 Biddulph Road/Leek Road/Read's Lane signal junction
- 3.25 Of the junctions tested, the main capacity and safety concern was the junction of the High Street and Albert Place where the existing junction layout would operate in excess of capacity with the development added. The applicant has submitted a revised junction proposal from that previously submitted and this proposes to change the priority so that Lawton Street would give way to traffic using High Street and Canal Road. There are also improvements to Chapel Street where the footways have been widened to provide pedestrians a shorter distance to cross the road. It is also proposed to improve the pinch point on Canal Road by slightly widening the footway and provide a raised table formal one-way working section of carriageway.
- 3.26 The change in priority at the junction fundamentally effects the capacity operation of the junction and where previously long queues would have been formed on Albert Place, the junction is predicted to operate within capacity even with the development added to the background traffic flows. There is an existing pinch point on Canal Road and the narrowing of the carriageway would not change this situation but does provide increased footway width through this section of road.
- 3.27 The Rood Hill/A34 junction has existing capacity problems and although the impact from this site would only have a small percentage increase in queues at the junction it would cumulatively add to the problems. As the Highway Authority have planned improvements to the Rood Hill/A34 junction as a result of the impact of other developments in Congleton, this application should provide a financial contribution of £143,789 towards the improvements at the junction and should be secured in the S106 Agreement.
- 3.28 There are three points of access proposed to the site, these being Goldfinch Close, Kestrel Close and The Moorings, these are existing cul-de-sacs but were designed technically to accommodate further development and the suitability of the accesses was given consideration by the Inspector at inquiry who considered them

acceptable. It is not considered that there are technical grounds to object to the application on the access points proposed.

- 3.29 The accessibility of the site has also been considered at the appeal where the Inspector considered that the site had a good level of accessibility, although this application is for a larger site it would not in my view result in a different conclusion being reached. The applicant has proposed additional bus stops on Canal Road in the vicinity of St Peters Close, these further facilities would help reduce walking distances to access bus services.
- 3.30 The Highway Authority recommended refusal previously as there was a major capacity impact at the High Street junction with Albert Place, as there would long queues forming on the Canal Road approach to the junction. However, as part of the on-going negotiations, the developer has proposed changes to the junction that in technical terms addresses the problem with capacity at the junction, the change in priority in flow reduces substantially the queues at the junction. There also has been a change proposed to the existing pinch point where the section of road has been traffic calmed and the width of footway available has been widened for the benefit of pedestrians. This section of carriageway still remains a concern despite the measures being put forward in mitigation but the assessment needs to take account of the NPPF that requires the cumulative impact to be severe. Given the measures proposed and the relatively short section of carriageway and footway that is below standard highways do not consider that a reason for refusal on the basis of a severe impact can no longer be sustained subject to the highway improvements as indicated on drawing number 0011.07 Rev A being secured by condition and implemented via a S278 Agreement. Additionally, a financial contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction and a further condition for the applicant to provide two No. quality bus stops on Canal Road, these to be delivered by means of a S278 Agreement.

Landscape

- 3.31 As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been prepared in accordance with the 'Guidelines for Landscape and Visual Impact assessment' (GLVIA), Third Edition, 2013, Landscape institute and the Institute of Environmental Management and Assessment.
- 3.32 The application site is located to the south of the centre of Congleton at the very southern end of Howey Lane. To the east of the application site are the residential areas of The Moorings, Goldfinch Close and Kestrel Close, to the north and northwest are the residential properties located along Howey Hill, Tudor Way and Howey Lane. To the south the application site is bound by Lambert's Lane a bridleway track (Bridleway 1, Congleton), that emerges from Canal Road further to the east in the southern urban part of Congleton and crosses over the

Macclesfield Canal Conservation Area before finally emerging at Fol Hollow, just to the south of Astbury Mere to the west, a total distance of just under two kilometres; apart from a short section through the urban outskirts of Congleton to the east, almost the whole of the route is located in open countryside. Lambert's Lane also links into the wider footpath network that extends into the wider countryside.

- 3.33 To the west and south west of the application site is the wider open countryside of Cheshire, to the south of Lambert's Lane is Astbury Golf course. Lambert's Lane also marks the northern boundary of the Green belt to the south of Congleton.
- 3.34 The application includes a baseline description of the landscape context and character, this includes the national, regional and local character areas, namely the Lower Farms and Woods Brereton Heath Character Area (LFW2) and the Cheshire Plain in the Congleton Landscape Character Assessment of 1999. The assessment also offers commentary on the local site context, acknowledging that the site, along with fields to the west are identified in the Cheshire Historic Environment record as medieval town fields, and that many of the hedgerows within the site represent the remnants of this historic field pattern. All but three of the fifteen fields within the application site are currently still used for agricultural purposes.
- 3.35 The Council's Landscape Officer would agree with the submitted assessment that this is a landscape of medium sensitivity and that the trees and hedgerows within the site are also of medium sensitivity and that this landscape is principally viewed from the footpath network, by users deemed to be of high sensitivity. While he agrees that the change brought about by this development to the landscape character of the Brereton Heath Character Area as a whole will be negligible, he does not agree that the magnitude of change will be low for landscape character on and around the site. Consequently he feels that the significance of effect on the landscape character of the site and immediate area will be greater than identified in the assessment, and that it will in reality be greater than slight adverse.
- 3.36 With reference to landscape features, it is quite clear that the agricultural use of much of the application site will cease and that the historic hedgerow network of hedges will be altered in places and some sections will be removed, and although the proposals do include the provision of new landscape features the Landscape Officer feels that overall the effects on the landscape features will be adverse, rather than moderate beneficial for the existing features and field pattern.
- 3.37 With reference to the visual assessment, he would broadly agree with the construction effect for some of the receptors although he does feel it would be greater for a number of receptors. However he feels that the residual effects are over optimistic and that the residual visual effects would remain more adverse for most receptors.

- 3.38 The assessment identifies that Policy GR5 landscape is relevant to this application. Policy GR5 states that 'development will be permitted only where it respects or enhances the landscape character of the area' and notes the importance of such areas and that particular attention will be paid towards the protection of features that contribute to the setting of urban areas. It would appear that the predicted adverse impacts would also indicate that this application is contrary to Policy GR5, since it is agreed that there will be an adverse impact on landscape character and the proposals will also lessen the visual impact of landscape features when viewed from areas accessible to the public.
- 3.39 The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.
- 3.40 The acknowledged landscape impact and visual effects are considered to be contrary to policy SE4 and weigh against the sustainability of the proposals in the overall planning balance.

Open Countryside and Agricultural Land

- 3.41 The site is located within the open countryside and therefore the development would be contrary to appropriate policies (Policy PS8) but this must be weighed in the context of the NPPF and the overall planning balance. Previous appeal decisions have not supported a refusal on such grounds unless there is an intrinsic value to the area of countryside in question.
- 3.42 Similarly, the loss of BMV agricultural land has seldom been seen as a reason for refusal. It is part of the planning balance but Inspectors on previous decisions have given in limited weight in that overall assessment.

4.0 Planning Balance and Conclusion.

- 4.1 The proposal is contrary to development plan policies PS8 (Open Countryside) and GR5 (Landscape) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.
- 4.2 The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be

considered in the context of the presumption in favour of sustainable development

- 4.3 It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).
- 4.4 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.
- 4.5 The proposed development would provide a safe access from the existing streets in Goldfinch Close and the Moorings. In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a LEAP which would require 5 pieces of equipment to comply with policy.
- 4.6 Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, monies towards the future provision of primary school education over and above the existing 80 units that have an extant permission on this site and the requirement for the future maintenance of the open space and playspace on site
- 4.7 The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments
- 4.8 Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. This issue did not form part of the deemed refusal of applications 12/3025 and 12/3028C. Likewise the inspector accepted that site to be generally sustainable
- 4.9 Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

- 4.10 Previous highways and urban design concerns have now been resolved and can be addressed through appropriate conditions and contributions, and it is no longer considered that these provide sustainable reasons for refusal.
- 4.11 It is also necessary to consider the negative effects of this incursion into Open Countryside by built development effects that would be all the more marked in the locality given the landscape concerns.
- 4.12 The change in the housing land supply position and the uplift in numbers (to 36,000 as a minimum) significantly alters the way in which this should be viewed in the overall planning balance. It is not considered that in this case there is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme, to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.
- 4.13 On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is considered that the Council should withdraw all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to a Section 106 Agreement and conditions as set out below.

5.0 Recommendation

To agree to the withdrawal of all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to legal agreement and conditions as detailed.

Section 106 Agreement to secure:

- **Amenity Greenspace of 5520m²**
- **LEAP (Locally equipped area of play) including at least 5 items incorporating DDA inclusive equipment**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**
- **Highways contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction**
- **30% affordable housing as follows: 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. This equates to up to 69 affordable units, with 45 as social or affordable rent and 24 as intermediate tenure**

- affordable homes to be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.
- All the Affordable homes to be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- Housing transferred to and managed by an RSL as set out in the Housing Act 1996”
- Financial contribution to ‘offset’ the impacts of the development on ecology to be calculated using an assessment of the residual ecological impacts of the proposed development using the Defra ‘metric’ methodology.

and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Limit no of dwellings to 220
6. Submission, approval and implementation of details of existing and proposed ground levels
7. Submission, approval and implementation of details of materials
8. Submission, approval and implementation of scheme of sustainable surface water drainage
9. Submission, approval and implementation of scheme of foul water drainage
10. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.
11. scheme to limit the surface water runoff generated by the proposed development,
12. a scheme to manage the risk of flooding from overland flow of surface water,
13. a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the watercourse running through the site (from south to north) and any built development
14. Any proposed surface water discharges from this site must be limited to the undeveloped greenfield equivalents to mimic current surface water runoff and discharges from the site and taking account of soil permeability established from detailed site investigation. Discharges above this allowable rate must be safely attenuated to the 1% or 1 in 100 year annual probability event including current allowances for climate change.

15. Submission, approval and implementation of a scheme of archaeological mitigation
16. Hours of construction
17. Submission, approval and implementation of external lighting
18. noise mitigation measures (to protect future residents from noise from the public house),
19. Submission, approval and implementation of contaminated land investigation
20. Submission, approval and implementation of Environmental (Construction) Management Plan including dust control measures
21. Submission, approval and implementation of Travel Plan
22. Submission, approval and implementation of electric vehicle infrastructure
23. Submission, approval and implementation of features for use by breeding birds
24. Reserved Matters to make provision for retention of hedges and replacement hedge replanting
25. Reserved Matters to make provision for retention of veteran trees within open space
26. Implementation of Great Crested Newt and Badger mitigation.
27. Submission, approval of scheme of tree protection
28. Implementation of tree protection
29. An Arboricultural Impact Assessment (in accordance with para 5.4.3 of *BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations*) including an evaluation of the Tree Constraints and a draft Tree Protection Plan to be submitted reserved matters
30. Submission, approval and implementation of open space scheme with first reserved matters
31. Submission, approval and implementation of maintenance plan for open space
32. Submission, approval and implementation of scheme of bin storage
33. Submission, approval and implementation of details of boundary treatment
34. Highway Improvements / public realm works to be constructed prior to occupation
35. Provision of 2No. Quality Bus Stops on Canal Road
36. Submission / approval of detailed design for Public realm works to accord with the following main principles
 - High quality natural stone materials for pavements
 - Natural stone (granite surfacing) for the road surface in front of the Town Hall
 - Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
 - Entry thresholds in natural granite

- **Minimise signage and road markings**
- **Keep kerb heights to a minimum and use natural stone, conservation kerbing**
- **Blacktop for other sections of street, where natural stone is not advocated**

6.0 Risk Assessment and Financial Implications

- 6.1 There is a risk that if the Council continues to pursue the Appeal on housing land supply grounds, in the light of the Local Plan Inspectors Interim findings, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

7.0 Consultations

- 7.1 None external.

8.0 Reasons for Recommendation

- 8.1 To avoid the costs incurred in pursuing unsustainable reasons for refusal at Appeal

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: David Malcolm – Head of Planning (Regulation)
Tel No: 01625 383702
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Background Documents:

Applications 13/3517C and 14/4938C

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date: 29th July 2015

Report of: Peter Hooley – Planning and Enforcement Manager

Title: Performance of the Planning Enforcement Service for Quarters 3 and 4 2014/15

WARDS AFFECTED

All

EXEMPT/CONFIDENTIAL ITEM

No

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to provide the Strategic Planning Board with information relating to the activities and performance of the Council's planning enforcement service during Quarters 3 and 4 of 2014/15, including a status report on those cases where formal enforcement action has already been taken.

1.2 Members are requested to note the content of the report

2.0 BACKGROUND

2.1 Introduction

The Enforcement Task and Finish Group recommended that a summary of the performance of the planning enforcement service be reported half yearly

The first of those reports was presented in December 2014.

The report highlights the significant volume of work within the planning enforcement service, with 330 new investigations undertaken within the 6 month reporting period.

The report demonstrates the action being taken by the service to enforce planning control in Cheshire East.

The service has strived to provide an excellent service to local residents and Members and believes it has achieved this.

The service is implementing the recommendations of the Enforcement Task and Finish Group which includes developing new performance measures and targets for inclusion in a revised Planning Enforcement Policy and publishing an online Enforcement Register.

The new performance measures have been finalised and will be applied to cases opened from 1st July 2015 onwards. These measures have been incorporated into the revised Planning Enforcement Policy that is currently being finalised and is expected to be published within the next few weeks.

Officers and CoSocius are making significant progress with the online Enforcement Register and it is expected that this will be live before the end of the year

2.2 Report Format

The information contained in this report is divided into three sections:

Section 3.1 provides a summary of investigative activity and formal enforcement action undertaken during the second two quarters of 2014/15. It also contains details of the accumulation of cases that remain open and 'in hand' from previous years.

Section 3.2 provides an update those cases where formal enforcement action has been authorised and taken place.

Section 3.3 Advises on future reports

3.0 REPORTED INFORMATION

3.1 This section of the report contains statistical data relating to:

- a) The number of enforcement cases opened during the second two quarters of 2014/15 together with a breakdown of the types of cases - **See Table 1**
- b) The number of enforcement cases closed during the second two quarters of 2014/15 together with a breakdown of the reasons for closure – **See Table 2**
- c) The numbers of enforcement cases that are still open and 'in hand' at the end of 2014/15 (31st March 2015) – **See Table 3**

- d) The amount of formal enforcement action taken during the second two quarters of 2014/15, together with a breakdown of the type of action taken – **See Table 4**

**Table 1: Input of Planning Enforcement Cases between
1st October 2014 and 31st March 2015**

Type of Input (Investigation type)	Amount of Input Q's 3 and 4 2015	
	Number of Cases	Percentage
Unauthorised Building Works	126	38%
Unauthorised Change of Use	62	19%
Non Compliance with Planning Conditions	92	28%
Illegal Display of an Advertisement	24	7%
Untidy Land	16	5%
Unlawful Works to Protected Trees (TPO's)	6	2%
Unauthorised Deposit of Waste	2	Combined 1%
Unlawful Demolition	2	
Non Compliance with an Enforcement Notice	0	
Removal of Tree in Conservation Area	0	
Total	330	100%

Table 1 provides a breakdown of the 330 enforcement cases that were opened between 1st October 2014 and 31st March 2015.

It can be seen that the around under two thirds of the new cases relate to buildings works and changes of use of land and buildings. Cases concerning non compliance with planning conditions constitute just over a quarter of all the reported cases and relate mostly to working/opening hours, tree protection, obscurely glazed windows and landscaping schemes.

The total percentage of cases involving advertisements, unauthorised works to trees, unlawful demolition and non compliance and Enforcement Notice amounts to 15%

Table 2: Outcomes of Planning Enforcement Cases Closed between 1st October 2014 and 31st March 2015

Type of Outcome (Reason for Closure)	Amount of Output	
	Number of Cases	Number of Cases
No breach/Permitted Development	98	44%
Breach Regularised Voluntarily through Negotiation	43	19%
Breach Regularised by granting Retrospective Planning Permission	54	24%
Not expedient to take any formal action	21	9%
Immune from formal action	6	3%
Other (formal notice complied with or special circumstances)	3	1%
Total	225	100%

Table 2 shows a breakdown of the outcome (reason for closure) of all cases that were closed between 1st October 2014 and 31st March 2015. This includes cases that were opened in previous years as well as this period.

The data shows that 44% of investigations resulted in no breach of planning control being found. In the 56% of cases where a breach was found to have occurred:-

- 34% were regularised voluntarily through negotiation;
- 42% were granted retrospective planning permission;
- 17% were not causing any demonstrable planning harm and therefore it was not expedient to take formal enforcement action
- 7% were either immune from enforcement action or were complied with after formal enforcement action had been taken

Table 3: Enforcement Cases in Hand at end of 2014/15

Year	Number of Cases Opened in the Year/Period	Cases still open as at 31 st March 2015	
		Number of Cases	%
2009/10 (CEC formed)	607	85	14%
2010/11	612	122	20%
2011/12	939	202	21%
2012/13	895	222	25%
2013/14	759	253	33%
Total as at 31st March 2014	3812	884	23%
New Cases in 2014/15	748	402	54%
Total as at 31st March 2015	4560	1286	28%

Table 3 shows the number of new cases opened each year since the formation of Cheshire East Council and the number of cases for each of those years that were still outstanding at the end of the of 2014/15 (at 31st March 2015).

The purpose of reporting this information is to demonstrate the number of incoming cases each year /period and the accumulation of older cases from the current and previous years that make up the number of cases in hand.

The figure of 1286 cases does not include cases carried over from the legacy authorities. Work is ongoing to identify and prioritise these.

**Table 4: Summary of Formal Enforcement Action Taken between
1st October 2014 and 31st March 2015**

Type of Formal Enforcement Action	Output (Number) Q's 3+4 2015	Total for 2014/15
Planning Contravention Notices issued	11	23
Enforcement Notices issued	6	15
Temporary Stop Notices issued	0	1
Breach of Condition Notices issued	0	1
Untidy Land Notices issued	0	5
Injunctions/Court Orders obtained	1	1
Prosecutions where verdict secured	2	3

Table 4 shows the amount of formal enforcement action taken in terms of the number of Notices issued, Injunctions/Orders obtained and prosecutions secured. Information relating to work on enforcement appeals and ongoing legal proceedings is included in the Appendix to this report that provides an update on those cases where formal enforcement action has been authorised and taken place.

The table does not reflect the work that is undertaken to prepare reports, formal Notices collation of evidence and witness statements for legal proceedings which are not issued or are abandoned at the last minute due to compliance being achieved. This work is resource intensive, but becomes 'hidden/lost' work when formal enforcement action and legal proceedings are halted at a late stage.

3.2 Update on formal enforcement action already taken

Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal Notice.

The Appendix contains 48 cases. These comprise 12 new cases that have been added since the last update. A breakdown on the status of the 48 cases at 30th June 2015 is as follows:-

- 13 have already been closed
- 4 are the subject of active legal proceedings
- 5 are not yet due for compliance
- 4 are the subject of an appeal and an appeal decision is awaited

- 22 await site visit to check for compliance, are being monitored for ongoing compliance, are pending a decision on next course of action or are being prepared for commencement of legal proceedings or other action.

The cases are listed in Ward order

3.3 Future Reports

The next report will be presented in December 2015 and will contain information for the first two quarters of 2015/16.

4. RISKS ASSOCIATED WITH THE PROPOSED DECISION

There are no risks

5. OTHER IMPLICATIONS

Financial	-	None
Staffing	-	None
Legal	-	None
Assets	-	None
Policy	-	None
Sustainability	-	None
Equality	-	None
Crime and Disorder	-	None
Other implications	-	None

6. APPENDICES

Appendix 1 – Status report on cases where formal enforcement action has been taken.

7. BACKGROUND PAPERS

Any background papers used to complete this report and are available for public inspection for four years from the date of the meeting from the Contact Officer(s) named above.

Background papers used: None

For further information:

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APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th June 2015

Site Address	Ward	Breach	Type of Notice	Current Status
Tollgate Farm, Linley Lane, Alsager	ALSAGER	Unauthorised change of use from agriculture to deposition of waste	Temporary Stop Notice (TSN) and Enforcement Notice	Temporary Stop Notice (TSN) issued to prevent further tipping. TSN not Complied with. Enforcement Notice served. No appeal lodged. Enforcement Notice not complied with. Successful prosecution for failure to comply with TSN 15/12/14. Prosecution for non compliance with Enforcement Notice pending.
Bar 48, 48 Crewe Road, Alsager	ALSAGER	Change of use from A1 retail to A4 drinking establishment.	Enforcement Notice	NEW: Enforcement Notice issued 08/01/15. Compliance due 10 th March 2015. Gathering evidence to ascertain whether notice complied with. Owner currently claims to be using it as a restaurant. Licence review prompted by Police. Licence revoked therefore can no longer trade as a licensed premises. Site visit required to check full compliance with Enforcement Notice.
3 Bladon Crescent, Alsager	ALSAGER	Erection of Swimming Pool Enclosure	Enforcement Notice	NEW: Enforcement Notice issued 11/2/15. Compliance due 16 th March 2017. Notice already complied with. Swimming pool and enclosure removed from the Land. CASE CLOSED
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Seeking clarification from legal regarding status of works carried out to reinstate the land
Land West of Moss End Farm, Moss Lane, Smallwood	BRERETON RURAL	Unauthorised change of use of land for the stationing of a caravan used for residential purposes.	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Compliance due September 2014. Caravan removed from land. Notice Complied with. CASE CLOSED.
The Romping Donkey, Hassall Green, Sandbach	BRERETON RURAL	Unauthorised works to a listed building	Listed Building Enforcement Notice	Enforcement Notice issued. No appeal. Notice not complied with. Owner pleaded guilty in court on 15 th January 2015 with sentencing suspended for 6 months to allow re-building works to be completed. Court hearing for sentencing on 13 th July 2015.
Thimsworra Farm, Dragons Lane, Moston	BRERETON RURAL	Erection of entrance walls and piers contrary to approved landscaping plan	Breach of Condition Notice	Enforcement Notice issued. Compliance due December 2014. Notice not complied with. New site owner has removed the walls, reduced the height of the gate piers and painted the gates green. Walls replaced with post and rail fencing, planting yet to be carried out.

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Land at Somerford Park Farm, Holmes Chapel Road, Somerford	BRERETON RURAL	Erection of a building	Enforcement Notice	NEW: Enforcement Notice issued 13/2/15. Appeal lodged 5 th March 2015, but Council withdrew the Notice on 20 th May 2015. CASE CLOSED for purposes of this report
Sycamore Cottage, Moss Lane, Ollerton	CHELFORD	Unauthorised stable block	Enforcement Notice	NEW: Notice issued 7/1/15. Appeal Lodged. Awaiting appeal decision
Land North of Pedley Lane, Timbersbrook	CONGLETON EAST	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Conference with Counsel required to establish next course of action.
28 Kendal Court, Congleton	CONGLETON WEST	Untidy Land	S.215 Notice	Untidy Land Notice issued several years ago. Notice not complied with. Owner then prosecuted. Condition of property further deteriorated. Second Untidy Land Notice issued. Notice due to be complied with in October 2014. Notice wasn't complied with. Works in default carried out by Council i.e. garden cleared, replacement windows and doors installed. Council seeking recovery of costs of works from owner. CASE CLOSED
The Steamboat, Mountbatton Way, Congleton	CONGLETON WEST	Untidy Land	S.215 Notice	Untidy Land Notice issued. Appeal Hearing 21 st August 2014 in Crewe Magistrates Court. Appellant agreed to slightly amended Notice and to pay the Council's legal costs. Notice complied with. CASE CLOSED
1A Heathfield Avenue, Crewe	CREWE CENTRAL	Untidy Land	S215 Notice	Untidy Land Notice issued requiring land to be cleared of all rubbish by November 2014. Notice complied with. CASE CLOSED
Coppenhall House, Groby Road, Crewe	CREWE EAST	Unauthorised extension and alterations to dwelling	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Prosecution proceedings instigated. Owner accepted a Simple Caution. Majority of remedial works carried out but still some which remain outstanding. Owner to be given a final opportunity for full compliance prior to consideration of further legal action.

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Rear of 91 Hall O'Shaw Street, Crewe	CREWE EAST	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. Decision required with regards to further action which could take the form of a prosecution or direct action.
24 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
20 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
267B Alton Street, Crewe	CREWE WEST	Failure to comply with a condition limiting use of first floor to one flat only	Breach of Condition Enforcement Notice	Enforcement Notice issued. Compliance Due February 2015. Notice complied with CASE CLOSED
4 Model Cottages, Cranage	DANE VALLEY	Unauthorised change of use of residential premises to a mixed residential and commercial use	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners and occupier of property prosecuted. Authority given to apply for an injunction. Level of activity reduced CASE CLOSED
Land adjacent to Riverswood, Strines Road, Disley	DISLEY	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	NEW: Enforcement Notice issued 11/6/15. Compliance due 13/3/16
Oakton Stud Farm, Thisilldous, Macclesfield Road, North Rode	GAWSWORTH	Unauthorised erection of a dwellinghouse	Enforcement Notice	Enforcement Notice issued. Compliance due 30/12/14. Notice not complied with. Works underway to erect new dwelling granted planning permission in 2011. Planning permission granted in 2015 to retain unauthorised dwelling as an office. Case to remain open to check that residential use of unauthorised dwelling ceases when new dwelling is completed and its use changes to an office.
Land west of Bramhall Hill North Rode	GAWSWORTH	Unauthorised Stables	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice due to be complied with by 20 th September 2015
Haslington Hall, Holmshaw Lane, Haslington, Crewe	HASLINGTON	Unauthorised Modular Building	Enforcement Notice	NEW: Enforcement Notice issued 25/06/15. Due to be complied with by 27 th August 2015
Mere End Cottage, Mereside Road, Mere, Knutsford	HIGH LEGH	Unauthorised erection of dwellinghouse and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.

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Land at Spinks Lane, Pickmere	HIGH LEGH	Unauthorised Change of use of land for agricultural use to the siting of residential and touring caravans etc	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing scheduled for September 2015
Boundary Farm Peacock Lane High Legh	HIGH LEGH	Unauthorised change of use of agricultural land to garden. Erection of building, patio and play equipment	Enforcement Notice	NEW: Enforcement Notice issued 10/3/15. Appeal lodged 16 th April 2015 but withdrawn on 18 th June 2015. Notice due to be complied with by 18 th October 2015
Oakleigh, Childs Lane, Brownlow	ODD RODE	Unauthorised construction of an outbuilding	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Requirements of Notice amended at appeal to require the reduction in height of the building. Bat mitigation measures to be implemented before remedial works can be carried out. Mitigation measures were due to be completed by 9 November 2014 and reduction in height by 9 January 2015. Owner declared bankrupt, property for sale. Evidence of barn owls found in recent survey, further survey required but current owner unable to fund the necessary survey. Ongoing discussions with owner.
Land to the Rear of Rose Cottage, Chells Hill, Church Lawton	ODD RODE, BRERETON RURAL	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Building partially demolished. Planning application submitted for smaller building. (retaining approximately one third of original building). Planning application refused. Appeal lodged against refusal of planning application. Planning appeal allowed subject to a condition that building must be demolished within 6 months if specific events do not occur before specified dates. Case remaining open to ensure condition is complied with or building demolished. Site visit required.
Elm Beds Caravan Park, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open.
Four Oaks, The Coppice, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised fence	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal dismissed. Notice due to be complied with by 5/2/15. Enforcement Notice complied with. CASE CLOSED
Land adjacent to 5 Rushmere Close, Adlington	POYNTON WEST AND ADLINGTON	Unauthorised change of use of land to garden	Enforcement Notice	NEW: Enforcement Notice issued 18/2/15. Appeal lodged. Awaiting appeal decision.

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PSS Nurseries, 9 Lees Lane, Newton, MSA	PRESTBURY	Unauthorised erection of timber building, glasshouse and conservatory	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice partially complied with. Planning permission granted on alternative site and so business relocated and site closed. Glass house and timber building removed. PP to retain conservatory as part of an application for PP for MCU of office and café back to a dwelling has been submitted and awaiting determination.
PSS Nurseries, 9 Lees Lane, Newton, MSA	PRESTBURY	Unauthorised use for storage and sale of non horticultural items. Formation of hardstanding and erection of walls	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice substantially complied with. Planning permission granted on alternative site and so business relocated and site closed. Hardstanding and walls removed. Site in process of being cleared of all items (including non horticultural items). Final site visit required to take a view as to whether items to be required by Notice have been removed.
Budley Barn Mill Lane Prestbury	PRESTBURY	Unauthorised use of Land	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal was due to be heard at a Public Inquiry in May 2015. Appeal withdrawn. Enforcement Notice complied with. CASE CLOSED
Asana Collar House Drive Prestbury	PRESTBURY	Unauthorised fencing around pitch and floodlights	Enforcement Notice	NEW: Enforcement Notice issued 1/4/15. Appeal lodged. Appeal decision awaited
Mottram Wood Farm Smithy Lane Mottram St Andrew	PRESTBURY	Unauthorised Dwelling	Enforcement Notice	NEW: Enforcement Notice issued 10/06/15. Notice due to be complied with by 10/5/18 (special circumstances for lengthy compliance date)
Oakotis Heath Road, Sandbach	SANDBACH HEATH & EAST	Unauthorised stationing of caravans and unauthorised creation of hard standing.	Enforcement Notice	Enforcement Notices issued. Notices not complied with. Owner prosecuted and fined. Site no longer appears to be occupied but hard standing remains. Case being reviewed.
24 Colley Lane, Sandbach	SANDBACH HEATH AND EAST	Change of use of land from residential to builders yard and associated storage.	Enforcement Notice	NEW: Enforcement Notice issued 10/12/14. Compliance due 8 th April 2015. Notice complied with. CASE CLOSED

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30 Lime Close, Sandbach	SANDBACH TOWN	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners.
Styal Moss Nursery, Moss Lane, Styal	WILMSLOW LACEY GREEN	Unauthorised use of land for airport parking	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal dismissed. Appellant successfully challenged appeal decision in High Court. New Appeal held. Appeal outcome allowed 200 cars to be parked anywhere on the site. New planning application submitted to redevelop the site and allocate a specific area to airport parking (which the Council believes will accommodate far more than 200 cars). Application refused. Appeal lodged. Appeal dismissed. Appeal Decision quashed in High Court and appeal remitted back to SoS. Site being monitored for compliance with Notice i.e. no more than 200 cars
Lode Hill, Altrincham Road, Styal, Wilmslow	WILMSLOW LACEY GREEN	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council being able to pursue the removal of the hard standing. Legal advice being sought.
Land North of Moss Lane, Styal	WILMSLOW LACEY GREEN	Unauthorised airport parking	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal dismissed. Notice upheld. Compliance due May 2015. Notice complied with. CASE CLOSED
Haycroft Farm, Peckforton Hall Lane, Spurstow	WRENBURY	Unauthorised operational development and engineering works	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice substantially complied with, but awaiting painting of roof. Awaiting full compliance.
Wrenbury Industrial Estate, Wrenbury, Nantwich	WRENBURY	Unauthorised change of use	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Public Inquiry held on 16 th 17 th , 18th December 2014 and 26 th February. Appeal allowed. Enforcement Notice quashed. CASE CLOSED for purposes of this report.

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Six Acres, Wirswall Road, Wirswall	WRENBURY	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 th December 2014. No Compliance. Outcome of appeal against related Notice below awaited before deciding on next course of action
Six Acres, Wirswall Road, Wirswall	WRENBURY	Construction of a building and creation of a hard standing	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal decision awaited.
Land at Chorlton Lane, Crewe	WYBUNBURY	Change of use of land from agriculture to a use for the storage and distribution of timber, including the siting of ancillary portacabins, trailers, waste containers, vehicles and a caravan used for residential purposes.	Enforcement Notice	NEW: Enforcement Notice issued 10/12/14. Compliance due 8 th March 2015. Partial compliance only achieved. Prosecution proceedings requested.

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