

Strategic Planning Board

Agenda

Date:	Wednesday, 21st October, 2015
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

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

3. **Minutes of the Previous Meeting** (Pages 1 - 12)

To approve the minutes of the meeting held on 23rd September 2015 as a correct record.

Please Contact: Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

5. **14/0282M - Land off Congleton Road, Macclesfield, Cheshire, SK11 7UP: Demolition of existing structures and redevelopment of site including up to 325 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted) for Engine of the North (Pages 13 - 66)**

To consider the above application.

6. **15/2099C - Tall Ash Farm, 112 Buxton Road, Congleton, Cheshire CW12 2DY: Demolition of existing building and the development of up to 250 dwellings including access for Bloor Homes North West Ltd (Pages 67 - 92)**

To consider the above application.

7. **15/1529W - Bent Farm Quarry, Wallhill Lane, Brownlow, Congleton, Cheshire SW12 4HW: Removal of Condition 29 on Application 8/08/0375/CPO for Miss Maria Cotton, Sibelco Europe (Pages 93 - 104)**

To consider the above application.

8. **14/3024N - Land Off Church Lane, Wistaston, Crewe: Outline application for a proposed residential development of up to 300 dwellings, site access, public open space, landscaping and associated infrastructure for Gladman Developments Ltd (Pages 105 - 134)**

To consider the above application.

9. **15/2113N - Land at Moss Farm, Moss Lane, Warrington CW1 4PW: Solar farm and associated development for TGC Renewables Ltd (Pages 135 - 150)**

To consider the above application.

10. **15/2126N - Land at Moss Farm, Moss Lane, Warrington CW1 4PW (Second Site): Solar Farm and Associated Development for TGC Renewables Ltd (Pages 151 - 166)**

To consider the above application.

11. **15/3588M - Astrazeneca, Charter Way, Macclesfield, Cheshire SK10 2NA: Replacement of existing high-bay warehouse and alterations to northern elevation of low-bay warehouse, including refitting of low bay warehouse to allow both packaging and warehousing for AstraZeneca plc (Pages 167 - 176)**

To consider the above application.

12. **15/3665N - Bentley Motor Company, Pym's Lane, Crewe, Cheshire CW1 3PL: Construction of a 4 storey office building on the site of an existing carpark for Andrew Robertson, Bentley Motors Ltd (Pages 177 - 186)**

To consider the above application.

13. **Harman Technology Site and Adjacent Land, Ilford Way, Town Lane, Mobberley (Pages 187 - 192)**

To consider the part withdrawal of the reasons for refusal relating to outline planning application 14/0114M for a hybrid planning application for mixed-use redevelopment.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 23rd September, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, B Burkhill, S Edgar (Substitute),
S Gardiner (Substitute), D Hough, S McGrory, D Newton, S Pochin, B Roberts
(Substitute), M Sewart, J Wray and G M Walton

OFFICERS

Nicky Folan (Planning Solicitor)
Ben Haywood (Major Applications – Team Leader)
Paul Hurdus (Highways Development Manager)
Robert Law (Senior Planning Officer)
David Malcolm (Head of Planning (Regulation))
Bev Wilders (Principal Planning Officer)
Conal Kearney (Senior Enforcement Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Dean, L Durham
and J Jackson.

55 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor J Hammond declared a pecuniary interest in respect of
application 15/2355W as he is a Director of ANSA who are the proposed
operators of the site and would leave the room prior to consideration of the
application.

In the interests of openness in respect of application 15/2943N, Councillor
Hammond declared that he is a Director of ANSA, who had been a
consultee on the application and that he had not made any comments on
the application.

In the interest of openness in respect of application 15/2943N, Councillor J
Hammond declared that he had attended Ward and Parish Briefings on
the Basford site, but had not made any comments on the application.

In respect of application 15/2576C, Councillor S Pochin declared a
pecuniary interest on the grounds that her husband is an employee of

Pochin Developments Ltd and would leave the room prior to consideration of the application.

With regard to application number 15/2730N, Councillor G Walton declared that he knew an employee of Geothermal Engineering Ltd, but that he had not discussed the application.

In the interest of openness in respect of application 15/2355W, Councillor S Gardiner declared that he was present at a Cabinet meeting when background information on this site was presented, but had not made any comments or expressed an opinion on the application.

In the interest of openness in respect of applications 15/2355W, Councillor S McGrory declared that he was a Member of Middlewich Town Council, but had not taken part in any debate on this application and had remained impartial.

In the interest of openness in respect of application 15/2355W, Councillor R Bailey declared that she was present at a Cabinet meeting when background information on this site was presented, but had not made any comments or expressed an opinion on the application.

In the interest of openness in respect of application 15/2943N, Councillor S Edgar declared that he was the Ward Member and that he had not pre-determined the application.

56 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 26th August 2015 be approved as a correct record and signed by the Chairman, subject to condition 16 in respect of application 15/0446C, being amended as follows:

16. Prior to submission of boundary treatment details for the whole site, **in consultation with Ward Members.**

57 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

58 **15/2355W - IDEAL STANDARD, CLEDFORD LANE, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 0JW: THE CONSTRUCTION AND OPERATION OF A WASTE TRANSFER STATION AND REFUSE DERIVED FUEL PROCESSING FACILITY, THE REFURBISHMENT OF EXISTING SITE BUILDINGS TO PROVIDE OFFICES, A VEHICLE MAINTENANCE WORKSHOP, AN MOT TEST CENTRE,**

ENVIRONMENTAL SERVICES ACCOMMODATION AND ANCILLARY DEVELOPMENT INCLUDING CAR PARKING FOR RALPH KEMP, CHESHIRE EAST COUNCIL

Prior to consideration of this item, as stated in his declaration, Councillor J Hammond left the meeting and then returned after the application had been considered.

The Board considered a report regarding the above application.

(Councillor Bernice Walmsley and Councillor M Parsons (Ward Members), Councillor Bill Walmsley (on behalf of Middlewich Town Council), Ms R Pendleton (Objector) and Mr R Kemp (applicant) attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Standard conditions
2. Hours of operation
3. Approved plans
4. Vehicle numbers
5. Secure the implementation of off site highway works prior to the operation of the waste transfer station
6. Construction of new accesses along Cledford Lane with visibility splays prior to occupation of the development
7. Implementation of internal parking and servicing arrangements prior to the occupation of the development
8. Submission of construction management plan prior to commencement of development
9. Submission of vehicle routing agreement prior to occupation of the development
10. Implementation of travel plan
11. Submission of fleet management and replacement strategy to be agreed prior to occupation
12. Acoustic mitigation details to be agreed prior to commencement of building works
13. Limit on times for movement of RCVs unless in exceptional circumstances
14. Noise management plan for all on-site activities to be agreed prior to occupation
15. Noise limits to be achieved and scheme for noise monitoring
16. Construction environmental management plan submitted for approval prior to commencement

17. Operational dust and litter management plan to be submitted prior to occupation
18. Odour mitigation prior to development of the waste transfer building
19. Details of electronic charging points and maintenance arrangements agreed prior to occupation
20. Detailed design, operation and maintenance of biomass plant to be submitted prior to its use
21. Lighting scheme and lighting details to be submitted prior to installation
22. Final landscape scheme to be agreed
23. Remediation strategy to be agreed prior to development commencing and site completion report agreed prior to occupation
24. Nesting bird survey prior to the removal of any vegetation or works to buildings
25. Updated badger survey prior to development commencing
26. Scheme for ecological enhancement to be agreed within 3 months of development commencing
27. Implementation of reasonable avoidance measures
28. Implementation of precautionary recommendations for otters and water voles
29. Details of fencing to be agreed prior to installation
30. Surface water drainage arrangements to be agreed prior to development commencing
31. Surface water disposal scheme to be agreed prior to development commencing
32. Measures to deal with unexpected contamination
33. Piling restrictions and restrictions on infiltration of surface water drainage where land contamination is present
34. Foul water disposal details to be agreed prior to development commencing
35. Scheme for mitigation of pollution to canal to be agreed prior to commencement of development
36. Tree protection plan to be submitted prior to commencement of development
37. Liaison Group to be set up

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Interim Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided

that the changes do not exceed the substantive nature of the Committee's decision.

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

Following consideration of this item, Councillors R Bailey and D Hough left the meeting and did not return.

- 59 **15/2730N - LAND AT MMU CREWE CAMPUS, CREWE GREEN ROAD, CREWE, CHESHIRE, CW1 5DU: PROPOSED CONSTRUCTION AND OPERATION OF A DEEP GEOTHERMAL SINGLE WELL (DGSW) SYSTEM INCLUDING A SINGLE VERTICAL WELL DRILLED TO A DEPTH OF 2 KM BELOW GROUND LEVEL AND ASSOCIATED INFRASTRUCTURE TO INCLUDE ABOVE GROUND WELL HEAD AND PERIMETER SECURITY FENCE AND UNDERGROUND PIPELINE CONNECTION TO THE MMU VALENTINE BUILDING PLANT ROOM, TEMPORARY CONSTRUCTION ACCESS, CONSTRUCTION COMPOUND AND LIGHTING FOR MR RYAN LAW, GEOTHERMAL ENGINEERING LTD**

Prior to consideration of this application, there was an adjournment for lunch from 13.20 to 14.15.

Prior to consideration of this application, Councillor S Edgar arrived to the meeting.

The Board considered a report regarding the above application.

(Mr S Cook (on behalf of Mr Ryan Law, Geothermal Engineering Ltd) 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. Commencement of development
2. Approved plans
3. Noise management plan
4. Noise levels
5. Noise monitoring plan
6. Noise communication plan

7. Lighting scheme
8. Ground gas risk assessment and mitigation
9. Detailed badger survey
10. Nesting bird survey
11. Restricted vehicle movements in term time
12. Implementation of flood risk mitigation
13. Scheme for foul and surface water disposal and details of surface water drainage
14. Removal of all construction infrastructure on completion of construction works
15. Limit on number of vehicle movements
16. Best practical means for control of dust
17. Control of mud on highway
18. Limits on timing of construction works (aside from drilling operations)

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

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

Following consideration of this item, Councillor Wray left the meeting and did not return.

60 15/2576C - PLOT 62, MIDPOINT 18, POCHIN WAY, MIDDLEWICH, CHESHIRE: 14,402SQ M WAREHOUSE (B2 B8) WITH OFFICE ACCOMMODATION TO THE FIRST FLOOR, ASSOCIATED CAR PARKING SERVICE YARDS, HGV PARKING AND GATEHOUSE FOR POCHIN DEVELOPMENTS LTD

Prior to consideration of this item, as stated in her declaration, Councillor S Pochin left the meeting and then returned after the application had been considered.

The Board considered a report regarding the above application.

(Councillor B Walmsley (Ward Member) 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 a legal agreement to secure a contribution of £11,010.67 towards ecological mitigation and the following conditions:

1. Standard time limit (3 years)
2. Accordance with plans
3. Accordance with submitted materials
4. Parking provided prior to first use
5. Access constructed in accordance with submitted details prior to first use
6. The proposed development to proceed in strict accordance with the submitted plan Figure A Outline Great Crested Newt Mitigation proposals and the recommendations of paragraphs 6.8 - 6.16 of the submitted Ecology report prepared by PAA Ltd dated May 2015.
7. Survey for nesting birds
8. a further otter and kingfisher survey to be undertaken and submitted to the LPA prior to any works being undertaken within 20m of the brook.
9. further badger survey be undertaken and a revised impact assessment and mitigation proposals be submitted to the LPA prior to the commencement of development
10. Management plan for improved grassland
11. Details of foul water drainage to be submitted
12. Surface water drainage strategy to be submitted
13. Landscape to be submitted
14. Landscape implementation
15. Piling and method statement
16. Floor floating method statement
17. Travel plan to be submitted
18. Electric vehicle infrastructure

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of the 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 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.

61 **15/2943N - LAND OFF CREWE ROAD, SHAVINGTON CUM GREYSTY, CREWE: RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION REF. 13/0336N FOR THE CONSTRUCTION OF 370 DWELLINGS, ASSOCIATED ON SITE HIGHWAYS INFRASTRUCTURE, CAR PARKING AND PEDESTRIAN ROUTES, FORMAL AND INFORMAL OPEN SPACE PROVISION AND ASSOCIATED WORKS FOR TAYLOR WIMPEY UK LIMITED**

The Board considered a report and written update regarding the above Reserved Matters application.

(Mr I Harrison (on behalf of Taylor Wimpey) attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A02RM - To comply with outline permission
2. A01AP - Development in accord with approved plans
3. A32HA - Development to be carried out in accordance with the approved construction method statement
4. A06NC - Protection for breeding birds
5. A04LS - Landscaping (implementation)
6. A01GR - Removal of permitted development rights
7. Materials as submitted
8. Garaging to be retained and not to be converted to living accommodation without permission from the lpa
9. Features for breeding birds
10. Develeopment to be carried out in accordance with submitted Tree Removal Plan and Arboricultural Method Statement

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

62 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

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report, it was agreed that the second reason for refusal relating to full planning application 14/5579C (Land off Main Road, Goostrey) 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, should be amended to read as follows:

The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm triggers the “strong presumption” against granting permission as established by the Court of Appeal in the Barnwell Manor case; the public benefits of the proposal when taken as a whole would not rebut this strong presumption. In addition, 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.

63 URGENT ITEM - 15/2779N - LAND TO THE NORTH OF DAIRY HOUSE FARM, MAIN ROAD, WORLESTON, CHESHIRE CW5 6DN: INSTALLATION AND OPERATION OF A SOLAR FARM AND ASSOCIATED INFRASTRUCTURE, INCLUDING PV PANELS, MOUNTING FRAMES, INVERTER, TRANSFORMER, POLE MOUNTED CCTV CAMERAS, SUBSTATIONS, COMPOSTING TOILET AND FENCE FOR SPV195 LIGHTSOURCE RENEWABLE ENERGY LTD

In accordance with Section 100B (4)(b) of the Local Government Act 1972, the Chairman announced that he had agreed to allow consideration of this item as an urgent item of business, as the applicants have made the Council aware that in order to be eligible for Feed in Tariff (FIT) pre-accreditation, they need to have planning permission in place before the deadline of 30th September 2015.

The Board considered a report regarding the above planning application and an updated plan.

(Mr F Percival (landowner) and Ms J Laurenson (agent) attended the meeting and spoke in respect of the application).

RESOLVED

That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Strategic Planning Board, to APPROVE subject to the response from Natural England, the submission of a Unilateral Undertaking to secure a bond for the clearance and restoration of the land to agricultural use after 25 years and the following conditions:

1. Time limit
2. Approved plans
3. Submission of landscaping scheme, including habitat creation
4. Implementation and maintenance of landscaping scheme
5. Submission and implementation of a Landscape Management Plan
6. Submission and implementation of Construction Environment Management Plan
7. Tree protection
8. Tree retention
9. Tree pruning specification
10. Submission and implementation of an arboricultural method statement
11. Submission and implementation of levels survey
12. Submission and implementation of full service/drainage layout
13. Submission and implementation of method statement for groundworks (archaeology)
14. Submission of and implementation of full details of solar arrays, fencing and equipment including colour and finish
15. Submission and implementation of details of facing and roofing materials for sub station, inverters and transformer housing
16. Development completed between October and February in any year unless a mitigation statement to avoid Great Crested Newts has been submitted and approved
17. Submission of an updated protected species survey and mitigation measures prior to the commencement of development
18. Details of the provision of gaps in the security fencing to allow access for hedgehogs
19. Details for the provision of a replacement pond
20. Protection for breeding birds
21. Habitat management plan.

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.

The meeting commenced at 10.30 am and concluded at 4.15 pm

Councillor H Davenport (Chairman)

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Application No: 14/0282M

Location: Land off Congleton Road, Macclesfield, Cheshire, SK11 7UP

Proposal: Demolition of existing structures and redevelopment of site including up to 325 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted)

Applicant: Engine of the North

Expiry Date: 26-Aug-2014

SUMMARY:

The proposed development would be contrary to Policy E4 and E5 of the Macclesfield Borough Local Plan 2004. 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.

In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS8, by way of 220 houses, a public house/restaurant, superstore and significant infrastructure improvements/contributions. This scheme is considered to represent the first phase of the South Macclesfield Development Area and the other elements contained within the emerging policy should be delivered in the application for the second phase.

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. A viability assessment has been carried which states that the proposal can deliver 20% affordable housing, contributions to education and highways improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents, as well as a MUGA and NEAP.

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

A balance needs to be struck to ensure existing habitats are safeguarded with creation, retention and restoration where possible to offset certain losses. Although final details are

awaited, providing further land for habitat retention has reduced the number of dwellings capable of being delivered on the site by 105.

Subject to conditions and receipt of a revised plan, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

A proposed retail unit is proposed as part of the emerging policy. The impact of the foodstore has been assessed by consultants and it is considered that there is an overriding quantitative and qualitative need for a new foodstore in Macclesfield. Further information has been requested from with regards to impact and trade draw. However, the proposal satisfies the sequential test and is considered acceptable.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to a Section 111 legal agreement and conditions.

RECOMMENDATION:

Approve subject to the completion of a Section 111 Agreement

PROPOSAL

This is an outline application for the erection of up to 220 dwellings, up to 7,432 sq. m GIA of retail development, a Class A3-A5 unit, replacement sports pitches / facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road, associated landscaping and other works. All matters are reserved for consideration at a later date. The application is supported by a voluntary Environmental Impact Assessment (EIA).

The application proposals have been submitted as the first phase of development on the western part of the site known as the South Macclesfield Development Area. Subsequent planning application(s) for the wider site will be made in due course and are likely to include residential, and possibly a site for a primary school, along with further environmental and landscaping features. This is the first application for a phased implementation of a comprehensive scheme to deliver the South Macclesfield Development Area.

This is an outline application with **all** matters reserved for future consideration. All other matters regarding detailed design, such as appearance, layout, scale and landscaping are reserved for consideration at a later date. However, indicative plans have been submitted with the application, which illustrates how a residential led scheme with pub/restaurant and retail unit could be brought forward. The plan includes replacement sports pitches, ecological mitigation areas and pedestrian links to Congleton Road. Access is proposed from Congleton Road.

SITE DESCRIPTION

The site is located approximately 2.2 miles to the south of Macclesfield Town Centre, where a range of high street shops, services and facilities are located. The site covers an area of approximately 26.8 hectares. The site is predominantly unused. Much of the site consists of

open scrub land, with hedgerows and tree-lined boundaries. There are some sports pitches and changing rooms to the western part of the site.

The site is bounded to the west by Congleton Road and to the north by Moss Lane. The surrounding land uses to the north and west are residential, to the east is open land, the West coast railway line and beyond that the retail and commercial uses of Lyme Green Business and Retail parks. For clarification, the land to the east of the application site (between the site and the West coast railway line) is the remainder of the wider South Macclesfield Development Area (SMDA), which is currently undeveloped.

Adjacent neighbouring uses include one and two storey residential properties on Congleton Road (A536) and recent new residential development off Moss Lane. The southern boundary is onto the Council's waste recycling centre and Dane Moss Landfill Site.

The full SMDA site is identified within the emerging Local Plan under policy CS8 for 1 050 new homes, replacement playing fields, green infrastructure, pavilion and changing rooms, an A3/A4 Public House and restaurant, an A3/A5 drive through restaurant, a D2 health club /gym, an A1 superstore (up to 5 000 sq. m (for convenience goods), 5 hectares of employment land, a new primary school, and potential relocation for Macclesfield Town Football Club. A key principle of the development is the delivery of a link road from Congleton Road to London Road. The existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.

Whilst the SMDA site currently consists of sports pitches and unused scrub land, it does have the benefit of being allocated within the adopted Local Plan and there is a Development Brief for the site which is titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park.

RELEVANT HISTORY

01/0076P - Mixed use development comprising: employment (B1/B2/B8), retail (A1), restaurant (A3), hotel (C1), nursery school (D1), trade counters, distributor road, railway bridge, car parking, children's play area, landscaping and associated works (outline application) – Refused 05-Nov-2001

01/0077P - Erection of non-food retail warehousing, garden centre, builders yard, mixed employment, (B1/B2/B8), trade counters, restaurants, nursery school, children's play area, car parking, landscaping, demolition of existing pavilion, erection of temporary replacement pavilion, retention of land for sports pitches and associated works (full application for phase 1) – Refused 05-Nov-2001

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 23-27 and 47.

Local Plan:

The Macclesfield Borough Local Plan allocates the land to the south of Moss Lane between Congleton Road and Lyme Green Business Park, for a mix of employment, retail/leisure, housing and open space uses and a new distributor road. The principle of development is fixed in the Borough Local Plan. Issues dealing with the release of the land were debated at the Local Plan Public Inquiry held in 1995. What remains to be fixed are the details of the development.

The relevant Saved Policies are: -

Built Environment

BE1– Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC18 – Sustainable Urban Drainage to Reduce Flood Risk

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children’s Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

Employment

E1 – Retention of existing and proposed employment areas

E4 – General Industrial Development

E6 – New Employment Land Allocations - Macclesfield

Transport

T2 – Integrated Transport Policy

T10 – Distributor Road

Environment

NE2 – Protection of Local Landscapes

NE3 – Protection of Local Landscapes

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

Housing

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing
H8 – Provision of Affordable Housing
H9 – Occupation of Affordable Housing
H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space
RT6 – Allocated for additional Informal Recreational Facilities
RT7 – Recreation / Open Spaces Provision
RT15 – Visitor Accommodation

Shopping

S1 – Shopping Developments
S2 – New Shopping, Leisure and Entertainment Development
S3 – Congleton Road Development Site

Implementation

IMP1 – Development Sites
IMP2 – Transport Measures

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

In addition, the Development Brief titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park, was adopted as Supplementary Planning Guidance in November 1998.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
CO 4 Travel Plans and Transport Assessments
CS 8 South Macclesfield Development Area
SC 1 Leisure and Recreation
SC 2 Outdoor Sports Facilities
SC 5 Affordable Homes
IN 1 Infrastructure
IN 2 Developer Contributions
PG 1 Overall Development Strategy
PG2 Settlement Hierarchy
PG5 Open Countryside

EG1 Economic Prosperity
EG5 Town Centres First

Other Material Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

North West Sustainability Checklist
SPG on Section 106 Agreements (Macclesfield Borough Council)
Ministerial Statement – Planning for Growth (March 2011)

Macclesfield Draft Town Strategy (public consultation undertaken in autumn 2012)

South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011

CONSULTATIONS:

Highways:

The Head of Strategic Infrastructure notes that the South Macclesfield Development Area is identified in the Local Plan as a strategic site, which extends from the A536 Congleton Road to London Road. To provide the necessary highway infrastructure a new link road is proposed linking Congleton Road to London Road, this application is Phase 1 of the scheme forming the western section of the link road. The Head of Strategic Infrastructure has considered the infrastructure side of the proposals, traffic impact considerations and accessibility.

The proposed standard of internal infrastructure to serve the development is of a suitable design and provides sufficient capacity to serve the development and future development arising from the link road. To provide access to the site a new signal junction is to be constructed on Congleton Road, this design has been checked in regards to its capacity and safety is considered acceptable.

The main highway concerns are in regard to two junctions close to the site, these being the Moss Lane/Congleton Road junction and the Flower Pot junction. The capacity assessments undertaken at these junctions have shown that both will operate over capacity with the development added. Mitigation measures are required at each of the junctions to improve capacity in order that the proposed development traffic can be accommodated.

With regard to the Moss Lane junction, there are no mitigation measures proposed by the applicant as part of this application due to the reassignment of traffic following construction of the full link road. However, there is no certainty that the link road will come forward in its entirety and this remains an issue. The capacity problems at this junction was highlighted in the CEC report and a mitigation scheme has been designed that provides a Ghost Island right turn lane and this is the minimum requirement to prevent long queues forming at the junction.

A mitigation scheme has been designed to accommodate the development at the Flower Pot junction and this scheme is required as part of this application and should be funded in its entirety.

In summary, the development is acceptable in highway terms subject to a condition requiring capacity improvement schemes (as shown on the submitted drawings) to be provided by the applicant.

Highways Agency

The Highways Agency have viewed this in relation to the strategic road network and have concluded that there would be no significant impact upon the M6 motorway and other strategic roads managed by the Highways Agency. It is noted that the application is accompanied by a Transport Assessment and the effects of this development in terms of additional traffic are considered to be primarily local.

Environmental Health:

Recommend conditions/informatives relating to submission of an Environmental Management Plan, construction hours of operation, lighting, noise mitigation, odours, air quality, travel plan, dust control and contaminated land.

Housing:

Notes that the development can provide 20% affordable housing and that this has been assessed in terms of viability. The affordable housing should comprise a balanced mix and any social rented/affordable rented units should be provided through a registered provider of affordable housing.

Public Rights of Way:

The PROW Unit has confirmed that they have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Countryside Access Development Officer:

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

Consideration should be given to designing the northern proposed pedestrian link to the Moss Rose Estate for the use of cyclists in addition to pedestrians as this would form one of the key desire lines into and out of the development site. Consideration should also be given to the proposed footway on the eastern side of Congleton Road, and its connections into the existing network via any crossings needed, being also designed for the use of cyclists as this would provide a relatively long off-road route. The traffic light controlled junction on Congleton Road is proposed to include advanced stop lines for cyclists and crossing facilities for pedestrians. Consideration should be given to the upgrade of the crossings to toucan facilities for use by cyclists as well, for those not wishing to undertake on-road manoeuvres at this junction.

Sustrans:

1) Sustrans support the provision of greenways within the site as outlined, as long as:

- a) they are designed for shared pedestrian/cycle use, and are continuous at road crossings
- b) construction is to the highest sealed surface standard
- c) they are designed as an attractive landscape corridor, with wide grassy verges which can be mown, for good visibility and personal safety (ie no shrub beds immediately adjacent)
- d) they connect to the Flower Pot route, to Moss Lane and toward the town centre, and to residential areas west of Congleton Road.

2) National Cycle Network route 55 is currently being realigned through Macclesfield town centre. Can this development make a contribution to this improvement?

3) The design of estate roads should restrict vehicle speeds to less than 20mph.

4) The design of any smaller properties without garages should include storage areas for residents' buggies/bicycles.

5) Sustrans would like to see residents' and business travel planning set up for the site, with targets, monitoring and a sense of purpose.

Environment Agency (EA):

No objection is made to the proposed development. This follows a review of both the Phase 1 Desk Study and consideration of the possible risks to controlled waters from the current and future condition of the land.

The EA's review has indicated that part of the land has been subject to waste disposal and as a consequence of that the land may pose a significant risk to controlled waters. The EA welcome the recommendation to undertake further site investigation and look forward to receiving further submissions. As a result of this, the EA recommend that planning permission could be granted subject to conditions.

With regards to the risks to controlled waters from the current and future condition of the land, the EA consider that planning permission can be granted subject to conditions which requires a remediation strategy and verification report to deal with the risk associated with contamination of the site.

United Utilities:

No objection subject to the site being drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

Education:

The site forms part of the SMDA site within the emerging local plan which indicates that a new school site be provided as the overall development is in excess of 1,000 dwellings.

A new 1FE Primary School will cost £3.2 Million to build. A contribution of £672,000 is required for Phase 1 of the development. This contribution is based on a pro rata charge for a new school based on 1,050 dwellings coming forward on the whole SMDA site and 220 dwellings coming forward as part of this development.

The final issue is the provision of a site, which would need to come forward as part of the SMDA allocation. This would need to be level, free from contamination, fully serviced, rectangular in shape and 2.7 acres in area. In the event that the service ultimately decide that local schools could be expanded to accommodate the pupils from the developments then the site would be returned and the financial contribution retained to cover the cost of the expansions.

No contribution is required towards secondary education.

Archaeology:

The application is supported by an archaeological and heritage desk-based assessment which has been prepared by White Young Green Planning and Environment on behalf of the applicants.

No objections are made subject to a condition which will require the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Public Open Space:

Final comments are awaited from the Greenspaces/Public Open space officer.

Natural England:

Raise no objections. This application is 500m from Danes Moss Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England, therefore advise the authority that this SSSI does not represent a constraint in determining this application. Natural England note that there is a possibility for surface water drainage from the development finding its way in to the SSSI. Therefore, in the reserved Matters application, Natural England would want to see details of the surface water drainage system and foul going to the main sewer to protect the SSSI notified features.

Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Sport England:

Comments are awaited from Sport England in relation to the revised proposals.

Macclesfield Civic Society:

Procedural issues and EIA

The Society takes the view that the whole SMDA project should be subject to evaluation rather than just the first phase.

Macclesfield Civic Society note that the submitted ES is described as “voluntary” as the Local Planning Authority did not consider that the scheme represented EIA development. The Civic

Society believes this view was mistaken. However, an ES has been submitted and this can be commented upon in terms of adequacy.

The current proposals

This application clearly focuses on the proposals for the Congleton Road end of the SMDA.

The new access and link road are clearly essential to opening up the area for development. The traffic signal junction appears to be located on rising ground towards the Rising Sun Inn and the former landfill site entrance at Danes Moss. Although traffic flow would be regulated in all directions any queuing of traffic approaching from the south could be problematic for users of accesses at the points previously indicated. It would be appropriate to ensure that the link road is constructed across the site at an early stage in order to provide easier access to other land to the east within the SMDA.

The Society is unsure as to the justification for a large supermarket (7400sq.m or 80,000 sq.ft) at the entrance to the site, on the former playing fields. Concerns are raised as Cheshire East have adopted a “town centre first” approach (consistent with NPPF guidance) and have opposed recent proposals for “out of centre” provision. It would be difficult to sustain an equitable approach to other proposals for out of centre retail if the only distinguishing factors here were the desire of the landowner (Cheshire East) to maximise returns or entice a supermarket onto the site in order to fund infrastructure provision in the form of the link road, signalised junction and relocation of playing fields. It appears that this part of the proposal is driven by financial expediency and nothing else.

In relation to housing within the first phase the Society would wish to see a balance between market and affordable/social housing, consistent with the character of the surrounding area together with a mix of house types and tenures.

The replacement playing fields appear to represent an equivalent reinstatement, with some enhanced provision (pavilion etc). Clearly the phasing of provision should be in advance of development of the supermarket so there is no gap in use by the public and sporting organisations. The location also appears appropriate in relation to later phases of housing development in SMDA.

Future extensions and other parts of SMDA

The proposed residential element of the wider development appears well integrated.

The access is shown extended from Congleton Road through towards Winterton Way, presumably by means of a bridge over the Macclesfield-Stoke railway, which would be entirely appropriate. Convern is noted that this link is “subject to agreement” with Network Rail and negotiations on this should start now. What is the fall back position for access and shouldn't alternatives form part of the evaluation process and ES at this stage?

Although space is allocated for additional community or leisure use, there is no indication regarding the future of Macclesfield Town FC as to whether it would be relocated to the SMDA area and how it would be secured. A new ground for the team was always envisaged as a part of the SMDA and it is to be hoped that it will not just be left to the club itself.

Similarly there is no mention of the relocation of existing commercial uses from Moss Lane compatible with residential development as near neighbours but they do provide a valuable service for the town and should have a future secured as part of the SMDA proposals.

Cheshire Wildlife Trust objects to the application on the grounds that the planning proposal cannot be lawfully determined without an accompanying Environmental Statement.

Gawsworth Parish Council raises concerns regarding traffic and access onto the Congleton Road.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and press advert placed in the Macclesfield Express.

Approximately 21 letters of representation have been received from residents raising the following issues:

Environmental / Amenity issues

- Services - concern is raised that there will be sufficient capacity of sewers, gas, electricity and water supply to cope with the proposed scheme.
- The percentage of social housing, is not available, nor the location.
- Effect on property value.
- Further, within the preparation for the Local Borough Plan it is clear that there is a desire to reduce the need to travel, especially by car. The proposed plan for a supermarket, housing and a new junction conflict with this desire.
- This piece of land has been enjoyed by residents and wildlife for many years. There are more people walking their dogs on this land than in the local parks.
- This development would take away a well loved communal area and football pitches not only used for football but flying kites, model planes', playing rounder's, dog walking etc. within easy reach of local residents.
- The scheme will prevent a considerable percentage of rainwater percolating the ground and a collection scheme should be considered.
- One of the neighbouring properties has been flooded three times since the year 2000 and regularly in the garden.
What measures will be taken to avoid this from happening again?
- The proposed site is reported as being a natural area of marshy grassland, wooded areas with mature trees and some scrub.
- Much of the ground is layer upon layer of peat of which there appears to be little mention. The whole area supports a great diversity of wildlife. The Natural England website propounds the importance of preserving natural peatland for many reasons, most importantly for its properties of storing carbon. Once disturbed, this carbon is emitted as greenhouse CO2 which contravenes global policies.
- In past years, one resident has seen the protected Great Crested Newt on this land along with frogs. There is evidence that badgers forage in this area. Many species of butterfly whose population is in serious decline can be seen.
- Wild flowers grow freely. Rabbits make their home on this land. Insects and many species of birds can be seen on this land. The Local Plan states under the Nature

Conservation section that the Borough Council will seek to conserve, enhance and interpret nature conservation interests. A full inspection from such bodies as Natural England would be able to present evidence of all the species on this site, some of which may be protected species.

- One writer's property borders directly with one of the fields proposed for residential build and is currently separated by existing trees and hedges but is indicated on the plan as structured landscaping. Does this mean the removal of existing greenery?
- The site includes a significant number of wildlife corridors that also contain drainage ditches. Retention of these items is paramount for flood protection and preservation of habitat. A significant number of water related issues could be resolved by cleaning and maintenance of these ditches.
- The visible impact on neighbouring properties will be high.
- The disruption caused during the build period will be considerable. In particular, the noise caused by piling, which will be necessary given the soft peat nature of the area.
- The vehicle noise and pollution will also increase to undesirable tolerances created by static traffic immediately opposite homes that could be somewhat reduced by positioning the traffic management at the brow of the hill.
- The pollution caused by vehicles stopping and starting for traffic lights, the lights themselves also require power and maintenance, which has a further negative effect on the environment.
- The noise assessment considers an increase in traffic flow near the proposed junction of around 40%. It is not clear whether this assumes free flowing traffic or a stop/start nature. Noise resulting from braking, idling engines and traffic pulling away on an incline etc., particularly lorries/HGVs, is likely to have an effect.
- Building a supermarket plus homes in such close proximity to Macclesfield Household and Recycling Centre, whose access lies adjacent to the proposed new junction at Congleton Road, must raise health issues. Aside from the smell from rotting waste which frequently carries over to nearby estates, there is the issue of vermin. A risk assessment must surely be raised of where these creatures will scurry once their burrows and habitat are disturbed by building works and, further, if there is a strong possibility of their return to new sources of food around a supermarket and new homes.

Retail issues

- As Macclesfield town centre is supposed to be regenerated, is yet another out of town supermarket going to have an effect on the businesses in town?
- People near the football ground would like a supermarket near them.
- During previous consultations for the SMDA, one resident was led to believe that demand for a new supermarket came from residents on the London Road side of the site. Ignoring wider questions on whether Macclesfield needs another supermarket, why is it planned for the Congleton Road side? Unless the link to London Road is built early in the site development, any residents wanting to use the new supermarket will have to travel along the existing congested routes that these proposals are trying to improve. If the new supermarket is not for existing London Road residents, who is it for?
- Macclesfield area businesses are already struggling to survive without adding another supermarket to its problems.

- The proposed building of a supermarket some 2 miles way from Macclesfield town centre conflicts with the proposed town centre development plan whose primary objective is to enhance, attract and regenerate business within its centre, not outside of it.

Access/highways

- The scheme will produce over 500 cars and although the junction with Moss Lane is not included, the junction will be affected. This junction is already having to deal with artic lorries from Henshaw's, Cheshire Demolition, Cheshire East waste disposal Vehicles and large vehicles taking the silver waste away. Without traffic lights the junction is already dangerous.
- Access to the Rising Sun PH from Macclesfield is not indicated.
- It is questioned the suitability of building additional residential accommodation, so close to Henshaw's Waste Management site, which is already a source of numerous complaints about the acoustic impact of the business.
- The development would lead to the removal of an area of countryside used for leisure by local residents and a habitat for a range of species.
- Concern is raised that the proposed changes to the highway are likely to be dangerous when residents access their private driveways on Congleton Road.
- The proposed position of the traffic lights is a genuine safety issue. Drivers concentrating on the traffic lights will not anticipate cars manoeuvring on to, or from their driveways.
- In the space of less than approximately 90 yards (82 metres, based on my stride length) there is going to be the new junction, two pub entrances, the tip/domestic recycling entrance, a bus stop and the brow of a hill. This is a lot of activity within a small distance.
- It is also dangerous to have traffic queuing towards Macclesfield backing up over the brow of the hill and highway signs will not be sufficient in preventing accidents. Multiple traffic collisions have occurred in the past when temporary lights have been positioned in the same location as the proposed permanent traffic lights.
- Why is the Council not utilising its own land and accessing the new development in a better way? It is presumed that the best and safe interest of the residents is being overruled due to money and the Councils personal agenda.
- At the moment, it is not clear as to whether the new road is going ahead from London Road, so the majority of traffic will have to enter Macclesfield via Congleton Road, thus causing extra congestion and also at the Flowerpot and Moss Lane junctions.
- Currently, heavy traffic on Congleton Road at peak times frequently impedes a clear throughway for Ambulance, Police and Fire Services. Congleton Road is not wide enough, particularly at the site of the proposed new junction, to allow clearance in order for these essential services to reach their destination, putting lives at risk.
- This development should only proceed once the Link Road between London Road and Congleton Road is complete.
- Congleton Road is already a busy road but traffic flow modelling shows an increase in traffic flows of between 50% and more than 90% at peak times when the development is complete. Most of this increase is attributable directly to the proposed development.
- Currently traffic generally moves freely outside residents homes. Placing traffic lights at the proposed junction will change this to a stop/start nature, with two lanes of stationary traffic on the southbound lane becoming a regular feature.

- A further pedestrian crossing is proposed near Moss View Road, approximately 130 metres from the proposed junction. It is quite possible that there could be three lanes of stationary traffic outside these homes, resulting in a loss of privacy.
- Refrigerated food lorries delivering to the Rising Sun have been seen using both lanes when exiting from the car park. Will this still be possible with the proposed layout, particularly the traffic island and cycle 'safe haven' (see attached marked up copy of the junction drawing)?
- Congleton Road could be diverted into the development site by modifying the current entrance to the playing fields and changing rooms. This would lead on to a new section of road behind the existing tree line on the current playing fields. The junction (roundabout or traffic lights) with the internal roads and associated pedestrian crossing points would also be on the playing fields. The siting of the retail outlets would be revised to accommodate this new layout. The road would then exit the development site by going up the banking and through the existing landfill site/recycling centre entrance before re-joining Congleton Road to the south. A new entrance for the landfill site would be provided as part of this layout. The portion of Congleton Road between Moss View Road and the Rising Sun would become a cul-de-sac providing access to our homes.
- Moss Lane is already carrying more traffic than it was intended to do. Moss Lane is being used as a route from London Road to Congleton Road and vice versa but it was never intended to be a through route. There is a 7.5 tonne limit on the road at present, but if this limit was removed, the consequent increase in HGV traffic would be imperceptible. At the present, the road carries between 100 and 200 HGV movements per day. Council RCVs, Henshaw's and Cheshire demolition HGVs use the road in both directions for access. Many other HGVs use the road, without any consequences, probably led astray by SatNav even though they should be excluded. For instance, each week a number of articulated car delivery lorries use the road on the way to the Business Park at Lyme Green, no action is taken. The Police themselves acknowledge that it is almost impossible to enforce the 7.5 tonne limit. Each week wood recycling articulated bulk vehicles approach Henshaw's from London Road in contravention of their operating Licence without any consequences. If the development is to proceed, there is inevitably going to be an increase in traffic on Moss Lane, both in the vehicles of the workers, contractors and suppliers as well as the associated HGVs approaching the development works using SatNav. And once the development is complete, there is inevitably going to be an increase in traffic on Moss Lane due to the inhabitants of the new housing, other Macclesfield residents accessing the development for facilities or jobs as well as supply vehicles for the retail outlets and community facilities at the development. Until the Link Road is in place, life for the residents of Moss Lane will be detrimentally affected by this proposed development.

General observations include

- One resident strongly objects to the route of the site access road proposed by Engine of the North and to its western termination point. This is wholly unsatisfactory and will prejudice the future development of south west Macclesfield, block. The Link Road and condemn most of Macclesfield to ever worsening traffic conditions. This proposal does not demonstrate coherent joined-up planning.
- Much more detail is required before constructive views and comments can be made. These details are essential before a decision can be formulated. It is unclear what

the type/style of the residential properties (are they, 2 storey semi, 2 storey detached, 3 storey terrace) etc?

- Greenbelt land should be preserved for future generations.
- The plan to retain as much as possible of the existing trees and hedges in the area of the existing sports pitches as they provide an effective visual screen (at least in summer!) is welcomed. One writer would also ask that there are no changes to the height of these trees and hedges as they also provide an effective wind break.
- The plan to provide green areas, walks and ponds is also welcomed. One writer would suggest that these areas are not too 'manicured' and retain some sense of wildness.
- Guidance on loss of playing fields indicates that playing fields lost due to development must be replaced. It is noted that the amount of sports provision required for a development of this size will not be provided. However, concern is raised as to what access there will be to the relocated playing fields?
- With the exception of charges for weekend league football games access to the existing playing fields is open to anybody, at any time, free of charge. Will the relocated and redeveloped playing fields have the same level of open access?
- The maintenance of green routes and cycleways is pleasing as is the creation of housing areas split by these routes. Overall the application is to be welcomed for the greater benefit of Macclesfield but only if the entire link road is constructed.

In addition to the above, 5 letters have been submitted on behalf of Tesco's, Sainsbury's, Eskmuir (owners of the Grosvenor Shopping Centre), Gladman Homes, Redrow Homes and Jones Homes. The main issues raised in these letters are summarised as follows: -

Planning Policy

- It is considered that the site's allocation for retail development in the 2004 Local Plan is out of-date and can no longer be relied upon as providing support for the proposal. Turley have reviewed the HOW Planning sequential appraisal and agree that the proposed scheme could not suitably or viably be accommodated in any sequential locations. The scheme will have a clear adverse impact on the vitality and viability of the town centre and could prejudice the planning and committed investment in the Silk Street scheme. Therefore, in accordance with paragraph 27 of the NPPF and the draft Policy EG5, the application should be refused.
- Gladman Homes consider that limited weight should be afforded to Policies E5, E6 and S3 of the Macclesfield Borough Local Plan in the context of paragraph 215 of the NPPF.
- Gladman are concerned at the potential adverse impact of the proposed foodstore on the vitality and viability of Macclesfield town centre. Specifically, this involves the potential for the proposed foodstore to divert trade away from the consented proposal for the mixed-use redevelopment of Macclesfield town centre, which includes provision for a new 2 325 sq . m foodstore.

Retail

- Turley's (on behalf of Sainsbury's) consider that there is a lack of justification in the emerging Strategy to clearly demonstrate why the site is appropriate for retail uses.
- Any significant adverse impact on the town centre would be contrary to paragraph 27 of the NPPF. The Council must therefore be content that the policy tests of the NPPF are

satisfied given that Policy S3 is out-of-date. Further, the net sales area of the proposed foodstore must not exceed 5 000 sq. m if the proposed development is to comply with Policy CS8 of the Local Plan Strategy Submission version.

- Eskmuir note that the 'majority' of the net sales floorspace should be dedicated for convenience goods. The LPA must consider carefully the appropriate weight to be afforded to this emerging allocation given the delays and uncertainties relating to the CELP.
- The predicted turnover of stores in the catchment seems to be overestimated in the Retail Statement prepared by HOW Planning. For instance, at Table 2.1 it estimates that the survey derived turnover of the Tesco on Hibel Road is £57.7m. This is significantly higher than the current trading level of the store of £45m. This overestimate of turnover in turn underestimates the impact of the proposed store on designated town centres and edge of centre stores that underpin the vitality and viability of protected town centres. This also undermines the argument that there is a need for a new foodstore within Macclesfield to relieve overtrading at the existing Sainsbury's and Tesco foodstores.
- Tesco have raised concerns about the reasoning in paragraphs 4.6 and 4.7 of the Retail Statement. It is acknowledged that all indications were that the council intended to refuse the application for an enlarged store at Hibel Road for Tesco's, due in part to the impact on the town centre. The additional floorspace for the proposed replacement Tesco store was only 1,357 sqm for convenience goods and 2,395 sqm for comparison goods. This equates to a total floorspace of 3,752 sqm which is significantly less than the proposed sales area for the proposed Congleton Road store of 4,831 sqm. If the smaller Tesco proposal was being considered for refusal based due in part to impacts on the town centre, then it's expected that an even larger store in a location a considerable distance away from the town centre will have a greater impact. The point made in paragraph 4.7 of the Retail Statement that the Congleton Road proposals are located further away from the town centre and so the impact will also be slightly less ignores the benefits of linked trips on town centre vitality and viability. The significant distance of the Congleton Road site from Macclesfield town centre mean it will offer no linked trip benefits, indeed it will take people further away from established foodstore locations in more central locations.
- Tesco has analysed the combined trade diversions and strongly recommends that the council asks for an amended Retail Statement that takes into account Tesco's alleged in-house retail analysts more accurate trade diversion figures.
- Eskmuir has submitted representations to the CELP to re-enforce the importance of enhancing the vitality and viability of Macclesfield town centre –which is aligned with Cheshire East Council's stated objectives within the draft Macclesfield Town Strategy (September 2012) to "...promote Macclesfield Town centre as a focus for shopping, business, leisure, tourism and community facilities".
- Given the age of the MBLP and the prematurity of the application to the CELP, there is a compelling need for the LPA to manage out of town retail proposals in accordance with national planning policy to ensure the vitality and viability of existing town centres, such as Macclesfield, are not harmed. Eskmuir therefore seeks confirmation that the LPA will undertake a thorough scrutiny of this out of town retail application. This may include the need to appoint an independent external consultant to review the application documentation.
- The proposal is for a foodstore with ancillary comparison floorspace and as such the site has not been assessed in respect of a wider retail use. Assuming the foodstore

passes the necessary sequential and impact tests, and were the LPA minded to grant planning permission, it would appear necessary to use conditions to rigourously control the retail activities from the unit. Such conditions should for example, allow occupation by a single food retailer (i.e. Supermarket) only and provide clear restrictions on the level of comparison goods floorspace allowed. Open retail in this location could pose serious risks and harm to existing town centres, such as Macclesfield and would be contrary to national planning policy.

Environmental Impact Assessment (EIA) Screening Opinion

- It is Gladman's contention that the proposed development should be subject to an EIA.

Provision of Affordable Housing

- Within section 5 of the supporting Planning Statement, it is confirmed that the proposed development will only deliver 20% affordable housing, with the reduction owing to issues of viability. Gladman object to the application as it has not been demonstrated that a policy compliant contribution of 30% affordable housing would render the proposed development unviable.

Transport Assessment

- A critical assessment of the Transport Assessment has been provided. This provides comments with regards to Trip Generation, Base Traffic Flows and Cumulative Development, Proposed Site Access Capacity, and the Flowerpot Junction. The assessment of the application scheme has demonstrated that the scale of the proposed site access junction is unlikely to be sufficient for the development proposals. With the development in place, the Flowerpot junction would be operating significantly over capacity and creating a severe impact. The majority of the traffic impact at the junction is associated with the foodstore and this impact will be experienced as soon as the foodstore opens. There should therefore, be a much stronger commitment by the applicant to implement the identified improvement at this junction prior to the development being brought into use. Alternatively, there should be commitment to completing the South West Macclesfield Link road in the early stages of development as a means of mitigation at the Junction.

Phase 1 Geo-Environmental and Contaminated Land Assessment

- Jones homes and Redrow appointed geotechnical and environmental consultants, E3P to undertake a peer review of the technical information relating to the SMDA. The assessments made by WYG are largely based on the RSK Ground Investigation with some limited further investigation from ESI within the southwest quadrant. In the first instance, the RSK intrusive investigation was severely limited due to access constraints and as such there have only been 2 no boreholes and environmental monitoring installations installed within the southern half of the SMDA with no further investigation completed by ESI. This frequency is severely deficient when considering current UK best practices as presented within Contaminated Land Report 11. Industry best practice states that to ensure the adequate assessment of potentially hazardous ground gasses where there is a moderate risk from hazardous ground gases, environmental monitoring installations should be placed at 50m centres across the area of the proposed development. The assumptions and conclusions are questioned as they are based on the severe limitations of the dataset. The level of intrusive investigation does not conform to current industry best practice and guidance and as

such the site has not been accurately characterised in terms of the potentially significant risk from hazardous ground gasses.

- The WYG Desk Study includes a synopsis of the ESI ground gas assessment which confirms that the site is moderate risk, however, no evidence has been provided to suggest that sufficient data has been obtained to make a risk assessment based on current industry best practice. The WYG Desk Study / Geo-Environmental Review does not make any consideration of:-
 - Significant compressible peat to circa 5.0m which will preclude any commercially viable development of the southern sector;
 - Potentials influence on the soil mechanics of the stratum beneath the major rail infrastructure associated with the consolidation of peat deposits on the SMDA site. There is the potential to induce instability on the Network Rail land that does not seem to have been considered;
 - There has been little or no investigation of the deep filled materials within the on-site landfill at the south west quadrant (currently playing fields) and as such it is not possible to accurately understand the degree of risk for as yet unknown contaminated sources;
 - There is no deep groundwater monitoring to assess the potential pollution of the SMDA site from leachate originating from the adjacent domestic landfill site;
 - The RSK and Smith Grant Boreholes indicate site wide methane at or above 20% by volume, however, no further investigation has been completed to accurately identify the specific sources;
 - Based on the presence of significantly elevated methane and outflow at the northern boundary E3P consider there to be potentially significant on-site source of hazardous ground gas. However, the ESI Report discounts the peat stratum as a significant gas source.

E3P has reviewed the consultation response provided by the Council's Environmental Health Officer. As methane in excess of 20% by volume has been encountered the site is not suitable for development without further detailed assessment. The applicant's quantitative assessment is not based upon robust data collected in accordance with UK best practise.

Deliverability of the Application Site

- The information supporting the application argues that the foodstore development is required to facilitate expansion within the South Macclesfield Development Area. It is Tesco's view that insufficient information has been provided to demonstrate that approval of an out of town foodstore is required to enable development of the wider area. Indeed in recent years housing land values have equalled and in many cases exceeded residential land values, which means that a residential allocation of the site could have the same effect as the foodstore in terms of delivering expansion of Macclesfield in this location.
- Gladman Homes raises concerns regarding the deliverability of the proposed development as follows: -
 - A substantial proportion of the Application Site is understood to comprise peat based soils. Given the instability of building on peat, this will require significant ground stabilisation works to be undertaken at significant cost to the developer. It is therefore questionable whether indeed the proposed development is at all

- viable, and no further information has been submitted by the applicant to demonstrate that this is the case.
- Part of the Application Site comprises a former waste refuse site, upon which the proposed foodstore would be sited. Ground remediation will consequently be required at substantial cost to the developer.
 - Based on the concept masterplan, the Application Site will comprise housing up to 1 000 dwellings in total, and in order to accommodate the vehicle movements generated, a new link road connecting the Application Site and wider SMDA to Lyme Green Business park must be delivered. This will represent a significant cost. At this time, there is no evidence of how this will be funded, and indeed whether it is physically deliverable given the need for network Rail approval.
 - The failure to adopt a comprehensive approach to the release of the SMDA casts doubts over the whole site's deliverability; otherwise why not simply submit a single outline application which covers the whole SMDA together with a detailed phasing plan? It is Gladman's contention that this approach has simply been adopted as a mean to justify the SMDA's proposed allocation in the emerging Cheshire East Local Plan. In reality, the significant concerns set out in Gladman's representations to the emerging local Plan regarding the deliverability of the SMDA are now fully justified, as there is evidently a lack of confidence and certainty on the Council's part regarding the ability to develop the whole SMDA. To provide certainty over the SMDA's deliverability, a single outline application should be submitted for approval, and in doing so clearly how areas of public open space and infrastructure across the SMDA will come forward, and who will deliver/fund these.
- Jones Homes and Redrow have submitted in their Hearing Statement 14.3 of the Cheshire East Local Plan Examination in Public, that the wider South Macclesfield Development Area is not viable, developable nor deliverable for the scale of development that is identified over the plan period. The following concerns are pertinent to this application: -
 - Part of the application site comprises a former waste refuse site, upon which the proposed foodstore would be sited. Ground remediation will therefore be required.
 - Draft Local Plan Strategy CS8, requires the delivery of a Link Road between Congleton Road and London Road. Jones Homes and Redrow consider that the applicant should either commit within this application to the early delivery of the full South Macclesfield Link Road, in order for the 2030 traffic flows assessment within the Transport Assessment to be relied upon (i.e. Link Road assumed complete), alternatively if the applicant cannot commit to the delivery of the full Link Road then the inclusion of the Link Road in the 2030 traffic flows cannot be relied upon. Furthermore, Draft Local Plan Strategy Site CS10: Land off Congleton Road, Macclesfield includes, as a site specific principle of development, the requirement for the site's access road to be of a standard to form part of any future South West Macclesfield Road Link. It follows that the development of the South Macclesfield Development Area, must provide a site access road that is of a standard to form part of any future South West Macclesfield Link Road,. Without this being addressed within this application, the application is failing to meet the policy requirement.

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.

Given that the application is submitted in outline, the main issues in the consideration of this application are: -

- The suitability of the site for the proposed mix of uses having regard to matters of principle of development
- Sustainability
- Impact upon nature conservation interests
- Design and impact upon the character of the area
- Landscape impact
- Geo-Environmental and Contaminated Land Assessment
- Impact upon local infrastructure
- Highway safety and Transport Assessment
- Affordable housing
- Deliverability of the SMDA
- EIA

Principle of Development

The site is allocated within the Local Plan under Policies E3-E5 for employment purposes. Policy E6 states:

“Approximately 22 hectares of land to the west of Lyme Green Business Park is allocated for employment purposes, as specified in policies E3-E5. Planning permission will normally be granted provided the following criteria are met:

- 1 Part of the land should be made available for:
 - i. The expansion and relocation of local firms*
 - ii. Open storage and the relocation of bad neighbour uses where this would not adversely affect the operation or amenity of neighbouring uses**
- 2 Access is taken from the proposed distributor road (see also Policy T10)*
- 3 Existing trees, water courses and natural habitats are retained and enhanced as appropriate*
- 4 Necessary infrastructure, open space (Policy RT6 – Site 15) and structural planting is provided*

And the Borough Council will seek to enter into planning obligations to secure appropriate contributions to the construction of the proposed distributor road, necessary infrastructure, open space and structural planting.”

Macclesfield Borough Council also approved a Development Brief in November 1999.

Under these policies and the Brief, the development of the South Macclesfield Development Area is seen as a site primarily for B1, B2 and B8 uses. The purpose of the Brief is to: -

- i. Guide developers to produce attractive and safe developments which are in accordance with the Borough Local Plan*
- ii. Assist the Borough Council in determining planning applications by providing specific design principles relevant to the development area*
- iii. Ensure that development takes place in a coordinated manner*
- iv. Set out the principles for the management of the area*

The area covered by the Brief is in several ownerships. The Council is concerned that developers may seek to acquire land with development potential only and leave to one side the proposals for open space, for example. It will be a prerequisite that the development areas, infrastructure and open space should be treated as a package and that the mechanisms to deliver the package should be in place before planning permission is granted.

Development Brief requires the site to provide the following elements:

- a) It is an essential prerequisite for the release of employment and retail/leisure land that a new road is constructed between Congleton Road (A536) and London Road (A523T) in accordance with the Borough Local Plan Proposal T5. In practice, the stretch of road from the railway line to the A523 (T) will consist of upgrading Winteron Way. The road should be a well-landscaped corridor.*
- b) A series of greenways extending from the urban area to the countryside. The greenways will provide routes for cycle/footpaths which will connect up with the proposed National Cycle Network and make provision for connecting, ultimately to the restored Danes Moss Landfill site. Access to the employment, retail and housing areas should also be provided. The greenways should be attractive to wildlife.*
- c) No restrictions are placed on the employment uses (B1, B2 and B8) except for the location of B2 open storage/bad neighbour uses. Proposal E5 specifically requires that*

part of the land should be made available for the expansion and relocation of local firms. Proposal E5 also requires that part of employment land should be made available for open storage and the relocation of bad neighbour uses, where this would not affect the operation or amenity of neighbouring uses. It is proposed to relocate and centralise the Borough Council depots within the open storage area. Proposal T16 requires that a lorry park should be provided within the open storage area.

- d) Approximately 10 hectares of land are allocated for retail and leisure in accordance with Proposal S3 of the Borough Local Plan. Proposal S3 permits shopping and development may also include a car showroom and roadside facilities, leisure and recreational uses, providing that the type and scale of development does not prejudice the vitality and viability of existing centres nearby.*
- e) Approximately six hectares of land is allocated for housing, including affordable housing in the north west part of the development area.*
- f) Measures to achieve sustainable urban drainage should be incorporated to serve the Development Area.*

This application, which involves the land to the east of Congleton Road and to the south of Trident Way and Flying Fields Drive and to the south of Sheldon Drive for residential development, as well as a retail unit (up to a maximum of 7,432 sq. m), a Class A3-A5 unit and replacement sports pitches would conflict with some of the existing local plan policies, which seek to ensure development of the site predominantly for employment purposes. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning And Compulsory Purchase Act 2004, which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material consideration to outweigh the policy objection.

Emerging Policy

The Cheshire East Local Plan Strategy Submission Version (March 2014) highlights that the South Macclesfield Development Area site offers the opportunity to create a sustainable urban extension to facilitate some growth in Macclesfield; providing new housing alongside employment, convenience retail, community recreation and sporting facilities as well as green infrastructure and as important contribution to the new link road.

Site CS8

South Macclesfield Development Area

The development of the South Macclesfield Development Area over the Local Plan Strategy period will be achieved through:

1. *The delivery of around 1,050 dwellings;*
2. *Provision of:*
 - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;*
 - ii. Class A3 / A4 Public house and restaurant;*
 - iii. Class A3 / A5 drive-through restaurant or hot food takeaway;*
 - iv. Class D2 Health club / gym facility;*

3. *Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floorspace should be dedicated for convenience goods;*
4. *Provision of up to 5 hectares employment land and employment related uses;*
5. *Provision of a new primary school;*
6. *Potential relocation of Macclesfield Town Football Club;*
7. *Incorporation of Green Infrastructure;*
8. *Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and*
9. *On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.*

Site Specific Principles of Development

- a. *Delivery of Link Road between Congleton Road and London Road.*
- b. *Existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.*
- c. *Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.*
- d. *The north / north-east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing adjacent properties and access should be taken from the new link road. Site layouts should preserve the amenity of existing properties.*
- e. *The site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);*
- f. *Commercial, convenience retail and leisure development will be appropriate on the western end of the site.*
- g. *The south-east part of the site provides an excellent opportunity for the provision of a new stadium facility for Macclesfield Town Football Club. There would also be an opportunity, to the west of the Stadium, to provide training facilities along with car parking which could serve the whole site.*
- h. *The form of development should endeavour to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users.*
- i. *A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.*
- j. *A detailed site-specific flood risk assessment should be prepared.*

The application clearly delivers a number of the items from the above criteria, namely: -

- *delivery of a Link Road between Congleton Road and London Road;*
- *existing trees, water course and natural habitats are to be retained and enhanced as appropriate;*
- *necessary infrastructure, open space and structural planting to include additional tree planting must be provided;*
- *The north/north east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing*

adjacent properties and access should be taken from the new link road / site layouts should preserve the amenity of existing properties;

- The Core Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (affordable Homes);
- Commercial and retail / leisure development will be appropriate on the western end of the site;
- The form of development endeavours to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users;
- A desk based archaeological assessment is provided for the site, with appropriate mitigation being carried out, if required;
- A detailed site-specific flood risk assessment is provided.

The green infrastructure provisions, up to 220 dwellings and the costs of delivering the proposed development (including facilitation of the link road) have been assessed by way of an evaluated viability study, along with open space, replacement playing fields, public house and restaurant, A1 superstore, pedestrian and cycle links.

It is considered that a number of the other criteria can be satisfied on the section of the South Macclesfield Development Area, which lies to the east of this application site, i.e the employment land and employment related uses, including the provision of a primary school, should one be required.

SOCIAL SUSTAINABILITY

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 220 dwellings, including 20% 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.

The above policy context must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

Affordable Housing

As the proposal includes up to 220 residential dwellings there is a requirement for affordable housing provision, this should be 20% of the total dwellings, the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA which is for 65% rented and 35% intermediate tenure. Both social and affordable rented housing is acceptable in this location.

As this is a large development it is anticipated that the residential dwellings may be delivered in phases, if this is the case the Housing Strategy and Needs Manager would like to see a percentage of affordable dwellings provided on each phase to ensure they are delivered periodically throughout the construction period.

Housing Need

The site falls within the Macclesfield sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) 2013. This identified a net requirement for 180 dwellings per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2beds and 116x 3beds general needs units and 80x 1bed older persons accommodation. The SHMA identified an over-supply of 1 and 4 bed general needs (-112 and -1 respectively) and 2 bed older persons accommodation (-6). Information taken from Cheshire Homechoice shows there are currently 1164 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 519x 1bed, 436x 2bed, 181x 3bed and 27x 4+bed units.

Policy

The IPS on Affordable Housing and Policy SC5 of the emerging Local Plan would require 30% of the total dwellings to be affordable on sites over 15 units or 0.4 hectare in this location. Other requirements of the IPS include:

- The affordable housing is pepper-potted (clusters of affordable is acceptable) and should not be segregated in discrete or peripheral areas.
- The external design, comprising elevation, detail and materials, should be compatible with open market homes on the development in question thus achieving full visual integration.

Residential Mix

Based on 30% of the indicative provision of 220 units there would be a requirement for 66 units of affordable housing 43 of these should be provided at Affordable Rent and 23 should be provided as Intermediate Tenure. Based on 20% provision, this would be reduced to 29 of these being provided for Affordable Rent and 15 be provided as Intermediate Tenure. The residential mix should include a range of unit types, including family houses, bungalows and lifetime homes to meet the needs of older persons. Policy SC4 in the emerging Local Plan requires developers to demonstrate how their proposals will be capable of meeting, and adapting to, the long term needs of the specific group of people. This is supported by needs evidence.

Viability

The developer has submitted a viability appraisal, which indicates that the development would be deliverable with a 20% provision of affordable housing. On the basis that the viability case put forward has been accepted by the Council, then the Housing Strategy and Needs Manager raises no objection. However, it is considered that an overage clause should be secured via an s106 for a review of sales values during the life of the development.

The developer has submitted a viability appraisal, which indicates that the development of with a 30% provision of affordable housing would not be economically viable. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

The applicant's Financial Viability Assessment has been scrutinised and it is concluded that the proposed development would be deliverable with a reduction in affordable housing to 20%.

The Council would normally require a s106 Agreement to secure the Affordable Housing element, however, as the land in question is owned by Cheshire East Council a s111 Agreement will be required.

The Housing Strategy and Needs Manager would expect a comprehensive affordable housing scheme to be submitted with each phase of development to approve which provided affordable housing in each phase.

Public Open Space

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided to the southern boundary of the site as well as a swathe of land running from the residential development on Moss Lane. It should be noted that the green link to Moss Lane was delivered by way of the McAlpine development, approximately 10 years ago. The indicative proposals include space for a MUGA/NEAP and outdoor gym/trim trail areas. The Public Open Space and Recreation Outdoor Space provision can be delivered on site. However, it is noted that a condition will be required which brings forward details of the pavilion, car park, landscape and access details with the reserved matters application.

The open space/landscape and ecological buffers and NEAP on site would be managed by a management company and this would be secured as part of a S111 Agreement.

Education

A new school site is to be provided as part of the overall development as it is in excess of 1,000 dwellings. The contribution requested is based on a pro-rata charge for a new school (which would cost £3,200,000). 220 dwellings represents 21% of the total number of dwellings from the site, which is equal to a £672 000 contribution. An equalisation agreement with surrounding SMDA land owners towards the provision of a level, uncontaminated and fully serviced site for a new school 1FE school in accordance with the relevant Department for Education guidance.

Having looked at secondary places in the area the data suggest that there are sufficient places in the local secondary schools to accommodate the pupils generated of this age range.

Retail Impact

As part of the consideration of the impact of the retail unit on the wider area, Cheshire East requested Bilfinger GVA to advise on the retail planning policy issues associated with the supermarket element of the proposed development. The application was supported by a 'Supporting Retail Statement'.

Policy context

The development plan for the SMDA is the Macclesfield Local Plan 2004. Policy S3 allocates the SMDA application site for shopping uses. The policy notes that shopping uses "may include" car showroom and roadside facilities and ancillary leisure and recreational uses. No mention is made in the policy of foodstore/supermarket uses. In addition, the application site does not lie within a defined 'town centre' boundary in the adopted Local Plan and therefore, can be classified as an out-of-centre location.

As set out by the applicant's Retail Statement, the South Macclesfield Development Area supplementary planning guidance document is intended to guide development proposals in the SMDA. It was adopted in 1998, in the context of an earlier version of the Macclesfield Local Plan, whose policy (S3) for retail development in this area was carried forward to the 2004 Local Plan. Section 8 of the SPG deals with retail and leisure uses, with paragraph 8.1 suggesting that an appropriate use in this area is a foodstore of up to 30,000sq ft sales area, along with bulky goods retail uses.

As a consequence of the above, contents of paragraphs 24 and 26 of the NPPF are a key consideration. Both paragraphs follow the same approach and indicate that the sequential and impact tests should be applied for proposals outside of town centres and which are not in accordance with an up to date development plan. In this instance, the application site is in an out of centre location and in our view the proposed retail development does not gain direct support from the adopted development plan. Therefore, it is considered that both retail policy tests should be considered.

In relation to emerging policy, the SMDA is proposed to be allocated under Policy CS8 of the Cheshire East Local Plan for mixed use development including a Class A1 foodstore of up to 5,000sq m net. Within the supporting text to the proposed policy, it is noted that a foodstore

would address a spatial deficiency in main food shopping provision in the south of Macclesfield and that the store will primarily meet convenience goods shopping needs (with non-food floorspace controlled by condition). The supporting text also makes specific reference to the 2011 Town Centre Study, which indicates an under-supply of convenience goods floorspace in Macclesfield, the over-trading of existing supermarkets and a quantitative and qualitative need for a new supermarket.

At this point, it should be noted that the Borough Council has, jointly with neighbouring authorities, commissioned a new retail study which will supersede the 2011 retail study. It is understood that the new one will, amongst other things, be supported by a new survey of household shopping patterns (which will supersede the 2010 survey currently being used), a new assessment of store/centre turnovers, new town centre health-checks and new up-to-date retail floorspace/expenditure capacity forecasts. This new study will be an important material consideration for future applications on the SMDA site. For example, it will provide guidance on quantitative and qualitative need issues, along with the extent of the over-trading of existing foodstores in Macclesfield.

The main analysis of retail and town centre planning issues submitted in support of this application can be found in the applicant's January 2014 Retail Statement. The Retail Statement considers both the sequential test and the impact of the proposal on the health of, and investment within, nearby town centres. In relation to the sequential test, a number of alternatives are considered by the applicant and were dismissed as being unsuitable and/or unavailable. The alternative sites considered include the Silk Street area in Macclesfield town centre which has been subject to redevelopment proposals in recent years. It is noted that since the application was submitted Debenhams has withdrawn its interest from the Silk Street scheme and the Council's development agreement with Wilson Bowden has been terminated. It was necessary therefore, to reconsider and request updated advice on the sequential test.

In relation to the impact of the proposed supermarket, the applicant's Retail Statement adopts some of its evidence base information from the 2011 retail study, including shopping patterns information, along with population and retail expenditure data sourced from Experian and an update list of retail floorspace commitments.

GVA's review of the Retail Statement accepted a number of its aspects as being appropriate at that time, namely the catchment area, population and expenditure data, sales density information and floorspace assumptions. However, initial advice raised particular concerns over the pattern of trade draw to the proposed supermarket and also the pattern of trade diversion to the proposed store from existing stores and centres.

The Sequential Test

Since the submission of the SMDA application, the development agreement between the Borough Council and Wilson Bowden has been terminated. A key contributor to this situation was the decision of Debenhams to withdraw from the scheme. As a consequence of this situation it is understood that the development scheme, as proposed by Wilson Bowden and approved by the Borough Council, will now not come forward. Therefore, whilst the approved scheme did include an allowance for convenience goods retail floorspace and there may be scope for a refinement in the scheme now that the anchor retailer has withdrawn.

The Borough Council are, however, keen to progress a leisure-led development on part of the Silk Street site and that the Churchill Way and Duke Street car parks are currently being marketed as potential options for such a development. However, given the scope of the Council's aspirations, this 'way forward' does not appear to offer a suitable alternative site for the proposed supermarket. In addition, it is possible that the marketing exercise for the car parks is on an optional basis and therefore both sites may not become available.

On this basis, it is the consultants' view that there is not sufficient evidence to suggest that the Silk Street area is able to offer a suitable and available alternative for the proposed supermarket.

Impact

Initially, some concerns were raised over the robustness of the applicant's financial impact analysis. Further information was requested with regards to the financial impact on existing convenience goods stores in Macclesfield.

In addition, to these concerns, it is also important to consider the timing of the application and the influence of the forthcoming retail study, which the Borough Council has commissioned to act as evidence base to the new Local Plan. The applicant's January 2014 Retail Statement is based on shopping patterns data from the 2011 retail study which is now five years old and will soon be superseded by a new (2015) survey of (convenience and comparison) shopping habits. Ideally, with the knowledge of this up-to-date information coming forward, one would normally wish to reach a conclusion on retail impact matters based on the more up-to-date evidence base information, which will soon become available. The new retail study will provide an update on retail expenditure levels and also an up-to-date schedule of retail floorspace commitments for the purposes of the cumulative impact assessment.

To illustrate this point, it is noted that Tesco have queried the applicant's forecast of a £57m turnover for the Tesco store at Hibel Road and suggest a lower actual current turnover of £45m. Whilst the price base and confirmation over the basis for the £45m turnover has not been provided, it should be noted that the applicant's forecast £57m turnover is based on a 2010 survey whilst the Tesco letter suggests that the £45m is based on 2014 circumstances.

In light of the above, ideally the Council should seek an updated assessment of cumulative impact of the proposed supermarket, once the 2015 retail study evidence base data becomes available in order that its determination of this application is based on the same evidence data that the Council is using for development planning purposes.

Representations

In addition, to the sequential test and impact issues raised above, a number of concerns were raised from third parties as reported in the representations section of this report.

On the issue of splitting of the available convenience expenditure pot on a 70:30 main food – top-up food ratio; this is a departure from the 2011 WYG Study (76.7% main food ratio) and the standard ratio (75:25) corporately adopted by GVA. Ultimately, however the adoption of a 70:30 split does not materially undermine the robustness of the RIA.

A split between 70:30 rather than 75:25 for main food and top-up shopping has been utilised to reflect the increasing propensity for shoppers to spend more on top-up shopping than main food shopping over recent years. This has seen the number of 'Express' and 'Local' stores increase and top-up shopping evolving from the purchase mainly of bread and milk to larger basket purchases on fresh products on a day to day basis. It is therefore considered that a utilisation of a 70:30 split is more robust than a 75:25 split.

On trade draw and turnover, it is considered that the ability for the larger stores within Macclesfield to draw trade from outside of the town itself is relatively constrained at present. The Sainsbury's and Tesco stores are significantly over-trading due to a lack of consumer choice in the town. It is therefore, less likely for people to travel from outside of the town to shop at a foodstore that is congested. The significant relief in congestion at these stores as a result of the opening of the Congleton Road store will increase the potential for shoppers from outside Zone 1 (Macclesfield, Prestbury and Bollington) to the north to use them.

For example, residents of Poynton, Adlington and Prestbury who currently wish to shop at a large Sainsbury's store have the choice between Hazel Grove or Macclesfield (or Wilmslow if they prefer a smaller store or if this is more convenient). At present such shoppers would be put off from using the Macclesfield store due to its over-trading. As a result, the current draw of trade from Zone 1 of the Sainsbury's and Tesco foodstores are 93% and 96% respectively. The draw from Congleton is considered appropriate for the reasons set out further below.

Despite this, an updated trade draw analysis has been undertaken that assumes 80% of the larger store's trade would be drawn from Zone 1 (Macclesfield, Prestbury and Bollington) and 85% of the smaller stores. The figures of draw from Zone 2 (Congleton) are 10% and 14% for the smaller and larger format stores respectively. This analysis has no material effect on the calculated impacts on defined centres.

Indeed, recent changes in population growth rates, expenditure growth rates and base expenditure figures result in higher amounts of expenditure within the overall catchment area and more optimistic projections for future growth than were anticipated at the time the retail assessment was originally prepared. In addition to this, the test year of any updated assessment would also now be put back a year allowing centres a further year of growth prior to any trade diversions resulting in lower impacts. As a result, the effects any very marginal changes to the trade draw as indicated above upon the overall trade diversion figures, would be offset by the greater amount of expenditure available in the overall catchment area.

It is still therefore considered that the proposed development would not result in a significant adverse impact upon any defined centres.

It is considered that the draws of 10% from Congleton for the smaller store and 14% for the larger store are robust.

Whilst the existing Tesco and Sainsbury's stores in Macclesfield draw a smaller proportion of their overall trade from the settlements to the north, they are located closer to the town centre therefore involve travel through the urban area. Similarly, residents of settlements to the north of Macclesfield have a much greater choice of larger foodstores to the north which residents of Congleton do not have to the same degree. Although only £1.3m of convenience goods

expenditure is flowing from Congleton to Macclesfield at present, the modelled increase to £3.48m for the larger store (£2.45m for the smaller store) is considered entirely robust.

The Sainsbury's store is currently an 18 minute drive from the centre of Congleton with the Tesco store a 19 minute drive. The Congleton Road store would only be an 11 minute drive and would have the advantages of not being the other side of Macclesfield Town Centre (which is a psychological barrier to travel), would be a more modern and attractive shopping environment and is on the main route between Macclesfield and Congleton therefore will benefit from pass-by trips main food and top-up shopping trips from those who live in either Congleton or Macclesfield but work in the other town.

The response provided by the applicants' retail assessor above are being considered by the Council's independent retail assessor.

Retail Conclusions

Ideally, it would be preferable to determine this application once the 2015 retail study evidence has been published.

The planning application was submitted in May 2014 and it is therefore, only reasonable that this application should be determined on the basis of the information currently available. Therefore, if the Council wishes to determine the application in advance of the resubmission of any updated RIA then appropriate weight can however be applied in the interim to the following:

- The Councils independent advisors (GVA - as per the WYG 2011 Study) accepts that there is an overriding quantitative and qualitative need for a new foodstore in Macclesfield to enhance consumer choice and competition.
- GVA acknowledges that a new foodstore at SMDA would predominantly draw most of its trade from the existing Sainsbury's and Tesco stores in the town (acknowledging the '*like-affects-like*' principle); these stores are out-of-centre and are not afforded any policy protection.
- The convenience offer within the defined town centre Primary Shopping Area is predominantly orientated towards meeting day-to-day top-up orientated convenience shopping needs. The town centre performs (and should improve) as a sub-regional comparison retail and service centre destination. The overall vitality and viability of the town centre is therefore unlikely to be subject to any significant adverse impacts as the proposal does not introduce anything new in terms of mainstream foodstore provision / offer that is not already present in Macclesfield as a whole.
- GVA acknowledges that part of the overall SMDA site (Congleton Road) benefits from a historic foodstore allocation through the 1997 and 2004 Local Plans. There is a clear spatial deficiency in foodstore provision in the southern part of the town which needs to be addressed.

Further information has been submitted by the applicants' retail consultant in relation to the issues raised by objectors. These comments are being considered by the LPA's retail consultant and an update report will be provided on any matters raised in due course.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

There are properties to the northern boundary of the site. It should be possible to achieve a development with spaces separation distances which would exceed those contained within the Local Plan. Further details would be obtained at the reserved matters stage.

Noise and Vibration

An Environmental Statement has been submitted in support of the outline planning application. Any mixed use development has a potential for adverse impacts to noise sensitive uses (such as residential) caused by noise from the non-residential uses. As such it is essential that noise is assessed and where necessary mitigated to an acceptable level.

Potential noise sources considered include;

- Fixed plant and equipment
- Goods and deliveries
- Customer car parking
- Petrol Station Use
- Relocated Sports Facilities
- Road Traffic (off site)

In addition there is a need to consider noise and vibration generated as a result of the construction phase of the development.

As the final site layout is not yet determined it is not possible to provide a detailed design criteria / noise mitigation scheme. However, the ES suggests that in principle noise can be mitigated to an acceptable level internally and externally. In addition, with the adoption of suitable mitigation, noise and vibration from the construction phase can be controlled.

Odours

Without adequate mitigation there is a potential for cooking odours from commercial kitchens to cause a loss of amenity to nearby residential receptors. The Air Quality assessment undertaken as part of the ES outlines a suitable design criteria to ensure that odours are mitigated. This will, however, be dependent on a number of factors including the final site layout, the construction of the A3 units and the eventual final use of these units. As such conditions are required at the outline stage regarding odours to ensure that details of extraction systems are submitted and once installed, operate and are maintained in accordance with the submitted details.

Lighting

Lighting provided to commercial uses (car parks, sports facilities, petrol station) is capable of causing loss of amenity to new and existing residential receptors. As such a condition requiring details of the location, height, design, and luminance of any proposed lighting to be submitted to and approved is recommended.

Air Quality

An Environmental Statement with accompanying Air Quality Impact Assessment and Addendum Reports have been submitted in support of the planning application.

The Air Quality Assessment and addendum reports consider whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. As a consequence of this, a number of concerns were raised with the applicant.

In particular, the development has the potential to impact upon the London Road (A523), Macclesfield Air Quality Management Area (AQMA) declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂). There are a number of areas around the town where monitoring has shown exposure to levels of NO₂ close to or above the objective. The Council is due to submit a detailed assessment to DEFRA shortly to consider if an Air Quality Management Area should be declared in respect of the zones.

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

The impacts of NO₂ at existing receptors highlighted that there will be a minor adverse impact at one receptor and a negligible increase in pollution concentrations at the remaining twenty eight locations. A number of receptors are within the AQMA. It is the view of this office that any increase in concentrations within an AQMA is significant as it is directly converse to local air quality management objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. Therefore, the Environmental Health Officer considers that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

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

To reflect increases in pollution levels, it was agreed that robust mitigation measures would be required and that this should take on the form of Low Emission Strategies.

It is recommended that there is an overall Low Emission Strategy for a development of this scale to show how low emission technologies can be incorporated into the design. These can include:

- Public transport links (including low emission public transport routes)
- Walking routes

- Cycle routes
- Provision for infrastructure for ultra low emission vehicles (public charging posts and provision on residential properties)
- Delivery vehicle euro standards
- Support for low emission car clubs

Following from this, individual commercial units of the development should put suitable infrastructure and plans in place before occupation of the units.

It is therefore recommended that conditions relating to air quality control are attached to any planning permission.

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

Contaminated Land

The Contaminated Land team has no objection to the above application subject to noting the following comments:

- The application area has a history of landfill use and therefore the land may be contaminated.
- This site is on and within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The Reports submitted in support of the application recommends further site investigation.
- The Environmental Statement indicates that the identified risks posed by the site can be satisfactorily mitigated and no long term adverse effect where identified.
- It is strongly recommended that the Contaminated Land Team be consulted on the scope of these works prior to them being undertaken and the need for some site clearance and use of appropriate tracked machinery be incorporated into the works. Careful and considered borehole installation must be carried out during the site works to ensure that strata is appropriately targeted to understand the ground gas risk and that no pathway is created.

The Council's Environmental Health Officer has recommended conditions requiring an additional Phase II contaminated land investigation to be carried out. If this indicates that remediation is necessary, then a Remediation Statement detailing proposed mitigation shall be submitted and approved and implemented. Subject to compliance with these conditions, the proposal is considered to be acceptable in terms of contaminated land.

Public Rights of Way

The development does not appear to affect any public rights of way.

Highways Implications

Background

The South Macclesfield Development Area is identified in the Local Plan as a strategic site and extends from the A536 Congleton Road to London Road. To provide the necessary highway infrastructure a new link road is proposed linking Congleton Road to London Road, this application is Phase 1 of the scheme forming the western section of the link road.

Access

This is an outline application with access to be determined, this application proposes one main access to serve the Phase 1 development and this is taken from the A536 Congleton Road on the south west corner of the site. The internal access road will have a number of junctions serving the various elements of the development and will continue to the south east boundary of the site to provide a link to the next phase of development.

Infrastructure

To serve the development a new signal controlled junction is proposed on Congleton Road near to the entrance to the waste and recycling centre. As the new road will provide a strategic link it has been designed to accommodate future traffic flows and is 9.3m in width and has a 3m shared footway/cycleway on one side and a service verge on the other side of the road. Internally within the site, there is a roundabout on the link road to serve all the proposed development and there is further roundabout on the distributor road to access the foodstore and sport pitches. Separate access points are proposed to provide access to the residential element of the scheme. The link road is proposed to be subject of a 30mph speed limit.

Traffic Impact Considerations

To assess the traffic impact of the proposals on the highway network the applicant has submitted a Transport Assessment, the scope of impact (capacity assessment of junctions affected by the development) was agreed with CEC in pre application discussions. An audit of the submitted Transport Assessment by external consultants was also commissioned by CEC to examine the information submitted and to highlight any issues arising from the development proposals.

A number of junctions have been assessed on the existing road network that is likely to be the most affected by the development and also the internal junctions within the site have also been assessed as follows: -

- Site Access/Congleton Road signal junction
- Moss Lane/ Congleton Road priority junction
- Ivy Lane/Congleton Road/park Lane signal junction
- Chester Road/West Street/Cumberland Road roundabout
- Internal roundabouts

The trip generations associated with each of the elements proposed within the site have been predicted using the Trics database and the total amount of trips generated by all the proposed uses taking into account that there has been an element of discounting to account for pass-by

and diverted trips already using the road network, the number of trips entering the site is 674am and 1091pm. It should be noted that these figures include trips associated with 325 residential units and this is the level of housing assessed by the applicant in the Transport Assessment, the reduction to 220 units will reduce the number of trips entering the site. It is considered that the total trip rates presented are representative and are acceptable to be used in the capacity assessments.

The applicants have submitted a distribution for trips to be assigned to the road network based upon the 2011 Annual population survey and the 2001 travel to work data for the residential element of the scheme, this distribution submitted is not considered representative as it should have been based on local Macclesfield travel to work census data. In addition, in regard to the retail distribution it is likely that a higher percentage of trips will travel towards Macclesfield as opposed to Congleton.

With regard to the capacity junction assessments, there are no capacity concerns on the internal road junctions within the site as the infrastructure has been designed to accommodate much larger levels of development. The new signal junction on Congleton Road can accommodate the proposed development and also provides spare capacity to cater for future development arising from the link road.

The Moss Lane/Congleton Road junction is shown to be operating over capacity in the design year of 2020 with the development traffic included; mitigation measures are required at this junction to provide additional capacity.

The 'Flowerpot' signal junction is an important junction on the road network and the capacity tests indicate that it will operate over capacity with development in 2020. The development impact at this junction has been considered material by the applicant in the submitted Transport Assessment. As a result of the work commissioned by CEC to investigate potential solutions to capacity at this junction a number of options have been presented, the preferred option involves no third party land take and includes the widening of Park Road on the south eastern side of the junction. The works would provide a segregated left turn between Park Lane and Congleton Road, with a footway maintained along the eastern side of the new lane. Left turning vehicles merging onto Congleton Road would give way to traffic turning from Ivy lane to Congleton Road. Pedestrians would cross to a splitter island under signal control. Importantly the junction is predicted to operate within capacity in both the morning and evening peak in 2020 with this development included.

The roundabout junction at Chester Road/Oxford Road/Cumberland Road has also been considered, it is predicted to operate over capacity in 2020 without development. With the development traffic added it would only result in a slight worsening of performance, this would not be considered a severe impact at this junction.

A technical report has been submitted on behalf of Jones Homes and Redrow Homes by CBO transport that raises a number of concerns regarding the traffic impact of the application on the road network. In summary, these concerns relate to the underestimation of trip rates, the Base Traffic Flows in 2020 did not include committed or cumulative developments and as such underestimates the base flow figures and also that no assessment has been made of the new junction on Congleton Road in 2020 and on a Saturday during the busiest times for

the foodstore. In addition, that the Flowerpot junction would operate significantly over capacity with the development in place and have a severe impact.

In order to address these concerns, CEC has commissioned its own consultants to undertake further assessments, the SMDA Signal Access junction has been tested in 2030 with the Local Plan and also in 2020 with SMDA Phase 1, and this includes a Saturday peak assessment. The results indicate that the SMDA junction with Congleton Road would operate satisfactory within capacity.

A forecast 2020 Saturday peak hour assessment has also been undertaken at The Flowerpot junction with the preferred junction improvement scheme in place, the results indicate that the junction would operate within its theoretical capacity with Phase 1 in place.

In summary, the information provided by the applicant relating to trip rates and traffic flow figures has been independently assessed by CEC consultants to ensure that the impact of the development is not being underestimated on the road network.

Accessibility

The proposals included for cycle/footways to be constructed along the link road and also that controlled pedestrian crossing points be provided on Congleton Road. A full residential Travel Plan will be submitted prior to first occupation of the units, this plan would include measures to encourage modal shift to sustainable modes. A bus service is present on Congleton Road and bus stops are to be provided close to the site on Congleton Road. This application does not provide for public transport penetrating the site although the infrastructure would be in place should the full link road come forward to support bus services.

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy.

The proposed facilities for pedestrians and cyclists would help to make the development site accessible for these categories of non-motorised users. Consideration should be given to designing the northern proposed pedestrian link to the Moss Rose Estate for the use of cyclists in addition to pedestrians as this would form one of the key desire lines into and out of the development site. Consideration should also be given to the proposed footway on the eastern side of Congleton Road, and its connections into the existing network via any crossings needed, being also designed for the use of cyclists as this would provide a relatively long off-road route. The traffic light controlled junction on Congleton Road is proposed to include advanced stop lines for cyclists and crossing facilities for pedestrians. Consideration should be given to the upgrade of the crossings to toucan facilities for use by cyclists as well, for those not wishing to undertake on-road manoeuvres at this junction.

The legal status, specification and maintenance of any proposed pedestrian and cyclist routes within the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space on the site.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Conclusions on Highways Matters

There has been a significant reduction in the number of residential units from that originally proposed at 325 to 220 on the site, the highway assessment of the development has been undertaken using 325 units and therefore the capacity assessments provide a more robust traffic assessment of the impact of the development on the road network.

The proposed standard of internal infrastructure to serve the development is of a suitable design and provides sufficient capacity to serve the development. To provide access to the site a new signal junction is to be constructed on Congleton Road, this design has been checked in regards to its capacity and safety is considered acceptable.

It is important that the traffic impact information submitted by the applicant is representative of the actual impact the development has on the road network. There have been concerns raised by third parties regarding the accuracy of the Transport Assessment undertaken by the applicant and CEC has commissioned an independent review of the traffic impact of the development. The CEC consultants report has been clear in that the Phase 1 application can be accommodated on the road network subject to road improvements being provided primarily at The Flowerpot junction.

The main highway concerns are in regard to two junctions close to the site, these being the Moss Lane/Congleton Road junction and the Flower Pot junction. The capacity assessments undertaken at these junctions have shown that both will operate over capacity with the development added. Mitigation measures are required at each of the junctions to improve capacity in order that the proposed development traffic can be accommodated.

In regard to the Moss Lane junction, there are no mitigation measures proposed by the applicant as part of this application due to the reassignment of traffic following construction of the full link road. However, there is no certainty that the link road will come forward in its entirety and this remains an issue. The capacity problems at this junction was highlighted in the CEC report and a mitigation scheme has been designed that provides a Ghost Island right turn lane and this is the minimum requirement to prevent long queues forming at the junction.

A mitigation scheme has been designed to accommodate the development at the Flower Pot junction and this scheme is required as part of this application and should be funded in its entirety.

In summary, the Head of Strategic Infrastructure considers that the development is acceptable in highway terms subject to a condition requiring capacity improvement schemes (as shown on the submitted drawings) to be provided by the applicant.

Design

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

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

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

The developable area of the proposed dwellings (as shown on the Illustrative Master Plan) would be of approximately 41 dwellings per hectare, which is considered appropriate in the context of the character of the area.

A revised indicative Masterplan illustrates the potential form and layout of the development. It shows a single point of access from Congleton Road. Blocks of development are arranged with an area of Public Open Space and Ecological Mitigation areas, to the south. Substantial areas of landscaping and bunding are proposed along the sides of the distributor road and around the perimeter of the retail unit. The revised plan effectively provides an increased area of habitat retained to the north western part of the site. An area of grassland has been retained on the area previously proposed to be used for sports pitches. This has consequentially resulted in pushing the sports pitches further north. In addition, the road had been re-routed to safeguard more woodland to the south of the site.

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to design coding to control the detail of the scheme, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site and the proposal will comply with local plan policy BE1 (Design Guidance) and the provisions of the NPPF in this regard.

As per the norm, the issue of design would be dealt with at the Reserved Matters Stage.

Landscape

The proposed development will change the existing football pitches, scrubland areas, hedgerows and tree belts to a residential area, with a supermarket. In the most part, important trees and hedgerows have potential to be retained and enhanced as part of a comprehensive landscape infrastructure planting strategy, which will also help to soften the built form and assimilate the development into the wider landscape context.

There will be a large change to the nature of the proposed Application Site, although this will occur over phases and over a 5 to 10 year period.

The site is overall considered to be of medium landscape quality and able to accommodate large scale change without adverse effect on value or loss of character. The proposed development could improve the landscape / townscape character and enjoyment of the area for local residents with improved walking / cycling routes and sports facilities.

Landscape proposals will seek to retain existing vegetation, watercourses and open space where possible and provide an improved and connected network of green infrastructure. Loss of mature vegetation will be limited to the southern boundary and works associated with the construction of the new access road. The remaining development will be orientated to

respect and enhance existing landscape features and to help integrate the development into the existing landscape character.

Existing watercourses will be utilised to create a new drainage system that will provide an attractive network of rain gardens and swales that provide improved habitats, attractive landscape features and reduce flood risk.

The site also provides a total of 0.6Ha of amenity greenspace. A total of 0.24Ha of formal play would be provided by a series of linked play spaces located within the Greenways. These will provide play opportunities for children of all ages with a split currently proposed of 25% 0-6 years and 75% 7+ years. Additionally, Local Landscaped Area for Play principles should be applied to the remaining greenways, providing unequipped spaces that are laid out to encourage imaginative play for all ages.

Part of the role of the landscape is to integrate the development into the surrounding landscape. The POS should include planting which should be implemented ahead of the construction phases and also be carried out to further aid assimilation into the surrounding environment.

Open space

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 3, 300sqm of shared recreational open space and 4, 400sqm of shared children's play space which is a total of 7 700sqm of open space.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 111 Agreement and through the Reserved Matters application process.

Ecology

Natural England advises that the proposal is unlikely to affect any statutorily protected species.

The Council's Nature Conservation Officer has reviewed the revised proposals which from a habitat perspective now include the following:

- Retention of the woodland to the southern end of the proposed development site
- Retention of the grassland within 'Unit 1' as detailed in the design and access statement which includes a significant proportion of Grassland habitat 'Area 1' and a commitment to the long term management of this habitat.
- Retention of the existing on-site ponds
- Retention of 1/3 of the habitat within Grassland habitat Area 3 (the area proposed for the relocated football pitches) and a commitment to the long term management of this habitat.

SSSI and Local Wildlife Site

The proposed development is located 300m away from the Danes Moss Local Wildlife site and just over 500m from the Danes Moss SSSI. It is noted that Natural England have

advised that the proposed development is unlikely to affect the features for which the SSSI was designated provided that surface and foul water is directed to main sewer. The Nature Conservation Officer advises that the proposed development is similarly unlikely to affect the features for which the local wildlife site was designated. If outline planning consent is granted conditions should be attached to ensure that surface and foul water are handled appropriately.

Grassland Habitats

Grassland habitats cover much of the application sites. A detailed grassland habitat survey has now been undertaken. The grassland survey identifies four areas of grassland within the application site. These are labelled: Areas 1, 2, 3 and 8.

The submitted Environmental Statement has assessed the grassland habitats onsite against the Cheshire Local Wildlife Site selection criteria as a means of quantifying the value of these habitats. The ES concludes that Areas 2 and 3 meet the selection criteria. The Nature Conservation Officer advises that based upon his assessment of the survey data he agrees that area 3 would qualify, but area 2 would not meet the selection criteria due to a lack of flowering plants. In addition, area 1 would in his view would qualify under the Undetermined Grassland criteria due to the presence of 4 indicator species (knapweed, kidney vetch, ladies bedstraw, meadow vetchling), each with a rare abundance within the habitat.

In conclusion, Areas 1 and 3 would qualify as a Local Wildlife Site and so, these areas are considered to be of nature conservation value in the County context.

Under the revised proposals, the greater majority of 'Area 1' would now be retained together with approximately a third of Area 3. It is advised that the implementation of long term habitat management at the retained areas of grassland has the potential to significantly enhance the nature conservation value of the retained habitats.

Marshy grassland

There is a significant area of marshy grassland present on site. This habitat is not considered to be of value at the County scale due to a lack of species diversity, but is it is identified as being of County/District value by the submitted ES. This habitat is likely to be entirely lost as a result of the proposed development.

Woodland

Woodland habitats including wet woodland and broadleaved woodland habitat are present around the existing sports pitch towards the south of the application site. With a second smaller section of woodland located towards the north eastern edge of the application site. These habitats are identified as being of County value by the submitted ES.

Based upon the current proposals the majority of the existing woodland would now be retained as part of the proposed development. The applicant is proposing to manage the retained area of woodland to enhance its nature conservation value to compensate for any losses.

Ponds

There are two ponds on site. These ponds are relatively small and shallow, however ponds

of all types are considered to be a Local Biodiversity Action Plan priority habitat. It appears feasible for both of these ponds to be retained as part of the proposed development.

UK Priority inventory habitats

The extent of woodland habitats and habitats and Coastal and Floodplain Grazing Marsh as appears on the national inventories appears to have changed in recent times. The nature Conservation Officers comments reflect the extent of habitat on the inventory as viewed on the 9th October 2015.

With the exception of the existing football pitches and an area of adjacent grassland and woodland the entire application site appears on the UK Biodiversity Action Plan Inventory of Lowland Raised Bog Habitats. As previously discussed, the value attributed to degraded lowland raised bog is a combination of the value of the habitats 'on the ground and their potential to be restored to habitats of very high nature conservation value'.

The part of the application site as identified on the national inventories as supporting Coastal and Floodplain Grazing Marsh occurs in the vicinity of the existing football pitches, so it is advised that the extent of this habitat is likely to be limited to the ditches located around the football pitches.

An area of broadleaved woodland present on site also appears on the national inventory. This is located in the south western corner of the site.

All three of these habitat types are considered to be Habitats of Principal Importance for the Conservation of Biodiversity and are hence a material consideration for the determination of this planning application.

Hedgerows

A hedgerow is present along the western boundary of the application site. If outline planning consent is granted it should be ensured that this feature is retained and enhanced appropriately. Based upon the submitted indicative layout plan this seems feasible, although there are likely to be some losses associated with the proposed access roads.

Swamp

An area of swamp is present towards the south of the application site. It appears feasible for this habitat to be retained within the surrounding area of retained woodland habitat.

Badger

A number of active and inactive badger setts are present on site. The proposed development will result in the loss of a significant area of habitat likely to be used by foraging badgers. Under the revised proposals a more significant area of badger foraging habitat would now be retained. It is also likely that the development would require a number of setts to be closed under a Natural England license.

If outline consent is granted a detailed badger mitigation strategy would be required at the reserved matters stage. It is likely that badger tunnels under the proposed link road would be required to allow badgers access to the relocated sports pitches which would be likely to provide a significant area of suitable foraging habitat.

Reptiles

A reptile survey has been submitted as part of the ES. Some of the survey visits were undertaken during slightly cooler conditions which may limit the effectiveness of the surveys. A total of twenty survey visits were made, which is the minimum required to gain an understanding of the level of the population present on site. The Nature Conservation Officer advises that on balance, the level of reptile survey undertaken is acceptable.

Two common lizards were recorded during the survey, both of which were recorded outside the boundary of the current application site. This species is however, also likely to be using the habitats within the red line of the application site. In the absence of mitigation, the proposed development would result in the loss of a significant area of habitat suitable for this species and also pose the risk of killing, or injuring any animals present on site during the construction process.

The ES includes outline mitigation and compensation proposals designed to address the potential impacts of the proposed development upon reptiles. In order to address the risk of reptiles being killed or injured during the construction phase it is proposed that reptiles would be removed and excluded from the application site using standard best practice measures. To compensate for the loss of reptile habitat the applicant is proposing to enhance an area of habitat towards the very south of the SMDA. The proposed habitat is outside the boundary of the application and located within an area which is likely to be subject to development proposals in the near future. The area of the proposed habitat is shown on submitted plan 04.

It is advised that as a more extensive and varied range of habitats would now be retained. Under the current proposals it is likely that a suitable reptile receptor site could now be identified within the redline of the application at the detailed design stage. A strategic approach must however be taken in respect of reptile mitigation and it is essential that any receptor area identified on the current application site be adequately linked to retained habitats within the wider SMDA site.

The Nature Conservation Officer advises that if outline planning consent is granted, a condition must be attached requiring any future reserved matters application to be supported by a detailed reptile mitigation strategy.

Bats

Bats are active on site. Activity is limited to common and widespread species. The application site does not appear to be of particular importance for foraging and commuting bats other than in a very local context. A number of trees are present on site that have the potential to support roosting bats. Based upon the submitted indicative layout plan it appears likely that these trees could be retained as part of the proposed development.

If any of the Category 1 trees are identified as being lost or isolated at the reserved matters stage then further bat surveys would be required to establish the presence/absence of roosting bats.

A building on site has been identified as having low potential to support roosting bats. The submitted phase one habitat survey recommends that a further survey be undertaken of the building to establish the presence/ absence of roosting bats.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species, the Nature Conservation Officer advises that a report of the results of the required further bat survey must be submitted to the Council prior to the determination of the application.

Common Toad

This priority species is present on site. The proposed development would result in the loss of a significant area of terrestrial habitat utilised by this species. The area of habitat retained for this species is however considerably increased under the revised proposals. As the existing ponds are to be retained there is potential for them to be enhanced for this species.

Black Poplar

Black poplar, a Biodiversity Action Plan priority tree species has been recorded on site just north of the existing football pitches. The Nature Conservation Officer advises that the black poplars and their associated habitat (ditch and wet grassland) must be retained as part of the proposed development. The submitted ES includes a commitment to retaining the Black Poplar trees on site as part of the proposed development. It is advised that this matter should be dealt with by means of a planning condition if outline consent is granted.

Japanese Knotweed

The submitted extended phase 1 habitat survey refers to Japanese knotweed being present on site.

Policy position

The emerging Local Plan Policies associated with the SMDA recognise the ecological value of the SMDA and any future development proposals are to be integrated with the adjacent SSSI and are also required to retain and enhance existing natural habitats and water courses. Water courses in the context of this site could include the network of drainage ditches through out the site, although these seem mostly to be dry.

Assessment of ecological impacts

Under the revised proposals there would be a loss of district value habitat. This relates to the very wet marshy area of the site.

The highest value habitats on site are those identified as being of County value. As referred to earlier, as the application site is an area of degraded raised bog, a large portion of the application site is of 'County value'. This value is a combination of the value of the habitats 'on the ground' and also in the sites potential for restoration. Restoration would involve the re-wetting of the site to recreate conditions suitable for the formation of peat. It should be noted that whilst a considerable larger area of habitat is now to be retained, the retained areas of habitat are likely to lose much of their potential for restoration as a result of the proposed development.

The majority of County value habitat as recorded 'on the ground' would now be retained under the revised proposals. Whilst there would still potentially be a loss of an area of

grassland and woodland habitat of County value, it is likely that the retained areas of habitat would respond positively to proactive management. The grassland habitats which support a number of characteristic species are particularly likely to be enhanced through management. The full benefits of management of the retained habitats and the adverse impacts of retaining habitats adjacent to development areas is difficult to fully predict, however the enhancement of the retained habitats is likely to go a considerable way to addressing the losses of 'County value habitat'.

Conclusion

The South Macclesfield development area supports habitats of local, district and county nature conservation value. The site also has value due to its origins as a raised bog. The south Macclesfield development area is covered by emerging local plan policy that requires existing habitats to be safeguarded. The revised proposals include increased habitat retention, focussing on those areas of highest value. Habitats of district value and some areas of county value would still however be lost.

Positive management of retained areas of County value habitat is being proposed as a means of compensating for those areas of County value habitat lost.

Archaeology

The application is supported by an archaeological and heritage desk-based assessment. The study considers the data contained in the Cheshire Historic Environment Record and also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. In particular, the study draws on the conclusions of the English Heritage-funded North West Wetland Survey which was carried out in the 1990s and highlighted the site's position on the northern fringes of Danes Moss. It particularly draws attention to the irregularly shaped area of sandy, slightly raised ground which occupies much of the eastern part of the site and extends over c 5ha.

Locations such as this are known from work at the nearby Lindow Moss and Chat Moss in Manchester to have been attractive for prehistoric settlement, which may be evidenced by assemblages of flint work in the topsoil. Section 11 of the report recommends that this potential is addressed by means of a programme of test pitting across the area referenced above, in order to establish the potential of the areas and the need, if any, for further mitigation. It is advised that this represents an appropriate approach and that, in detail, the work should consist of the excavation of a series of pits on a 20m grid across the 5ha area of interest. This will equate to a total of 125 pits, each of which should aim to produce two buckets of spoil for on-site sieving and the recovery of a sample of any artefacts present. Where concentrations of material are recovered, more intensive sieving may be required and consideration given to a targeted strip and record exercise if particularly significant remains are found in the topsoil.

The report also suggests that a limited programme of coring should be carried out where peat deposits occur within the development area. This will provide useful information about the former extent of organic deposits and could be carried out at the same time as the topsoil examination. It is likely that any peat will be too shallow and degraded in this area to justify further analysis but this can be confirmed during any exploratory coring.

A report on the work will be required and the mitigation may be secured by condition, which requires the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Flood Risk and Drainage

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the position of appropriate planning conditions. It is therefore, concluded that the proposed development will not adversely affect onsite, neighbouring or neighbouring developments.

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 a new retail unit and pub / restaurant, with replacement sports pitches, as well as bringing direct and indirect economic benefits to Macclesfield, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Infrastructure provision generated from the development would also assist in creating significant economic benefits of the development.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development. In addition, many of the other issues raised can be more appropriately addressed at the reserved matters stage when further details are put forward. No provision has been made for a facility for Macclesfield Town Football Club within the scheme. At this time the Football Club have no plans to move from Moss Rose.

Some of the comments made in representations on behalf of the house-builders, raise concern that the approval of this application will not bring about the guarantee that the SMDA will be built out and delivered. A viability report has been submitted, which indicates how the scheme can be delivered. Due to some of the site constraints, such as safeguarding habitat, dealing with contaminants and peat related issues and delivering the road, a balance has to be formed between providing the requirements of the policy and achieving the overriding policy objectives.

The application for Phase 2 of the development will need to be considered on its merits; however, the pre-application discussions appear to suggest that a residential led development is likely to be come forward on the rest of the allocated site over the next few months. Any future application will be the subject to the same vigorous viability testing that this application has been considered against. The fact that this site was purchased by a commercial developer over the last 2 years should add confidence to the deliverability of the whole SMDA

and its primary objective of securing a new link road between Congleton Road and London Road.

The site is allocated for principally employment uses within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy. However, the whole of the SMDA site is identified in the SHLAA as being suitable, available, achievable and deliverable with a potential capacity of 900 dwellings of which 400 will be delivered in the 1-5 period and a further 500 in the 11-15 period. Residential development is also a preferred option in the emerging CELPS and the South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011 and Macclesfield Draft Town Strategy. A scheme which provides more employment uses will be less viable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. Housing delivery is of high importance in Macclesfield, as too are the contributions that the development will make towards the Congleton Road to London Road link road, which is considered to be of vital importance to aiding traffic movements and easing congestion around Macclesfield, as well as the CELPS. It is therefore essential that a viable scheme is put forward. The development of the site for the proposed uses is therefore considered to be acceptable in principle.

ENVIRONMENTAL IMPACT ASSESSMENT

Members will note that this application is accompanied by a voluntary Environmental Statement (ES). The ES is a legal requirement for large development proposals such as this. It is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the Council. Environmental Statements tend to be highly technical and lengthy documents. To make these more accessible to the non-professional reader there is a requirement for a Non-Technical Summary to also be submitted. A revision of the Non-Technical Summary has been prepared taking into account the reduction in the number of properties.

The Environmental Statement describes the likely environmental effects of the redevelopment both during demolition and construction works and also when the development is complete. It has looked at issues such as Alternative Options, Traffic and Transport, Air Quality, Noise and Vibration, Ecology and Nature Conservation, Landscape and Visual, Cultural Heritage and Archaeology, Water Environment, Ground Conditions and cumulative impacts. Measures which have been taken to avoid or reduce negative effects to the environment (i.e. mitigation measures are identified where necessary).

The likely environmental effects embodied within the Environmental Statement have been considered in the relevant sections of this report. To summarise, the impacts are as follows:

ENVIRONMENTAL STATEMENT - PROCEDURAL ISSUES

It is considered that the Environmental Statement has been undertaken in accordance with the relevant regulations and guidance. On that basis, the LPA is satisfied that the submitted Environmental Statement contains the information specified in Part II of Schedule 4 to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile.

It should be noted that the Environmental Statement does indicate that there would be some adverse impacts upon the environment. The National Planning Practice Guidance indicates that where the EIA procedure reveals that a project will have an impact on the environment, it does not follow that planning permission must be refused. It remains the task of the Local Planning Authority to judge each planning application on its merits within the context of the Development Plan, taking account of all material considerations, including the environmental impacts. These impacts have been discussed throughout the report and have been given due consideration as part of the planning balance to be undertaken in decision making.

Section 111 Package and Viability Issues

Planning permission for this development has been sought by Engine of the North on behalf of Cheshire East Council. It is not technically possible for the Council to enter into a Section 106 Agreement with itself; however, it is possible to secure the normal Section 106 interests under Section 111 of the Local Government Act 1972.

The developer has submitted a viability appraisal (undertaken by consultants), which indicates that it is not possible to provide policy compliant levels of affordable housing and public open space contributions along with the necessary highway contributions and education contributions as outlined above.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011 and Macclesfield Draft Town Strategy in terms of facilitating the delivery of the Congleton Road to London Road link road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East's 5 year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the link road.

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 S111 satisfy the following:

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

The development would result in increased demand for primary school places in Macclesfield where there is very limited spare capacity. In order to either provide a new school, or increase capacity of the school(s) which would support the proposed development, a contribution

towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in a number of highways impacts on Congleton Road and contributions clearly are required towards the Congleton Road to London Road link road. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing and open space financial contributions would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

On this basis the S111 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS

The site is allocated as an Employment Site within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy.

However, many of the objectives of the emerging policy CS8 would be delivered as a result of this scheme and the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. Furthermore, it is considered that an employment led scheme which would be in accordance with the Local Plan allocation, has been demonstrated to raise significant viability issues and in order to ensure that the site is delivered with the necessary infrastructure, it is necessary to introduce higher value uses (such as residential and retail) in order to make it economically viable. The delivery of the employment elements of the allocated site should be capable of being delivered as part of the Phase 2 scheme. The contributions that this scheme will make towards infrastructure improvements, including the Macclesfield Relief Road and wider area are considered to be of vital importance to the delivery of the Macclesfield Town Strategy as well as the Development Strategy. It is therefore, critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore, considered to be acceptable in principle.

Comments are awaited from Sport England and the Councils Open Space / Greenspaces Officer in relation to the provision of playing pitches within the proposed scheme. It is also noted that there is provision for a Multi Use Games Area, equipped children's play space and facilities for teenagers and an outdoor gym in the form of a trim trail. This overall package is considered reasonable and satisfactory in terms of open space, sports and recreation facilities.

At the time of report preparation, it is expected that further information will be provided by way of an update report with regards to the retail issues raised, along with comments from the Councils contaminated land officer with regard to the Geo-Environmental study. It should also be noted that the recommendation is subject to receipt of a further bat survey.

The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy E3-E6 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The benefits in this case are: -

- A package of highways contributions (in excess of £3 850 000), which will help deliver a number of highways improvements in the vicinity of the site and Macclesfield Relief Road;
- 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;
- A new supermarket to the south of Macclesfield, which should ease congestion on the towns roads;
- POS provision and the provision of a MUGA/NEAP on site;
- Improvements to the PROW infrastructure in the area;
- 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 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
- There is not considered to be any drainage implications raised by this development
- The proposed highways contribution would mitigate the highways impact on the existing local road network and the overall impact would be neutral
- The impact upon trees and hedges 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.

Balanced against the above must be the following:

- The South Macclesfield Development Area is covered by emerging local plan policy that requires existing habitats to be safeguarded. The revised proposals include increased habitat retention, focussing on those areas of highest value. Habitats of district value and some areas of county value would still however be lost.
- Positive management of retained areas of County value habitat is being proposed as a means of compensating for those areas of County value habitat lost.

The emerging policy position is a significant factor in consideration of the overall planning balance. The proposal provides significant contributions to achieve the first phase of this key Strategic site in Cheshire East. The infrastructure contributions and improvement to local sustainability of this scheme do achieve the overall allocation objectives. While it will be necessary for the further phases to bring forward further the Relief Road and secure

employment opportunities and the other objectives of the allocation within the emerging Development Plan, it is considered that this scheme can be supported.

Though there would be certain impacts in approving this development as highlighted above, these impacts 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.

RECOMMENDATION

Approve subject to the completion of a Section 111 Agreement

Heads of Terms:

- **£750 000** towards the Flower Pot junction and improvements of Strategic Highways Infrastructure
- **£672 000** to primary education
- Provision of 20% affordable housing – subject to review of sales values during the life of the development
- Provision of public open space on site to be transferred to a Management Company

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

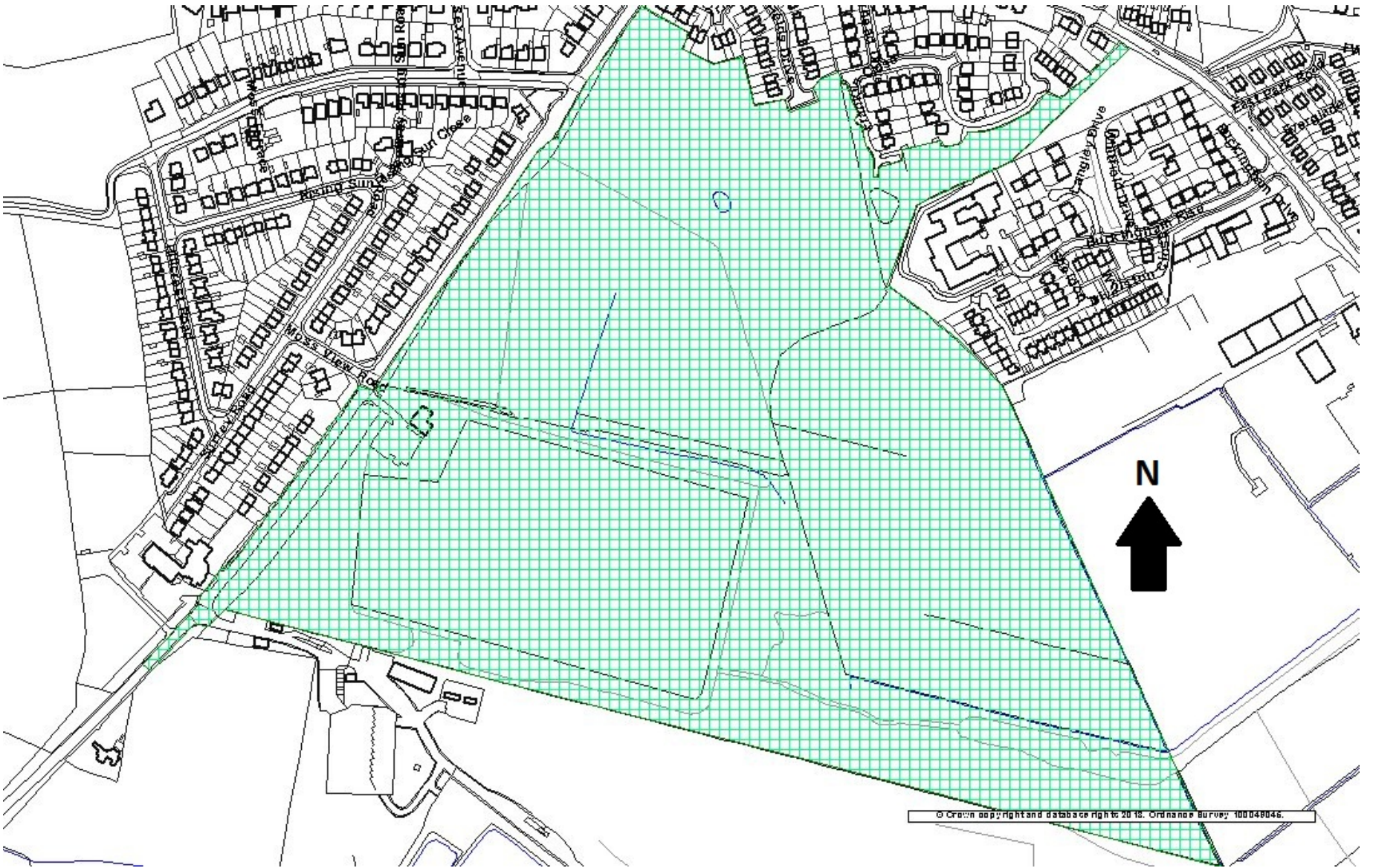
Application for Outline Planning

RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. A02HA - Construction of access
2. A04HA - Vehicular visibility at access to be approved
3. A32HA - Submission of construction method statement

4. Standard outline (Phased)
5. Development to be carried out in accordance with the approved Flood Risk Assessment
6. Limiting the surface water run-off
7. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events
8. A scheme to dispose of foul and surface water
9. Submission, approval and implementation of an Environmental Management Plan
10. Submission, approval and implementation of low emission strategy
11. Standard outline (Phased)
12. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house
15. Submission, approval and implementation of travel plan
16. Submission, approval and implementation of electric car charging points
17. Standard outline timescale condition
18. A detailed landscape scheme should be submitted for approval prior to commencement on site
19. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
20. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works
21. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
22. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
23. Submission / approval / implementation of footpath surfacing / lighting
24. Drawing numbers
25. Bin storage
26. Details of trees and hedgerows to be retained to be provided
27. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first
28. Ground levels to be submitted
29. Phasing plan to be submitted

30. Protection of breeding birds
31. Provision of bird boxes
32. Times of Piling
33. Hours of construction/noise generative works
34. Dust mitigation
35. Details of boundary treatment to be submitted prior to commencement.
36. Scheme for Sustainable Urban Drainage Scheme to be submitted
37. Habitat management plan submitted in support of a reserved matters stage
38. Detailed badger and reptile mitigation strategy at reserved matters stage
39. Method statement for the safeguarding and of retained areas of habitat during the construction stage to be submitted in support of any future reserved matters application
40. Retention of identified black poplar and associated habitats
41. Detailed proposals for the handling of surface and foul water as per natural England's consultation comments
42. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination has been submitted
43. Verification report for any remediation strategy
44. Design Code required with Reserved matters application



Application No: 15/2099C

Location: TALL ASH FARM, 112, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY

Proposal: Demolition of existing building and the development of up to 250 dwellings including access

Applicant: Bloor Homes North West Ltd

Expiry Date: 07-Aug-2015

SUMMARY

The proposal is situated within the Open Countryside and is therefore contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, which has been accepted in recent appeals.

The proposal is considered to be sustainable both locationally and in the context of the social, economic and environmental dimensions of sustainability. It will assist the Council's 5 year housing land supply position by utilising a previously developed site and will promote economic growth. It is the view of officers that these considerations outweigh the site's conflict with adopted local plan. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposed development would not adversely affect the visual character of the landscape or adjoining conservation area subject to appropriate details secured at the reserved matters stage. The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation. In terms of Ecology it is not considered that the development would have a significant impact upon the nearby SSSI, Local Wildlife Site, ecology or protected species subject to the mitigation proposed.

Subject to confirmation, the proposed development would provide appropriate provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is a lack of capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon nearby PROWS (subject to contributions) residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage. On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 obligations.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement

PROPOSAL

This is an outline application with all matters reserved apart from access. The application includes a single access point to the north of the site off Buxton Road (A54). The development relates to a residential development of up to 250 dwellings. The dwellings would comprise of a mix of 2-5 bed units and would include 30% affordable housing (up to 75 units). Public open space would also be provided within the application site.

SITE DESCRIPTION

This application relates to 15.97 ha of agricultural grazing land, located on the eastern edge of Congleton, to the south of Buxton Road. The site lies within the open countryside as defined by the Congleton Borough Local Plan First Review (2005).

The site is bound to the north and north-west by existing residential development and to the south lies the former Bath Vale Works, which has been redeveloped for housing. The Macclesfield Canal forms the eastern boundary to the site while Bath Vale Woods and Timbers Brook Sites of Biological Importance are located to the south.

Footpath 58 Congleton follows the route of the Macclesfield Canal and Footpath 70 Congleton follows the northern edge of Bath Vale Wood, along the southern boundary of the application site. Footpath 32 Congleton, which links to Footpath 19 Congleton, follows a route from Buxton Road along a short section of the northern boundary of the application site.

The site occupies an elevated position, relative to the Macclesfield Canal. The land slopes downwards from the site frontage to the rear extent of the site. There are a number of trees and hedgerows within and bordering the site.

RELEVANT HISTORY

29648/1 - RESIDENTIAL DEVELOPMENT ON 4.5 HA OF LAND AND OPEN SPACE AND COMMUNITY WOODLAND ON 3.8 HA OF LAND – Refused 03-Mar-1998

09/1116C - THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE HOUSES AND NEW ACCESS ROAD. – Dismissed at appeal 16-Feb-2009

11/0471C - The Construction of 20 New Build Affordable Houses and New Access Road – Approved 06-Nov-2012

12/4612C - Removal of Conditions 17 (Renewable Energy) and 18 (Development to be Built to Code for Sustainable Homes Level 4 or Higher) on Planning Application 11/0471C - The Construction of 20 New Build Affordable Houses and New Access Road – Withdrawn 04-Apr-2013

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

Local Plan Policy

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS4 – Towns

PS8 – Open Countryside

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

BH9 - Conservation Areas
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

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

CONSULTATIONS (External to Planning)

Environment Agency: No objection subject to conditions relating to foul and surface water drainage.

Head of Strategic Infrastructure: There are elements of information requested by the Strategic Infrastructure team that need to be submitted and agreed before a positive recommendation can be made for this development proposal and these items include;

- More detailed access design including relevant visibility splays and the design of the emergency access as it meets the wider highway network.
- A travel plan or at least firm commitments to sustainable transport measures including; walk, cycle, and bus measures.
- A breakdown of committed development traffic flows.

However, in principle, the Head of Strategic Infrastructure agrees with the applicant that the approach of contributing to the potential online A34 corridor scheme and/or the relief road will have the effect of mitigating the overall traffic impacts of the development proposal.

CEC Environmental Protection: Conditions and informatives suggested in relation to hours of construction, environmental management plan, noise mitigation, a low emission strategy, a travel plan, electric vehicle infrastructure, dust control and contaminated land.

Natural England: The application site is in close proximity to the Dane in Pasture and Madams Wood Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. Natural England advises that the SSSIs do not represent a constraint in determining this application.

For advice on protected species reference should be made to the Natural England standing advice.

Campaign to Protect Rural England: Object to the application on the following grounds:

- The development fails to meet the criteria as set out in Policy PS8
- The development fails to meet any of the requirements as set out in policy H6
- Within the SHLAA the development is deemed to be not sustainable, not achievable and not developable. The development of the site will not make a significant contribution to residential allocation
- The development is not in an area designated in the emerging CEC Local Plan as a strategic location for housing
- The only access to the site is from Buxton Road a very busy and very narrow road that connects Congleton to Macclesfield, Buxton and Leek. The developer has not included any provision for additional services. In addition to commuter traffic to and from the site there will be considerable additional traffic on this road especially towards Congleton Town Centre.
- In the submitted planning statement the developer seems to link the proposed development to deliverability of the link road. This concern for the link road is based on speculation rather than facts
- CPRE wishes to commend the developer's efforts to meet concerns in relation to wildlife and environmental issues. However despite these issues the proposal will lead to the destruction of wildlife habitats and corridors. If the application is approved the developer should adhere to the following:

- Clearance of alien species and management of streams, banks and corridors
- Provision of artificial nest sites for Bats, Barn Owls and other protected species
- Protection and replanting of existing hedgerows
- Use of native species in the planting on this site
- Protection of Badgers and other relevant protected species

CEC Public Rights of Way: The Macclesfield Canal towpath, Congleton Public Footpath No. 58, would form an important leisure and active travel route for residents of the proposed development. In order to accommodate the increased resultant traffic and in order to increase the accessibility of the proposed development, the request to improve the surface of the towpath would be supported. The proposed ramped access improvement between Buxton Road and the towpath, for both pedestrians and cyclists, would increase the accessibility of the route.

In order to increase the accessibility of this Public Footpath for residents of the proposed development, the developer contribution towards the improvement of off-site footpaths would be requested. Should the proposal be granted planning permission: works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to an initial estimate cost of £17,065.

CEC Strategic Housing Manager: No objection subject to 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure. The preferred method of securing the affordable housing is as part of a S106 Agreement.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

ANSA Public Open Space: No comments received

Education: No objection subject to the following contributions:

£249,464.67 (primary)
£277,825.73 (secondary)
£182,000 (Special Education Needs - SEN)

The Inland Waterways Association: No objection would like to make the following comments:

- The Macclesfield Canal is designated as a conservation area in recognition of its heritage value, and there are two listed buildings, Wallworth's Bridge No.69 and a canal milestone, adjacent to the site boundary. The existing hedgerow will be retained, improved where necessary and maintained into the future and to avoid the erection of any less appropriate boundary treatments at the top of the cutting.
- It would also be beneficial for the dwellings closest to the canal to be two story buildings so that the view from the towpath is not dominated by rooflines.
- The addition of a connection to the towpath near to Bridge 69 is welcome however the towpath currently has a grassed surface and becomes muddy during wet weather, particularly in places where surface water runs down the cutting. The stepped towpath access adjacent to Buxton Road (Bridge 68) does not provide access for all potential towpath users including cyclists.
- Policies GR14 and GR15 of the adopted Congleton Local Plan First Review require development to adequately provide for pedestrian and cycle connections, including securing

developer contributions where necessary. It is requested that provision be made to improve the towpath due to the increased traffic.

CEC Countryside Access & Public Rights of Way (PROW): Make the following comments:

- In order to accommodate the increased traffic there is a request for improvements to the canal towpath. The proposed ramped access improvement between Buxton Road and the towpath would also increase accessibility
- The provision of the footway and pedestrian crossing on Buxton Road will increase the permeability of the site and improve access to the towpath. Further details as to the connectivity between the towpath and Buxton Road should be requested to ensure that the facility is adequate for all users
- In order to increase the accessibility of this Public Footpath for residents of the proposed development walking to the school, the developer contribution towards the improvement of off-site footpaths outlined in the s106 heads of terms would be requested, should the proposal be granted planning permission: works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to an initial estimate cost of £17,065.
- A developer contribution would be sought to be held to cover the impact of the proposed development on Public Footpath No. 70 at the southern end of the development. Whilst an increase in footfall can be anticipated as a result of the development, the actual impact on the path in terms of ground conditions, and therefore the required remedial works, cannot be anticipated. Any funds not required within the term of the s106 agreement would be returned to the developer. A pre and post condition survey would be required.
- The other local route which would receive an increase in usage as a result of the development is the Biddulph Valley Way linear country park and National Cycle Network route, as this would offer scope for circular walks and cycle rides for residents. A developer contribution for surfacing works to accommodate this increased usage would be sought, again following an assessment of the deterioration of the route.

VIEWS OF THE CONGLETON TOWN COUNCIL

Object as contrary to Congleton Local Plan:

1. PS8 Open Countryside

The proposed development fails to meet any of the criteria set out in PS8; in particular it cannot be shown that it is controlled infilling as the proposed site is outside the settlement zone.

2. H6 Residential Development in Open Countryside and the Green Belt

The development fails to meet any of the provisions set out in H6 in that the proposal is not limited infill within the boundary line; it is major proposal for 250 dwellings outside the settlement zone

Cheshire East Council

3. SHLAA

The proposed site is designated in the SHALAA 2012 as site 2549 which is designated as not currently developable. The definition of not currently developable is where it is not known

when a site could be developed. This may be for example, because one of the constraints to development is severe, and it is not known if or when it might be overcome.

4. Cheshire East Core Strategy

The proposed site is not in an area designated in the emerging CEC Local Plan as one of the strategic locations for housing and would be contrary to the Local plan as it is not part of the site allocation and development policies near to the route of the Congleton Link Road. The proposed development then would prejudice the achievement of the Plan's objectives and would frustrate the financial viability of the Link Road and as such should be rejected

5. Unacceptable Increases in Traffic

Buxton Road is already a very busy and congested road, the increase in traffic emanating from the proposed development would be detrimental to the safe and efficient operation of the highway and adversely affect the free flow of traffic on Buxton Road heading towards the Town Centre

OTHER REPRESENTATIONS

Over 200 representations have been received, with 44 letters in support of the proposals and the remaining against. The letters of objection raise the following points;

Principal of Development

- The proposal is speculative
- There is no need for more housing in Congleton
- The development is too large for Congleton
- No benefits from this development
- The development should not be approved as it is contrary to local plan policies
- There are more appropriate sites which could be developed
- Loss of agricultural land / farmland
- The development is not needed or wanted
- Lack of detail contained within this planning application
- The number of housing applications is disproportionate to the size of the area
- Loss of countryside
- The site is not identified within the current Local Plan
- There are plenty of brownfield sites which should be used first
- The site is not sustainable
- There are no jobs in Congleton
- This site should be kept green for local residents to enjoy
- Impact upon the character of Congleton which is a market town
- Loss of Green Belt

Design issues

- Visual impact due to the topography of this site
- Loss of views
- Impact upon the Conservation Area
- The development is too dense
- The site is prominent/landscape impact

- Will affect views of Bosley Cloud

Infrastructure

- Impact upon schools
- Impact upon medical infrastructure
- No assessment of the impact upon local infrastructure
- Public transport needs to be improved first
- Lack of pavements

Highways

- Increased traffic congestion
- Dangerous access onto the A54 Buxton Road
- Pedestrian safety
- The highway network should be improved first
- Increased traffic
- Cumulative highways impact
- Congleton needs a relief road
- People will be car dependant

Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of outlook
- Loss of privacy
- Noise pollution
- The existing trees and hedgerows which provide a buffer to existing dwellings should be retained as screening
- Light pollution
- Increased landscaping/vegetation is required
- Ground contamination

Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon nearby woodland
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Bats are located on the site

Other issues

- Increased drainage problems
- Flooding
- Impact upon the PROW
- The site is well used by walkers and ramblers
- Affordable housing not affordable

The letters of support raise the following points;

- Will provide much needed affordable housing
- Will assist Eaton Bank High School with more pupils and more funding
- Natural extension to Congleton
- The roads are not busy
- Will create much needed employment opportunities and new workers
- Will attract people to the area
- Will help the local economy

An objection has been received from Fiona Bruce MP raising the following points:

- The site is within the open countryside and is outside the settlement zone
- The A54 is already known as an accident zone with a narrow bridge over the canal with no pavements – any increase in traffic would be detrimental
- It is suggested that there are insufficient school places or medical provision within the locality to support this proposed development. Furthermore there are concerns that as Congleton Town has not been prioritised for growth it currently has inadequate employment opportunities to provide local jobs for residents of the proposed developments
- This letter is written in full support of many constituents that are opposed to this application.

An objection has been received from the Congleton Sustainability Group raising the following points:

- The Congleton Sustainability Group (CSG) wish to state that they disagree with the report of the meeting that the (CSG) had with the applicant (Bloor Homes) as contained at page 9 of the applicant's Statement of Community Involvement which states, *'with all parties agreeing that Tall Ash Farm is set in a sustainable location for new housing'*.
- This is a misrepresentation of the views of the CSG which states that *'should you proceed with this development its sustainability can and needs to be significantly improved'*.
- The CSG response to Bloor Homes' consultation and the subsequent meeting with them identified a wide range of measures, which are needed to bring the development up to minimum standards of sustainability. While some of the measures have been incorporated in the latest proposals (as submitted to Cheshire East) most have not. The CSG therefore maintain that this site is not in a sustainable location.
- The CSG object strongly to the application on the grounds of the impact upon the highway network, lack of sustainability, impact upon designated sites and impact upon bio-diversity
- If this development should be given approval either by the Council or at appeal the CSG consider, for reasons of road safety, it is essential that as part of any conditions of approval the developer must fund a Toucan crossing of the A54 (Buxton Road) and, under a Section 38 agreement, to fund the proposed improvement to the A54 on the east side of the canal bridge. Furthermore, the developer must increase the visibility splays to match the speed of vehicles past the site, which the CSG consider will be much nearer to the current 40mph.
- Furthermore, any approval must include a commitment to funding and delivering all-weather surface improvements to the Macclesfield Canal towpath up to Congleton railway station and other links to the existing PROW network; in this respect the lack of a firm commitment to these improvements in the draft Heads of Terms is disappointing.
- The CSG would also expect a firm commitment to the provision of allotments; again the lack of a firm commitment within the submitted documentation is disappointing.
- In order to provide adequate protection to designated sites adjoining the site and the bio-diversity of the site and adjoining areas the CSG require buffer zones with a minimum width of

40m between any development (including internal roads) and the Macclesfield Canal and Bath Vale Woods.

- Finally, again to improve the sustainability of the development and reduce its carbon footprint the CSG ask that the applicant revisits the other sustainability measures that the CSG identified in the response to their public consultation and includes all, or at least most, of these measures in the development rather than the vague possibility of including a few as currently proposed.

APPRAISAL

Principle of Development

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

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

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

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 of ‘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.

The change in the housing land supply position and the uplift in numbers will require further sites to be brought forward for consideration as part of the emerging Cheshire East Local Plan.. Congleton is identified as an area where additional housing development will take place due to the site hierarchy and distribution work that has now been agreed. The Tall Ash Farm site is also one of a number of alternative sites that are currently being considered for further development

Accordingly to paragraph 49, where in the absence of a 5-year housing land supply policies for the supply of housing are considered to be out of date and proposals should be considered in the context of the presumption in favour of sustainable development. Previous Appeal decisions and court rulings have established that Open Countryside policies are policies for the supply of housing and therefore it is necessary to consider whether the proposal is sustainable in order to determine whether the presumption applies.

SOCIAL SUSTAINABILITY

Access to Facilities

The application site is located on the easterly edge of Congleton adjacent to existing residential development. The proposed housing development will be accessed directly off Buxton Road. The application site is located approximately 1.5 km from Congleton Town Centre. Consequently, the site is in close proximity to a number of facilities including schools, shops, public house and post office which are all readily accessible to the proposed development. The Town Centre on the whole can be accessed via well lit public footpaths. Given the factors above, the designation of Congleton as a key service centre, it is considered that the site is locationally sustainable.

Public Open Space

Owing to the size of the site, the application indicates that open space provision and children’s play space will be accommodated within the site. This is currently being assessed by the Council’s Greenspaces department (ANSA) and will be reported to members by way of an update.

Affordable Housing

The site falls within the Congleton sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 58 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 27x 1bd, 10x 3bd, 46x 4+bd general needs units and 37x 1bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 568 applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 245 x 1bed, 193x 2bed, 87x 3 bed and 19x 4 bed. 24 applicants did not specify their bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

As this is an outline application, the precise detail of the affordable housing is limited. However, the quantum, tenure and location proposed is acceptable and could be secured by a s106 Agreement, with a requirement that an affordable housing scheme is included with the Reserved Matters application.

Education

The local primary and secondary schools are forecast to be cumulatively oversubscribed and the Education Department has requested that contributions are sought in the town on a per pupil basis (£249,464.67 for primary education £277,825.73, for secondary education and £182,000 for SEN). The contributions will mitigate the impact of the development and could be secured as part of a S106 Agreement. Therefore the development is considered to be acceptable in terms of its impact upon education in Congleton.

ENVIRONMENTAL SUSTAINABILITY

Open Countryside

Although open countryside policies are policies for the supply of housing and are out of date where no 5 year supply is in evidence, these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8 and H6, seek to protect the intrinsic character and beauty of the countryside.

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

Landscape

Within the submitted Landscape and Visual Impact Assessment, the baseline landscape character of the site 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 the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 16: Higher farms and Woods, Buglawton Character Area (HFW4).

The submitted Landscape and Visual Impact Assessment (LVIA) advises that the general impact of the proposal on the landscape will not be 'significant, with a beneficial effect on landscape features through the introduction of new tree planting on site boundaries as part of the green space provision'. Whilst the Council's Landscape Officer broadly agrees with these conclusions, he advises that the Southern Green Corridor (H) as shown on the Parameters plan should be wider than the 15m min corridor shown, and that development should not take place along the western part of the field identified as Field 7 on Fig 6.

The submitted LVIA does identify the rural character of this part of the application site, as well as the substantial contribution it makes to the character of the stretch along Footpath 70. However, it is important to note that this application is in outline form and therefore the specific layout is not for consideration at this stage. This would be a matter to be dealt with at the reserved matters stage where the Landscape Officer's comments should inform the reserved matters layout to provide both landscape and visual benefits for both the proposed development, as well as for the area to the south. As such, at this stage, a refusal could not be sustained as the precise landscape treatment and layout of the dwellings is not for consideration.

Highways Implications

Access

The proposed development would be served by the formation of a new access with a ghost-island right turn lane directly onto the A54 Buxton Road. The design has yet to be submitted at a suitable scale for the purposes of checking. It is noted that the 85th percentile speeds around the site access are of the order of 40mph. Although the applicant has indicated that they will seek an extension of the 30mph speed limit on the A54, they cannot rely upon such implementation. In any case a reduction in the speed limit to 30mph would still require a higher standard of visibility than the 2.4m x 43m originally indicated by the applicant. It is therefore considered appropriate that forward visibility and visibility splays at the site access should be provided as per DMRB for the 40mph speed limit which currently exists. The applicant has submitted and amended plan to demonstrate such visibility.

Traffic Impact

The submitted Transport Assessment (TA) considers the operation of the proposed site access and impact of traffic flows on the A54 Mountbatten Way/A54 Moor Street/A527 Park Lane roundabout. The analysis confirms that the operation of the A54 Mountbatten Way / A54 Moor Street roundabout junction would, in fact, be satisfactory at future year predicted levels of traffic.

The operation of the A54 Mountbatten /Worrall St junction is such that it is operating beyond capacity in the evening peak hour and at capacity in the morning peak hour. The applicant's TA takes no account of delays but indicates little change as a result of the proposed development. On examination of the outputs the modelling demonstrates long queues and delays on several arms (102 in a queue in the PM peak on A54 SB with 227 seconds delay per vehicle) that are made worse (112 in queue and 252 seconds delay per vehicle) with the addition of development traffic.

Queue and delay issues are also apparent at the A54 Mountbatten Way / The Meadows junction in the PM peak hour which will become worse with the addition of development traffic. The applicant accepts that this corridor will be congested and that the network effects of congestion need to be considered as part of a strategic approach.

Analysis at the A54 Mountbatten Way / A34 Rood Hill signal junction indicates a junction operating under significant levels of stress in both the AM and PM peak hours. The development proposal will further impact upon the operation of this junction. The applicant's TA states that there will be no severe impact on the operation of these junctions as standalone junction. However, the cumulative impact of development along this corridor is significant and requires appropriate mitigation. The CRA approach is that a strategic approach to the corridor is required and that this would amount to either; online improvements on the A34, or the Congleton Link Road, and that they should contribute to it.

Although the proposals do not fully mitigate traffic impacts in the Mountbatten Way corridor, a number of trips to/from the development (and on the network generally) will be long distance and, taking those journeys as a whole, the Councils HSI considers that a financial contribution to proposed improvements (online or Congleton Link Road) would have an overall beneficial highway impact to outweigh the harm of the development.

The Council has run VISSIM models to indicate the impact of other developments on the highway network in Congleton and to propose relevant highway improvement measures and a suitable contribution strategy to those measures.

The modelling indicated problems in the A34 corridor (it did not model the A54 Mountbatten Way corridor) and identified potential on-line improvements and costings. The modelling also considered the possibility of the Congleton Link Road. On the basis of an "either/or" funding approach, the development would be required to provide a contribution of £3,000 per dwelling towards the A34 online improvements or the Link Road if/when it comes forward. The applicant has confirmed agreement to this, and this would need to be secured by s106 agreement.

Residential Amenity

Whilst there are residential properties in the vicinity of the site, the nearest would be Tall Ash Farm itself, which would adjoin the north-western corner of the site. As the application is in outline form, the precise position and layout of the proposed dwellings is not known at this stage. However, the indicative layout demonstrates that the proposed development could be accommodated within the site whilst complying with the minimum separation distances with the nearest neighbouring properties.

The Council's Environmental Protection Unit has requested conditions in relation to hours of operation, environmental management plan, external lighting, and contaminated land and noise mitigation. These conditions will be attached to any planning permission.

Air Quality

The proposed scale of the development is likely to change traffic patterns in the area. There are concerns that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure for both existing and future residents.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered that mitigation should be sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development. Mitigation to reduce the impact of the traffic can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting) vehicles.

The air quality impacts from this development could be mitigated with the implementation of the proposed travel plan and suitable electric vehicle charging infrastructure. Subject to the mitigation measures being secured the Environmental Protection Unit has no objection to the development. Details of dust mitigation would be secured by condition.

Noise

The applicant will need to ensure that the future occupants of the proposed dwellings are not adversely affected by noise Buxton Road. The Environmental Protection Unit is satisfied that this can be adequately mitigated through appropriate insulation, glazing and ventilation. Such mitigation will need to be confirmed at the reserved matters stage.

Trees and Hedgerows

There are a number of trees within and adjacent to the application site. Most are scattered isolated individual specimens within existing field boundary hedgerows or former hedgerow remnants comprising of Oak, Ash and Sycamore. To the south of the site lies 'Bath Vale Woods/Timbersbrook'; a visually significant landscape component and SBI and a linear wooded slope which forms the eastern boundary of the site with Macclesfield Canal. To the southwest section of the site is a steeply sided slope which contains an area of early mature Oak, Hawthorn and Willow and occasional Elder. To the northern boundary is Buxton Road (A54) where there is little tree cover other than a mature hedgerow from the access to Tall Ash Farm and the canal.

The submitted Tree Survey identifies 33 individual trees, 4 Groups, 3 hedgerows and 2 woodlands within and adjacent to the application site. The application is also supported by a Tree Constraints Plan which identifies the root protection area (RPA) of existing trees although this is not shown on the Illustrative layout. The application is not supported by an Arboricultural Impact Assessment that would evaluate the direct and indirect impact of the proposed development on trees; nevertheless the Illustrative layout suggests that most trees will be accommodated within potential areas of public open space.

With respect to the health and amenity value of the trees, they have been categorised in accordance with Table 1 of BS5837:2012; with the survey identifying 17 individual moderate (B) category trees; 15 Low (C) category trees and two trees unsuitable for retention due to their condition. One low category Oak tree (T32) appears to be shown within the proposed residential area shown on the Illustrative layout, but has been identified with cubical rot. The Council's Tree Officer has therefore confirmed that its retention would not be deemed a priority owing to its poor condition.

There are elements of the initial design that would require further consideration/amendment in any future reserved matters application. The orientation of back gardens and properties facing onto the Macclesfield Canal (Conservation Area) and the wooded slope should be avoided. There are a number of mature trees along the top of the wooded slope and others which have significant future growth potential. The orientation of plots and relatively small rear gardens is likely to lead to future pressure for the removal of these trees due to relationship to buildings and loss of private amenity space due to shading etc.

The submitted Tree Survey suggests a minimum 10-15 metre buffer between Bath Vale Woods and dwellings along the southern boundary. Given the nature and designation of the woodland and its importance in the landscape, it is considered that a 10-15 metre buffer is insufficient. Standing Natural England advice suggests a minimum buffer zone of 15 metres of semi natural habitat between development and ancient woodland. Whilst this is an advisory minimum, a buffer in excess of 15 metres should be appropriate in most cases unless there are significant and unavoidable reasons for not doing so.

In design terms, the indicative layout does appear to show some potential conflict with existing trees and woodland and proposed housing plots and therefore some further reassurance is required at reserved matters stage by provision of a detailed Arboricultural Impact Assessment that trees could be retained in the long term.

Public Rights of Way

Public footpaths Congleton FP58 and FP70 adjoin the application site to the east and south respectively. There are also a number of other public rights of way which meet in the vicinity of the site, including Congleton footpaths FP19 and FP32.

As part of the proposals, a number of improvements/ additions to the Public Footpath network are proposed. Such works to the existing footpaths would be required to accommodate the additional footfall and would help to improve sustainable access for future residents.

As referenced in the response of the Canal and River Trust, the Macclesfield Canal towpath, Congleton Public Footpath No. 58, would form an important leisure and active travel route for residents of the proposed development. In order to accommodate the increased resultant traffic and in order to increase the accessibility of the proposed development, the request to improve the surface of the towpath would be supported. The proposed ramped access improvement between Buxton Road and the towpath, for both pedestrians and cyclists, would increase the accessibility of the route. These improvements have also been logged as local aspirations under the Council's statutory Rights of Way Improvement Plan (ref. T33).

The provision of the proposed footway and pedestrian crossing on Buxton Road would increase the permeability of the proposed site to pedestrians and improve accessibility to and from the canal towpath. The developer would be reminded that the footway facility would need to accommodate both pedestrians and cyclists, as both categories of user have access along the towpath. Further details as to the connectivity between the towpath and the Buxton Road would be requested to ensure that the facility is adequate for all users. However, this would be a matter of detail secured at the reserved matters stage.

The submitted Transport Assessment states that “access to Buglawton Primary School via footpath No.38 (this should read Footpath No. 32), is unsuitable due to its mixed nature of stiles, fields and secluded narrow sections of footpath”. In order to increase the accessibility of this public footpath for residents of the proposed development walking to the school, the developer contribution towards the improvement of off-site footpaths outlined in the s106 heads of terms would be requested. The required works would include the replacement of stiles with gaps or gates, destination signposting and surfacing works to cost of £17,065. This contribution would be required prior to the commencement of development in order that the facility for walking to school can be improved prior to first occupation.

The Council’s Public Rights of Way Unit (PROW) has also recommended future contributions towards the maintenance of footpath FP70 and the ‘Biddulph Valley Way Linear Countryside and National Cycle Network route’. However, this is based on the future degradation of the paths for which the PROW team cannot anticipate likely impacts and harm from this proposed development. Accordingly, these further contributions could not be reasonably secured.

Design & Conservation

The application site is presently Greenfield and in use as pasture/grazing land. The indicative layout suggests that up to 250 dwellings could be accommodated on the site served from a new access point taken from Buxton Road (A54). This would feed a primary access road running from north to south which would then meet with an internal loop road towards the southern portion of the site, with a number of tertiary roads throughout the development. The dwellings would be arranged around the internal road network with pockets of public open space and local areas for play distributed within the central core of the site. Towards the eastern boundary to the site, where the Macclesfield Canal runs the full extent of the site, it would appear that properties would be run in a linear arrangement backing onto the canal side.

It is noted that the proposed layout is a little cramped in parts and is also quite uniform across the site. There is an opportunity to create a more diverse range and to lower the density further at the site edges so that it is more respectful to surrounding features, such as the woodland to the south. The scheme seems denser in the southern part of the site than the north. It is envisaged that a higher density in the northern part with lower density in the southern part would be required to soften the visual impact of the proposals. Also, there are concerns regarding the rear garden relationship to the canal.

The canal is set approx. 8-10m below the site immediately to the west and the embankment has mature trees and under-planting over much of its length. There are gaps though and in winter, the density and effectiveness of this landscape feature would be diminished. Whilst on the illustrative layout the housing backs on to the site edge, care will be needed to ensure domestication doesn’t become visible from the canal which has a tranquil, rural character that

contributes to its special interest. It is suggested that the landscape of the embankment should be supplemented by creating a buffer of further landscaping within the site and that this should run the full length of the boundary, save for the break where the bridge crosses the canal.

In this case it is considered that although the indicative layout of the development should be improved, it is considered that an appropriately designed scheme could be negotiated at the Reserved Matters stage.

Ecology

SSSI and Local Wildlife Site

The proposed development is of a type that falls within Natural England's Impact Risk Zone associated with the nearby Dane in Shaw Pasture SSSI. Natural England have advised that the proposed development is unlikely to affect the features for which warranted the designation of this SSSI and therefore the impacts of this proposal area acceptable.

Bath Vale Woods Local Wildlife Site, which supports ancient woodland habitat is located immediately adjacent to the southern boundary of the site. The indicative layout includes a buffer between the proposed development and the boundary of the Local Wildlife site. The standing advice from Natural England is that minimum buffer of 15 metre is required.

In this instance considering the scale of works proposed in the vicinity of the woodland and the potential of the proposed development to alter the hydrology of the woodland, it seems likely that a buffer wider than the minimum 15m would be required in order to safeguard the woodland from the adverse impacts of the proposed development. Consequently, it is considered that a condition be attached requiring any future reserved matters application to include the buffer zone as shown on the submitted parameters plan.

Grassland Habitats

There is an area of marshy grassland habitat within the site that supports watercress and so is likely to be of sufficient quality to be designated as a Local Wildlife Site. This habitat could be feasibly retained as part of the proposed development. Elsewhere, the other grassland habitats present within the site support a number of species indicative of higher quality grassland habitats. However, recently the grassland habitats had been reseeded and therefore in their current condition the grassland habitats present on the application site are unlikely to be of significant nature conservation value.

Great Crested Newts

The Council's Nature Conservation Officer has confirmed that none of the assessed waterbodies located within 250m of the proposed development are reasonable likely to support breeding great crested newts and this species is not reasonable likely to be present or affected by the proposed development.

Common Toad

This priority species was recorded on site during the amphibian appraisal. The proposed development will result in the loss of a significant area of terrestrial habitat that is likely to be utilised by this species. The potential impacts of the proposed development on this species can be reduced through the retention and enhancement of areas of semi-natural habitat within the site layout. In order to enhance the available breeding habitat for this species, it is recommended that the detailed design layout includes an additional pond.

Badgers

Evidence of badgers has been recorded on site including a number of setts. The identified setts are all located within areas shown on the submitted parameters plan as being allocated for open space/landscaping uses. Therefore based on the current level of badger activity, it appears unlikely that any setts would be directly lost as a result of the proposed development. There is however likely to be a loss of foraging habitat that could potentially be partially mitigated through the careful design of the open space areas at reserved matters stage. As the status of badgers on the application site is likely to change over time, any future reserved matters application should be supported by an updated badger survey and mitigation strategy.

Bats and Barn Owls

There has been no evidence of roosting bats or barn owls associated with the buildings located adjacent to the application site. However, evidence of barn owl activity was recorded as being associated with one of the trees within the site. A barn owl mitigation strategy has also been formulated and submitted in support of the application. Based upon the submitted illustrative layout plan, it appears that this tree could be retained appropriately within the development. A condition would however be required to ensure that any future reserved matters application is supported by an updated barn owl survey and mitigation strategy.

A number of trees have been identified as having bat roost potential. These trees are all identified as being retained. The three trees that have been identified as having the highest level of potential to support roosting bats are all shown as being retained within suitable adjoining habitat.

A broader bat activity survey has also been undertaken of the site. There is a notable level of bat activity recorded on site in terms of the number of species potentially present. However, the survey was potentially constrained by being undertaken late in the activity season. That said, the area of the site with the greatest level of bat activity is shown as being retained on the submitted plans and the potential impacts of bats can be mitigated through retention of existing vegetation, particularly the hedgerows and existing trees around the boundaries of the site.

Water vole and Otter

A survey for both of these species has been undertaken. Potential evidence of Otter activity was recorded on the adjacent canal and so it is possible that this species utilises all of the watercourses adjacent to the site. The submitted report recommends that a buffer of 20 metres should be provided adjacent to the water courses. This recommendation has been incorporated into the submitted parameters plan.

Hedgerows

Hedgerows are priority habitat and hence a material consideration. In addition a number of hedgerows (numbered: 2a, 2b, 6, 7, 8a, 9, 10, 11) have been identified as being Important under the Hedgerow Regulations. Based upon the submitted parameter plan it appears feasible for most of the existing hedgerows to be retained on site. There are likely to be some losses associated with a number of hedgerows on site, however, these losses can be minimised to an acceptable level.

Breeding Birds

A number of species of birds (including a range of priority species) have been recorded as being associated with the application site. In the absence of mitigation, the proposed development has the potential to have an adverse impact upon a number of these species, particularly the species associated with the adjacent woodland and on-site hedgerows. The Council's Nature Conservation Officer (NCO) has stated that the potential impacts of the proposed development upon birds could be partially mitigated through the retention of the existing hedgerows within the site with suitable buffers, and the provision of a buffer of semi-natural habitat between the proposed houses and the adjacent woodland as discussed above.

Offsetting/Defra metric

Once the required further ecological surveys have been completed, it is recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual ecological impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the residual ecological impacts of the development to be fully addressed. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

There are no issues with respect to reptiles species was recorded or Brown Hare on site and it is advised that species protected by law would not be affected by the proposed development subject to conditions and financial contributions.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The FRA identifies that it will be feasible to drain the proposed development and manage surface water runoff using attenuation and/or SuDS features. The FRA also demonstrates that the proposed development can address the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties.

The Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

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 Congleton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Loss of Agricultural Land

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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'

An assessment of agricultural land has been submitted in support of this application and the results show that the agricultural land on the site is grade 3b value and therefore does not comprise the best and most versatile agricultural land. As such, *the proposal is unlikely to have adverse economic effects in respect of farming operations.*

CIL Regulations

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

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

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

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

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

The PROW contributions are required to improve the PROW in the vicinity of the site to ease access and mitigate the impact from users generated by the development. The development would result in increased use of the PROW and upgrades are required. As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

The proposal is contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted."*

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall in a relatively sustainable location. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion and adverse impact would be minimised (subject to appropriate detail being secured at the reserved matters stage) and it is not considered that this

is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

The proposed development would not adversely affect the visual character of the landscape or adjoining conservation area subject to appropriate details secured at the reserved matters stage.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to contributions to secure mitigation.

In terms of Ecology it is not considered that the development would have a significant impact upon the nearby SSSI, Local Wildlife Site, ecology or protected species subject to the mitigation proposed.

Subject to confirmation, the proposed development would provide appropriate provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is a lack of capacity within local schools and that a contribution will be required in this case. This would be secured as part of a S106 Agreement.

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

It is considered that an acceptable solution could be negotiated in terms of the PROW on this site at the Reserved Matters stage.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 obligations.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £249,464.67 (primary) £277,825.73 (secondary) and £182,000 (Special Educational Needs) = total of £709,290.40**
- **Highways contributions of £3,000 per dwelling towards the A34 online improvements or the Link Road**
- **Public Open Space (TBC)**
- **PROW contributions of £17,065**

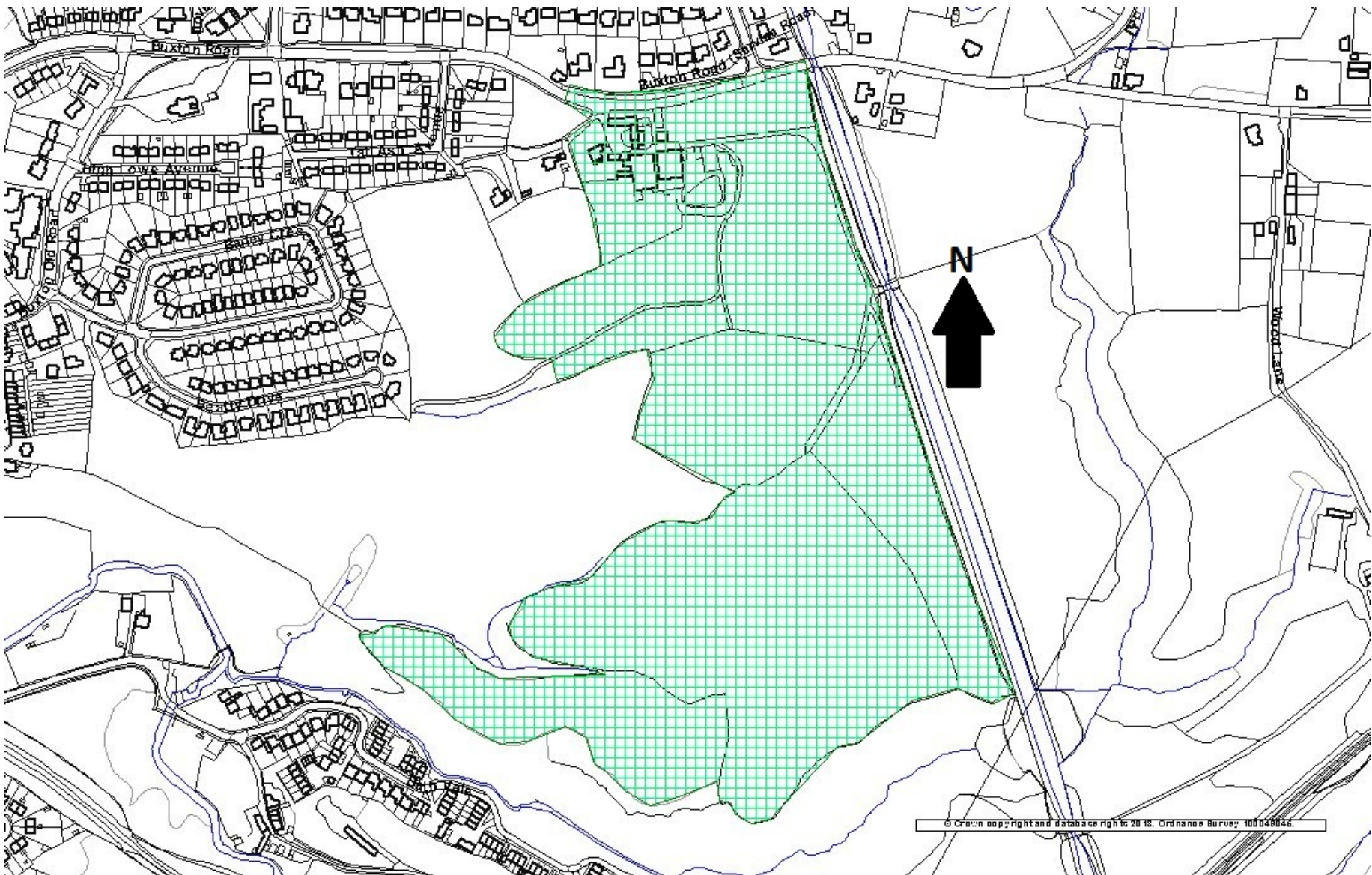
And the following conditions:

- 1. Standard Outline Time limit – 3 years**
- 2. Submission of Reserved Matters**
- 3. Accordance with Approved Plans**

4. Access to constructed in accordance with approved plan prior to first occupation
5. Submission of an Environmental Management Plan (incl dust control)
6. Noise mitigation to be submitted with reserved matters
7. Submission of a travel plan
8. Provision of electric vehicle infrastructure (charging points)
9. Submission of contaminated land survey
10. Details of drainage to be submitted
11. Only foul drainage to be connected to sewer
12. Details of pile driving operations to be limited
13. Retention of important trees
14. Tree and hedgerow protection measures
15. Arboricultural Specification/Method statement
16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
17. Reserved matters application to include details for the provision of an additional pond
18. Reserved matters application to be supported by updated badger survey and mitigation strategy
19. Updated barn owl mitigation strategy to be submitted with any future reserved matters application
20. Detailed lighting scheme to be submitted in support any future reserved matters application.
21. Provision of 20m buffer zone adjacent to the canal.
22. Provision of minimum 30m buffer adjacent to woodland in accordance with submitted parameters plan.
23. Provision of gaps in garden and boundary fencing to allow movement of hedgehogs.
24. Development to be carried out in accordance with in accordance with the recommendations of paragraph 5.17 of the submitted phase one survey report prepared by CES Ecology.
25. Reserved matters application to be supported by a method statement for the eradication of invasive non-native plant species

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

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



Application No: 15/1529W

Location: BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON, CHESHIRE, CW12 4HW

Proposal: Removal of Condition 29 on Application 8/08/0375/CPO

Applicant: Miss Maria Cotton, Sibelco Europe

Expiry Date: 29-Jun-2015

SUMMARY:

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

In terms of sustainability the proposal would satisfy the economic sustainability role by streamlining the processing and use of mineral reserves. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses.

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

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

PROPOSAL

The application proposes the removal of condition 29 of permission 8/08/0375/CPO at Bent Farm Quarry (a copy of which can be viewed within the listed relevant documents).

Conditions 29 states:

'No minerals from sources outside the site shall be imported into the site for processing, storage treatment or the operation of the quarry and no materials shall be imported for the purpose of restoration without the prior written approval of the Mineral Planning Authority.'

Reason: For the avoidance of doubt, to protect residential amenity.

The applicant seeks to remove this condition to allow the importation and processing of minerals from sources outside of the site.

The applicant operates a number of silica sand quarries across the UK and Europe. Bent Farm operates plant which can produce product specifications from the imported materials required by many of their customers. The proposed variation is required to streamline their production process in order to provide a more cost effective service to their customers.

The variation would enable them to import, process, store and treat minerals from other sites within their ownership. They anticipate that a maximum of 100,000 tons of mineral would be imported per annum. This would increase the total number of vehicle movements importing mineral to the site to 38 HGVs a day (19 in 19 out) over the existing vehicle movements which average approximately 52 HGVs a day (26 in 26 out) thus the total HGV movement would be approximately 73% greater at 90 HGVs a day (45 in 45 out). The vehicle movements would be restricted to the hours of 0800 to 1800 hours with no night time movements.

In replacement for the removal of Condition 29, it is proposed that following four additional conditions restricting import of materials to Bent Farm Quarry Site be attached to the permission should this application be granted:

- i) *No materials shall be imported for the purposes of restoration without the prior written approval of the Mineral Planning Authority*

Reason: For the avoidance of doubt, to protect residential amenity

- ii) *No materials shall be imported to the Bent Farm Quarry Site other than those allowed in accordance with condition (i), for purposes of restoration, and inert mineral for processing, storage, treatment and despatch at the Bent Farm Quarry Plant Site which shall be restricted to no more than 100,000 tonnes per year, as detailed within 'Sibelco' letter dated 27 March 2015,*

Reason: For the avoidance of doubt, to protect residential amenity.

- iii) *All imported inert mineral, allowed under condition (ii), shall only be stored within area shown within approved plan no. B01/P15/003A*

Reason: For the avoidance of doubt, to protect residential amenity and impact on open countryside.

- iv) *Heavy Goods Vehicle movements associated with the importation of minerals to the site shall not exceed 370 per working week (185 in 185 out)*

Reason: For the avoidance of doubt and to protect residential amenity and highway safety.

SITE DESCRIPTION

Bent Farm Quarry is located 3km to the south-west of Congleton. Access to the quarry is from the A534 via a short length of Wallhill Lane.

Bent Farm Plant Site, located to the North West of the quarry area, is currently used exclusively for the storage and processing of mineral (sand) extracted from the Bent Farm Quarry Site. The current processing operations include processing storage and export of sand. The existing plant is capable of producing product specifications from external sources without any modifications.

The location of the quarry means that the primary transport routes servicing the quarry would use a short stretch of Wallhill Lane and from the A534 to Junction 17 of the M6.

Nearest residential properties to the Bent Farm Plant Site lie approximately 100m to the North West 'Wallhill Cottage', to the North approximately 200m ('Wallhill Farm, 'Walnut Cottage' and 'Post Box Cottage') and Immediately to the South West 'Quarryside Bungalow'.

Immediately to the north of the Plant Site behind screen bund and planting runs Footpath FP10 and Bridleway BR7A.

RELEVANT HISTORY:

The quarry site has the benefit of planning permission for the extraction and processing of silica/industrial sand and has a long planning history; with the most recent extant permission granted in December 2009 (ref: 08/0375/CPO) for a 11.8ha extension to the west of the site, from which mineral extraction commenced on 18 December 2009.

NATIONAL & LOCAL POLICY

National Policy:

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

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

Development Plan:

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan 2005 in which the site lies in Open Countryside

The relevant Saved Policies are: -

Cheshire Replacement Minerals Local Plan (MLP)

Policy 1: Sustainability
Policy 2: Need
Policy 9: Planning Applications
Policy 17: Visual Amenity
Policy 26/27: Noise
Policy 28: Dust
Policy 31: Cumulative Impact
Policy 34: Highways
Policy 37: Hours of Operation
Policy 47: Sand and Gravel Area of Search

Congleton Borough Local Plan (CBLP)

PS8: Open Countryside
GR1: New Development
GR4: Landscaping
GR6 & 7: Amenity and Health
GR9 & 10: Access & Highways
GR16: Footpaths
GR 18: Traffic Generation
NR2: Nature Conservation
E5: Employment 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:

SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations

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

EC Habitats Directive
Conservation of habitats and species regulations 2010

CONSULTATIONS:

Highways: No objection – no resulting capacity problems or severe impact.

Nature Conservation: No objection

Environmental Health: No objection subject to the inclusion of condition restricting hours for importation and number of HGV movements.

Landscape: No Objection – no resulting significant landscape or visual impact

Environment Agency (EA): No Objection in Principle however concerns raised by the complete removal of the condition.

Parish council: No comments received at the time of report writing.

REPRESENTATIONS:

Two written representations have been received raising objection to the proposal on the following grounds:

- principle of import of materials to the quarry;
- potential Industrial operations / use of site;
- traffic impacts on Wallhill Lane;
- raises issues / question of the extension of the operating lifetime of the facility.

Applicants Supporting Information

The application is accompanied by planning drawings and Additional information including Transport Assessment provided within Sibelco Europe E-mail dated 21 July 2015

APPRAISAL:

The key issues are:

- Development in the open countryside
- Control of environmental pollution
- Highway impacts

Economic Sustainability

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make best use of them to secure their long-term conservation. Paragraph 144 requires Local Planning Authorities to give

'great weight to the benefits of the mineral extraction, including to the economy', and 'as far as is practical, provide for the maintenance of landbanks'.

The applicant states that the proposed importation and processing of external minerals from external sources together with that of the extracted from Bent Farm is needed to produce a more cost effective and streamline production of more products of which there is a current need from many of the company's existing customers. By streamlining mineral production there would be associated cost savings would support both a local business and as well as national mineral economy.

The efficient use of existing facilities which help make the best economic use of finite mineral resources both at Bent Farm Quarry and other sites is supported by national guidance. It is therefore accepted that the importation of external mineral would provide associated economic gains and in addition allowing the importation would make the best economic use of existing mineral reserves by allowing the production of more products at the Bent Farm Quarry Site.

The proposal would assist the efficient use of remaining mineral reserves, thereby helping to maintain the landbank required by national planning policy as well as providing direct and indirect benefits to the local economy by providing a source of more aggregates products. As such this complies with the approach of the NPPF and the MLP.

Environmental Sustainability

The use of an existing facility on an established mineral processing site has positive environmental benefit in that it has the potential to reduce the need for other sites within the area to be developed for such a use. However this should be balanced against the impact by the intensification of mineral development proposed at the Bent Farm Quarry Site.

From an overall environmental perspective, as advised by the Environment Agency (EA) it is considered that the proposal to import 100,000 tonnes per annum of uncontaminated inert mineral to the site *"is likely to be agreeable in principle"*.

However the EA comment that by the complete removal of condition 29, which currently helps control the overall scale of operations and limits the activities to those that have been subject to appropriate levels Environmental Impact Assessment (EIA) within the current permission, there would be uncontrolled mineral import which raises the potential for increase in vehicle movements, mineral treatment processes, size of stock piles, associated increased dust emissions and volume of waste by-products. As a result the EA recommend a separate application specifically for the importation element *"it is recommended that Condition 29 be retained in its current form, and the Mineral Planning Authority should use it as the basis of a formal written approval for the particular importation, storage and use activity proposed"*.

Taking into account the above EA comments, whilst it is appreciated that there could indeed be the potential adverse impacts which could result from the complete removal of Condition 29. It is considered that in this case with the current controls afforded by replicating the conditions of the extant permission and further controls in the form of additional conditions which would similarly restrict the import of material aside from the exception for limited import

of 100,000 tonnes per year of uncontaminated inert mineral for storage, treatment and processing at the existing Bent Farm plant site, it is considered that any potential harm from uncontrolled importation could be effectively controlled.

Environmental Impact Assessment Based on the above and given the controls afforded by the current permission, it is not considered that the proposals either individually or cumulatively with the wider mineral activities at Bent farm Quarry would be present environmental impacts of such significance as to warrant an Environmental Impact Assessment.

Noise and Dust Impacts

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, 28 and 31 do not permit development which would give rise to unacceptable levels or that would result in greater cumulative impacts from of water, noise or dust pollution. CBLP policy GR6 & 7 does not support development which would significantly injury the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution.

The proposal to allow the importation, processing and storage of minerals to the site would result in a significant increase in number vehicle movements to and from the site and an increase in the level of on-site activity. These activities would have the potential to increase the risk of adverse noise and dust impacts and in addition to current activities have the potential for greater cumulative impacts.

With regards any increase in activity on-site it is considered that the extant mineral permission includes controls and limits for such impacts, including noise dust monitoring and mitigation measures. As advised by the Councils Environmental Health Officer (EHO), it is expected that these existing measures are sufficient as to control any increase in activity due to this proposal.

There is however less control to manage impacts from a significant increase in proposed HGV movements within the current permission. The EHO raises no overall objection to the proposal but identifies that the proposed increase in HGV movements may have adverse impacts on nearby residential properties. Advice from the EHO states the importance to control of night time and Sunday HGV movements for mineral importation and therefore it is recommended that no HGV movements relating to material import activities should be made on a Sunday or Public Holiday to avoid increases disturbance on these days.

Taking into account the above recommendations from the EHO it is considered that subject to the continuation of existing environmental protection controls and, should approval be granted, the inclusion of conditions controlling the times for importation to be within daytime working hours 8am – 6pm, and restricting the number of HGV movements associated with importation being restricted to 370 movements (185 in 185 out), it is considered that that this planning proposal would not cause any significant amenity impacts from noise and dust and therefore

accords with MLP policies 25, 26, 28 and 31 as well as policy GR6 and GR7 of the Congleton Borough Local Plan 2005.

Nature Conservation

The location for storage of imported material is within the existing plant area and is not considered to have any impact on protected species. The proposals are considered to not adversely impact on protected species and accord with CBLP policy NR2.

Landscape and visual impacts / Open Countryside

The principle of the mineral development on this site has already been accepted for the mineral site located within Open Countryside. Any additional impacts from importation and storage of material within the existing plant site however needs to be assessed

All imported material is proposed to be stored within a specified area within the main quarry plant area adjacent to existing plant, as shown on location plan B01/P15/003 Rev A. The plant area is well screened by mature trees from external views and, the location of the proposed storage area within the plant area and surrounded by existing plant would not result in any significant landscape or visual impact.

The import material would require no proposed alterations to the sites landscaping and subject to a condition restricting area for storage of imported materials it is considered that the proposal would have no significant additional impact on the openness of the nearby countryside and accords with policies 15 and 17 of MLP, CBLP policy PS8, the approach of the NPPF and policy SE4 of the emerging Local Plan Strategy.

Highway impacts

MLP policy requires new development to ensure that the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety and the traffic can be accommodated within the existing highway network; whilst CBLP states that traffic generation from new development should not significantly injure the amenities of residents, in accordance with Policy GR18.

Concern has been raised by local residents as to the impact of the increased traffic as a result of the proposals.

A 'Transport Statement' has been submitted in support of this application.

To allow for the importation of mineral the Transport Statement shows that proposals would effectively increase the number of HGV's visiting the site by approximately 73% to a total of 90 HGV movements per day (45 in 45 out). In addition the study identifies four specific routes used by HGV's to access the site, and that the vast majority at approximately 90% of movements travel to and from J17 M6 using the A534.

Based on the provided study the Strategic Highways Manager has provided comments and holds no objection to the proposals on the grounds of highway network impacts "*Given the stated routing of the HGV's, 90% of movements would use the A534 towards the M6 at J17,*

this level of additional trips using the A534 would not result in capacity problems or a severe impact. Therefore, I would not object to the removal of Condition 29."

Taking in consideration the above reasons the proposals would not present any unacceptable adverse impacts on amenity or road safety and would be able to be accommodated within the existing highway network and accords with CBLP policies GR9 and GR18.

SOCIAL SUSTAINABILITY

Response to Objections

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

With respect to comment raising concern over the lifespan of the current minerals permission at the site and the expansion of industrial uses at the Bent Farm Plant Site. The current application does not seek to extend the date for the sites completion and restoration therefore would not allow the processing of mineral both imported and won from the site after the conditioned completion of mineral extraction operations at the Bent Farm Quarry site.

PLANNING BALANCE

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

The economic benefits of the scheme are clear in that it enables the streamlining of minerals production providing direct and indirect benefits to the local economy by providing an economic source of aggregates. In addition there are environmental benefits of using an established mineral site to process minerals. This should be balanced against any potential harm to residential amenity and the environment resulting from the increased activity on site and HGV movements.

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

RECOMMENDATION

That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 8/08/0375/CPO namely:

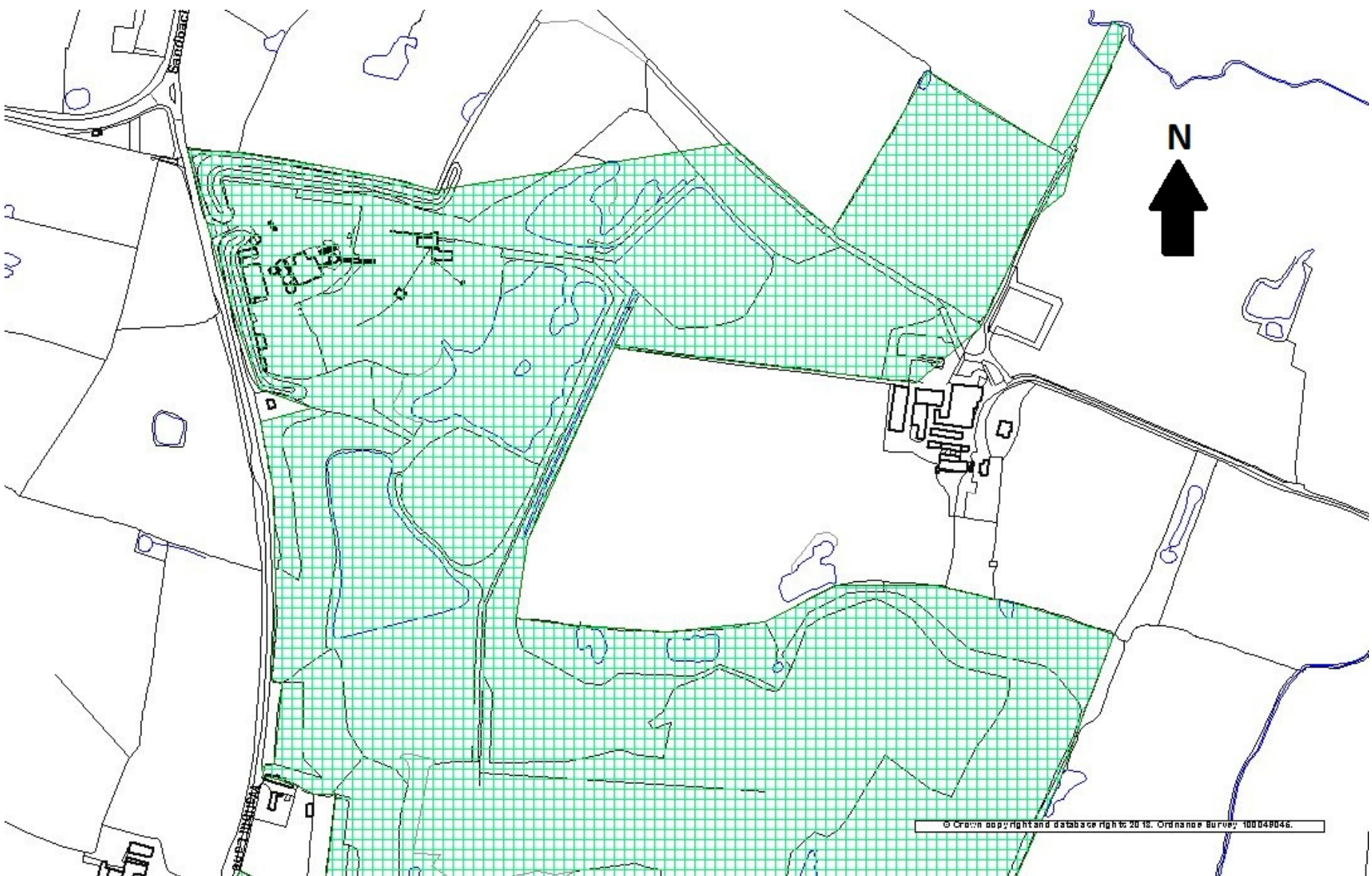
- **15 year management plan following completion of the restoration scheme**

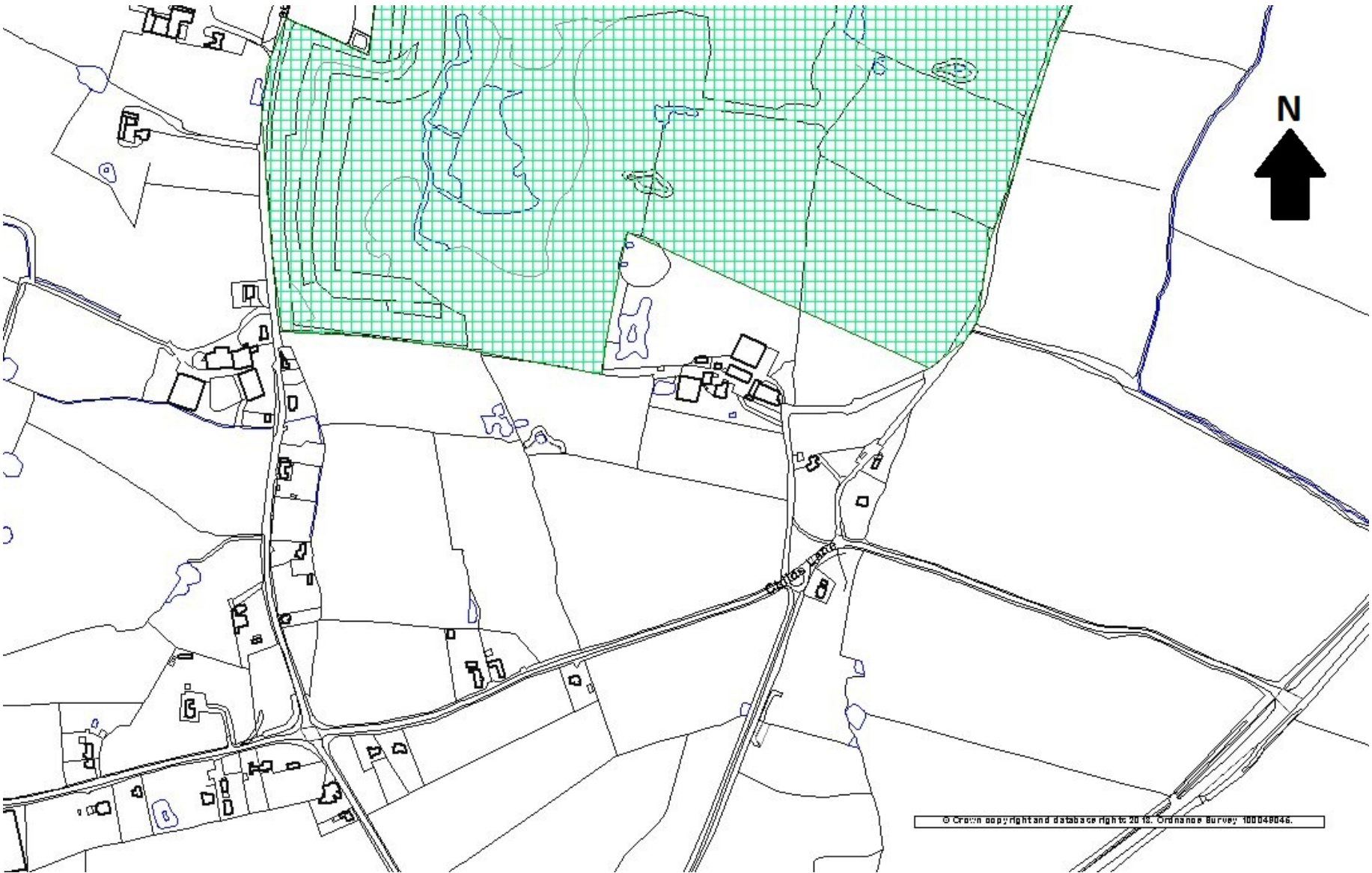
Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 8/08/0375/CPO unless amended by those below;
- Hours of import HGV Movements
- Restrictions on import of mineral to that applied for
- Restrictions on the import of materials for restoration
- Restriction on location of imported material storage

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

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





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Application No: 14/3024N

Location: LAND OFF, CHURCH LANE, WISTASTON, CREWE

Proposal: Outline application for a proposed residential development of up to 300 dwellings, site access, public open space, landscaping and associated infrastructure.

Applicant: Gladman Developments Ltd

Expiry Date: 18-Sep-2014

SUMMARY

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

The benefits in this case are that 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, POS provision and the proposed LEAP and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon education infrastructure (subject to the required contributions), protected species/ecology, drainage/flood risk, trees/hedgerows, residential amenity/noise/air quality and contaminated land and highways (subject to the required contributions).

The adverse impacts of the development would be the erosion of the Green Gap between Wistaston and Nantwich, the loss of open countryside the landscape impact and the loss of agricultural land.

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

RECOMMENDATION**REFUSAL****PROPOSAL**

This is an outline planning application for the erection of 300 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point that would be located to the northern side of Church Lane between No 127 Church Lane and an existing electric sub-station.

The development would include 1.54 hectares of amenity green space, a LEAP and 3.05 hectares of natural green space (which includes retained ponds, wetlands, green infrastructure and habitat creation).

The application is accompanied by an Environmental Impact Assessment.

SITE DESCRIPTION

The site of the proposed development extends to 13.88 ha and is located to the northern side of Church Lane, Wistaston. The site is within Open Countryside and Green Gap. To the south of the site is residential development fronting Church Lane. To the south-west corner of the site is an existing bowling green, tennis courts and school playing fields. To the north and west of the site is agricultural land and to the north east is an area of recreational open space.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The site includes a small pond to the south-west corner of the site. To the eastern boundary of the site is a watercourse known as Wistaston Brook. The land levels drop to the eastern boundary of the site.

Two Public Rights of Way cross the site from north to south (Wistaston FP1 and Wistaston FP2).

RELEVANT HISTORY

13/2649N - Outline planning application for proposed residential development of up to 300 dwellings, highway works, public open space and associated works – Refused 13th January 2014 – Appeal Lodged – Appeal Dismissed 26th February 2015. This application was refused for the following reasons:

- 1. The proposed development would cause a significant erosion of the Green Gap between the built up areas of Crewe and Nantwich which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*
- 2. The proposed development would cause the loss of Open Countryside, which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 17 of the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside.*

3. *The proposal would involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Together with the reasons stated above this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.*

13/1828S - EIA scoping request for Environmental Statement – Scoping letter issued 30th May 2013

13/1395S - EIA screening for land off Church Lane – EIA Required 18th April 2013

NATIONAL AND LOCAL 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 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 4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

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)

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

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
Environmental Impact Assessment Regulations 2011

CONSULTATIONS

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

Strategic Highways Manager: The highway comments made on the previous application are a material consideration in regard to this application as there have been no material change in circumstances since the 2013 application was considered. There are other residential schemes that are currently being considered that affect a similar part of the road network as this application but have yet to be determined and therefore cannot be considered as committed.

Therefore, given this application is slightly lower in terms of the number of units proposed, the application is considered acceptable subject to the same conditions and financial contributions being secured on this application.

Natural England: The proposed development is unlikely to affect any statutory sites. For advice on all other protected species refer to the Natural England standing advice.

Environment Agency: No objection. Conditions suggested relating to surface water run-off, a scheme to manage the risk of flooding from overland flow, and the provision of an undeveloped buffer zone along Wistaston Brook.

Environmental Health: Conditions suggested in relation to an Environment Management Plan, contaminated land, travel plan and electric vehicle infrastructure. Informatives suggested in relation to hours of construction and contaminated land.

CEC PROW: The development affects Wistaston Public Footpath Nos. 1 and 2, as recorded on the Definitive Map of Public Rights of Way. The legal line of footpath no. 2 is shown incorrectly on the plans and the definitive line is obstructed by the housing development.

As there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant. Therefore the PROW Team wish to object to the planning application.

ANSA Public Open Space: No comments received as part of this application. As part of the previous application it was stated that:

'The proposal should provide an equipped children's play area. This needs to cater for both young and older children – 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat, a wide slide, and a ground-flush roundabout would be required, as these cater for the needs of less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. All equipment needs to have wetpour safer surfacing underneath it, to comply with BS EN 1177. The surfacing between the wetpour needs to be bitmac. The play area needs to be surrounded by 16mm diameter bowtop railings, 1.4m high, hot dip galvanized and polyester powder coated in green. Two 1.4m high self-closing pedestrian access gates need to be provided – these need to be coloured yellow. A double-leaf vehicular access gate also needs to be provided, with lockable drop-bolts. Bins, bicycle parking and appropriate signage also needs to be provided.'

A contribution for off-site provision (£225,000) towards finishing the restoration work at Queens Park should be secured'

CEC Flood Risk Manager: No objection subject to the imposition of a condition relating to a scheme for the disposal of surface water.

CEC Countryside Access: There are a number of suggestions from local communities logged under the Council's statutory Rights of Way Improvement Plan for the area surrounding the development site. The increase in users arising from the development would result in increased pressure on facilities within the area and therefore the need for these improvements is likely to increase. These suggestions, each of which would require consultation with respective landowners, local community and user groups, include:

- ROWIP Ref. W69: accessibility improvements on the Joey the Swan paths, some of which are currently not accessible to all users due to restrictive access furniture, steps and widths of bridges
- ROWIP Ref H31: upgrade of public footpath no. 1 to bridleway standard for horse riding as part of a wider circular route (this would require the agreement of adjacent landowner to the development site).

- ROWIP Ref. 259: upgrade of paths and furniture within the Joey the Swan area for horse riding
- ROWIP Ref. 309: legal process to record on the Definitive Map the 'missing link' of public footpath within the Joey the Swan park.
- ROWIP Ref. X14: development of promoted circular walks for local communities, including signage, interpretation, access improvements and leaflets.

CEC Archaeology: A condition is suggested should the application be approved.

CEC Education: Request the following contributions: £182,000 for Special Educational Needs Provision (SEN), £596,545.95 for primary provision and £702,735.67 for secondary school provision.

VIEWS OF THE PARISH COUNCIL

Wistaston Parish Council: Object to the application on the following grounds:

- The proposal would have a detrimental impact upon the openness and visual character of the countryside and the health and well-being of residents. The current public footpaths are heavily used for people taking exercise in the open countryside.
- The proposal would be visually detrimental to the landscape at Joey the Swan area which is a natural beauty spot and would cause disturbance to wildlife in the area.
- Cheshire East Council are keen not to create urban sprawl by infilling strategic open gaps. The proposal is located within the last strategic open green gap accessible to the public in Wistaston and would result in erosion of physical gaps between built up areas. Cheshire East Council have afforded their green gap as green belt status in the current Local Plan.
- The proposal does not add anything towards existing community amenities and would have a severe impact on the already oversubscribed schools and medical services of the catchment areas. Other neighbouring developments which are already under construction and in the pipeline would compete with the existing schools and services.
- Wistaston is already considered to be developed to its full capacity. It is expanded to the size of a small town, any large scale developments would lead to urbanisation with Crewe.
- The proposal is in conflict with the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and Cheshire East Council's submitted Local Plan – Shaping our Future Development Strategy for Jobs and Sustainable Communities. New settlements in the Crewe area have already been identified at: Crewe Town Centre; West Street (Dunwoody way); Basford East; Basford West; Leighton West and Shavington.
- The development would have a significant increase in the volume of traffic through Wistaston on adjacent roads and thoroughfares, in close proximity to existing junctions. There are no infrastructure plans for major road improvements. The proposed site access does not address the fundamental problems of increased traffic flow at peak times.
- It is well known in the area that the stretch of Church Lane between Park Drive and Valley Road is a local accident hotspot at peak times. This is also the location of the proposed development sole entry and exit junction. Also cross traffic to/from employment sites on the South East of Crewe along Broughton Lane and Park Drive to Nantwich Road will exacerbate the problem.
- The outline planning proposal for a priority junction off Church Lane does nothing to alleviate the existing problems and increased traffic density particularly at peak times.
- The proposed development would be accessed at an already narrow and overcrowded convergence of roads with narrow bridges by School children and other pedestrians having a detrimental impact on highway safety.

- This land is classed as high grade agricultural land and it is Cheshire East Council's policy to use low grade agricultural land and brownfield sites. Also Cheshire East have a five year housing land supply in place which excludes the land off Church Lane, Wistaston.

Willaston Parish Council: Objects to this planning application on the grounds that the site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe & Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS5 of the emerging Cheshire East Local Plan.

REPRESENTATIONS

Letters of objection have been received from 409 local households raising the following points:

Principal of development

- The site is within the Green Gap
- Contrary to Local Plan Policies
- Landscape impact
- The site should be allocated as Green Belt within the Local Plan
- Loss of green land
- The development will fill in a green gap between Crewe and Wistaston
- The application is a land banking exercise
- Erosion of the Green Gap
- The site is identified as a new Green Belt
- The development would be contrary to the NPPF
- The SHLAA identifies that this site is unsuitable for development
- The harm outweighs the benefit of this development
- The Council is able to demonstrate a 5 year housing land supply
- The development will be harmful to the character of the area
- The development will result in urban sprawl
- Approving the development would set a precedent
- There are many unsold homes in Crewe
- There are many empty homes in Crewe
- Crewe Town Centre should be redeveloped first
- There are other sites which are more appropriate for new development
- The sole purpose of this application is to generate profit for the developers
- Crewe and Nantwich will soon be merged
- The proposed development is out of scale compared to Wistaston
- The development will take 5-6 years to complete and it is not reasonable to expect residents to live next to a building site for such a long time
- Impact upon the Green Belt
- The consultation period is timed with a busy holiday period
- The application is a land banking exercise
- Loss of agricultural land
- The application site has amenity value/is a well used open space
- This application has already been rejected once
- Loss of the identity of Wistaston
- The local community are not in favour of this development
- This application is no different to the previous refused application
- Intrusion into the open countryside

- Brownfield sites should be developed first
- The proposed development is not sustainable
- The site is an asset of community value
- Lack of employment in the area
- The land is in agricultural use
- The development is contrary to the NPPF
- No need for affordable housing
- The site is contrary to the emerging Cheshire East Local Plan
- No need for further housing in Wistaston
- Loss of village identity
- The development would create urban sprawl
- There should be a concentration on employment before housing
- Brownfield sites should be developed first
- The development is unsustainable
- There are currently 570 houses and 32 flats for sale in Crewe
- This application will open the flood gates for further development
- This site acts as a 'green-lung' for the area
- The application is for the financial gain of the developer

Highways

- Increased traffic
- Cumulative highways impact from other developments in the area
- Local roads are used as a rat run
- Increased on-street parking
- Dangers caused by construction traffic
- Church Lane is very busy
- Existing queuing traffic along Church Lane
- Pedestrian safety
- The increase in traffic will be a danger to school children going to school
- Traffic congestion along Middlewich Road and Crewe/Nantwich Road
- The proposed access would create a staggered junction
- Church Lane is narrow and twisty
- Existing congestion problems at Middlewich Road/Wisaston Green road
- Additional vehicles on the road
- Highway safety at the Rising Sun junction
- Increased traffic will impact upon an existing ambulance route
- Health and safety impact
- The access would not be safe
- Highway safety
- Traffic problems caused by another junction onto Church Lane
- Unsafe access at an accident blackspot
- Traffic congestion at the Joey the Swan/Broughton Lane junction
- Traffic/parking problems during the construction phase of the development
- Impact upon the safety of cyclists
- The footpath network need to be upgraded
- Increased accidents

Green Issues

- Landscape impact

- Impact upon wildlife
- Impact upon protected species
- Pollution run-off into Wistaston Brook
- Loss of the last green space in Wistaston
- Increased water run-off into Wisaston Brook
- Impact upon biodiversity
- Landscape impact
- Impact upon trees
- Increased air pollution
- Loss of Green Land
- Loss of hedgerows
- Loss of important woodland
- The site is elevated and the development would be highly prominent
- The trees on the site should be protected

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The site suffers drainage problems
- The sewer system is at capacity
- Increased flooding at Joey the Swan
- Impact upon social care infrastructure
- There are no plans for school extensions in this area
- Local sewage infrastructure cannot cope with further development
- Leighton Hospital is at capacity
- Doctors surgeries are full
- The local Primary School is already full
- The local pre-schools are full
- There is no capacity at local secondary schools
- Impact upon local shops
- The local dentists are full
- Impact upon the play area at Joey the Swan
- Impact upon electricity infrastructure
- Risk of flooding
- Insufficient medical services

Amenity Issues

- Impact upon health and well being
- The fields are used for public enjoyment
- The site is well used by dog walkers
- Impact upon the PROW
- Visual impact
- Noise and disruption from construction of the dwellings
- Increased dust
- Increased noise
- Increased light pollution

Other issues

- Loss of views
- Lack of public consultation

- There is Japanese Knotweed on this site
- Residents should be compensated if this development is allowed
- The density and style of development is not appropriate
- Loss of property value

A petition signed by 7 local residents has been received objecting to the scheme.

A letter of objection has been received from Sustrans raising the following points:

- **Peacock roundabout, A534/A51** - In expanding the widths of entries/exits at the roundabout, the applicant's design shows the removal of the current footway/cycle track. There is no indication of what will happen to this circulatory footway/cycle track. This was installed specifically to help the less confident at this busy junction. The refuge on Park Road is essential to help cross that road in two stages. The applicant's design shows this being removed. There is no indication of how pedestrians and cyclists will cross the widened entries/exits in a safe, convenient way. This junction is set to see more traffic resulting from approvals for Wardle and Kingsley Fields; it is essential that safe, convenient crossings are provided, on-line, for pedestrians and cyclists.
- **Wistaston Green Road/Middlewich Road** - The crossing at Wistaston Green Road should be a toucan to accommodate the Crewe-Nantwich greenway. In order to install the traffic lights, the applicant's design shows a left turning lane from Middlewich Road taking up the current footway/cycle track, recently widened with DfT funding to CEC via Sustrans. There is no indication of what is to happen with this footway/cycle track and how it relates to the Crewe - Nantwich greenway. The toucan crossing of Middlewich Road on the Crewe - Nantwich greenway, on the Nantwich side of the Rising Sun, is essential for the continuity of the route. We would not like to see this removed or downgraded in any manner to accommodate more traffic at this junction.
- **Church Road** - The applicant's proposals show road widening to accommodate a right turning lane. The refuge proposed should be deeper and for shared pedestrian/cycle use to help local people cross the road, which will become busier.

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

- The Wistaston Green Gap should be retained in its entirety
- The open green space and Joey the Swan are well used by the local community and should not be built on
- Cheshire East has over 7 years housing supply
- The infrastructure in Wistaston is already under pressure
- Support for the objections raised by local residents

An objection has been received from the Hands Off Wistaston Action Group raising the following points:

- Hands Off Wistaston share the concerns of many other local residents that should this application go through then it will have a significant detrimental impact on the immediate area and the wider Wistaston landscape.
- Over 1,290 objections have been submitted to the previous proposal on this site by Gladman. It is a clear mandate from the local population that they not want this development. This is localism in action – local people making it clear what they value as a community asset – and Hands of Wistaston urge Cheshire East Council to take these views on board and refuse this application.

- There are many areas within Cheshire East – and indeed Crewe and Nantwich – where development will be welcomed; brownfield land, land identified as a preferred site by Cheshire East Council. This site meets neither of those criteria. There is no need to develop this green gap, agricultural land valued by the community.
- The site and adjacent land provides a habitat for a number of species, including protected species such as Great Crested Newts. Water voles and Pipistrelle bats have also been observed, among other species.
- The local road network, particularly around the Middlewich Road junction, is already at or near capacity. Further increases in traffic will make the roads more congested and dangerous. The proposed access routes will make road traffic accidents more of a risk and will significantly add to local congestion.
- This is good quality agricultural land, mostly MAFF grade 2/3a. This should be retained for agricultural use. The loss of this land will be detrimental to local agricultural output.
- This field is heavily used by residents for leisure purposes and provides a significant contribution to local health and wellbeing. It provides an area to exercise and reduce stress, preventing further strain on an already overstretched hospital and local GP surgery – which cannot handle even more patients should local developments proceed.
- This application is focused on one issue – how to maximise profit opportunities. It is clear that Gladman's profits from this site would be greater than developing a brownfield site. However, the impact on the local community will far outweigh and monetary value that Gladman place on the land. For the sake of current and future Wistonians, this application must be refused.

A letter of objection has been received from the Wistaston Conservation Group raising the following concerns:

- This application is identical to application 13/2649N which drew many hundreds of objections; these included the MP for Crewe and Wistaston, Chair of Cheshire East Council and other County Councillors, Wistaston Parish Council and other community and environmental groups. This is the last green space left in Wistaston and its loss would have an unacceptable impact on the health and well being of this community.
- Leighton Hospital, local GP surgeries and local schools are already running at full capacity.
- The proposed new road junction onto Church Lane would have an unacceptable impact on what is already a very busy road. Within 100 metres there would be a narrow bridge and four road junctions with the new development generating an estimated 500 additional vehicles.
- During periods of heavy rainfall, raw sewage is occasionally discharged directly into Wistaston Brook. A further 300 family dwellings would completely overwhelm the local foul water and drainage systems.
- The development directly contravenes the national Green Gap policy and would be one more step toward Crewe and Nantwich merging into one amorphous urban sprawl.
- The vast majority of local people do not want this development but do want to keep the last piece of open green space in the parish for present and future generations to enjoy.
- The first application (13/2649N) was heavily rejected by this community, this identical application should also be refused for the same reasons. Indeed it is a wonder to many local people, that after so many objections, why was the same application was allowed to go forward.

The full content of the objections is available to view on the Councils Website.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon the Green Gap
- 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 (“the NPPF”) requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements.

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

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

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the form of the "*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*" produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Wistaston and Nantwich. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker’s assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.

In this case the previous application on this site was subject to an appeal which was dismissed by the Secretary of State. As part of the planning balance contained within his decision the SoS found that:

‘The Secretary of State considers that the harm due to the erosion of the Green Gap separating Wistaston and Nantwich is contrary to the development plan. This weighs heavily against the proposals. This along with the lesser degree of landscape harm and the loss of BMV agricultural land add further moderate weight against the proposal. In addition, the Secretary of State considers that until such time as the Green Gap/Green Belt issue is resolved through the CELP process, it would be premature to undermine that process by releasing this site for housing. In terms of benefits, the Secretary of State concludes that the provision of new homes, including affordable housing, would be an important social and economic benefit and in the context of a lack of 5 year supply of housing attracts significant weight in its favour’

In this case the Green Belt prematurity issue has now fallen away as part of the CELP and the issue is no longer in contention. However the development still contravenes the Green Gap policy which renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Crewe sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 217 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4+ bed general needs units and 12 x 1 bed and 20 x 2 bed older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this information taken from Cheshire Homechoice shows there are currently 1482 live applicants who have selected one of the Crewe lettings areas. These applicants require 511 x 1 bed, 574 x 2 bed, 303 x 3 bed, 54 x 4+ bed units.

As there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site and the tenure split of the affordable dwellings should be 65% social or affordable rent and 35% intermediate tenure. The affordable housing should be provided on site.

In this case the type of property required will be negotiated at the Reserved Matters stage if this Outline application is approved.

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 10,500sq.m and the indicative plan shows that the developer will provide 1.54 hectares of amenity green space and 3.05 hectares of green infrastructure. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 12 pieces of equipment as requested by the POS Officer as part of the last application.

The suggested contribution towards Queens Park does not meet the CIL tests as there is adequate provision of open space on the application site and the contribution is not necessary to make the development acceptable in planning terms. It should also be noted that Queens Park is approximately 2,500 metres from the application site.

Local residents have raised concern that the development of the site would impact upon health and well being and the application site is used for public enjoyment. However the application site is in agricultural use with no recreational designation within the Local Plan whilst the PROW would be retained in-situ (the impact upon the PROW is discussed below). The development would result in the creation of 4,59 hectares of amenity green space, green infrastructure and a LEAP. As a result it is considered that the development would result in a benefit in terms of the recreational value of the site.

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) – 307m
- Children’s Play Space (500m) – 440m
- Public House (1000m) – 511m
- Primary School (1000m) – 535m
- Public Right of Way (500m) – On site
- Convenience Store (500m) – 473m
- Post office (1000m) – 839m
- Pharmacy (1000m) – 521m
- Child Care Facility (nursery or crèche) (1000m) - 596m
- Community Centre/Meeting Place (1000m) – 307m
- Outdoor Sports Facility (500m) – 300m

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

- Bus Stop (500m) – 512m
- Secondary School (1000m) – 1294m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3700m
- Medical Centre (1000m) - 2320m

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 Wistaston, 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 on Church Lane from the application site. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Education

The proposed development would generate 55 primary school pupils and 43 secondary school pupils.

In term of primary school places the table below shows that although there is currently capacity at the local primary schools this is not forecast to be the position by 2017 (when including the revised NET CAP at the Berkeley. As a result it is necessary to secure a contribution towards primary

school education to mitigate the impact of this development and a contribution of £596,545.95 will be secured as part of a S106 Agreement.

	PAN	PAN	NOR	NET CAP	Revised			PUPIL FORECASTS based on October 2014 School Census					
	Sep-15	Sep-16	May-15	May-15	NET CAP	UNFILLED PLACES	UNFILLED PLACES %	2015	2016	2017	2018	2019	
Primary Schools													
Underwood west	60	60	439	470	470	31	6.60	476	501	514	526	535	
Wistaston Church Lane	60	60	418	420	420	2	0.48	421	422	418	418	417	
St Michael's	60	60	374	420	420	46	10.95	407	418	422	421	420	
gainsborough	60	60	416	420	420	4	0.95	418	417	412	411	409	
Wistaston Academy	60	60	391	420	420	29	6.90	392	387	387	381	375	
beechwood	45	45	311	315	315	4	1.27	333	335	364	371	369	
brierley	30	30	204	210	210	6	2.86	210	213	219	221	221	
Edleston	30	30	209	210	210	1	0.48	213	211	208	208	207	
Pebble Brook	45	45	241	315	315	74	23.49	256	273	284	286	285	
Shavington	30	30	221	210	210	-11	-5.24	224	277	330	363	385	
St Mary's	90	90	572	630	630	58	9.21	572	572	560	548	536	
Vine Tree	30	30	209	210	210	1	0.48	209	210	206	205	203	
Willaston	30	30	210	210	210	0	0.00	216	224	235	242	246	
The Berkeley	60	60	373	330	420	-43	-13.03	377	383	391	393	390	
Highfields	30	30	212	210	210	-2	-0.95	214	219	216	216	216	
OVERALL TOTAL	720	720	4,800	5000	5090	200	4.00	4938	5062	5166	5210	5214	
OVERALL SURPLUS PLACES PROJECTIONS								62	-62	-166	-210	-214	
OVERALL SURPLUS % PROJECTIONS								1.24	-1.24	-3.32	-4.20	-4.28	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP								152	28	-76	-120	-124	
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP								2.99	0.55	-1.49	-2.36	-2.44	

In term of secondary school places the table below shows that there is capacity within a number of schools within the vicinity of the site (11 spaces by 2021). However this table does not include the children generated from other approved developments in the area and when this is added it would leave a negative position and a contribution would be required. As a result it is necessary to secure a contribution towards secondary school education to mitigate the impact of this development and a contribution of £702,735.67 will be secured as part of a S106 Agreement.

	PAN	PAN	NOR (exc 6th Form)	NET CAP				PUPIL FORECASTS based on October 2014 School Census						
	Sep-15	Sep-16	May-15	May-15		UNFILLED PLACES	UNFILLED PLACES %	2015	2016	2017	2018	2019	2020	2021
Secondary Schools														
Sir William stanier	210	210	843	1050		207	19.71	836	872	919	996	1058	1100	1143
Kings grove	156	156	544	780		236	30.26	547	551	539	546	600	602	621
malbank	210	210	872	1050		178	16.95	877	905	973	1018	1065	1107	1137
Shavington	170	170	554	850		296	34.82	542	597	645	670	713	739	755
Ruskin	140	140	490	666		176	26.43	470	459	476	492	497	507	525
St Thomas More	128	128	649	642		-7	-1.09	642	646	656	673	686	685	693
Brine Leas	215	215	1,080	1050		-30	-2.86	1117	1143	1180	1192	1203	1204	1203
OVERALL TOTAL	1229	1229	5,032	6088		1056	17.35	5031	5173	5388	5587	5822	5944	6077
OVERALL SURPLUS PLACES PROJECTIONS								1057	915	700	501	266	144	11
OVERALL SURPLUS % PROJECTIONS								17.36	15.03	11.50	8.23	4.37	2.37	0.18

A development of this size is also expected to generate 4 children with special educational needs (SEN). In order to mitigate the impact of this development a contribution of £182,000 will be required as part of this development.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 8 medical practices within 3 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity.

ENVIRONMENTAL SUSTAINABILITY

Landscape

The supporting landscape assessment correctly identifies the baseline landscape of the application site and surrounding area, and refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and Cheshire Landscape Character Type in which the application site is located, East lowland Plain, and specifically the character area, ELP5: Wimboldsley. The Councils Landscape Architect is satisfied with the baseline landscape character information submitted. The appraisal does appear to be based on the Guidelines for landscape and Visual impact Assessment, Third Edition.

In this case the issue of the landscape impact was considered by the SoS as part of the appeal decision on this site. In this case it was found that:

‘While agreeing with the Inspector that the landscape is clearly valued locally (IR114), the Secretary of State also agrees with him that the evidence in this appeal falls short of proving that the appeal site has such visual landscape quality in its own right as to make its loss unacceptable on the grounds of that aspect of policy NE4 (IR110-113) and that any visual impact on the landscape would be limited to the site and its immediate environs (IR115)’

As part of his planning balance the SoS found that:

‘the lesser degree of landscape harm and the loss of BMV agricultural land add further moderate weight against the proposal’

Highways Implications

The development would have a single vehicular access point onto Church Lane with a simple priority junction and ghost island right turn lane.

The design of the access accords with Manual for Streets and the applicant has provided a plan to show that visibility splays of 2.4m x 43m can be achieved (on a 30mph road visibility splays of 2.4m x 43m are required according to Manual for Streets). The proposed site access is predicted to operate well within its theoretical capacity in all assessment scenarios and can accommodate the traffic forecast to be generated by the proposed development.

In terms of increased vehicle movements, the Transport Assessment submitted with the application identifies that traffic from the site would impact upon a number of junctions in the area and mitigation would be required. The impact upon these junctions is considered below and this also considers a number of committed developments within the area (Shavington Triangle, Coppenhall East, Parkers Road, Gresty Green Road, Rope Lane and Basford West). The proposed development is forecast to generate a two-way total of approximately 191 trips in the AM peak hour and 210 trips in the PM peak hour.

The test that highways impact needs to be considered against is contained within the NPPF which states that:

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

A534/A51 'Peacock Roundabout'

This junction is currently at or close to capacity and the submitted TA identifies that this junction is predicted to operate in excess of its actual capacity in all scenarios.

In this case there is a scheme of improvements within the CEC Infrastructure Plan which is costed at £705,000 (there is already one contribution for this improvement to the sum of £100,000). In terms of this application it has been negotiated that the developer will fund the balance of this sum (£605,000) on a phased basis and this will be secured via a S106 Agreement. This scheme of works would mitigate this development.

A530/Wistaston Green Road

This junction has a history of injury accidents until the introduction of a local safety scheme in recent years and the junction is now considered to operate safely.

The program used to analyse this junction does not incorporate into the design the effect of rolling queues which occur at this location and the interaction with other junctions. The proposed development would impact on this junction and the developer is offering a traffic signal junction to mitigate the impact.

The Strategic Highways Manager has stated that he is keen to *'secure a capital sum equivalent to the provisional costs of the installation of this signal junction so that the Highway Authority can observe the operation of this junction as the proposed development builds out (assuming a permission), and then utilise the funding to appropriately treat the strategic A530 link passing this junction, once the prevailing traffic conditions have been assessed'*.

The applicant has offered to upgrade this junction as part of their off-site highways works. However the SHM has stated that he would prefer a contribution which could be spent as part of a wider CEC improvement scheme along the A530. As a result a sum of £300,000 has been agreed towards mitigating the impact at this junction and this will be secured as part of a S106 Agreement.

Other Junctions

It is accepted that there will also be impacts at the following junctions:

- Church Lane/A534 Crewe Road
- Brookland Avenue/A534 Crewe Road
- Park Drive/Church Lane
- Broughton Lane/Church Lane

There is no traffic management in terms of on-street parking orders within the vicinity of these junctions and the Strategic Highways Manager has requested a contribution for the management of these junctions which will be impacted by the proposed development. As a result it is requested that a contribution of £20,000 be secured for the analysis and treatment of the junctions as the development is constructed and commences its traffic generation.

Public Transport

The developer is promoting sustainable transport options and the pedestrian links on this site would direct pedestrians towards the bus stops on Church Lane. The developer has agreed to upgrade these bus stops and a sum of £25,000 would be secured as part of a S106 Agreement.

Highways Conclusion

The proposed access is of an acceptable design and would comply with Manual for Streets. The wider traffic impact would be concentrated on the Peacock Roundabout and Wistaston Green Road/A530 and contributions would be secured for schemes of mitigation. There would be more minor impact upon the four junctions listed above which would be subject to a contribution towards treatment and analysis. In terms of public transport a contribution would be secured towards upgrading the bus stops on Church Lane. Subject to the contributions which would secure mitigation the impact upon the development could not be described as severe (the test contained within the NPPF).

Amenity

In terms of the surrounding residential properties, these are mainly to the south of the site.

From the rear elevation of the proposed dwellings to the south of the site to the rear elevation of the properties which front onto Church Lane there would be a separation distance of approximately 21 metres. This distance meets the required separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The final details in terms of layout and separation would be dealt with at the reserved matters stage.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, and contaminated land. These conditions will be attached to any planning permission.

Air Quality

There are two Air Quality Management Areas (AQMA) in Crewe at Wistaston Road and Nantwich Road.

The Transport Assessment accompanying the planning application indicates that the proposal would generate additional road traffic impacts upon both AQMAs. The air quality assessment estimates that there would be an adverse impact in the Wistaston Road AQMA and that 32% of proposal generated road traffic would travel towards the Nantwich Road AQMA and it therefore follows that it would cause an adverse air quality impact.

Monitoring in these areas has shown nitrogen dioxide levels above the national health based objective. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. For this reason air quality impacts should be considered as a material planning consideration.

One of the twelve core planning principles contained within the NPPF states that planning should:

'contribute to conserving and enhancing the natural environment and reducing pollution'

To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account and paragraph 124 states that:

'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan'

The proposed impacts are likely to be relatively small according to the Environmental Health Department but they are concerned about cumulative impacts from other committed proposals in the area.

The Environmental Health Officer considers that the air quality impacts from this development could be mitigated against by providing the proposed travel plan, bus stop improvements within the vicinity of the site and suitable electric vehicle charging infrastructure. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development.

Trees and Hedgerows

Trees

The submitted tree report indicates that there are 5 trees which are graded Category A (High Quality/Value), 21 trees which are graded Category B (Moderate Quality/Value), 21 trees which are graded Category C (Low Quality/Value) and 5 trees which are graded U (Unsuitable for retention).

The only tree directly affected by the access is T52, a low value Category C tree located immediately adjacent to the boundary with 127 Church Lane. The Root Protection Area of this tree extends parallel to the proposed highway which can be implemented to the required adoptable standard without having either a direct or indirect impact on the tree.

Apart from the 5 trees graded U all trees would be retained as part of the proposed development. The impact upon trees is therefore considered to be acceptable.

Hedgerows

A section of hedgerow facing directly onto Church Lane will require removal to accommodate visibility splays. The hedge appears to be a relatively recent addition to the landscape, with a number of self set trees allowed to establish within its framework since formal maintenance was last expedited. In this case the hedgerow lost would be of a relatively short length and the loss of hedgerow is outweighed by the need for housing.

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 a development of 300 dwellings would result in a density of 32 dwellings per hectare on the developable area of the site (excluding the 1.54 hectares of amenity green space, a LEAP and 3.05 hectares of natural green space).

At this stage there is no reason why an acceptable design/layout could be achieved which would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Habitats

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. Two hedgerows (H1 and H2) on site have been identified as qualifying as UK BAP quality habitat. H2 has also been identified as being Important under the Hedgerow Regulations.

Based upon the submitted Parameters Plan Hedgerows 1 will be lost as a result of the proposed development. The submitted ecological assessment states that this loss would be compensated for by means by new native species hedgerows on the northern boundary of the application site.

The Councils Ecologist advises that if outline consent is granted the provision of the additional hedgerow should be secured by means of a landscaping planning condition.

Marshy grasslands and ponds

The marshy grassland and ponds present on site have nature conservation value and are worthy of retention. These habitats are located within the natural green space areas shown on the submitted parameters plan and it seems likely that they would be unaffected by the proposed development. The retention of these features could be secured by condition if outline planning consent is granted.

However it should be noted that the submitted parameters plan shows Pond 1 as being lost. As this pond is located in the open space area of the development there appears to be no reason why it could not be retained. Therefore if planning consent is granted it is recommend that a condition be attached requiring the retention of all of the ponds on the site.

Grassland Habitats

The ecological assessment submitted in respect of the 2013 application did not identify any evidence that the grassland habitats on site were of significant nature conservation value. The applicant undertook a biodiversity offsetting assessment which identified a potential enhancement of the sites nature conservation value through the enhancement of the retained areas of grassland habitat as part of the development proposals.

The current application is supported by an updated survey undertaken at a slightly better time of year, this recorded a number of additional species that are indicative of better quality habitats and also one species which is indicative of low quality habitats.

The Council's Ecologist advises that whilst it is not possible to fully assess the nature conservation value of the grassland habitats on site, and they may well be slightly better quality than thought in 2013, it is likely that the enhancement of the retained habitats on site would go a long way to compensating for the losses of habitat associated with the development.

It is important that any detailed design put forward the reserved matters stage does actually deliver the enhancements that were included in the applicant's assessment. Therefore a condition would need to be attached to secure this as part of an overall ecological mitigation strategy.

Protected Species

Great Crested Newts

A small population of Great Crested Newts has been recorded at one pond on the eastern boundary of the site and at one pond to the north-west of the site (no more than one GCN was recorded during any of the six trapping sessions). In the absence of mitigation the proposed development would result in the loss of a large area of relatively low value habitat and would also pose the risk of killing or injuring any newts present on site when the works were undertaken.

In order to compensate for the loss of terrestrial habitat the applicant is proposing to retain and enhance the habitat around the eastern, northern and western boundaries of the site. It is also proposed to mitigate the risk of killing or injuring newts through the removal and exclusion of newts from the development footprint using standard best practice methodologies under license from Natural England.

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 protected species.

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 the tests would be met as follows:

- If the development was approved it would be because the LPA cannot demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small population of GCN on this site and there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of GCN. The compensation should include the provision of 1 additional pond on this site.

Breeding birds

The proposed development site is likely to support breeding birds, possibly including the more widespread biodiversity action plan priority species which are a material consideration for planning. The Councils Ecologist advises that the site is unlikely to be of significant ornithological interest, however if planning consent is granted conditions could be attached to safeguard breeding birds.

Bats

The potential impacts of the proposed development on bats is likely to be low and there is no evidence to suggest bats are likely to be roosting on site.

The submitted ecological assessment has identified the potential adverse impact on bats from additional lighting associated with the development. The Councils Ecologist recommends that if

planning consent is granted a condition be attached requiring a lighting scheme for the site to be submitted with any future reserved matters application.

Water Vole

Water voles have been recorded at Wistaston Brook which is adjacent to the sites eastern boundary. The brook will be safeguarded from the proposed development by means of a retained area of natural habitat and open space. The submitted ecological assessment also includes proposals to mitigate the potential indirect impacts of the proposed development upon Water Voles.

If outline consent is granted a condition will be attached requiring any reserved matters application to be supported by an up to date protected species surveys and mitigation proposals.

Reptiles

The application site has limited potential to support reptile species. The habitat with the most potential for reptile species would be retained as part of the proposed development. The Councils Ecologist advises that any residual impacts on reptiles resulting from the proposed development would be mitigated through the implementation of the submitted Great Crested Newt mitigation.

White Letter Hairstreak

This priority butterfly species has been recorded in the locality of the proposed development. The application site is unlikely to be of significant importance for this species. However the development provides an opportunity to deliver an enhancement for this species through the appropriate planting of the Wych Elm, the larval food plant for the species. This matter could be secured by means of an appropriate condition if outline planning consent is granted.

Other Protected Species

No evidence of other protected species was recorded during the submitted survey. The Councils Ecologist advises that based on current survey information this species is unlikely to be present or affected by the proposed development.

PROW

The route of the Public Rights of Way which cross the site would be retained in position as part of this application as shown on the proposed plans. However the Councils PROW Officer has stated that the legal line of footpath no. 2 is shown incorrectly on the plans and the definitive line is obstructed by the housing development.

In this case the application is in outline form and the layout of the housing (and its impact upon the PROW) will be provided at the Reserved Matters stage. This issue can be controlled through the use of a planning condition.

In this case the Countryside Access Officer has requested a number of PROW improvements within the vicinity of the site. Some of these improvements would be controlled via a planning condition whilst others would be off site and would not meet the CIL/Condition tests.

It is not considered that the accessibility improvements to the paths and furniture within Joey the Swan play area would meet the CIL tests as the applicant would provide an over provision of open space within the application site together with a 12 piece LEAP. These suggested improvements would not be necessary to make the development acceptable in planning terms.

The upgrade of PROW No 1 to a Bridleway is within the application site and could be controlled through the use of a planning condition, as would the provision of a link from footpath Wistaston FP2 to Wistaston FP15 with a bridge to cross Wistaston Brook.

Archaeology

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

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 a survey of the agricultural land quality has been undertaken and this identifies that 35% of the land is grade 2, 43% is grade 3a and 22% is grade 3b/grade 4.

As part of his planning balance the SoS found that:

'the lesser degree of landscape harm and the loss of BMV agricultural land add further moderate weight against the proposal'

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Wistaston Brook is located within Flood Zones 2 & 3. Flood Zone 1 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, a Flood Risk Assessment (FRA) has been submitted in support of the application. The submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

The FRA identifies that the proposed flows from the development would be connected into Wistaston Brook with flows limited to a Greenfield rate in accordance with the NPPF.

The proposed drainage system will be designed to accommodate a 1 in 30 year event and will be put forward for adoption by United Utilities. The FRA states that overall the development will seek to contain flows up to the 1 in 100 year plus climate change event.

The Councils Flood Risk Officer, the Environment Agency and United Utilities have been consulted as part of this application and have both 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.

Other issues

From the number of objections received the application site is clearly valued by local residents who use the PROW which cross the site. However the site is not protected as a formal recreational area within the Local Plan and would not be possible to defend an appeal on these grounds.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, POS and children's play space 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 children's play space. This contribution is directly related to the development and is fair and reasonable.

As discussed above the requested highway contributions are required to mitigate the impact of the development at junctions where there are capacity issues. The contributions are directly related to this development (which would impact upon the junctions) and are fair and reasonably related in scale and kind.

The proposed development would result in increased public transport use from this site and the upgrade of the existing bus stops is reasonably related to this development and necessary to promote sustainable travel from the site.

The proposed development cannot proceed without the highways/bus stop improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased demand for primary and secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary

school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. Following the recent appeal decisions the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

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 LEAP would provide a facility for future residents and other residents in Wistaston.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would not have a severe impact upon the highway network subject to mitigation

The adverse impacts of the development would be:

- The erosion of the Green Gap between Wistaston and Nantwich – The SoS found that this weighed heavily against the last application
- The landscape impact and the loss of agricultural land add further moderate weight against the proposal

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

RECOMMENDATIONS

REFUSE for the following reasons:

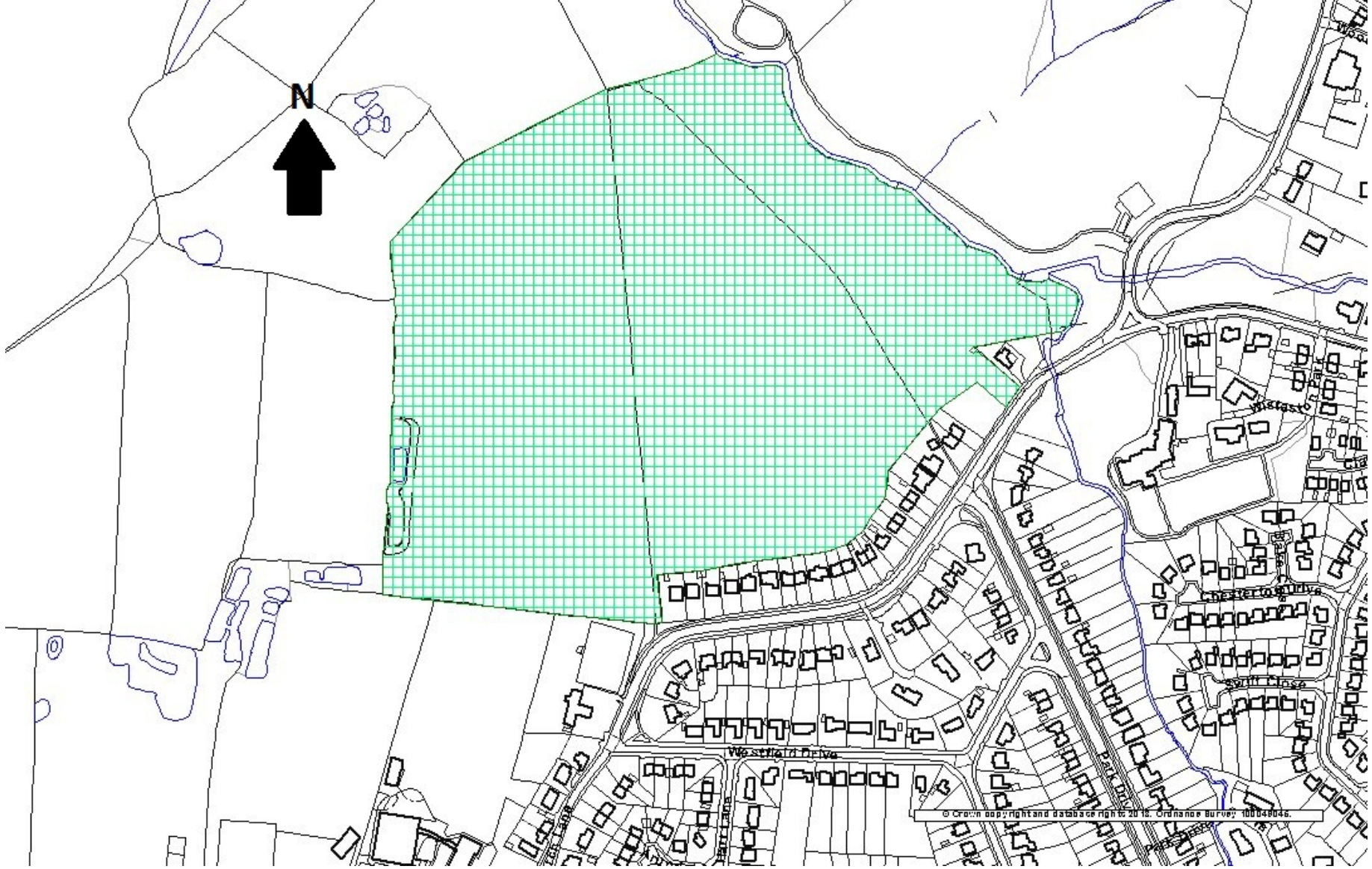
1. The proposed development would result in a loss of open countryside, cause a significant erosion of the Green Gap between the built up areas of Wistaston and Nantwich, have a moderate landscape impact upon the site and the immediate environs

and result in the permanent loss of BMV agricultural land. As such the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies NE.2 (Open Countryside), NE4 (Green Gaps) and NE.12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager (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 is approved to enter into a S106 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. The provision of 1.54 hectares of amenity green space, a LEAP and 3.05 hectares of natural green space to be maintained by a private management company
3. Highways contribution £605,000 towards the Peacock roundabout
4. Highways contribution of £300,000 towards the junction of the A530/Wistaston Green Road and its approaches
5. Contribution of £25,000 towards bus stop upgrades
6. A primary school education contribution of £596,545.95
7. A secondary school education contribution of £702,735.67
8. A contribution towards SEN £182,000



Application No: 15/2113N

Location: LAND AT, MOSS FARM, MOSS LANE, WARMINGHAM, CW1 4PW

Proposal: Solar farm and associated development

Applicant: TGC Renewables Ltd

Expiry Date: 07-Aug-2015

SUMMARY

The proposed development would provide a source of renewable energy to power 1520 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATION

Approve with conditions

PROPOSAL

The development proposal is for a circa 6.02MWp Solar Park laid out across approximately 10.7 hectares of agricultural land at Moss Lane, Warmingham. This would provide the annual power needs of approximately 1,520 households.

The photovoltaic panels would be mounted on a ground-based racking system. The panels would be laid out in arrays (rows) running east to west across the field enclosures. The maximum height of the arrays will respond to topography and will be capped at approximately 3m above ground level. The arrays would be supported by posts which are driven into the ground.

A total of 5 Inverter cabinets are required. A sub-station would be positioned within the development site to house the equipment that connects the PV plant to the local energy distribution network. The development would also include a unit housing switchgear and a communications building.

The inverter cabinets would measure 9.7m in length, 3.1m in width and 3.2m high.

The communications building would measure 7.2m in length, 3m in width and 2.4m high.

The switchgear housing would measure 4m in length, 2.58m in width and 3.1m high.

The 33kV substation would measure 7.87m in length, 5.6m in width and 5.5m high to its ridge.

The development would include perimeter fencing and CCTV equipment mounted on CCTV poles.

The development would have an operational lifespan of around 25 years.

SITE DESCRIPTION

The application site extends to 10.7 hectares and is located to the west of Moss Lane within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is a railway line. The nearest residential property is at Moss Farm to the south-east of the site.

The application site is relatively flat and is in agricultural use and is split into 6 small fields which are largely divided by hedgerows.

The access to this site would cross a PROW (Warmingham FP16) and below a line of pylons.

RELEVANT HISTORY

14/1134S – EIA Screening Letter – EIA Not Required

14/1135S – EIA Screening Letter – EIA Not Required

POLICIES

National Planning 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

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

BE.16 – Development and Archaeology

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.6 – Sites of International Importance for Nature Conservation

NE.8 – Sites of Local Importance for Nature Conservation

NE.9 – Protected Species

NE.12 – Agricultural Land Quality

NE.17 – Pollution Control

NE.19 – Renewable Energy

NE.20 – Flood Prevention

RT.9 – Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version

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

Circular 02/99: Environmental Impact Assessment

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

CONSULTATIONS:

Cheshire Brine Subsidence Compensation Board: The application site is outside of the Board's consultation area, and as such the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

Environment Agency: No objection in principle and no comments to make.

Natural England: No objection.

For advice on protected species refer to the Councils standing advice.

CEC Head of Strategic Infrastructure: No objection.

Environmental Health: Informative suggested in relation to contaminated land.

Network Rail: No objection.

Archaeology: No mitigation is required.

CEC Flood Risk Manager: No comments to make. Condition suggested.

Civil Aviation Authority: No comments received.

Manchester Airport: No objection.

CEC PROW: An informative is suggested in relation to the PROW.

Open Spaces Society: No comments received.

Mid-Cheshire Footpaths Society: No comments received.

VIEWS OF THE PARISH COUNCIL

Warmingham Parish Council: Wish to make the following comments:

1. Traffic consideration - to ensure that the traffic does not pass through the village and uses Moss Lane and not Drury Lane only for construction access to the farm.
2. The Parish Council have concerns over future solar developments within the village which may lead to overdevelopment, spoiling open countryside.

Minshull Vernon Parish Council: No comments received.

Crewe Town Council: No comments received.

REPRESENTATIONS

No representations received.

APPRAISAL

The key issues are:

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

Principle of Development

National Planning Policy

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.

The NPPF defines sustainable development and 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 – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

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 considerations indicate otherwise if its impacts are or can be made acceptable.

There is further guidance within the Planning Practice Guidance which states as follows:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *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.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and NE.19 (Renewable Energy).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

'within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'

The proposed development would be clearly contrary to Policy NE.2.

Policy NE.19 is considered to be consistent with the NPPF in that it is intended to ensure that such proposals cause minimum harm to the countryside, ensuring a quality environment for all residents of the Borough. Amongst other things policy NE.19 states that development will only be permitted where:

- *The development would cause no significant harm to the character and appearance of the surrounding area;*
- *The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest*

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 on to 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'*.

Need for Renewable Energy

In relation to need, paragraph 98 of the NPPF makes it clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

Conclusion

In this case the principle of the proposed development would be contrary to the Policy NE.2 contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy. As a result it is necessary to consider whether other material considerations indicate if the development is acceptable.

Renewable Energy Production

The application identifies that the development would have the potential to generate up to 6 MWp of power (the equivalent to the annual energy consumption of about 1520 households).

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.

Highway Implications

Policy issues

The test contained within the NPPF is that:

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

Once constructed, aside from occasional maintenance vehicle visits, there will be no traffic generation associated with the site.

The construction phase of the development proposals is expected to last for up to 14 weeks during which time there will be a number of vehicle movements associated with construction workers arriving and departing and the delivery of construction materials.

The applicant has submitted a construction Traffic Management Plan (TMP) which indicates that, during the peak of construction activity, (week one) there is likely to be around 32 total two-way trips per day to and from the site; around half of which will be associated with construction staff and half associated with the delivery of construction materials. After the peak of construction activity (week one), traffic movements associated with the daily delivery of construction materials is likely reduce by around 50%.

It is likely that the majority of traffic associated with construction workers will arrive between 0700 – 0800 hours and depart between 1800 – 1900 hours; and that traffic associated with the delivery of construction materials would arrive and depart between 0800 – 1800 hours.

As set out above this is Phase 1 of the development of the Solar Farm, the TMP indicates that if both proposals are consented then the two phases, which are of a similar scale, would be constructed simultaneously.

It is the view of the Head of Strategic Infrastructure (HSI) that even in the event of simultaneous construction the level of anticipated 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. Furthermore, the simultaneous construction of both phases would reduce the overall construction period from up to 28 weeks to around 14 weeks.

The TMP indicates that the following route from Junction 17 of the M6 will be used for the delivery of construction materials to the site:

- Exit the M6 at Junction 17;
- Head south-west on the A534 for approximately 8km;
- At the roundabout take the fourth exit, heading north on Sydney Road;
- Turn right onto Groby Road after 2.2km;
- Turn right onto Warmingham Road after 1.8km;
- Use the broad access to turn left onto Moss Lane after 0.5km; and
- Follow Moss Lane to Moss Farm and enter the Site to the north of the farm.

In this case the Councils Head of Strategic Infrastructure has considered the application and raised no objection to this development.

Amenity

Given the isolated rural nature of the site, the scale of development and the retention of the existing hedgerows and trees it is not considered that the proposed development would raise any issues such as noise and disturbance.

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.

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 the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5).

The landscape appraisal identifies that the sensitivity of the landscape is low to medium, that the magnitude of landscape effect would be medium and that the Overall level of effect would be Slight-moderate adverse, that the proposed development would result in some localised landscape effects. The visual appraisal identifies the visual effects on the main settlements within the Zone of Theoretical Visibility (ZTV), as well as impacts on individual properties. The appraisal also identifies effects on the transport network and recreational receptors, including Footpath 16 Warmingham, which traverses the southern part of the application site.

The Councils Landscape Architect would broadly agree with the landscape appraisal, that the screening afforded by vegetation around the site and in the wider area, along with the relatively flat topography would result in some localised landscape effects and that these would be moderate adverse for the site itself, reducing within the wider area. There would however be some more adverse visual effects, notably on Moss Farm, Spring Farm and Footpath 16 Warmingham. Mitigation and additional planting could reduce these over time.

Trees and Hedgerows

The Landscape and Visual Impact appraisal identifies that apart from a small section of hedgerow being removed to accommodate the proposed access track the remaining linear lengths will

largely remain unaffected, this is the same for mature hedgerow trees. There is also an indication that these areas would be reinforced as necessary.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

The proposed development is located 1.2km from Sandbach Flashes SSSI. Following the receipt of additional information Natural England have confirmed that they have no objection to this application in terms of the impact upon the SSSI.

Grassland habitats

The fields within the application boundary have been identified as being 'semi – improved'.

Based upon detailed botanical surveys most of the fields are of relatively limited nature conservation value. Field 5 is however more diverse and the submitted report states that this field could potentially qualify as a local wildlife site. The Councils ecologist advises that the nature conservation value of this field could be adversely affected by the proposed development. However the proposed development does provide an opportunity to enhance the value of the field by means of a positive change in the existing management regime.

The Councils Ecologist recommends that if planning consent is granted a condition should be attached requiring the submission of a habitat management plan for field 5. The habitat management plan should be for the operational life of the solar park.

Great Crested Newts

A number of ponds are located within 250m of the proposed development and great crested newts are known to occur in this broad locality. The latest site survey has identified a number of these ponds as being dry.

The application site offers habitat for Great Crested Newts in the form of the dry ponds, hedgerows and areas of less intensively management grassland. The proposed development would be likely to result in the loss of only short sections of hedgerow to facilitate the access point and a minor loss of grassland habitats.

The Councils Ecologist advises that considering the scale of the proposed works, the status of the nearby ponds and the distance between the application site and the surrounding ponds and the habitats affected, the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures'.

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition will be attached in relation to Great Crested Newts.

Barn Owl

Limited evidence of Barn Owl activity was recorded associated with the buildings at Moss Farm. The proposed development could however result in the loss of foraging habitat for barn owls. However the extent of this would depend upon the treatment of the grassland habitats retained between the solar panels. This should be subject to a condition to secure a habitat management plan.

Bats

Mature trees have been identified on this site that have the potential to support roosting bats. If any of these trees are lost as a result of the proposed development a detailed bat survey would be required to establish the presence/absence of roosting bats. The revised plans propose the retention of the mature trees around the boundary of the site.

There is however a line of trees in the north eastern corner of the site, as shown on the submitted phase one habitat plan which are not shown as being retained on the submitted layout plan. A condition will be attached to ensure the retention of these trees.

Hedgerows

Hedgerows are a priority habitat and material consideration. Based upon the submitted layout plans it appears that the existing hedgerows would for the most part be retained as part of the proposed development. However it appears there would be some minor losses to facilitate the site access roads.

In this case the Councils Ecologist recommends that if planning consent be granted it must be ensured that any losses of hedgerow are compensated for through the enhancement of the retained defunct hedgerows. This matter may be dealt with by means of a condition.

Water Vole and Ditches

A number of ditches on site have been identified onsite which have the potential to support Water Voles. To avoid any adverse impacts on the ditches and any Water Vole population present the submitted ecological report recommends that a 5m undeveloped buffer be provided along each one of the ditches. This approach is acceptable. The applicant has stated that the layout plans have been amended to include these buffers.

If planning consent is granted the Councils Ecologist recommends that a condition be attached to ensure that no development including the storing of material, movement of vehicles or ground works are undertaken within 5m of the on site ditches.

Brown Hare

This priority species was recorded on site during the submitted surveys. To enable Hares to have free movement around the site following the installation of the solar panels the Councils Ecologist

recommend that the proposed security fence incorporates a 200mm gap at its base. This could be secured through the imposition of a planning condition.

Flood Risk/Drainage

In this case part of the area to be developed site is located within Flood Zones 2 and 3, as identified by the Environment Agency Flood Maps.

The submitted Flood Risk Assessment concludes that

It is clear there are a number of potential flood risks at the site. However, if appropriate mitigation measures are considered/implemented during the detailed design stage of the project based on the flood depths and development proposals, it is anticipated that the flood risks can be suitably mitigated. The SuDS scheme would ensure that flood risk is not increased to downstream properties by providing enough storage for any increased runoff and compensatory floodplain storage, whilst appropriate design should ensure that the site infrastructure is made suitably flood resilient.

The Environment Agency and the Councils Strategic Flood Risk Manager have considered the Flood Risk Assessment and has raised no objection subject to the imposition of a planning condition.

Archaeology

This is supported by an archaeological desk-based assessment which has been prepared by Archaeology Wales.

This document contains the results of an examination of information held in the Cheshire Historic Environment Record, historic mapping, aerial photographs, and place name evidence. It concludes that there is no archaeological objection to the development and no justification for further pre-determination assessment. It does suggest that there may be a case for a watching brief during cable laying and any other significant intrusive ground works in order to sample any surviving peat deposits. However it should be noted that previous work, has shown that deep peat deposits do not survive in this area and as a result the Councils Archaeologist states that this is unlikely to be worthwhile. There are no other significant archaeological implications with regard to this development and consequently no further mitigation is advised.

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.

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...."

In this case the submitted Agricultural land Classification identifies that the land on this site is Grade 4 (poor quality).

Aircraft Safety

Although no consultation response has been received from the Civil Aviation Authority a response has been received from Manchester Airport who have raised no objection to this development.

Railway Safety

This application was originally subject to a holding objection from Network Rail due to concerns about the impact of glare to train drivers. However following the submission of additional information Network Rail have removed their objection to this development.

Impact upon the Public Right of Way (PROW)

Public Right of Way (Warmingham FP16) runs across the access to this site. The proposed development would not encroach onto the PROW or obstruct any users of the PROW. No objection has been raised on these grounds from the Councils PROW Officer subject to the imposition of an informative.

In this case the main impact would be the visual impact for users of the PROW which is considered within the landscape section above.

CONCLUSIONS

The proposed development would provide a source of renewable energy to power 1520 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATIONS

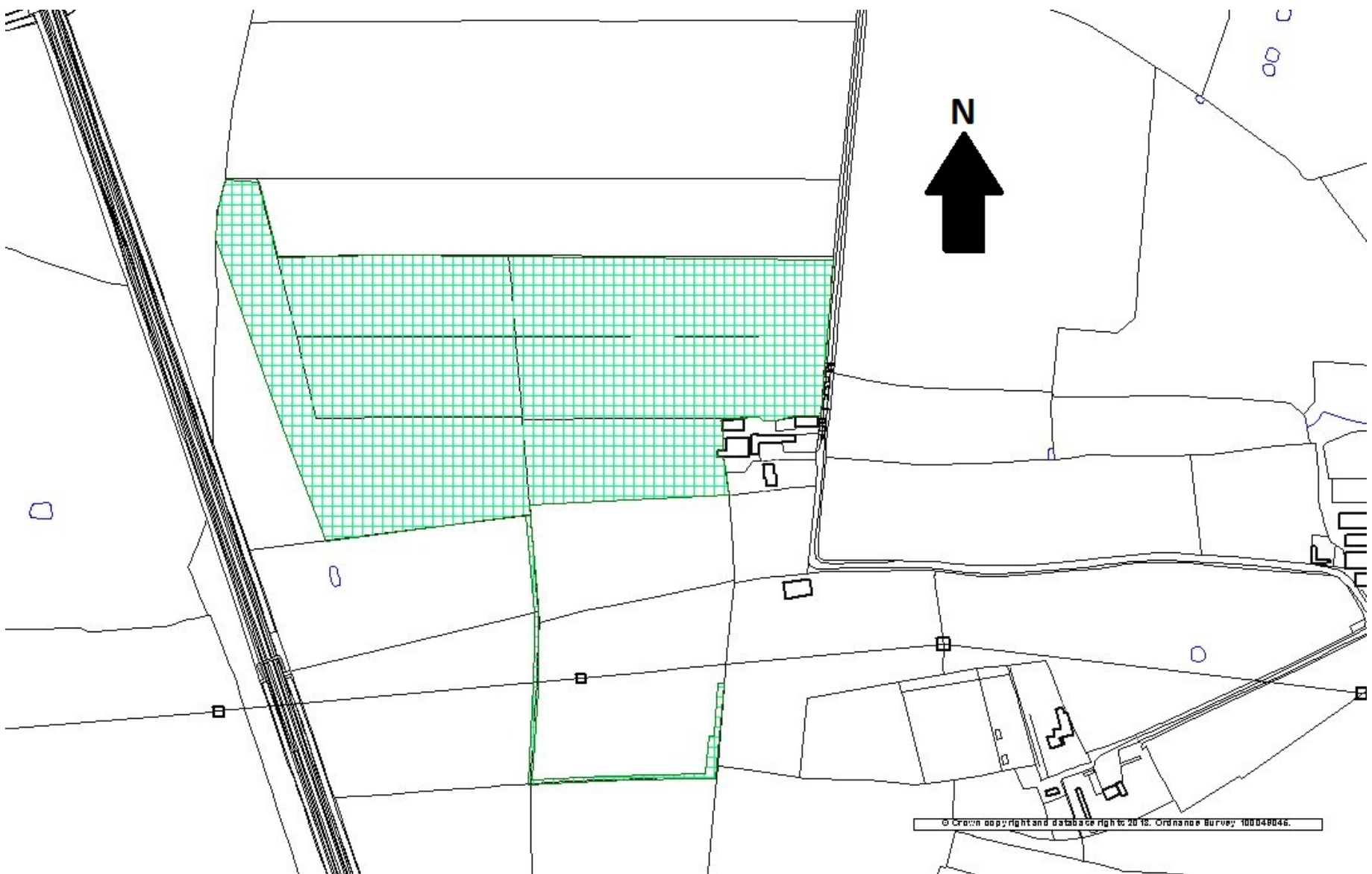
Approve subject to the following conditions:

- 1. Time**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping – Submission of a scheme**
- 5. Landscaping – Implementation**
- 6. Provision of an undeveloped 5m buffer between the proposed development and the on site ditches**
- 7. Prior submission of security fence details - including 200m gap at base**
- 8. Habitat Management Plan**
- 9. Tree protection**
- 10. Flood Risk Assessment – Implementation**
- 11. Compliance with submitted Traffic Management Plan**
- 12. Development to be removed at end of 25 year period**
- 13. Great Crested Newt reasonable avoidance measures**
- 14. Retention of trees to the north-east corner of the site**

Informatives:

- 1. PROW**
- 2. Contaminated Land**

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 his absence the Vice Chair) of the 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: 15/2126N

Location: LAND AT, MOSS FARM, MOSS LANE, WARMINGHAM, CW1 4PW

Proposal: Solar farm and associated development

Applicant: TGC Renewables Ltd

Expiry Date: 07-Aug-2015

SUMMARY

The proposed development would provide a source of renewable energy to power 1445 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATION

Approve with conditions

PROPOSAL

The development proposal is for a circa 5.72MWp Solar Park laid out across approximately 11.7 hectares of agricultural land at Moss Lane, Warmingham. This would provide the annual power needs of approximately 1,445 households.

The photovoltaic panels would be mounted on a ground-based racking system. The panels would be laid out in arrays (rows) running east to west across the field enclosures. The maximum height of the arrays will respond to topography and will be capped at approximately 3m above ground level. The arrays would be supported by posts which are driven into the ground.

A total of 5 Inverter cabinets are required.

The inverter cabinets would measure 9.7m in length, 3.1m in width and 3.2m high.

The development would include perimeter fencing and CCTV equipment mounted on CCTV poles.

The development would have an operational lifespan of around 25 years.

SITE DESCRIPTION

The application site extends to 11.7 hectares and is located to the west of Moss Lane within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is a railway line. The nearest residential property is at Moss Farm to the north-east of the site.

The application site is relatively flat and is in agricultural use and is split into 6 small fields which are largely divided by hedgerows.

A PROW (Warmingham FP16) and a line of pylons cross this site.

RELEVANT HISTORY

14/1134S – EIA Screening Letter – EIA Not Required

14/1135S – EIA Screening Letter – EIA Not Required

POLICIES

National Planning 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

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
BE.16 – Development and Archaeology
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.6 – Sites of International Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.19 – Renewable Energy
NE.20 – Flood Prevention
RT.9 – Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version

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
Circular 02/99: Environmental Impact Assessment
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

CONSULTATIONS:

Cheshire Brine Subsidence Compensation Board: The application site is outside of the Board's consultation area, and as such the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution

which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

Environment Agency: No objection in principle and no comments to make.

Natural England: No objection.

For advice on protected species refer to the Councils standing advice.

CEC Head of Strategic Infrastructure: No objection.

Environmental Health: Informative suggested in relation to contaminated land.

Network Rail: No objection.

Archaeology: No mitigation is required.

CEC Flood Risk Manager: No comments to make. Condition suggested.

Civil Aviation Authority: No comments received.

Manchester Airport: No objection.

CEC PROW: An informative is suggested in relation to the PROW.

Open Spaces Society: No comments received.

Mid-Cheshire Footpaths Society: No comments received.

VIEWS OF THE PARISH COUNCIL

Warmingham Parish Council: Wish to make the following comments:

1. Traffic consideration - to ensure that the traffic does not pass through the village and uses Moss Lane and not Drury Lane only for construction access to the farm.
2. The Parish council have concerns over future solar developments within the village which may lead to overdevelopment, spoiling open countryside.

Minshull Vernon Parish Council: No comments received.

Crewe Town Council: No comments received.

REPRESENTATIONS

No representations received.

APPRAISAL

The key issues are:

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

Principle of Development

National Planning Policy

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.

The NPPF defines sustainable development and 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 – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

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 indicates otherwise if its impacts are or can be made acceptable.

There is further guidance within the Planning Practice Guidance which states as follows:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *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.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and NE.19 (Renewable Energy).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

'within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'

The proposed development would be clearly contrary to Policy NE.2.

Policy NE.19 is considered to be consistent with the NPPF in that it is intended to ensure that such proposals cause minimum harm to the countryside, ensuring a quality environment for all residents of the Borough. Amongst other things policy NE.19 states that development will only be permitted where:

- *The development would cause no significant harm to the character and appearance of the surrounding area;*

- *The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest*

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 on to 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'*.

Need for Renewable Energy

In relation to need, paragraph 98 of the NPPF makes it clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

Conclusion

In this case the principle of the proposed development would be contrary to the Policy NE.2 contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy. As a result it is necessary to consider whether other material considerations indicate if the development is acceptable.

Renewable Energy Production

The application identifies that the development would have the potential to generate up to 5.72 MWp of power (the equivalent to the annual energy consumption of about 1445 households).

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.

Highway Implications

Policy issues

The test contained within the NPPF is that:

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

Once constructed, aside from occasional maintenance vehicle visits, there will be no traffic generation associated with the site.

The construction phase of the development proposals is expected to last for up to 14 weeks during which time there will be a number of vehicle movements associated with construction workers arriving and departing and the delivery of construction materials.

The applicant has submitted a construction Traffic Management Plan (TMP) which indicates that, during the peak of construction activity, (week one) there is likely to be around 32 total two-way trips per day to and from the site; around half of which will be associated with construction staff and half associated with the delivery of construction materials. After the peak of construction activity (week one), traffic movements associated with the daily delivery of construction materials is likely reduce by around 50%.

It is likely that the majority of traffic associated with construction workers will arrive between 0700 – 0800 hours and depart between 1800 – 1900 hours; and that traffic associated with the delivery of construction materials would arrive and depart between 0800 – 1800 hours.

As set out above this is Phase 2 of the development of the Solar Farm, the TMP indicates that if both proposals are consented then the two phases, which are of a similar scale, would be constructed simultaneously.

It is the view of the Head of Strategic Infrastructure (HSI) that even in the event of simultaneous construction the level of anticipated 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. Furthermore, the simultaneous construction of both phases would reduce the overall construction period from up to 28 weeks to around 14 weeks.

The TMP indicates that the following route from Junction 17 of the M6 will be used for the delivery of construction materials to the site:

- Exit the M6 at Junction 17;
- Head south-west on the A534 for approximately 8km;
- At the roundabout take the fourth exit, heading north on Sydney Road;
- Turn right onto Groby Road after 2.2km;
- Turn right onto Warmingham Road after 1.8km;
- Use the broad access to turn left onto Moss Lane after 0.5km; and
- Follow Moss Lane to Moss Farm and enter the Site to the north of the farm.

In this case the Councils Head of Strategic Infrastructure has considered the application and raised no objection to this development.

Amenity

Given the isolated rural nature of the site, the scale of development and the retention of the existing hedgerows and trees it is not considered that the proposed development would raise any issues such as noise and disturbance.

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 site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5).

The landscape appraisal identifies that the sensitivity of the landscape is low to medium, that the magnitude of landscape effect would be medium and that the Overall level of effect would be Slight-moderate adverse, that the proposed development would result in some localised landscape effects. The visual appraisal identifies the visual effects on the main settlements within the Zone of Theoretical Visibility (ZTV), as well as impacts on individual properties. The appraisal also identifies effects on the transport network and recreational receptors, including Footpath 16 Warmingham, which traverses the southern part of the application site.

The Councils Landscape Architect would broadly agree with the landscape appraisal, that the screening afforded by vegetation around the site and in the wider area, along with the relatively flat topography would result in some localised landscape effects and that these would be moderate adverse for the site itself, reducing within the wider area. There would however be some more adverse visual effects, notably on Moss Farm, Spring Farm and Footpath 16 Warmingham. Mitigation and additional planting could reduce these over time.

Trees and Hedgerows

The Landscape and Visual Impact appraisal identifies that apart from a small section of hedgerow being removed to accommodate the proposed access track the remaining linear lengths will largely remain unaffected, this is the same for mature hedgerow trees. There is also an indication that these areas would be reinforced as necessary.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

The proposed development is located 1.2km from Sandbach Flashes SSSI. Following the receipt of additional information Natural England have confirmed that they have no objection to this application in terms of the impact upon the SSSI.

Grassland habitats

Based upon the submitted detailed botanical survey the Councils Ecologist advises that the grassland habitats on site are not of significant nature conservation value.

Great Crested Newts

A number of ponds are located within 250m of the proposed development and great crested newts are known to occur in this broad locality. The latest site survey has identified a number of ponds as being dry.

The application site offers habitat for great crested newts in the form of the dry ponds, hedgerows and areas of less intensively management grassland. The proposed development would be likely to result in the loss of only short sections of hedgerow to facilitate the access point and a minor loss of grassland habitats.

The Councils Ecologist advises that considering the scale of the proposed works, the status of the nearby ponds and the distance between the application site and the surrounding ponds and the habitats affected, that the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition will be attached to secure the Great Crested Newt reasonable avoidance measures.

Barn owl

Limited evidence of Barn Owl activity was recorded associated with the buildings at Moss Farm. The proposed development could however result in the loss of foraging habitat for barn owls. However the extent of this would depend upon the treatment of the grassland habitats retained between the solar panels. This should be subject to a condition to secure a habitat management plan.

Bats

Mature trees have been identified on this site that have the potential to support roosting bats. If any of these trees are lost as a result of the proposed development a detailed bat survey would be required to establish the presence/absence of roosting bats. The revised plans propose the retention of the mature trees around the boundary of the site.

There is however two trees just to the north of the existing pond in an area of proposed new landscaping. It is unclear whether these trees would be retained. A condition will be attached to secure the retention of these trees.

Hedgerows

Hedgerows are a priority habitat and material consideration. Based upon the submitted layout plans it appears that the existing hedgerows would for the most part be retained as part of the proposed development. However it appears there would be some minor losses to facilitate the site access roads.

In this case the Councils Ecologist recommends that if planning consent be granted it must be ensured that any losses of hedgerow are compensated for through the enhancement of the retained defunct hedgerows. This matter may be dealt with by means of a condition.

Water Vole and Ditches

A number of ditches on site have been identified onsite which have the potential to support Water Voles. To avoid any adverse impacts on the ditches and any Water Vole population present the submitted ecological report recommends that a 5m undeveloped buffer be provided along each one of the ditches. This approach is acceptable. The applicant has stated that the layout plans have been amended to include these buffers.

If planning consent is granted the Councils Ecologist recommends that a condition be attached to ensure that no development including the storing of material, movement of vehicles or ground works are undertaken within 5m of the on site ditches.

Brown Hare

This priority species was recorded on site during the submitted surveys. To enable Hares to have free movement around the site following the installation of the solar panels the Councils Ecologist recommend that the proposed security fence incorporates a 200mm gap at its base. This could be secured through the imposition of a planning condition.

Flood Risk/Drainage

In this case part of the area to be developed site is located within Flood Zones 2 and 3, as identified by the Environment Agency Flood Maps.

The submitted Flood Risk Assessment concludes that

It is clear there are a number of potential flood risks at the site. However, if appropriate mitigation measures are considered/implemented during the detailed design stage of the project based on the flood depths and development proposals, it is anticipated that the flood risks can be suitably mitigated. The SuDS scheme would ensure that flood risk is not increased to downstream properties by providing enough storage for any increased runoff and compensatory floodplain storage, whilst appropriate design should ensure that the site infrastructure is made suitably flood resilient.

The Environment Agency and the Councils Strategic Flood Risk Manager have considered the Flood Risk Assessment and has raised no objection subject to the imposition of a planning condition.

Archaeology

This is supported by an archaeological desk-based assessment which has been prepared by Archaeology Wales.

This document contains the results of an examination of information held in the Cheshire Historic Environment Record, historic mapping, aerial photographs, and place name evidence. It concludes that there is no archaeological objection to the development and no justification for further pre-determination assessment. It does suggest that there may be a case for a watching brief during cable laying and any other significant intrusive ground works in order to sample any surviving peat deposits. However it should be noted that previous work, has shown that deep peat deposits do not survive in this area and as a result the Councils Archaeologist states that this is unlikely to be worthwhile. There are no other significant archaeological implications with regard to this development and consequently no further mitigation is advised.

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.

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...."

In this case the submitted Agricultural land Classification identifies that the land on this site is Grade 4 (poor quality).

Aircraft Safety

Although no consultation response has been received from the Civil Aviation Authority a response has been received from Manchester Airport who have raised no objection to this development.

Railway Safety

This application was originally subject to a holding objection from Network Rail due to concerns about the impact of glare to train drivers. However following the submission of additional information Network Rail have removed their objection to this development.

Impact upon the Public Right of Way (PROW)

Public Right of Way (Warmingham FP16) runs across the access to this site. The proposed development would not encroach onto the PROW or obstruct any users of the PROW. No objection has been raised on these grounds from the Councils PROW Officer subject to the imposition of an informative.

In this case the main impact would be the visual impact for users of the PROW which is considered within the landscape section above.

CONCLUSIONS

The proposed development would provide a source of renewable energy to power 1445 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATIONS

Approve subject to the following conditions:

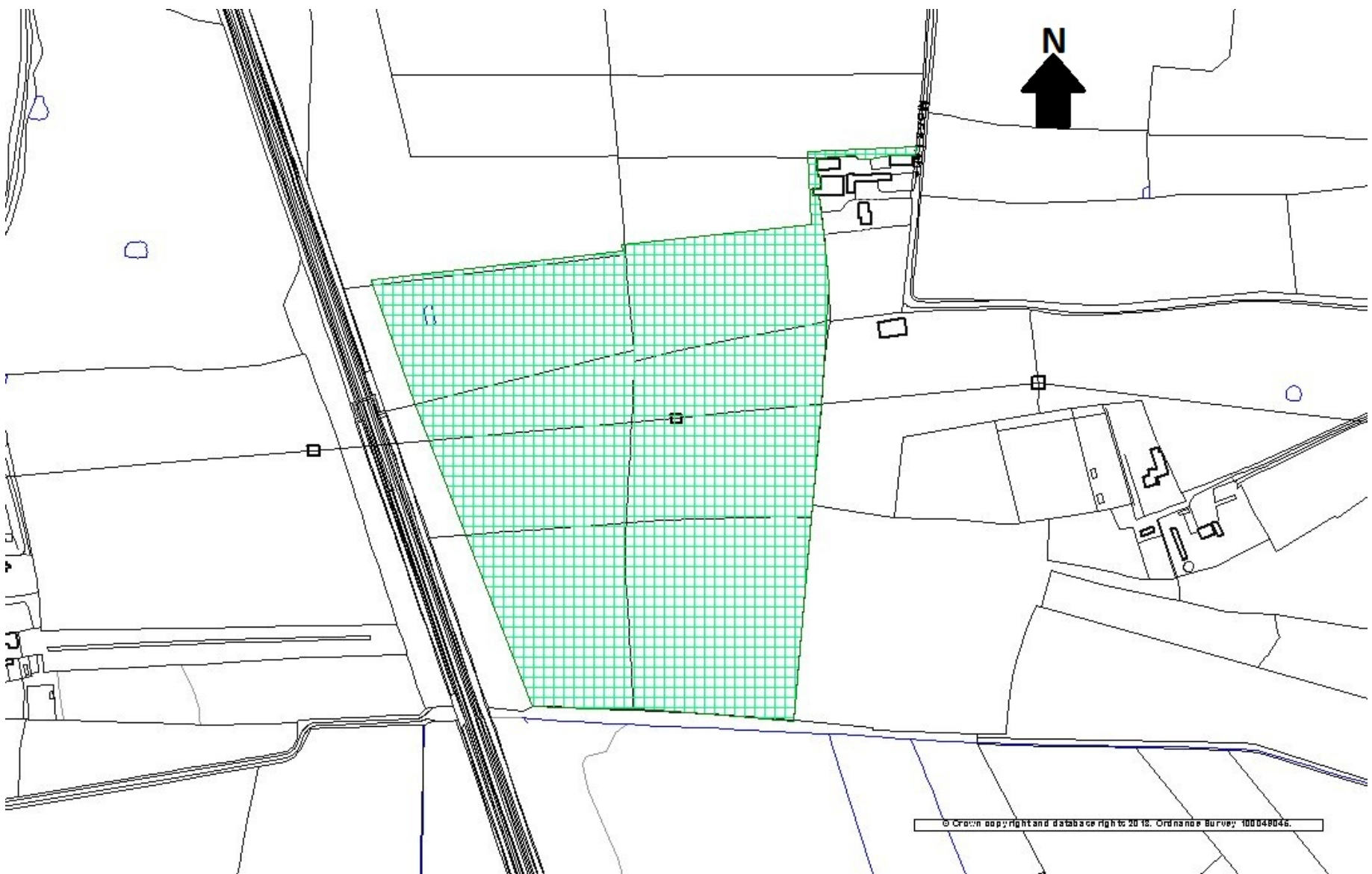
- 1. Time**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping – Submission of a scheme**
- 5. Landscaping – Implementation**

6. Provision of an undeveloped 5m buffer between the proposed development and the on site ditches
7. Prior submission of security fence details - including 200m gap at base
8. Habitat Management Plan
9. Tree protection
10. Flood Risk Assessment – Implementation
11. Compliance with submitted Traffic Management Plan
12. Development to be removed at end of 25 year period
13. Great Crested Newt reasonable avoidance measures
14. Retention of two trees just to the north of the existing pond in an area of proposed new landscaping

Informatives:

1. PROW
2. Contaminated Land

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 his absence the Vice Chair) of the 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.



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Application No: 15/3588M

Location: ASTRAZENECA, CHARTER WAY, MACCLESFIELD, CHESHIRE, SK10 2NA

Proposal: Replacement of existing high-bay warehouse and alterations to northern elevation of low-bay warehouse, including refitting of low bay warehouse to allow both packaging and warehousing.

Applicant: AstraZeneca plc

Expiry Date: 14-Dec-2015

SUMMARY

The proposal will demolish an existing but redundant and obsolete high-bay warehouse, replacing it with a new building on a marginally smaller footprint, with an increased height, which will improve operational efficiencies on the site

The principle of the replacement high bay warehouse on this allocated employment site is compliant with relevant local plan employment policies, and its utilitarian design appropriately reflects its position within the industrial estate. The proposed scheme will also not have a detrimental impact upon residential amenity, ecology and highway safety. Matters of drainage and flooding are also considered to be acceptable, subject to conditions.

The building is relatively high, and it will be visible from surrounding land, and the adjacent Macclesfield Canal Conservation Area. The longer views of the site particularly from higher land levels, will see the proposal in the context of the existing industrial estate and other tall buildings and structures. As such the overall landscape impact is not considered to be so significantly adverse to justify a refusal of planning permission. The closest views which will be from the towpath are screened and filtered by existing vegetation, and as such it is concluded that there is less than substantial harm to the conservation area. In accordance with paragraph 134 of the Framework this harm should be weighed against the public benefits of the proposal.

AstraZeneca is a major local employer within the Macclesfield area. Whilst the proposal does not create any additional jobs within the proposed warehouse, it does represent a significant investment in, and commitment to, the Macclesfield site. The proposal will demolish an existing but redundant and obsolete high-bay warehouse, replacing it with a new building on a marginally smaller footprint, with an increased height, which will improve operational efficiencies on the site, without there being any significant impact upon matters of public interest.

The proposal is therefore considered to represent a sustainable form of development that complies with the development plan, and as such, in accordance with paragraph 14 of the Framework, should be approved without delay.

SUMMARY RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application seeks full planning permission for the replacement of the existing high-bay warehouse and alterations to northern elevation of low-bay warehouse, including the refitting of the low bay warehouse to allow both packaging and warehousing.

The existing high bay warehouse is not used at all currently. The proposal is to move storage from an existing low bay warehouse into the new high bay then use the current low bay warehouse as a production facility. Raw materials, finished packed product, and intermediate materials will be stored in the new building.

SITE DESCRIPTION

The application site comprises an existing high bay warehouse, packaging warehouse and other ancillary buildings. The application site is located close to the eastern boundary of the wider Astra Zeneca industrial science park where it borders the Macclesfield Canal Conservation Area and the Green Belt beyond. The site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

There have been a number of planning applications across the site, but none are specifically relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Macclesfield Borough Local Plan Policy

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

BE3 (Conservation Areas)

E1 (Employment land)

E4 (Employment land – industry)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Requirements to provide and maintain landscape schemes for new development)

DC17 (Flooding)

Other Material Considerations

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

EG1 Economic Prosperity

EG3 Existing and Allocated Employment Sites

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG3 Existing and Allocated Employment Sites

CONSULTATIONS

Manchester Airport – No objection

Canal & River Trust - Comments not received at time of report preparation.

Health & Safety Executive - Comments not received at time of report preparation.

Environment Agency – No objection subject to conditions relating to contaminated land.

United Utilities – Comments not received at time of report preparation.

Environmental Health – Comments not received at time of report preparation.

Head of Strategic Infrastructure – No objections

Flood Risk Manager – No objections subject to conditions

Macclesfield Town Council – Comments not received at time of report preparation.

REPRESENTATIONS

One letter of representation has been received from Macclesfield Civic Society noting that as an upgrading and rationalisation within an established industrial complex it is appropriate in terms of land use. The landscape and visual impact analysis is noted and we would conclude that the impact is likely to be modest but acceptable given the context of existing built development. Whilst perceptible from undeveloped land to the east and from higher viewpoints the development would be seen as part of an established complex.

APPLICANTS SUBMISSION

The following documents accompany the planning application, and can be viewed in full on the application file:

- Planning Statement
- Design & Access Statement
- Visual Impact Assessment
- Transport Statement

- Flood Risk Assessment
- Contaminated land report
- Ecological Assessment

APPRAISAL

The key issues in the determination of this application are:

- The visual impact of the development
- Impact upon Conservation Area
- Highway safety and traffic generation

ENVIRONMENTAL SUSTAINABILITY

Visual Impact

The utilitarian design of the proposed building is in keeping with the established character of the industrial estate. The footprint of the replacement building does have a marginally narrower footprint than the existing; however there is a 12 metre difference in height between the 18 metre height of the existing high bay warehouse and the 30 metre height of the proposal. Therefore there will inevitably be a visual impact associated with the proposed development.

It has been queried with the applicant whether the building could be set at a lower ground level to reduce the overall height. However, they have stated that setting the floor slab any lower would cause a number of issues including undermining the immediately adjacent buildings, having a floor level lower than the water table, and operational issues in that the slab would not be at the same level as the adjacent buildings which they are intending to use in conjunction with the new warehouse.

The submitted sections show the building in the context of other high rise structures in the landscape, some of which are within the AstraZeneca industrial site including the 28 metre high Etherow building and the 50 metre high chimneys.

9 viewpoints have been provided as part of the submitted landscape and visual impact assessment to consider the visual impact of the development. Images of these viewpoints are included in the key plans for this application, and the text below considers the impact from these points.

1. View south from footbridge over The Silk Road

When viewed from public right of way FP87 as it crosses a pedestrian bridge over the Silk Road to the north of the site, the upper section of the new warehouse is likely to be visible above and through the existing tree cover. Of course as the existing vegetation matures and grows taller, the warehouse will become less visible. The building will also be seen in the context of the dual carriageway, the electricity power line and pylon, and the existing buildings on the site.

2. View east from Rugby Drive playing fields (Tytherington)

This is the view from the public open space at Rugby Drive Playing Fields and housing on the eastern edge of Tytherington. The building will be visible from this point, but vegetation will

screen the lower section and the remainder will be seen in the context of the existing industrial structures.

In terms of the wider areas of Tytherington, due to the position of the building on the eastern side of the site, it is not considered that the building will be unduly prominent, again given the presence of other substantial industrial buildings and established vegetation alongside the Silk Road.

3. View north east from footbridge over Hibel Road (A537)

The industrial estate can be clearly seen to the north east when viewed from the footbridge over Hibel Road (A537) close to Jordangate car park. This view is at some distance from the application site, but it can be clearly seen in the context of the other wider industrial site and the other high rise structures in the landscape.

4. View west from canal towpath

This is the closest view of the proposed building from surrounding public vantage points. From the canal towpath the new building will be clearly visible, however the vegetation alongside the canal and within the site serve to provide some screening and filtering of views. Industrial buildings adjacent to canals are not unusual.

5. View looking west from public right of way Higher Hurdsfield FP5

At certain points along this footpath, a large tree restricts views of the building. The tree will provide a less effective screen from different points along the footpath (as in viewpoint 9 below). However, there are other existing tall structures nearby including the telecoms tower and the chimneys within the site, against which the new building will be seen.

6. View looking west from Kerridge Road

This is an elevated position along Kerridge Road / Windmill Road to the east of the site. Once again, although it will be viewed as one of the taller structures on the site, it will blend into the backdrop of the existing industrial site.

7. View looking south from Redway, Bollington

Very distant views can be achieved from the southern edge of Bollington where the completed warehouse is likely to be partially visible above the intervening vegetation.

8. View looking south west from Kerridge Ridge (east of Windmill Lane)

From Kerridge Ridge (east of Windmill Lane), Bridge Quarry can be seen in the foreground, but distant views are very wide ranging from this point and the building will again be seen in the context of the wider industrial site and will not be a prominent landscape feature.

9. View looking west from footpath FP5, close to canal towpath

From the public right of way (Higher Hurdsfield FP5), close to the canal towpath, looking west towards the site, this is perhaps where the most significant visual impact will occur. The vegetation along the canal screens most of the existing buildings on the AstraZeneca site, but some taller structures are still visible above the canopy line. Taller vegetation does however provide some filtering of views to these taller structures, including the proposed building.

For the reasons set out above, the overall landscape impact is considered to be acceptable.

Conservation Area

The site is located adjacent to the Macclesfield Canal Conservation Area, a designated heritage asset as identified by the Framework. Policy BE3 of the Local Plan is therefore relevant which states that development will only be permitted in or adjoining a conservation area which preserves or enhances the character or appearance of the conservation area - special attention will be paid to matters of bulk, height, materials, colour and design.

Having regard to the physical form of the Canal Conservation Area, as a long narrow corridor following the route of the canal and towpath, with substantial vegetation along its boundaries, views to either side are limited. However, the existing high bay warehouse, and other industrial development, can be viewed from the towpath. The proposed building will therefore undoubtedly be visible, however, industrial development adjacent to a canal is not an unusual characteristic.

The conservation officer has commented on the proposal and noted that the main view of this redevelopment will be from the towpath, which is currently obscured by vegetation along the boundary of the site. Although the new structure will be taller than the existing warehouse the vegetation will to some degree soften the impact. The conservation officer concludes that this remodelling will have some impact on views out of the Conservation Area, however this is tempered with existing structures within the site and will over time be further obscured by the existing vegetation cover becoming more mature.

Given that the building will be more visible than the existing, it is considered that the proposal will lead to less than substantial harm to the significance of the Conservation Area. Consequently, in accordance with paragraph 134 of the Framework this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is explored further below in the planning balance section of the report.

Amenity

There are no residential properties within close proximity of the application site. As such, no significant amenity issues are raised.

Highways

The Head of Strategic Infrastructure has commented on the proposal and has noted that there is no change of use between the existing and proposed building and no increase in floorspace. No increase in the numbers of HGV's serving the building is proposed and the existing servicing arrangements remain unchanged.

Therefore, the proposals do not have any highway impact and no objections are raised.

Ecology

The nature conservation officer has commented on the proposal and noted that the application is supported by an acceptable ecological appraisal. There are unlikely to be any significant ecological issues associated with the proposed development.

Flood Risk

The Flood Risk manager had reviewed the proposals and confirms that there are no objections on flood risk grounds subject to the proposal being carried out in accordance with the mitigation measures within the submitted Flood Risk Assessment (FRA). These measures limit the rate of surface water runoff generated by the site to discharge at a rate of not more than the existing rate.

ECONOMIC SUSTAINABILITY

AstraZeneca is a key local employer within the Macclesfield area, employing 1,800 people at their Macclesfield site; the manufacturing, packing and distribution of medicines is undertaken at the site to 130 markets globally.

Whilst the proposal does not create any additional jobs within the proposed warehouse, the applicant's submission notes that it does represent a very significant capital investment in the Macclesfield site in the region of £100 million. The proposals will significantly improve operational efficiencies and help to future-proof AstraZeneca's continued investment in the Macclesfield site for many years to come.

SOCIAL SUSTAINABILITY

With regard to the social role of sustainable development, as noted above, as a substantial financial commitment to the Macclesfield site, it will continue to provide employment opportunities for local people.

PLANNING BALANCE

The proposal will demolish an existing but redundant and obsolete high-bay warehouse, replacing it with a new building on a marginally smaller footprint, with an increased height, which will improve operational efficiencies on the site

The principle of the replacement high bay warehouse on this allocated employment site is compliant with relevant local plan employment policies, and its utilitarian design appropriately reflects its position within the industrial estate. The proposed scheme will also not have a detrimental impact upon residential amenity, ecology and highway safety. Matters of drainage and flooding are also considered to be acceptable, subject to conditions.

The building is relatively high, and it will be visible from surrounding land, and the adjacent Macclesfield Canal Conservation Area, as the images above demonstrate. The longer views of the site particularly from higher land levels will see the proposal in the context of the existing industrial estate and other tall buildings and structures. As such the overall landscape impact is not considered to be so significantly adverse to justify a refusal of planning permission. The closest views, which will be from the towpath, are screened and filtered by existing vegetation, and as such it is concluded that there is less than substantial harm to the conservation area. In accordance with paragraph 134 of the Framework this harm should be weighed against the public benefits of the proposal.

As noted above, AstraZeneca is a major local employer within the Macclesfield area. Whilst the proposal does not create any additional jobs within the proposed warehouse, it does represent a significant investment in and commitment to the Macclesfield site. The proposal will demolish an existing but redundant and obsolete high-bay warehouse, replacing it with a new building on a marginally smaller footprint, with an increased height, which will improve operational efficiencies on the site, without there being any significant impact upon matters of public interest.

The proposal is therefore considered to represent a sustainable form of development that complies with the development plan, and as such, in accordance with paragraph 14 of the Framework, should be approved without delay.

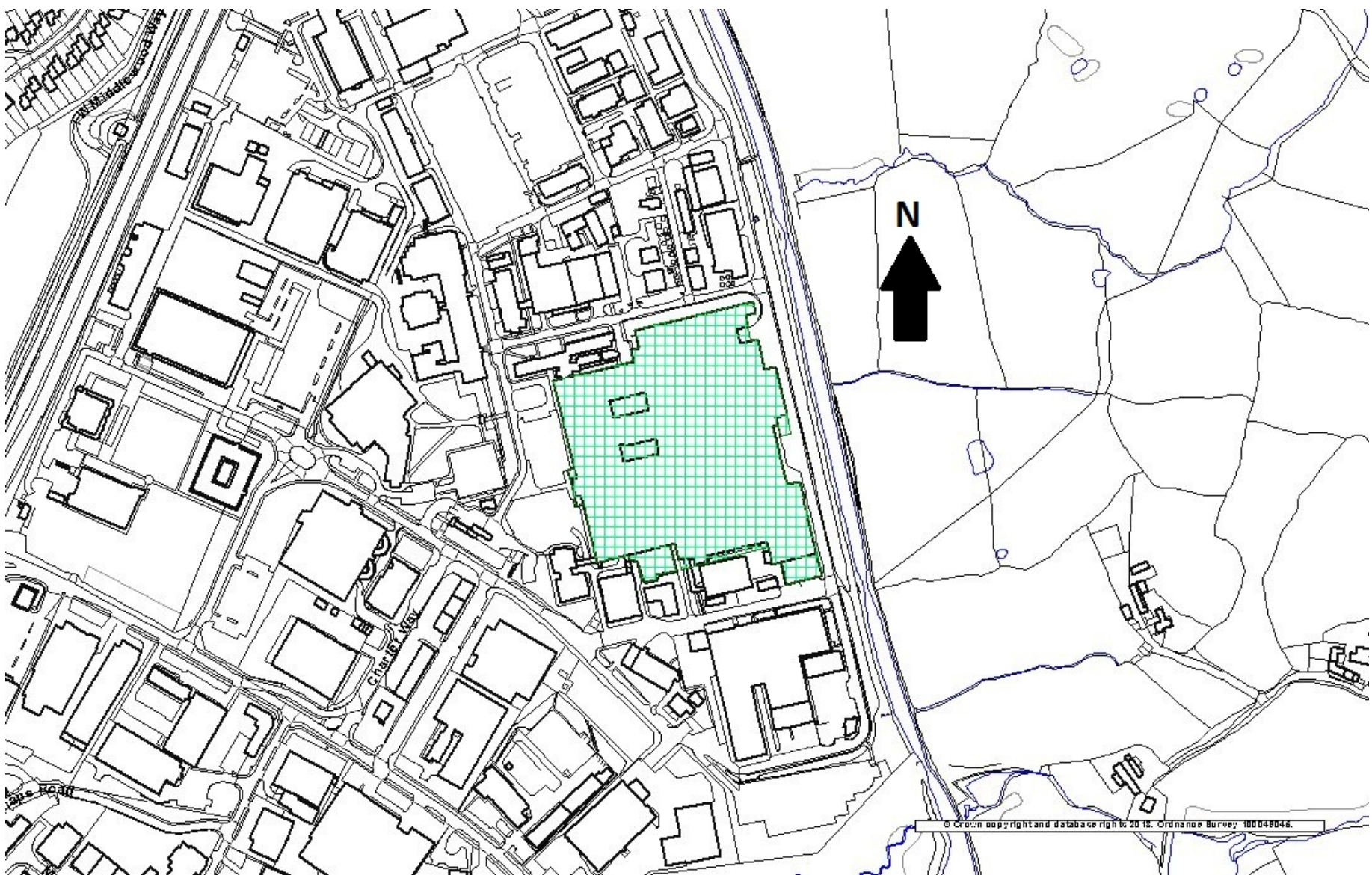
RECOMMENDATION

The application is therefore recommended for approval subject to conditions, and subject to the receipt of outstanding consultee responses.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Scheme to deal with the risks associated with contamination of the site to be submitted to and approved,
5. Development to be carried out in accordance with the mitigation measures in Flood Risk Assessment.



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Application No: 15/3665N

Location: Bentley Motor Company, PYMS LANE, CREWE, CHESHIRE, CW1 3PL

Proposal: Construction of a 4 storey office building on the site of an existing carpark

Applicant: Andrew Robertson, Bentley Motors Ltd

Expiry Date: 04-Nov-2015

SUMMARY:

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of motor vehicles. Bentley Motors are a major employer located within one of the principal growth areas of the Borough where national and local plan policy supports such development.

The proposal is compatible with the surrounding development and the design (subject to amendment), scale and form of the building would not appear incongruous within its context. The impact of the proposal on trees, hedges and the wider landscape setting would not be significant and environmental considerations relating to flooding, drainage, land contamination and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use (offices) and the generous separation with the nearest neighbouring properties. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. The ecological impacts of the development can be satisfactorily mitigated.

The Head of Strategic Infrastructure (HSI) is satisfied that any additional vehicular movements and parking generated by the proposals could be accommodated by the existing highway network and the existing parking provision at the site. It is also important to note that recent improvements to the pedestrian facilities around the site would support this proposal.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. The proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

RECOMMENDATION: APPROVE with Conditions

PROPOSAL:

This application seeks full planning permission for the erection of a four storey office building for Bentley Motors on the northern side of Pym's Lane, Crewe. The building would have a floor space of 7,200 square metres comprising of B1a (offices) and B1b (research and development) uses. It should be noted that at the time of report writing, site clearance works had commenced.

SITE DESCRIPTION:

This application relates to the site of Bentley Motors, a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. This application relates specifically to a former car park situated on the north side of Pym's Lane directly opposite the main entrance to the plant.

The site is bound to the north by the 'Meadow Brook Cemetery', to the east by residential properties fronting Pym's Lane and to the south by the main production plant. Directly to the west of the site, is the Cheshire East Pym's Lane Waste Recycling Centre as well as other industrial and commercial units and associated parking further along. There are other areas which are within the applicant's ownership for car parking, a showroom and ancillary development.

RELEVANT HISTORY:

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

12/4373N - New build showroom with associated car parking approved on 6th February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30th November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1st May 2013

12/4426N - Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's – Approved 03-Jun-2013

13/5114N - Variation of condition 2 (approved plans) on application 12/4426N (proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's) – Approved 18-Feb-2014

14/2944N - Construction of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The relocation of fuel tanks and a fuel filling location. The proposed building comprises a large warehouse with one and a half portal frame structure, a single storey office annex to the North elevation with rest and WC facilities, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the North. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link – Approved 29-Aug-2014

14/5262N - Proposed pre-fabricated building, complete with services to be installed as office and restrooms for lorry park on site at Bentley Motors – Approved 09-Feb-2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 17, 28, 56 and 65.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough of Crewe & Nantwich Local Plan, which allocates the site within the Crewe Settlement Boundary.

The relevant Saved Policies are:-

Crewe & Nantwich Local Plan Policy

BE.13 (Buildings of Local Interest)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
E.4 (Development on Existing Employment Areas)
TRAN.3 Pedestrians
TRAN.8 Existing Car Parks
TRAN.9 Car Parking Standards

Cheshire East Local Plan Strategy Submission Version

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
CO2 (Car Parking Standards)

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

CONSULTATIONS:

Highways: The Strategic Highways Manager states that there are no highway objections raised to the application.

Environmental Protection: No objections, subject to conditions / informatives requiring submission of an Environmental Management Plan, a restriction on hours of construction and hours of use, submission of details of external lighting, accordance with submitted noise mitigation scheme, submission of a travel plan and a further contaminated land survey.

Environment Agency: No objection subject to conditions for remediation of unsuspected contamination and surface water drainage.

Flood Risk Officer: No objection subject to submission of a surface water drainage scheme.

United Utilities: No objection subject to a surface water drainage condition.

CREWE TOWN COUNCIL:

Support the development in principle, but request that the building be sited as far away as possible from neighbouring dwellings to minimise the impact.

REPRESENTATIONS:

2 representations have been made by neighbouring properties expressing concern about the following:

- The proposed building and future plans along the north side of Pym's Lane are very large and close to neighbouring properties
- The proposed office building will overshadow neighbouring rear gardens

APPRAISAL:

Principle of Development

In terms of the local plan policy, the site is within the settlement boundary of Crewe where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site has a longstanding association with the manufacturing and the production of motor cars and as such, it is considered that the compatibility of the site and the area for such use is well established. However, the site directly abuts the edge of the residential development along Pym's Lane and consequently the impact on these neighbours will be explored further in this report.

With respect to the principle of the development more generally, it is important to recognise that Bentley Motors is a major employer in the area. Bentley are seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main administration, office and production areas of the plant to allow the company to realise their expansion plans and produce additional products. This proposal is part of the long term vision to invest in the production and manufacture of additional lines of vehicle. Thus, there are clear benefits arising from the scheme that would support job creation and the economic growth in the locality and the Borough. It is considered that such benefits are in line with the local plan and the aims of the NPPF.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG1 of the Council's emerging Local Plan Strategy Submission Version. The proposal is therefore acceptable in principle subject to compliance with other relevant planning considerations.

Design

The NPPF and local plan policies BE.2 and SE.1 emphasise the importance of securing high quality design appropriate to its context. NPPF 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 proposed building would have a floorspace of 7,200 square metres spread across four floors. The building would be of modular prefab construction and would measure 15.98 metres in height with a frontage to Pym's Lane of 53 metres. The building would be positioned to the west of the residential development on the north side of Pym's Lane.

The east facing elevation of the building would enjoy a separation of 45 metres with the boundary to the nearest neighbouring property, no. 23 Pym's Lane. This degree of separation would help to ease the transition between the height of the residential development and the height of the proposed office building. Additionally, the building would be set back 30 metres from the beginning of the footway to reduce the prominence of the building from view along Pym's Lane and would also allow for appropriate hard and soft landscaping to be accommodated to the front of the building.

With reference to the architectural detail, the building would be simple in terms of its form and shape. Owing to its size, the massing of the elevations would be broken up with sections of glazing and alternate coloured facing materials. This would improve the appearance of the building. However, it is considered that the use of alternate coloured materials could be taken further, particularly on the south-eastern corner of the building, which is the principal view that users of Pym's Lane will see as they approach the site and Bentley Motors. Given that this is a gateway to the start of the commercial development, officers are presently negotiating amendments to improve this view. The outcome of this will be reported to members by way of an update.

It is important to note that the area is characterised predominantly by commercial and industrial premises and as such, the proposed building would not appear incongruous within this context. The size, scale and general appearance of the building would not impact detrimentally on views of the locally listed buildings, which serve as the entrance to the main Bentley production plant on the opposite side of Pym's Lane. Subject to amendments regarding the materials, the proposal complies with policies BE.2 and SE1 (Design).

Trees and Landscaping

The application site is set back behind a wide highway verge with grass strips, a footway and a line of trees along this part of Pym's Lane (forming part of a boulevard approach). On the Pym's Lane frontage of the site, there is a narrow planting bed with trees and there is a hedge and trees to the west and to the north. The Council's Tree Officer has confirmed that provided that the trees and hedges are retained (as shown), it is not considered that any significant forestry impacts arising from the current proposal. With respect to landscape impact, the Council's Landscape Officer has confirmed that the proposal would have negligible impacts on the wider landscape setting.

Amenity

The impact of the development upon nearby residential properties is a material consideration in regard to noise, disturbance and the physical massing of buildings.

The nearest neighbouring dwelling would achieve a distance of 54 metres with the east facing elevation of the proposed building. Whilst concern has been expressed regarding the potential for overshadowing of neighbouring rear gardens, this separation would be sufficient to accommodate the proposed size and scale of the building without materially harming neighbouring amenity by reason of loss of light / overshadowing. Similarly, the proposal would not give rise to direct overlooking owing to the ample separation.

This proposal is for B1a (offices) and B1b (research and development) uses, which by their nature are less intensive and less noisy than general B2 industrial uses. The use will predominantly be for offices and will be enclosed within the proposed building envelope. The scheme is supported by a noise impact assessment which demonstrates that any noise impacts on neighbouring properties will be limited. This has been reviewed by the Council's Environmental Protection Unit (EPU) who has offered no objection to the proposal subject to conditions.

Accordingly, it is considered that the proposal would not materially harm neighbouring amenity by reason of loss of light, direct overlooking, visual intrusion or noise and therefore complies with local plan policy BE.1.

Parking, Highway Safety and Traffic Generation

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

Whilst no parking is included within the proposal, it is envisaged that all parking will take place within the Sunnybank Lane car park, which has been expanded to significantly increase parking provision at Bentley Motors. This would offset the loss of the existing car park that the proposed

office building would occupy whilst also accommodated the parking generated by the proposed office use.

The site offers good integration with local transport networks, including walk/cycle, bus/train. It is also important to note that recent improvements to the pedestrian facilities around the site would support this proposal. These comprise of a number of pedestrian crossings linking the southern side of Pym's Lane to the northern side. This will allow safe pedestrian access from the main production facility and the car parks serving Bentley Motors. The site offers good integration with local transport networks, including walk/cycle, bus/train.

With respect to highway network impact, the HSI has confirmed that the applicant has demonstrated that all nearby junctions will continue to operate satisfactorily with the proposed development. It is noted that the Middlewich Road/Pym's Lane signalised junction is the most marginal, where junction capacity just exceeds recommended thresholds during the AM peak, with Pym's Lane exceeding saturation thresholds during the PM Peak. However, this is based on a worst case scenario whereby all 400 trips generated by the proposed office building are undertaken by private car, and that all trips occur during the AM and PM Peaks, which is unlikely. In addition the signals are operated under a system (MOVA) which optimises junction performance. As such, it is considered that surrounding junctions will continue to operate within satisfactory thresholds and therefore the impact on the local highway network will be acceptable and policy compliant.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network and the existing parking and pedestrian facilities would be sufficient to accommodate the proposed development. The proposal therefore accords with Policy BE.3.

Other Issues

Subject to conditions, there are no issues with respect to flooding, drainage, land contamination or ecology.

PLANNING BALANCE & CONCLUSIONS

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of motor vehicles. Bentley Motors are a major employer located within one of the principal growth areas of the Borough where national and local plan policy supports such development.

The proposal is compatible with the surrounding development and the design (subject to amendment), scale and form of the building would not appear incongruous within its context. The impact of the proposal on trees, hedges and the wider landscape setting would not be significant and environmental considerations relating to flooding, drainage, land contamination and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use (offices) and the generous separation with the nearest neighbouring properties. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. The ecological impacts of the development can be satisfactorily mitigated.

The Head of Strategic Infrastructure (HSI) is satisfied that any additional vehicular movements and parking generated by the proposals could be accommodated by the existing highway network and the existing parking provision at the site. It is also important to note that recent improvements to the pedestrian facilities around the site would support this proposal.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. The proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

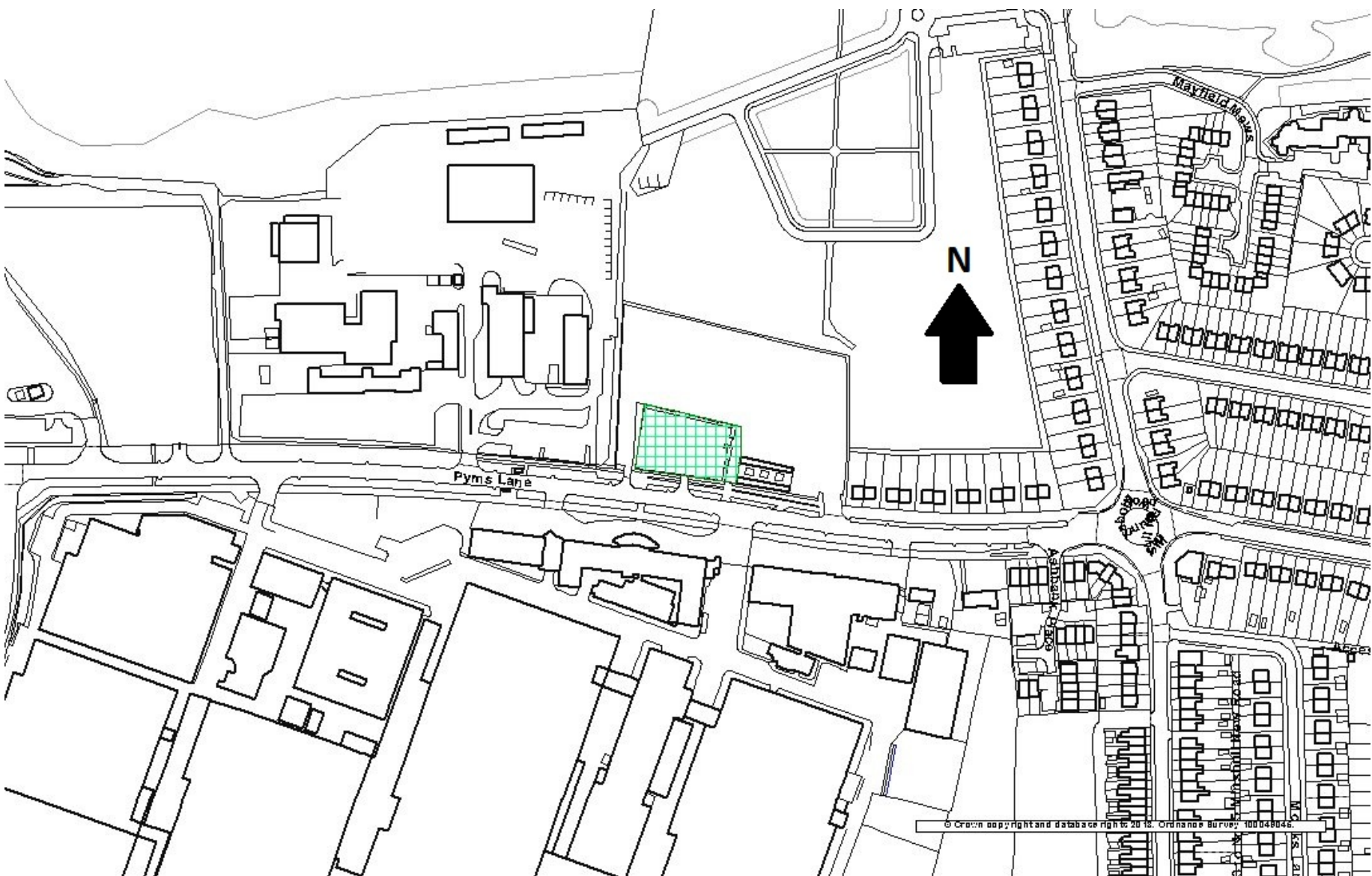
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard time limit (3 years)**
- 2. Accordance with plans**
- 3. Materials to be submitted and approved**
- 4. Development to be carried out in accordance with submitted noise impact assessment**
- 5. Submission of an Environmental Management Plan**
- 6. Access constructed in accordance with submitted details prior to first use**
- 7. Survey for nesting birds**
- 8. Details of foul water drainage to be submitted**
- 9. Surface water drainage strategy to be submitted**
- 10. Landscape to be submitted**
- 11. Landscape implementation**
- 12. Hours of operation restricted**
- 13. Contaminated land**
- 14. Piling method statement**
- 15. Travel plan to be submitted**
- 16. Details of external lighting to be submitted and approved**

In order to give proper effect to the 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 his absence the Vice Chair) of the 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 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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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Report: 12 October 2015
Report of: David Malcolm – Head of Planning (Regulation)
Title: Harman Technology Site And Adjacent Land, Ilford Way, Town Lane, Mobberley

1.0 Purpose of Report

To consider the part withdrawal of the reasons for refusal relating to outline planning application 14/0114M for a hybrid planning application for mixed-use redevelopment seeking:

- A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting.
- B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting.
- C. Outline planning permission for construction of up to 375 dwellings, associated infrastructure, landscaping and other associated works (means of access).

2.0 Decision Required

- 2.1 To agree to the part withdrawal of the reasons for refusal in respect of lack of affordable housing and to instruct the Head of Planning (Regulation) not to contest the issues at the forthcoming Appeal.

3.0 Background

- 3.1 On the 12th November 2014, Strategic Planning Board considered an outline application for the development as stated in Section 1.0 of this report, which included the construction of up to 375 dwellings.
- 3.2 The Applicant lodged an appeal on 2nd April 2015 to contest the reasons for refusal. The reasons for refusal are as follows:
 - 1. *Although it is accepted that extensive noise mitigation measures can be provided to achieve a satisfactory indoor living acoustic environment, the site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft, to a satisfactory level for outside living / amenity areas, which shall remain above 57dBA Leq, 16*

hour, the threshold for the onset of significant community annoyance. This is contrary to Paragraph 123 of the National Planning Policy Framework: Avoid noise from giving rise to a significant adverse impact on health and quality of life. It is considered that the new development is not appropriate for its location, due to the effects of pollution on health and general amenity. Therefore, the development is contrary to Paragraph 120 of the National Planning Policy Framework.

2. *The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and would therefore be contrary to the National Planning Policy Framework.*
3. *The Local Planning Authority does not consider that sufficient affordable housing has been provided as part of the scheme. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy H8 (Provision of Affordable Housing) of the Macclesfield Borough Local Plan and paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.*
- 3.3 The application is now the subject of an Appeal. However, since that time discussions have taken place with the Council's legal representation and Counsel has recommended that the reason for refusal issued on the grounds of insufficient affordable housing coming forward warrants reconsideration by Members.

4.0 Affordable Housing

- 4.1 Policy H8 of the Macclesfield Borough Local Plan (2004) requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30% in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally, the Council would expect a ratio of 65/35 between social rented and intermediate housing.

In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing.

- 4.2 The site falls within the Mobberley, Chelford and Alderley Edge sub area for the purposes of the Strategic Housing Market Assessment update 2013. This highlights a requirement for 87 affordable homes per annum for the period 2013/2014 to 2017/2018, broken down this is a requirement for 16 x 1bed, 17x 2bed, 11x 3bed and 13x 4plus bed general needs units and 9x 1bed and 22x 2+bed older persons accommodation. In addition, information taken from Cheshire Homechoice (the Council's choice based lettings system) shows there are currently 32 live applicants who have selected the Mobberley lettings area as their first choice. These applicants require 5x 1bed, 13x 2bed and 13x 3bed units.
- 4.3 A Viability report was submitted with the application proposals in order to establish how much affordable housing the applicant is able to provide through the planning application process. The applicant has stated that due to exceptional or abnormal costs to be taken into account, the original application included for 5% of dwellings in the development to be affordable. Following discussions and assessment by a financial consultant, the applicant has increased this affordable housing offer to 15%, with an affordable mix of 50% social housing and 50% intermediate housing. Whilst the housing mix was agreed, the Council's external advice was that a further viability review would be needed at the time of the Reserved Matters application and subject to market conditions, an affordable housing offer of up to 23% may be achievable.
- 4.4 Members were also guided that the offer from the applicant to provide the two storey office development comprising approximately 1,431m²/15,403ft² gross floorspace, should it be deliverable would have had an impact on the level of affordable housing provided.
- 4.5 The Strategic Planning Board has approved many applications with a reduced percentage of affordable dwellings. This has been solely on the basis that a viability case has been put forward to ensure that affordable housing is not being sacrificed at the benefit of the developer's profit. If it can be demonstrated that the developers profit margin is not unreasonable and the house build costs and sales costs, along with any abnormal costs are reasonable, then it is relatively commonplace for the amount of affordable housing to be reduced.
- 4.6 It is considered that a viability appraisal was submitted for this application and that following an independent assessment that between 15% and 23% affordable homes could be provided it is considered that it will be extremely difficult to defend the Council's affordable housing reason for refusal at appeal. Appeal Decisions affirm this view that an Inspector would not consider that insufficient affordable housing has been provided as part of the scheme, as long as the case for viability has been robustly assessed.

- 4.7 The Housing Strategy and Needs Manager agrees with the approach offered by the applicant to justify the amount of affordable homes to be offered and this reason for refusal can be withdrawn.

5.0 Planning Balance and Conclusion.

- 5.1 The proposal is contrary to development plan policy H8 and Interim Planning Statement on Affordable Housing, insofar that the 15% to 23% provision of affordable housing is below the 30% target set by policy. Therefore, the presumption is against the proposal unless material considerations indicate otherwise.
- 5.2 The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.3 In this case, the development would provide market and some affordable housing to meet an acknowledged shortfall.
- 5.4 Taking account of the viability assessment it is considered that the proposal would create a sustainable, inclusive, mixed and balanced community in this respect. 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. Members will be aware of similar arguments, around viability, which have been accepted elsewhere, where housing developments have been considered to be sustainable.
- 5.5 Reasons 1 (on the inability to mitigate for overhead aircraft noise) and 2 (the adverse impact on the character of the village of Mobberley), shall remain as being defensible at appeal and would be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.
- 5.6 On the basis of the above, it is considered that the Council should withdraw part of the reason for refusal which relates to affordable housing and contest the Appeal on noise from overhead aircraft and character grounds only.

6.0 Recommendation

- 6.1 To agree to the part withdrawal of the reasons for refusal in respect of affordable housing and to instruct the Head of Planning (Regulation) not to contest this issue at the forthcoming Appeal. The appeal will still be contested on noise from aircraft and character grounds. The appeal will be defended on the following grounds:

1. *Although it is accepted that extensive noise mitigation measures can be provided to achieve a satisfactory indoor living acoustic environment, the site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft, to a satisfactory level for outside living / amenity areas, which shall remain above 57dBA Leq, 16 hour, the threshold for the onset of significant community annoyance. This is contrary to Paragraph 123 of the National Planning Policy Framework: Avoid noise from giving rise to a significant adverse impact on health and quality of life. It is considered that the new development is not appropriate for its location, due to the effects of pollution on health and general amenity. Therefore, the development is contrary to Paragraph 120 of the National Planning Policy Framework.*
2. *The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and would therefore be contrary to the National Planning Policy Framework.*

Also resolve 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.

Heads of Terms for a Legal Agreement:

- 15% to 23% Affordable Housing (50% social or affordable rent, and 50% intermediate tenure);
- A contribution of £737,548.00 is required towards primary education;
- A contribution of £247,483.00 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill;
- Undertaken to provide a detailed Travel Plan for both the residential and commercial parts of the development to reduce traffic on the local highway network;
- Speculative new build office space (15,403 sq ft) of speculative across 2 floors with 34 car parking spaces, to be developed if demand can be established through a 36 month agreed marketing process and period;
- Provision of 8.4ha (20.6 acres) of open space (estimated cost £925,000) comprising; 18 allotments on approx 0.7 acres. Including a Football pitch, Public open space around football pitch item, car parking for POS/football pitch, changing rooms to Sport England standards (Circa £925,00.00);

- A 15 year sum for maintenance of the open space will be required IF the Council agrees to the transfer of the open space to CEC on completion. (Circa £250,00.00);
- Provision of a LEAP, two LAP's and a linear park and other incidental open space/landscaping within the residential area;
- Alternatively, arrangements for the residential open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement; and
- Further viability testing throughout the development.

7.0 Risk Assessment and Financial Implications

- 7.1 There is a risk that if the Council continues to pursue the Appeal on affordable housing viability grounds, that a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 7.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal. The Council would struggle to make a case that the viability appraisal undertaken is not robust and would not be able to defend why a different approach has been taken to this application with regards to affordable housing provision than elsewhere.

8.0 Consultations

- 8.1 None.

9.0 Reasons for Recommendation

- 9.1 To avoid the costs incurred in pursuing an unsustainable reasons for refusal at Appeal.

For further information:

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Background Documents:

Application 14/0114M