

Strategic Planning Board

Agenda

Date: Wednesday, 18th November, 2015
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes of the meeting held on 21st October 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 following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **15/2099C - Tall Ash Farm, 112 Buxton Road, Congleton, Cheshire CW12 2DY: Demolition of existing building and the development of up to 236 dwellings including access for Bloor Homes North West Ltd (Pages 15 - 46)**

To consider the above application.

6. **14/0128N - Land to the north of Main Road, Wybunbury: Outline planning application with all matters reserved (apart from access) for up to 40 dwellings, incidental open space, landscaping and associated ancillary works for The Church Commissioners for England (Pages 47 - 74)**

To consider the above application.

7. **15/1247W - Whittakers Green Farm, Pewit Lane, Bridgemere, Cheshire CW5 7PP: Application to Vary Condition 11 of Permission 7/2006/CCC/11 to increase the permitted vehicle movements in respect of Bank and Public Holidays from 10 movements (5 in, 5 out) to 20 movements (10 in, 10 out for Mr F H Rushton) (Pages 75 - 94)**

To consider the above application.

8. **15/1431W - Henshaws Waste Management, 150 Moss Lane, Macclesfield, Cheshire SK11 7XF: The temporary use of an area within the existing Henshaw's building for the acceptance and storage of Council-collected recyclable wastes on selected Bank Holidays (for 2 years) for CFM Henshaw (Pages 95 - 106)**

To consider the above application.

9. **15/3380N - Land South Of Royals Wood Farm, Whitchurch Road, Aston: Installation of ground mounted photovoltaic (PV) solar arrays to provide c.5MW generation capacity together with inverter houses, internal access track; landscaping; fencing; security measures; access gate; and ancillary infrastructure for INRG Solar Parks Ltd (Pages 107 - 124)**

To consider the above application.

10. **15/3572C - Chells Hill Farm, Chells Hill, Church Lawton CW11 2TJ: Variation of Conditions 05, 09, 10, 11, 15, 19, 22, 23 & 24 on Application 14/2479C for proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking for Mr Ed Nield** (Pages 125 - 136)

To consider the above application.

11. **15/3868N - 144, Audlem Road, Nantwich, Cheshire, CW5 7EB: Outline permission for Residential development for up to 104 dwellings (Use Class C3) and land for expansion of Brine Leas School (Use Class D1) for Wainhomes (North West) Ltd** (Pages 137 - 158)

To consider the above application.

12. **15/4046N - Land Off, Crewe Road, Shavington Cum Gresty, Crewe: The approval of reserved matters in respect of appearance, landscaping, layout, and scale for the construction of 275 dwellings including landscaping, recreation and amenity open space on land at Crewe Road, Shavington for Taylor Wimpey UK Limited** (Pages 159 - 170)

To consider the above application.

13. **14/0365N - Land north of Moorfields, Willaston: Development of up to 170 dwellings with associated infrastructure and open space provision (outline) for Richborough Estates** (Pages 171 - 198)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 21st October, 2015 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors D Brown, B Burkhill, T Dean, L Durham, D Hough, J Jackson,
D Newton, S Pochin, M Sewart, J Wray and G Wait (Substitute)

OFFICERS

Nicky Folan (Planning Solicitor)
Ben Greenwood (Planning Officer)
Neil Jones (Highways Development Manager)
Robert Law (Senior Planning Officer)
David Malcolm (Head of Planning (Regulation))
Phil Mason (Senior Enforcement Officer)
Nick Turpin (Principal Planning Officer)
Paul Wakefield (Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

64 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey,
S McGrory and G Walton.

65 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 15/3588M, Councillor S Pochin declared a pecuniary interest on the grounds that she is a director of The Engine of the North and would leave the room prior to consideration of the application.

The following declarations were made in the interests of openness:

Councillor J Jackson declared that with respect to application 15/3588M, she had worked for Astrazeneca for a period of time.

Councillor J Hammond declared that with respect to application 14/0282M, he was a member of the Cheshire Wildlife Trust who had been a consultee on the application and that he had not made any comments on the application or taken part in any discussions.

Councillor J Hammond declared that with respect to applications 15/2099C and 14/3024N, he was a Director of ANSA Environmental Services who had been consultees on the applications and that he had not made any comments on the applications or taken part in any discussions.

Councillor D Hough declared that he was a Director of TSS who were responsible for the administration of bus stops, pointing out that one or more of the applications made reference to the provision of bus stops, but he had not discussed this with anyone at TSS.

Councillor G Wait declared that she was a Director of TSS who were responsible for the administration of bus stops, pointing out that one or more of the applications made reference to the provision of bus stops, but she had not discussed this with anyone at TSS.

Gaynor Hawthornthwaite declared that with respect to applications 15/2113N and 15/2126N she was the Clerk to Warmingham Parish Council and had submitted comments on these applications on behalf of Warmingham Parish Council and that she had limited involvement in these applications in her role with Cheshire East Council and Warmingham Parish Council.

66 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 23rd September 2015 be approved as a correct record and signed by the Chairman, subject to the following amendment:

Minute 55, Councillor G Walton's declaration, be amended to read:

"With regard to application number 15/2730N, Councillor Walton declared that he has a friend who is employed within the Geothermal industry."

67 PUBLIC SPEAKING

That the public speaking procedure be noted.

- 68 **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**

Prior to consideration of this application, 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, a written and verbal update regarding the above application.

(Councillor L Jeuda (Ward Member) and Ms A Burns (agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the written and verbal updates, the application be APPROVED subject to outstanding comments from Sport England and updated retail assessment and prior completion of a Section 111 Agreement to secure:

- **£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

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
45. Single food retailer
46. No sub-division of retail unit
47. No mezzanine
48. Convenience and comparison goods split 70:30
49. Archaeological watching brief
50. Details of pavilion, car park, landscape and access details with Reserved Matters application
51. Sports pitches to be delivered at the outset

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.

During consideration of this application, Councillors M Sewart and J Wray arrived to the meeting and did not take part in the debate or vote.

Following consideration of this application, the meeting was adjourned for a short break.

69 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

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

(Councillor G Williams (Ward Member), Councillor A Morrison (on behalf of Congleton Town Council), Mr P Minshull (on behalf of Congleton Town Council), Mr D Townsend (Objector) and Mr B Pycroft (agent) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be DEFERRED for consideration of locational sustainability, further highway information and consideration of public realm in Congleton.

During consideration of this application, Councillor D Newton arrived to the meeting and did not take part in the debate or vote.

Following consideration of this application the meeting adjourned for lunch from 13.25 pm until 14.10 pm.

70 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

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

RESOLVED

That for the reasons set out in the report and written update, 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

And 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.

**71 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**

The Board considered a report regarding the above application.

(Councillor M Simon and Councillor J Weatherill (Ward Members), Councillor J Bond (on behalf of Wistaston Parish Council) and Mr P Wainwright (Objector) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be REFUSED for the following reasons:

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

72 15/2113N - LAND AT MOSS FARM, MOSS LANE, WARMINGHAM CW1 4PW: SOLAR FARM AND ASSOCIATED DEVELOPMENT FOR TGC RENEWABLES LTD

The Board considered a report regarding the above application.

(Mr R Amner (on behalf of the applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 legal agreement to secure:

- a bond to ensure that at the end of the 25 years the land is returned to agricultural land with all aspects of the development removed

and 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 25 years from energisation
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.

73 15/2126N - LAND AT MOSS FARM, MOSS LANE, WARMINGHAM CW1 4PW (SECOND SITE): SOLAR FARM AND ASSOCIATED DEVELOPMENT FOR TGC RENEWABLES LTD

The Board considered a report regarding the above application.

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 legal agreement to secure:

- a bond to ensure that at the end of the 25 years the land is returned to agricultural land with all aspects of the development removed

and 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 25 years from energisation
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.

74 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

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

RESOLVED

That for the reasons set out in the report and written update, the application be DELEGATED to the Head of Planning (Regulation), in

consultation with the Chairman of the Strategic Planning Board, TO APPROVE subject to the 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

75 15/3665N - BENTLEY MOTOR COMPANY, PYMS 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

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

(Mr R Pearson (Objector) 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. Accordance with plans
2. Materials in accordance with submitted detail
3. Development to be carried out in accordance with submitted noise impact assessment
4. Development to be carried out in accordance with submitted Environmental Management Plan
5. Access constructed in accordance with submitted details prior to first occupation
6. Survey for nesting birds (if works continue into bird nesting season)
7. Details of foul water drainage to be submitted prior to its installation
8. Surface water drainage strategy to be submitted prior to its installation
9. Landscape to be submitted prior to first occupation
10. Landscape implementation
11. Hours of operation restricted
12. Accordance with submitted Piling Method Statement
13. Travel plan to be submitted prior to first occupation
14. Details of external lighting to be submitted prior to its installation
15. Contaminated Land Remedial Strategy to be submitted prior to any further works commencing
16. Gas protection measures to be installed in accordance with approved detail prior to first occupation

17. Additional Phase II contaminated land investigation to be submitted within 6 months or prior to first occupation (whichever is the sooner)
18. On site gas monitoring verification / validation report to be submitted within 6 months following first occupation

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.

76 HARMAN TECHNOLOGY SITE AND ADJACENT LAND, ILFORD WAY, TOWN LANE, MOBBERLEY

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report, it was AGREED that the part withdrawal of the reasons for refusal relating to outline planning application 14/0114M for a hybrid planning application for mixed-use redevelopment in respect of lack of affordable housing should be removed 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.

The meeting commenced at 10.35 am and concluded at 4.05 pm

Councillor H Davenport (Chairman)

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 236 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.

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 PROW and would provide much needed improvements to the public realm along Mountbatten Way (subject to contributions). The proposal is also 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

REASON FOR DEFERRAL:

At the last meeting of 21 October 2015, Members resolved to defer this application to consider locational sustainability, further highway information and consideration of the public realm in Congleton. This is an updated report which deals with these considerations.

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 objection subject to onsite provision of Amenity Greenspace and Children and Young Person's Provision (a NEAP comprising of 8 items of play equipment) and the following financial contributions towards future maintenance:

Amenity Greenspace £66,977

Children and Young Persons Play Provision £169,070

Education: No objection subject to the following contributions:

£173,540 (primary)

£196,112 (secondary)

£136,500 (Special Education Needs - SEN)

= total of £506,112

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 (Locational Sustainability)

When assessing how well a site is located in terms of access to local services and amenities, there is a toolkit which was developed by the former North West Development Agency. 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 locational sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 465m (St John’s Road)
- Public House (1000m) – 450m (Church House Inn)
- Public Right of Way (500m) – 70m (Macclesfield Canal Towpath)
- Supermarket (1000m) – 500m
- Pharmacy (1000m) – 1000m
- Community Centre/Meeting Place (1000m) – 850m (St John’s Church / Buglawton Primary School)
- Supermarket (1000m) – 650m (The Co-operative, St John’s Road)
- Bank or Cash Machine (1000m) – ATM in Co-operative, St John’s Road)
- Primary School (1000m) – 850m (Buglawton Primary School)
- Secondary School (2000m) – 2000m (Eaton Bank)
- Outdoor Sports (1000m) – Outdoor Sports (1000m) – would be provided on site
- Public Park & Village Green (1000m) - would be provided on site

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:

- Convenience Store (500m) – 650m (The Co-operative, St John’s Road)
- Post Box (500m) – Outside the Co-operative, St John’s Road)
- Post office (1000m) – 1200m (Londis, Havannah Street)
- Pharmacy (1000m) – 1200m (Salus Pharmacy, Havannah Street)
- Leisure Facilities (1000m) – 1400m (Witness the Fitness)
- Child Care Facility (nursery or crèche) (1000m) - 1200m (Old Hall Day Nursery)
- Medical Centre (1000m) - 2300m (Meadowside Medical Centre)
- Railway Station (2000m) – 2200m (Congleton Railway Station)

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 easterly edge of Congleton, 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 to the north of the site. However, all of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot via well lit public footpaths or via a short bus journey. Accordingly, it is considered that this site is locationally sustainable.

Public Open Space

Comments have been received from the Council's Greenspaces Section (ANSA). It has been confirmed that the proposed development would require the provision of both amenity greenspace (AGS) and children and young person's provision (CYPP) in the form of a NEAP with 8 pieces of play equipment.

Having calculated the existing amount of accessible AGS within 800 metres of the site and the existing number of houses which use it, 236 new homes (566.4 persons based on policy average of 2.4 persons per dwelling) will generate a need for 5,664 square metres of new AGS. The Council could consider adopting the AMG. Applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum to maintain an area of this size.

With respect to Children and Young Person's Provision within 800 metres of the site and the existing number of houses which use it, 236 new homes will generate the need for a new NEAP play facility (Neighbourhood Equipped Area for Play). The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure. The detailed layout would be secured at the reserved matters stage. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum.

This would comprise of the following financial contributions which will need to be secured by the signing of a s106 agreement:

<u>Amenity Greenspace</u> –	Provision of 5,664 sq m on site
	Maintenance: £66,977

<u>Children and Young Persons Provision</u>	Provision of a NEAP (8 items of equipment)
	Maintenance: £169,070

This is considered to be necessary and fair and reasonable in relation to the development.

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 (£173,540 for primary education £196,112, for secondary education and £136,500 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

The development proposal is supported by a Transport Assessment (TA) and, following a request from the Head of Strategic Infrastructure (HSI), a further technical note was submitted on 8th September 2015 and a Framework Travel Plan (FTP) was submitted on 13th October 2015.

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 submitted drawings indicate visibility splays of 2.4m x 91m based on a stopping sight distance for a 40mph road. Such visibilities do not adhere to advice based on a speed limit of 40mph. However, the HSI notes that the observed 85th percentile speeds around the site access are in the order of 40mph and such visibility splays are considered adequate for such speeds on this road and in this location.

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. The speed reduction proposal should be pursued to enhance pedestrian and driver safety but even if the Traffic Regulation Order (TRO) is not successful the available visibility is deemed adequate for actual speeds along the road.

The proposed cycleway/footway/emergency access is deemed necessary and suitable to serve this residential proposal.

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 original TA did not consider the operation of the A54 Mountbatten Way corridor. Subsequently, the applicant has considered the operation of the following junctions in this corridor;

- A54 Mountbatten Way / A54 Moor Street roundabout junction;
- A54 Mountbatten Way / Worrall Street signal junction;
- A54 Mountbatten Way / The Meadows roundabout junction; and
- A54 Mountbatten Way / A34 Rood Hill signal junction

The analysis confirms that the operation of the A54 Mountbatten Way / A54 Moor Street roundabout junction would 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 submission 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 increased (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 also be increased with the addition of development traffic. The applicant accepts that the 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 high levels of demand in both the AM and PM peak hours. The development proposal will further impact upon the operation of this junction.

The HSI considers that the cumulative impact of development along this corridor is significant and warrants the introduction of mitigation measures. The applicant proposes 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 the development should provide contributions to such works.

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, it is anticipated that an appropriate financial contribution to proposed improvements (online or Congleton Link Road) will have an overall beneficial highway impact to outweigh the harm of the development.

The applicant has offered a £3,000 per dwelling contribution to the highway network strategy for the area and this is agreed as suitable by the Head of Strategic Infrastructure.

CEC Modelling of the Wider Network

The Council has previously 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 CEC has adopted a strategy of seeking a contribution of £3,000 per dwelling as contribution to the A34 online improvements or the Link Road if/when it comes forward.

Although the applicant's modelling indicates that the A54 Mountbatten Way corridor will be operating under stress during peak hour periods it is suggested that the impact will be relatively small. The HSI is of the view that the impact will be significant and must be viewed as a cumulative impact that needs to be addressed.

The Council's proposals will improve travel conditions generally in Congleton and trips from/to the development, particularly those with out of town destinations and origins that will make use of the A34 corridor. The Head of Strategic Infrastructure agrees with the applicant that the approach of contributing to the potential online A34 corridor scheme and/or the Congleton Link Road will have the effect of mitigating the overall traffic impacts of the development proposal.

The Head of Strategic infrastructure therefore has no objection to this planning application subject to condition and legal 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). Such improvements are necessary in order to offset the impact that proposed development would have on the towpath owing to its close relationship with the site and having regard to the scale of the proposed development. To realise these improvements, a financial contribution of £176,000 would be required. The applicant has agreed acceptance of these terms.

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.

Public Realm Works

In deferring the application from the last meeting, Members wanted consideration to be given to potential public realm works in Congleton Town Centre. The applicant has looked at Congleton's Public Realm Strategy and has as a result, identified six locations along Mountbatten Way which would benefit from recommended improvements to the public realm. These improvements would comprise of:

- Dropped kerbs and tactile paving at 2 positions to aid pedestrians
- Congleton Town finger post,
- Relocate road gully from centre of pedestrian crossing and resurface central refuge to address trip hazard
- Remove and relay road studs along correct alignment
- Replace existing concrete bollards those specified in Public Realm Strategy
- Provide ramped footway connection

The applicant has proposed financial contributions to secure these works, which would amount to £15,500. Subject to these works, the journey for pedestrians accessing the Town Centre from the application site would be made safer and more pleasant thus increasing the ease of movement from the east of Mountbatten Way into the Town Centre. Given that the proposal is for up to 236 units, the footfall generated by the proposed development would be likely to use area to enter the Town Centre from the site. Accordingly, it is considered that such works would be reasonably related to the development to be approved and would serve as a planning benefit also. Such benefits, when weighed in the planning balance would help to assist the proposals non-conformity with the development plan. Consequently, such works are deemed appropriate and reasonable.

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 and Macclesfield Canal Towpath 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. Additionally, the public realm works put forward by the applicant would be required to improve the public realm along Mountbatten Way, of which the pedestrians generated by the proposal would be dependant on to access the Town Centre. 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 £173,540 (primary) £196,112 (secondary) and £136,500 (Special Educational Needs) = total of £506,112**
- **Highways contributions of £3,000 per dwelling towards the A34 online improvements or the Link Road**
- **Public Open Space**
 - **Amenity Greenspace £66,977**

- Children and Young Persons Play Provision £169,070
- Provision of a NEAP (8 items of play equipment)
- 5,664 square metres of onsite Amenity Greenspace
- Macclesfield Canal Towpath contributions of £176,000
- PROW contributions of £17,065
- Public Realm contributions of £15,500
- Improvement to 2no. bus stops – contributions of £24,000

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.



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Application No: 14/0128N

Location: Land to the north of Main Road, Wybunbury

Proposal: Outline planning application with all matters reserved (apart from access) for up to 40 dwellings, incidental open space, landscaping and associated ancillary works.

Applicant: The Church Commissioners for England

Expiry Date: 10-Mar-2015

SUMMARY

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. In this case Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites. However, as Wybunbury Moss is identified as a Special Area of Conservation and a Ramsar Site the NPPF states that Wybunbury Moss should be given the same protection as a European site and an assessment under the Habitats Directives is required. As a result the presumption in favour of sustainable development (paragraph 14 of the NPPF) does not apply to this application.

In this case specific policies in this Framework indicate development should be restricted on this site and as such the application is recommended for refusal due to its impact upon Wybunbury Moss.

RECOMMENDATION**REFUSE****REASON FOR REFERRAL**

This application is referred to Strategic Planning Board as it includes an Environmental Statement.

The application is also subject to a call in request from Cllr Clowes which requests that the application is referred to Committee for the following reasons:

'This application has been brought to my attention by Wybunbury Parish Council and Hough and Chorlton Parish Council, together with the adjacent neighbours and the Wybunbury Moss Voluntary Warden. All parties object to this application on the following material grounds:-

1. This application is proposed on a site that does not feature in the SHLAA (in any format)

2. *The site is Grade 2 agricultural land (this is in direct contradiction of the NPPF)*
3. *This application is for 40 homes which in the context of a small village constitutes over-development*
4. *Wybunbury Village has already seen applications granted for significant developments which represent an increase in the residential dwellings of 80% (12/3114N 350-400 homes (130 affordable) on the 'Triangle' site, 13/4635N 30 affordable homes at the Bridge Street site)*
5. *In 2012 Wybunbury Parish Council and Hough and Chorlton Parish Council each completed Housing Needs Assessments (in line with CEC procedure and protocol). Wybunbury PC identified a need for 16 homes and Hough and Chorlton identified that there was no identified need in the next 5-7 years. These figures have already been exceeded multiple times. Further development will substantially alter the unique rural and historic characteristics of Wybunbury Village and exacerbate already present issues of sustainability. These villages lie outside the accepted sustainability ranges for GP's, leisure facilities, train station, regular public transport. So too primary schools in both Wybunbury and Shavington are heavily over-subscribed (even before the developments are completed).*
6. *This site lies adjacent to the RAMSAR SSSI site of Wybunbury Moss (less than 200m. This rare Moss and wetland is highly vulnerable to surface drainage such as that created from this kind of development. Previous development in the 1970s (Moorlands drive a & b) – also on the north side of Main Road, Wybunbury had to have its drainage systems diverted away from fields lying between the development and the moss, when surface water flows impacted upon the moss and its acidity levels. This development is therefore considered to be detrimental to the sustainability of a valued SSSI site and is contrary to the NPPF.*

PROPOSAL

This is an outline planning application for the erection of up to 40 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Main Road which would be located to southern boundary of the site.

This application is accompanied by an Environmental Statement.

SITE DESCRIPTION

The site of the proposed development extends to 1.6 ha and is located to the north-eastern side of Main Road, Wybunbury. The site is within Open Countryside. The site is located at a bend in the road and includes residential development to the south-east and opposite (fronting Main Road and Chads Green), a property known as Pinfold Farm is located to the north of the site.

The majority of the site is currently in agricultural use and forms one field. The site is enclosed by hedgerows and a number of mature trees to the northern and eastern boundaries (Three of Oak trees to the northern boundary of the site are covered by a Tree Preservation Order). A Public Right of Way (Wybunbury FP10) crosses the application site.

To the east of the site is Wybunbury Moss which holds a number of statutory nature conservation designations (National Nature Reserve, Site of Special Scientific Interest (SSSI), Special Area of Conservation, Ramsar Site).

RELEVANT HISTORY

14/0524S – EIA Scoping for 40 dwellings – Scoping Letter issued 11th March 2014

13/5302S – EIA Screening for 40 dwellings – EIA Required 22nd January 2014

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

109-125 Conserving and Enhancing the Natural Environment

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.6 (Sites of International Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Environmental Impact Assessment Regulations 2011

CONSULTATIONS

Environment Agency: The proposed development site is within close proximity to Wybunbury Moss Site of Special Scientific Importance (SSSI), Special Area of Conservation (SAC) and Ramsar site. Therefore the Environment Agency would suggest that the advice of Natural England is sought regarding the potential impact the development may have on Wybunbury Moss.

Natural England: Object due to the potential impacts of this development on the qualifying features the West Midland Mosses Special Area of Conservation (a European site), the Midlands Meres and Mosses Phase 1 Ramsar site and the features of interest of Wybunbury Moss Site of Special Scientific Interest (SSSI). These features are particularly sensitive to hydrological changes.

Natural England advise that the impacts still have not been adequately described or assessed by the applicant in the ES Addendum and associated technical reports. Natural England also advise that the proposed mitigation scheme does not adequately address the potential impacts, or provide sound evidence that the proposed measures have taken into account the specific hydrological functioning and characteristics of the areas of Wybunbury Moss and its catchment likely to be affected by the development.

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

National Planning Casework Unit: No comments to make on this application.

Cheshire Brine Subsidence Compensation Board: The site is not within the Board's formal consultation area but in view of the location of the proposed development, the Board would make the following comments.

On page 8 of the desk study report there is a recommendation to contact the Board in relation to subsidence due to salt extraction; this has not been undertaken, and neither has a CON29M brine search been obtained. Whilst the geological setting has been recognised in the report, the division between strata susceptible to dissolution and strata that is not, is a geological fault; it would be prudent to ensure that any subsequent site investigation at the site seeks to prove the geological setting but as boreholes to 5m only have been recommended in the report, it could be argued that potential ground stability issues have not been fully addressed.

NHS England: Request a contribution for mitigation of £38,763.

CEC Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition.

CEC Environmental Health: Conditions suggested in relation to environment management plan, piling method statement, noise mitigation, dust control, travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

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

CEC Strategic Housing Manager: No objection the applicant in their accompanying Planning Statement outlines that they will be providing 30% affordable housing.

Ansa (Public Open Space): A contribution of £30,000, for improving the existing nearby children's play area off Main Road, Wybunbury should be secured as part of this development.

Campaign to Protect Rural England: This planning application is contrary to the NPPF, contrary to the emerging Cheshire East Local Plan and contrary to the Crewe and Nantwich Replacement Local Plan. It is based on an environmental statement which is somewhat lacking and it leaves many questions unanswered. The application should be refused.

Cheshire Wildlife Trust: A specialist report (WWT October 2014) relating to the hydrology of the development site and the nearby Wybunbury Moss SSSI, SAC, RAMSAR concluded that it was '*not possible to conclude exactly how much of an influence the proposed development area has on the features of Wybunbury moss*' and '*it is clear that there is a subsurface connection between the field and the Moss*'. The report also stated that all surface water generated on site should be '*allowed to infiltrate to ground to maintain groundwater recharge*' and '*treatment of surface water is essential to maintain the quality of the groundwater*'. The report also acknowledged that treatment of the water could be achieved by the 'integration of SuDS systems'.

CWT believe that, given the importance of maintaining the infiltration of unpolluted ground water from the development site to the Moss, the detailed design of the SuDS system should be submitted and approved by Natural England prior to determination.

CEC Education: A contribution of $7 \times 11919 \times 0.91 = £75,924.03$ is required towards primary education. A contribution of $5 \times 17959 \times 0.91 = £81,713.45$ is required towards secondary education. Total: £157,637.48

Mid-Cheshire Footpaths Society: No representations with respect to the proposed development. Should the application be approved however, the Mid-Cheshire Footpaths Society would ask that the applicant be made aware of the obligations to keep FP Wybunbury 10 open and walkable at all times and not as an estate road.

CEC PROW: No objection the applicant has agreed to submit an application to divert FP10 Wybunbury and CEC PROW are happy with the proposed route.

SUSTRANS: If this land use is considered appropriate, and is approved by the council's planning committee SUSTRANS comments are as follows:

- The Crewe and Nantwich circular walk passes through this site, as a rural route. The layout of the estate should ensure that this popular path is sited in attractive open space, not along dreary estate roads and is signed throughout.
- SUSTRANS would like to see a separate entrance to the site for pedestrians and cyclists away from the proposed single road entry.
- SUSTRANS would like to see the proposed refuge on Main Road designed to accommodate cycles as well as pedestrians.
- The design of estate roads should restrict vehicle speeds to less than 20mph.
- The design of any smaller properties without garages should include storage areas for residents' buggies/bikes.
- SUSTRANS would like to see travel planning set up for the site with targets and monitoring and with a sense of purpose.

VIEWS OF THE PARISH COUNCIL

Wybunbury Parish Council: Wybunbury Parish Council, in its role as representing the people of Wybunbury, support the numerous objections lodged against planning application 14/0128N. The objections, including those of Mrs Janet Clowes, our Ward Councillor, comprehensively list the reasons why approval of this planning should not be granted. The Parish Council also notes that Mr Edward Timpson, our Member of Parliament, has also supported the resident's objections to this planning application.

Wybunbury has seen substantial development over the past twenty-five years, from approximately 500 dwelling to 650. With this planning application for a further forty houses and recent approvals for homes on the Triangle and Bridge Street will mean that Wybunbury will have doubled in size and will be unrecognisable from the character village that drew people to it. For this reason alone this planning applications must not be approved.

REPRESENTATIONS

Letters of objection have been received from 86 local households raising the following points:

Principal of development

- The site is within the open countryside
- This site is at a prominent location at the entrance to Wybunbury village
- The site is not included within the SHLAA
- The development would be contrary to the Cheshire East Local Plan
- There are a number of housing developments under way in this area
- The Council is now able to demonstrate a 5 year housing land supply
- Overdevelopment of the village
- Loss of Grade 2 agricultural land
- Cumulative impact of already approved developments in the area
- There are no benefits to the local community
- Wybunbury will lose its village status and will become a dormitory settlement to serve Crewe
- There are no jobs within the village
- There is no need for further housing according to the Parish Council Local Housing Need Surveys
- The proposed development would be out of character with the historic village
- The Environmental Statement does not identify what alternative sites have been considered prior to the submission of this application
- The site is within the Green Gap
- The site is proposed to be Green Belt within the Cheshire East Local Plan
- There are numerous alternative sites for this proposed development
- Loss of peaceful open countryside
- Development within the other settlements and rural areas should be small scale
- The development is contrary to the Crewe and Nantwich Local Plan
- The development is contrary to the Cheshire East Local Plan
- Brownfield sites should be developed first
- Erosion of the distinct character of Wybunbury
- There is no need for additional affordable housing in the village
- Loss of agricultural land

Highways

- The access is located on a blind bend
- There is insufficient car parking
- There is no footway on the northern side of Main Road
- Planning permission has been refused twice for a new access at 133 Main Road
- The development cannot achieve the required visibility splays
- Increased traffic congestion in the village
- Increased traffic will disrupt emergency services from accessing the village
- Increased traffic
- Highway safety
- A single vehicular access is not sufficient for emergency vehicles to access the site
- Traffic speeds along Main Road
- The narrow nature of the existing footpath is not threatening when walking into the village
- Disruption caused by construction traffic
- There are two pinch points within Wybunbury village where traffic becomes dangerous for motorists and pedestrians

- There have been numerous accidents in close proximity to the proposed entrance to the site
- Main Road is used as a rat run
- The proximity of the proposed access to the bend in Main Road and the junctions of Annions Lane and Wybunbury Lane

Green Issues

- Impact upon wildlife
- The site is well used by nesting birds
- The site is in close proximity of Wybunbury Moss
- The surface drainage from any development will alter the acidity and nutrient content of the fragile ecosystem of national importance.
- The application would be a serious threat to the stability of the Local Moss and would cause pollution and drainage issues.
- It would irresponsible to approve this development in close proximity to Wybunbury Moss
- Potential impacts upon Wybunbury Moss
- Negative visual and pollution impacts upon Wybunbury Moss
- Wybunbury Moss is of national and international importance for the habitats and species it supports
- Wybunbury Moss is at a high threat of risk
- The site is within the surface water catchment of Wybunbury Moss
- Impact upon protected species
- The proposed visibility splays would result in the loss of the boundary hedgerows
- Groundwater pollution would have a severe impact upon Wybunbury Moss as has happened in the past
- Increased problems of dogs and cats accessing Wybunbury Moss
- Increased risk of domestic pollutants entering Wybunbury Moss
- Light pollution will impact upon the species which use the site
- Natural England have stated that the application site is being considered as an extension to the SSSI
- Impact upon the landscape at this location
- Local facilities are not accessible from this site due to the large separation distances involved

Infrastructure

- Local infrastructure cannot cope with any further development
- Lack of public transport serving Wybunbury
- Lack of social activities within the village with the exception of the public houses
- Lack of high speed broadband in Wybunbury
- The local schools are full
- Poor water pressure in the area
- Drainage/Flooding problems
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- There is frequent flooding on the highway in close proximity to this site
- Lack of parking at the primary school in the village

Amenity Issues

- Increased light pollution
- Increased noise pollution
- Proximity of the proposed dwellings to the boundaries of the site would create loss of privacy issues
- Increased air pollution

Design issues

- The impact upon the Wybunbury Conservation Area

Other issues

- The site includes a well used PROW
- Lack of community engagement
- Impact upon property value
- Lack of notification about this application

A letter of objection has been received from Cllr Clowes which suggests the following as reasons for refusal for this application:

- Contrary to NPPF paragraphs 118, 119, 120
- Contrary to C&NBC local Plan Policies
- RES.4 – Development exceeds the scale commensurate with character of the village
- RES.5 & NE.2 – Development is not essential to agriculture or appropriate rural activities, it does not fulfil an exception category of housing development.
- PG2 – Any need for affordable housing as identified in the 2012 Wybunbury Parish Local Housing Needs Assessment and supported in the Plan's Settlement Hierarchy (assessed by the Planning inspector as 'justified, effective and soundly based'), has already been provided/is being provided in excess of identified requirements.
- The SHLAA (2012) identifies that this site is unsuitable for development
- The site is outside of the settlement boundary for Wybunbury
- The site is greenfield within the open countryside
- The site is Grade 3, 3+ agricultural land
- PROW: loss of amenity
- Site access is situated on an acute bend of the B5071
- The proximity of the site to the Wybunbury Moss (SSSI/NNR/Ramsar site) is an unacceptable and unnecessary risk. Mitigation may be possible but the site is not compatible with NPPF definitions of social and ecological sustainability, nor is it 'exceptional' in the wider context of Wybunbury's already considerable expansion.

Following the submission of additional information a further objection has been received from Cllr Clowes raising the following points:

- The applicant's have not responded to Natural England to provide a more robust analysis of alternative sites
- Would have expected that the additional information provides equal attention to have been applied to the inter-relationships between the surface water drainage and ground water systems including the complex hydro-flows between areas within the catchment areas
- Wybunbury Moss is already compromised by historic water contamination events – I share the view of Natural England that this rare site is too vulnerable to be exposed to the temporary period of risk that is posed during the construction phase and the long term risks associated with the development on completion

- It is not considered that the detailed Concept Design Report is either reasonable or sustainable in the long term. The type of essential maintenance is not a choice and not something that can be guaranteed by condition and service agreements arranged at the reserved matters stage cannot be mandated in perpetuity and the public spaces areas would then become the responsibility of the Local Authority
- The additional reports provide a well-researched and legitimate exercise in the 'art of the possible'. This is laudable but in practical terms these proposed mitigation measures in the context of this development are unsustainable and unreasonable in the long term and the application should be refused.

A letter of objection has been received from Edward Timpson MP raising the following points:

- There has been a 67% increase in housing stock passed for planning in the last two years. Any further development will continue to add pressure on infrastructure, education and primary care provision.
- Agrees with the assessment by Cllr Clowes and the application should be refused for the following reasons:
 - Contrary to NPPF paragraphs 118, 119, 120
 - Contrary to C&NBC local Plan Policies
 - RES.4 – Development exceeds the scale commensurate with character of the village
 - RES.5 & NE.2 – Development is not essential to agriculture or appropriate rural activities, it does not fulfil an exception category of housing development.
- PG2 – Any need for affordable housing as identified in the 2012 Wybunbury Parish Local Housing Needs Assessment and supported in the Plan's Settlement Hierarchy (assessed by the Planning inspector as 'justified, effective and soundly based'), has already been provided/is being provided in excess of identified requirements.
- The SHLAA (2012) identifies that this site is unsuitable for development
- The site is outside of the settlement boundary for Wybunbury
- The site is greenfield within the open countryside
- The site is Grade 3, 3+ agricultural land
- PROW: loss of amenity
- Site access is situated on an acute bend of the B5071
- The proximity of the site to the Wybunbury Moss (SSSI/NNR/Ramsar site) is an unacceptable and unnecessary risk. Mitigation may be possible but the site is not compatible with NPPF definitions of social and ecological sustainability, nor is it 'exceptional' in the wider context of Wybunbury's already considerable expansion.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon Wybunbury Moss
- 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.

Spatial Distribution

Wybunbury Parish has a population of 1,474 according to the 2001 census (620 dwellings). Wybunbury is classed as an ‘*other settlement and rural area*’ within this area the spatial distribution proposes a development of up to 2,950 dwellings over the plan period. As of 31st March 2015 there were completions of 255 dwellings, commitments of 946 dwellings and site allocations of 882 dwellings which gives a shortfall of 570 dwellings.

In this a number of the objections refer to a number of committed developments in the area. However it should be noted that the approved development at the Shavington/Wybunbury Triangle has been counted towards the figures for Crewe which leaves the only approved development in Wybunbury at Bridge Street of 30 dwellings.

Paragraphs 70 – 80 of the Inspector’s Interim Views concern the settlement hierarchy and spatial distribution of development; the Inspector was satisfied with the proposed settlement hierarchy but concluded that “the proposed distribution may not fully address the development needs and opportunities at all towns and settlements, particularly those in the north of the district” and that “some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district.”

There is nothing in these paragraphs of (or elsewhere in) the Inspector’s Interim Views to justify their deployment in support of refusing applications in the Southern part of the Borough. As such a reason for refusal on these grounds could not be sustained.

The scale of development (40 dwellings) would not be harmful to the settlement of Wybunbury (alone or cumulatively) and would not represent an unsustainable increase in the size of the settlement.

The issue of spatial distribution has been raised at two recent appeal decisions and the issues was not accepted by either Inspector as can be seen below.

As part of the appeal decision to allow a development of 34 dwellings at land to the east of The Dingle and to the south of Clay Lane, Haslington (14/0009N) the Inspector stated that

‘Councillor Hammond expressed concerns about the imbalance in new housing provision between the north and south of the district but this is a matter for the Local Plan Inspector. I must assess this appeal on the basis of development plan policies and other relevant material considerations’

As part of the appeal decision to allow a development of 60 dwellings at Kents Green Farm, Winterley (13/4240N) the Inspector stated that

‘the proposal would involve expansion of Winterley’s physical envelope, but would be unlikely to fundamentally alter the character of the settlement or of views out from the centre of the village, even allowing for other development already approved. The village would clearly remain as a small-medium sized settlement in a rural setting. The appropriateness of the village for future development, including the concern raised about imbalance between the north and south of the borough, is a matter to be resolved by the CELP’

The amount of development proposed around the village of Wybunbury has also been raised as part of the letters of objection for this application. This issue was considered as part of a recent appeal decision at The Woodlands, Whitchurch Road, Aston (14/3053N) and in this case the Inspector found that:

‘I appreciate that local residents consider that too much housing development is being permitted in the village. However, this in itself would not justify the refusal of permission for sustainable development to meet housing needs’

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Wybunbury and Shavington sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 54 affordable dwellings per annum for the period 2013/14 - 2017/18. This equates to a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed general needs and 1 x 1 bed and 7 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 8 applicants who have selected the Wybunbury lettings area as their first choice. These applicants require 2 x 1 bed, 4 x 2 bed, 1 x 3 bed and 1 x 4 bed units.

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 applicant in their accompanying Planning Statement outlines that they will be providing 30% affordable housing.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement which will specify the required tenure split of 65% rented and 35% intermediate tenure.

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 1,400sq.m and the indicative plan shows that the developer will provide 1,575sq.m of public open space within the site. As such the level of open space meets the Councils requirements under Policy RT.3.

In terms of children's play space the open space officer has requested a contribution to improve an off-site facility within the village. There are questions over how the contribution has been calculated and whether this is CIL compliant. It should also be noted that the existing play area is approximately 600 metres from the application site and as such a contribution would not meet the requirements of Policy RT.3 (which specifies that where a development is greater than 400 metres from an existing play area then provision should be made on the application site). As such it is considered that it would be more appropriate to provide a facility on the application site given the scale of the development this should consist of a LEAP with 5 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Wybunbury.

Education

An application of 40 dwellings is expected to generate 7 primary aged children and 5 secondary aged children.

In terms of primary school education, the proposed development would be served by Shavington Primary, Stapeley Broad Lane, Willaston Primary, The Berkeley and Wybunbury Delves and the proposed development would generate 7 new primary aged children which cannot be accommodated. As there are capacity issues at these local schools (see the table below) the education department has requested a contribution of £75,924.03. This will be secured via a S106 Agreement should the application be approved.

	PAN	PAN	NOR	NET CAP	Propose			PUPIL FORECASTS - based on Oct 2014 school census forecasts						
	Sep-15	Sep-16	May-15	May-15	NET CAP	UNFILLED PLACES	UNFILLED PLACES %	2015	2016	2017	2018	2019		
Primary Schools														
Shavington	30	30	221	210	210	-11	-5.24	224	277	330	363	385		
Stapeley	30	30	210	204	204	-6	-2.94	215	220	225	229	228		
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		
Wybunbury Delves	30	30	193	209	209	16	7.66	193	200	200	200	197		
OVERALL TOTAL	180	180	1,207	1163	1253	-44	-3.78	1225	1304	1381	1427	1446		
OVERALL SURPLUS PLACES PROJECTIONS								-62	-141	-218	-264	-283		
OVERALL SURPLUS % PROJECTIONS								-5.33	-12.12	-18.74	-22.70	-24.33		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP								28	-51	-128	-174	-193		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP								2.23	-4.07	-10.22	-13.89	-15.40		
	PAN	PAN	NOR	NET CAP				PUPIL FORECASTS - based on October 2014 forecasts						
	Sep-15	Sep-16	May-15	May-15		UNFILLED PLACES	UNFILLED PLACES %	2015	2016	2017	2018	2019	2020	2021
Secondary Schools														
Brine Leas	215	215	1,080	1050		-30	-2.86	1117	1142	1180	1192	1203	1204	1203
Shavington	170	170	554	850		296	34.82	542	537	645	670	713	739	755
St Thomas More	128	128	649	642		-7	-1.09	642	646	656	673	686	685	693
OVERALL TOTAL	513	513	2283	2542		-7	-0.28	2301	2385	2481	2535	2602	2628	2651
OVERALL SURPLUS PLACES PROJECTIONS								241	157	61	7	-60	-86	-109
OVERALL SURPLUS % PROJECTIONS								9.48	6.18	2.40	0.28	-2.36	-3.38	-4.29

In terms of secondary schools, there are three which would serve the proposed development (Shavington, Brine Leas, St Thomas Moore) and the proposed development would generate 5 new secondary places which cannot be accommodated (see the table above). As there are capacity issues at these local schools the education department has requested a contribution of £81,713.45. This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In this case a consultation response was received from the NHS requesting a contribution of £38,763.

However it should be noted that since this request for a contribution was made the issue of NHS contributions has been subject to two recent appeals.

At the recent appeal decision at Audlem Road, Audlem (13/2224N) the Inspector stated as part of her decision that:

'At present, there is no specified project or area of service improvement which has been identified which could be considered to be directly related to the development. In addition, there seems to be a lack of clarity about how the decision making process on potential schemes might be dealt with. There is also an issue in relation to the paying across of any capital sum which might increase capital values of premises, the subject of improvement, were that to be a benefiting project; and how the appellant company might be credited for this. Therefore, with the SP (NHS Strategic Plan) progressing slowly I heard nothing that gave me confidence that the contribution requested was likely to be spent in accordance with the terms of the Framework and the CIL Regulations. For this reason I do not consider it reasonable to take this aspect of the UU into account.'

As part of the appeal decision at Holmes Chapel Road, Congleton (14/0134C) the Inspector stated that:

'the Council was unable to point to any particular project or area of improvement that the obligation would fund or help fund. Healthcare infrastructure decisions are not taken on an incremental basis and strategic forward planning is essential. To that end a Strategic Health Investment Plan is being prepared which will determine the size, location and configuration of new health infrastructure taking into account national agendas, guidance and regulations. However, no details of when this plan is likely to be finalised or what proposals it will include were available at the Inquiry. In the absence of any details of where and on what the money will be spent it is impossible to conclude that the healthcare obligation is directly related to the proposed development.'

The Holmes Chapel Road decision was also subject to an award of costs against the Council. As part of the costs award the Inspector found that:

'As to the costs claim from 7 January 2015 I have already concluded in the appeal the subject of this costs claim that the healthcare contribution sought by the Council does not accord with the law or with relevant policy. While there are differences between this appeal and the recent Audlem Road appeal it is clear that in that earlier appeal the Inspector's central concern was with the inability of the Council to specify a particular project or area of service improvement and precisely the same is true of the current appeal. In such circumstances it was unreasonable of the Council to persist in seeking a healthcare contribution after 7 January 2015.'

As such it is not considered that the requested NHS contribution meets the CIL Regulations and as such this cannot be secured as part of this development.

Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 300m
- Public House (1000m) – 900m
- Public Right of Way (500m) – located on the application site
- Community Centre/Meeting Place (1000m) – 563m
- Post office (1000m) – 800m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4800m
- Outdoor Sports Facility (500m) – 643m
- Child Care Facility (nursery or crèche) (1000m) - 1080m
- Convenience Store (500m) – 800m
- Primary School (1000m) – 1080m
- Pharmacy (1000m) – 2574m

- Secondary School (1000m) – 2300m
- Medical Centre (1000m) - 2574m

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 Wybunbury, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Wybunbury from the application site. However, the majority of the services and amenities listed are accommodated within Wybunbury, Shavington and Nantwich 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 locationally sustainable site.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

To the south-east of the site the dwelling at No 134 Main Road has secondary openings to the side elevation facing the site. The indicative plan shows that a dwelling would be sited alongside 134 Main Road whilst those which would back onto the side boundary of 134 Main Road are shown to have a rear garden length of 21 metres. There is no reason that an acceptable design could not be achieved that would not be a detrimental impact upon the residential amenities of this property.

In terms of the dwellings to the south (fronting Main Road and Chads Green) the indicative plan shows that there would be a separation distance of between 25 metres and 40 metres. This would be acceptable.

Due to the separation distances involved to the properties to all other sides and the intervening boundary treatments there would not be a significant impact to the surrounding dwellings.

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

Air Quality

The proposed development is not close to any air quality management areas (AQMA's) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the AQMA in Crewe and Nantwich and that when combined with the cumulative impacts of other committed and proposed developments in the area the significance is increased. In order to mitigate this development conditions in relation to dust control and electric vehicle infrastructure will be attached to any permission.

Contaminated Land

The application area has a history of agricultural use and therefore the land may be contaminated and this site is within 250m of an area of ground that has the potential to create gas. The

applicant submitted a Phase I Preliminary Risk Assessment in support of the planning application. The report recommended a site investigation be undertaken in order to further assess identified potential contaminant linkages this will be secured through the use of a planning condition.

Public Rights of Way

A Public Right of Way (Wybunbury FP10) crosses the application site. In this case the applicant has agreed to submit an application to divert FP10 Wybunbury and CEC PROW are happy with the proposed route. This issue will be controlled through the use of a planning condition.

Highways

Access

The application is an outline application for residential development consisting of up to 40 units and the access will be taken from a new priority junction with Main Road. There is a single access proposed to serve the development that is 4.8m wide carriageway and two 2m wide footways on either side of the access road.

The application would provide visibility splays of 2.4m x 48m in both directions along Main Road and an uncontrolled pedestrian crossing on Main Road with dropped kerbs, tactile pavements and a pedestrian refuge island, located approximately 25m to the south-east of the site access. The crossing is designed to link the new footway created as part of the access proposals on the north-eastern side of Main Road with the existing footway on the opposite side of the road.

In terms of junction geometry and layout, the access proposals are considered to be an acceptable solution to serve a development of up to 40 units. To support the use of 2.4m x 48m visibility splays, the Transport Statement (TS) presents the results of a vehicle speed survey undertaken on Main Road in the vicinity of the proposed site access. The survey results indicate 85th%ile wet weather speeds of 32.5mph for vehicles travelling north-west bound and 29.5mph for vehicles travelling south-east bound. Based on these speeds, guidance provided in Manual for Streets 2 indicates that visibility splays with dimensions of 2.4m x 48m are appropriate for safe access. As a result the proposed access/visibility splays are acceptable.

Traffic impact

Morning and evening peak hour trips rates for the site have been estimated in the TS from a range of sites within the TRICS database. The HSI has reviewed the rates and finds them to be acceptable.

The morning and evening peak hour traffic generation associated with the development proposals is expected to be low; 13 arrivals and 16 departures are expected during the morning peak hour and 21 arrivals and 10 departures are expected during the evening peak hour.

Once distributed on the road network the development traffic would only result small increases in the traffic flow. In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the low level of trip generation predicted.

Sustainable Forms of Transport

As explained above, this site is considered to be in a sustainable location and there are a number of services and facilities within walking distance of the site

Cycling is considered to provide a good alternative to the private car for journeys of up to 5km. The majority of Nantwich and the southern outskirts of Crewe town centre are within a 5km cycle distance of the site, providing sustainable access to a range of facilities commonly associated with town centres such as retail, leisure and opportunities for employment.

The nearest bus stops to the site are located on Main Road approximately 300m to the east of the site access. The bus stops provide access to the number 39 service which runs a 2 hourly service from Crewe via Hough, Shavington, Rope Lane, Brook House Estate and Mill Street.

Despite the rural location of Wybunbury, there are a number of opportunities for sustainable travel from the site and the site is considered to be within a sustainable location.

Road Safety

The most recent five year period of Personal Injury Accident (PIA) data for the sections of Main Road, Stock Lane, Wybunbury Lane and Annions Lane within the vicinity of the site has been assessed within the TS submitted with the planning application.

There have been two recorded accidents during this period of time, one classified as slight and one classified as serious:

1. The slight accident occurred on Main Road to the south of the junction with Wybunbury Road and involved a vehicle exiting a private driveway into the path of an oncoming vehicle. The causation factors attributed to the accident include the location of the access on a bend, a wet road and possibly the speed of the vehicle travelling along Main Road.
2. The serious accident involved a cyclist crossing the path of a vehicle on Wybunbury Lane, with the causation factor indicating the cyclist was at fault for not looking properly.

The HSI considers the accidents to be isolated incidents and concludes the development proposals would be unlikely to have a negative impact on the otherwise good road safety record of highway network in the vicinity of the site.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and would be acceptable. The site is considered to be within a sustainable location. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

Trees

Trees

There are currently three TPO trees along the northern boundary of the site. The submitted Tree Report identifies that two of these TPO trees are classes as Grade A (High Quality and Value) and one is Grade B (Moderate Quality and Value). In total the Tree Report identifies two trees as Grade A, 6 individual trees and 1 group of trees as Grade B and 7 trees as Grade C (Low Quality and Value).

The retained trees are mainly outside of residential gardens except for a plot in the north east corner with a large Oak (the Grade B TPO tree) within the rear garden. This tree has a large Root Protection Area (RPA), although this can be modified given the lack of constraints to root growth. However, given the possibility of shrinkable clay soils the foundations for this property should be in accordance appropriate HSBC guidance. Tree 8B, a Sycamore, is also within a proposed rear garden and although Sycamore is such a problem tree in regards possible subsidence the same issues apply.

Given the retained trees are either on the north or west side of the proposed plots shading should not generally be an issue apart from the two plots discussed above. The proposals appear to show more than 30% of the proposed garden areas are beneath the existing canopies of the trees; this is contrary to the guidance given in the BRE Site Layout Planning for Daylight and Sunlight 2009. These plots should be reconsidered again at the reserved matters stage to minimise this issue.

Should the application proceed then as part of any subsequent reserved matters application a full and detailed Arboricultural Impact Assessment to support any definitive layout would be required. Root Protection Areas should be respected including those off site trees, as should the retention of all A and B category trees as detailed within the Impact Assessment.

Hedgerows

The submitted Hedgerow Regulations Report identifies that the hedgerow associated with the road frontage and the point of access into the proposed development is not an important hedgerow. As all other hedgerows would be retained as part of this development there is no objection to the loss of hedgerows on this site.

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 the proposal would have a density of 25 dwellings per hectare this is consistent with the surrounding residential areas of Wybunbury.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be secured at the reserved matters stage and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The Supporting Planning Statement indicates that *'the site will be landscaped and planted in due course'*. The application indicates that this is an outline application and that all matters are reserved, apart from access. An Illustrative Layout has been submitted, this indicates that there will be a public amenity space. The Planning statement indicates that dwellings along the northern boundary will face outwards to respect the root zones of existing trees. The statement also indicates that it is proposed to extend a 150mm high bund along the northern and north eastern boundary to prevent surface water from the application site draining off onto Wybunbury Moss, the topography of the site falls towards the north.

The application site covers an area of approximately 1.6 hectares and is located on the northern edge of Wybunbury, it is currently an agricultural field, surrounded on all sides by hedgerows and hedgerow trees. Main Road runs along the southern boundary and at a short distance to the western boundary of the site, which is separated from Main Road by a wide grass verge. To the south and along part of the southern boundary are dwellings. Pinfold Farm is located immediately to the north of the application site, with a number of other detached properties located to the western side of Main Road; beyond these and to the north east is the wider agricultural landscape. A footpath, Footpath 10 Wybunbury crosses the central part of the application site and links to Wybunbury Moss (SSSI), which is located approximately 60m to the east of the application site.

The application provides information on the landscape baseline, including the national Character Area, the Cheshire Landscape Character Assessment and the Lower Farms and Woods area (LFW7 Barthomley), in which the application site is located. However, the submission offers no appraisal or assessment of the potential impact that the development may have.

The illustrative layout indicates that there will be little mitigation along the southern and western boundaries and that access routes will be located to the rear of these boundaries, this provides little scope for any tree or hedgerow planting and it would suggest that the proposed development will present a very urban and hard element in what is currently a very rural setting along the northern boundary of the village. This is also in direct contrast to the existing generous plots along Main Road that are well vegetated and contribute greatly to the overall character of the village. However as the design, layout and scale is a reserved matter it is considered that an appropriate design and increased mitigation could be achieved at the Reserved Matters stage.

Ecology

To the east of the site is Wybunbury Moss which holds a number of statutory nature conservation designations (National Nature Reserve, Site of Special Scientific Interest (SSSI), Special Area of Conservation, Ramsar Site).

The relevant part of the NPPF is Paragraph 118 which states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location*

As can be seen from the above the relevant test in relation to a SSSI is where an adverse effect is likely.

As Wybunbury Moss is also identified as a Special Area of Conservation and a Ramsar Site the NPPF states that Wybunbury Moss should be given the same protection as a European site and an assessment under the Habitats Directives is required. As a result the presumption in favour of sustainable development (paragraph 14 of the NPPF) does not apply to this application.

Assessment of Likely Significant Effect

The proposals are not considered to be directly connected with or necessary to the management of either the West Midlands Mosses Special area of conservation (SAC) or the Midland Meres & Mosses Phase 1 Ramsar site. Consequently, an assessment of Likely Significant Effects (LSE) is required to be undertaken. The purpose of this initial assessment is to determine whether there is a likelihood of a significant effect occurring as a result of the proposals either alone or in combination with other plans and projects. If it is considered that a significant effect is likely then a more detailed assessment known as an Appropriate Assessment must follow.

Based upon the identified Ramsar/SAC qualifying features found at Wybunbury Moss a number of potential hazards were identified which could result in a significant effect on those features. An assessment was then undertaken by the Councils Ecologist of the probability of these hazards occurring as a result of the proposed development, the permanence and magnitude of the impacts resulting from the hazard and whether the proposed development

would result in a likely significant effect in respect of each hazard. The results of this assessment are detailed below.

Relevant Hazards	Permanence and Magnitude of impact in the event of occurrence	Probability of occurrence as a result of the proposed development	Likely Significant Effect?
Direct physical loss or damage to habitat	Permanent. High.	Proposed development site is outside the boundary of the designated sites. Loss/damage to the footprint of the development certain not to occur.	No
Changes to hydrochemistry and hydrology	Possibly reversible in long term. High.	The SAC and Ramsar are sensitive to changes in the chemistry and quantity of water inputting the Moss particularly in respect of both base rich and base poor inputs. The proposed development is located within the catchment of the Moss. Importantly it is located on an area of glacial sands which provide base rich water to the moss. Development within this sensitive part of the catchment is likely to result in changes to both the chemistry and quantity of water entering the moss and consequently have an adverse on the features for which the moss was designated. Likely effects are associated with the construction and occupational phase of the development. Mitigation proposed as part of the development proposals includes the use of SUDS and the implementation of a pollution prevention method statement. It is not certain that the likely effects of the proposed development would be addressed by the mitigation proposed.	Yes
Changes to air quality	Possibly reversible in long term. High.	Nitrogen deposition resulting from the proposed development estimated at less than 1% in relation to the lowest critical load is expected to occur at the SAC/Ramsar. This is not considered significant and is not likely to result in a likely significant effect on the features for which the SAC/Ramsar was designated.	No
Damage to habitats resulting from increased recreation pressure.	Possibly reversible in long term. Medium.	The number of houses resulting from the development would not significantly increase the population local to the moss and hence not lead to a significant number of visitors to the moss. Recreational access to the moss is also regulated through a permitting scheme which limits access to the more sensitive areas of the Moss.	No

Determination of 'Alone' Likely Significant Effect

It is concluded that the proposed development, alone is likely to have a significant effect upon the hydrology and hydrochemistry of the West Midlands Mosses SAC and Midland Meres and Mosses Phase 1 RAMSAR

Determination of 'In Combination' likely significant effects

It is considered likely that the proposed development would have a likely significant effects on both the West Midlands Mosses Special Area of Conservation (SAC) and the Midland Meres & Mosses Phase 1 Ramsar site. It is also necessary to consider the likelihood of the development proposals to have an effect in combination with other plans or projects.

There have been a number of planning applications in recent years that have been subject to an assessment of their likely significant effects on Wybunbury Moss and its SAC and RAMSAR designations. All of these applications have been found not to be likely to have an effect on the SAC and Ramsar. One application, Land East of Crewe Road planning reference 13/2069N, warrants further consideration. In this instance potential significant effects were identified by Natural England relating to an increase in recreational pressure associated with the development. Mitigation proposals were however agreed which meant that a significant effect was not considered likely to occur.

No other projects or development proposals are known to the Council which are likely to result in a likely significant effect on the Ramsar/SAC designations held by Wybunbury Moss and no further in-combination effects are anticipated.

Conclusion

Cheshire East Council has considered the project under Regulation 61(1)(a) of the Conservation of Habitats and Species Regulations 2010 and has concluded that it **is** likely to have a significant effect, on the Midland Meres and Mosses (phase 1) Ramsar and West Midlands Mosses Special Area of Conservation (SAC). Consequently as the proposed development is likely to have a significant effect on a European site and Ramsar site an Appropriate Assessment under the Habitat regulations is necessary and this will be provided as part of an update report. This view is consistent with the consultation response from Natural England who has objected to this application.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. 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 Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications (the ecological implications of the drainage scheme are considered above).

Ground Conditions

The Brine Board have made advisory comments on this application. However the Brine Board acknowledge that the site is outside the consultation zone and are purely advisory – the Brine Board have stated that these comments are not an objection to the application. The issue of ground stability will be dealt with at the Building Regulations stage.

ECONOMIC SUSTAINABILITY

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

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 no agricultural land assessment has been provided and this issue will form a reason for refusal.

CIL Regulations

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

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

As explained within the main report, POS and 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.

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 primary and

secondary schools which would support the proposed development, a contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSION

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. In this case Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites. However, as Wybunbury Moss is identified as a Special Area of Conservation and a Ramsar Site the NPPF states that Wybunbury Moss should be given the same protection as a European site and an assessment under the Habitats Directives is required. As a result the presumption in favour of sustainable development (paragraph 14 of the NPPF) does not apply to this application.

In this case specific policies in this Framework indicate development should be restricted on this site and as such the application is recommended for refusal due to its impact upon Wybunbury Moss.

RECOMMENDATION:

REFUSE for the following reason:

- 1. This application site is adjacent to Wybunbury Moss which holds a number of statutory nature conservation designations (National Nature Reserve, Site of Special Scientific Interest (SSSI), Special Area of Conservation, Ramsar Site). It is considered that this development is likely to have a significant effect upon the hydrology and hydrochemistry of the West Midlands Mosses SAC and Midland Meres and Mosses Phase 1 Ramsar and Wybunbury Moss SSSI. As a result the development would be contrary to the NPPF and Policies NE.5 (Nature Conservation and Habitats) and NE.6 (Sites of International Importance for Nature Conservation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2. Insufficient information has been provided to demonstrate that the proposed development would not 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. 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.**

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
3. Secondary School Education Contribution of £81,713.45
4. Primary School Education Contribution of £75,924.03



Application No: 15/1247W

Location: WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE, CW5 7PP

Proposal: Application to Vary Condition 11 of Permission 7/2006/CCC/11 to increase the permitted vehicle movements in respect of Bank and Public Holidays from 10 movements (5 in, 5 out) to 20 movements (10 in, 10 out).

Applicant: Mr F H Rushton

Expiry Date: 17-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 in that it enables greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy.

This should be balanced against any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and would not give rise to unacceptable impacts on the highway network, public rights of way, residential amenity or the environment. As such the scheme is considered to accord with policies of CRWLP, CNBLP, and the approach of the NPPW and NPPF

RECOMMENDATION: Approve amendment to condition 11 of permission 7/2006/CCC/11; condition 8 of permission 11/3389N; and condition 8 of permission 13/3774W.

PROPOSAL

This application proposes to increase the permitted number of vehicle movements on Bank and Public Holidays (excluding during the Christmas period) during the period of 1 April to 31 October. As such the application proposes the variation of the following conditions:

Condition 11 of permission 7/2006/CCC/11;
Condition 8 of permission 11/3389N; and
Condition 8 of permission 13/3774W

Conditions 8 of permission 11/3389N and 13/3774W currently provides for the following:

Between 1 April and 31 October:

- *The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which, no more than;*
 - *A maximum of 40 (20 in, 20 out) on any one day Monday – Friday;*
 - *A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800 and 1200)*
 - *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays (between 0830 – 1600)*
- No green waste vehicle movements on Sundays.*

Between 1 November and 31 March:

- *the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;*
- *A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.*
- *No green waste vehicle movements on Saturday or Sunday*
- *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays*

Reason: To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local Plan.

Condition 11 of permission 7/2006/CCC/11 states:

‘No more than ten vehicle movements (5 in and 5 out) shall enter or leave the site on any day’.

This planning application seeks to vary these conditions with the following wording:

‘Between 1 April and 31 October:

- *The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:*

- *A maximum of 40 (20 in, 20 out) on any one day Monday – Friday*
- *A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)*
- *A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)*

No green waste vehicle movements on Sundays'

The provisions for the period between 1 November and 31 March would remain as currently drafted.

The effect of this variation for permissions 11/3389N and 13/3774W would increase permitted vehicle movements on Bank and Public Holidays (excluding during the Christmas period) to 20 vehicles (10 in, 10 out) for the period 1st April to 31st October. No amendment is proposed to the existing permitted vehicle movements on Bank and Public Holidays from 1 November to 31 March. For permission 7/2006/CCC/11 this would result in an increase in vehicle movements to that described above which would provide consistency across all three permissions.

On the planning application form it states the proposal includes for the variation of condition 11 of permission 7/2006/CCC/11. The planning statement submitted to accompany the application however makes reference to the variation of condition 11 of permission Ref: 7/2006/CCC/11 '*as previously varied by an Inspector on appeal, Decision ref: APP/R0660/A/12/2183676*'. This is a reference to a further application that was submitted Ref: 12/1445N which was allowed on appeal and which amended the wording of condition 11 of permission 7/2006/CCC/11 to permit the export of compost from the site. Given that the application form explicitly states that it is condition 11 of planning permission 7/2006/CCC/11 that is being varied, and not permission 12/1445N to which that appeal decision relates, this application has been assessed on the basis of varying only condition 11 of 7/2006/CCC/11.

SITE DESCRIPTION

The application site is an existing green waste composting facility, located within the open countryside, approximately 13km south east of Nantwich and 1km south of Hunsterson off Pewit Lane. The surrounding countryside is slightly undulating, divided into medium sized fields and utilised for arable production.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad.

There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property Fox Moss is 230 metres to the north east of the site, with Pewit House a further 200 metres away to the north east. The Uplands lies 440 metres away and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The access track to the compost site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building.

Hunsterson Footpath No. 22 lies immediately on the southern and eastern boundary of the compost site. This connects with Hunsterson Footpath No. 16 and broadly follows the route of the access track serving the site, also connecting with Hunsterson Footpath Numbers 4 and 5. A wider network of footpaths lie in the locality and part of Bridgemere Lane towards A529 forms a section of South Cheshire Way.

RELEVANT HISTORY: The site has a long complicated planning history. Permission was granted in 2004 (Ref: **7/P04/0124**) for the use of land for the composting of green waste; with a site extension then granted in 2007 (Ref: **7/2007/CCC/7**). A number of subsequent variations of the conditions on the development were then sought; the most relevant of which are as follows:

- Variation of permission 7/P04/0124 to allow importation of green waste on Bank Holidays granted in 2006 (Ref: **72006/CCC/11**)
- Variation of permission 7/P04/0124 to increase green waste vehicles from 10 to 40 a day refused 2008 (Ref: **7/2008/CCC/9**) and subsequent appeal dismissed due to level of traffic generated being unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads; and unacceptable impact on local communities and the local environment with regards to increased noise and disturbance.
- Variation of permission 7/P04/0124 for increase in green waste vehicle numbers (but with seasonal variations in maximum vehicle numbers and restricted hours of delivery) granted March 2009 (Ref: **7/2009/CCC/1**)
- Variation of permission 7/2009/CCC/1 to remove the restricted hours of delivery imposed so to increase hours of operation to those permitted prior to the increase in vehicle numbers (Ref: **10/4485N**). Refused due to unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.
- Variation of permissions 7/P04/0124, 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **10/2984W**) to allow export of compost – appeal against non-determination dismissed due to the harm that the proposal would cause to the living conditions of local residents, with particular reference to noise and disturbance.
- Variation of 7/2009/CCC/1 to amend hours of working to resort back to that previously approved prior to the increase in vehicle numbers permitted, with slight variations to winter operational hours approved 2012 (Ref: **11/3389N**)
- Variation of permissions 7/P04/0124, 7/2006/CCC/1, 7/2007/CCC/7 and 7/2009/CCC/1 (Ref: **12/1445N**) to allow export of compost. Appeal against non-determination allowed March 2013
- Variation of permission 11/3389N for increase hours of operation in the winter period (Ref: **13/3774**) approved in December 2013

In addition permission was granted for a new access track to the site in 2009 (Ref: **7/2008/CCC/7**) subject to legal agreement regarding routing; and further permission for improvement and extension of track granted October 2009 (ref: **09/1624W**).

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, and 17.

National Planning Policy for Waste (NPPW)

Development Plan:

The Development Plan for this area is the Cheshire Replacement Waste Local Plan and the Crewe and Nantwich Local Plan.

The relevant Saved Policies are: -

Cheshire Replacement Waste Local Plan

Policy 1 Sustainable Waste Management

Policy 2 Need

Policy 12 Impact of Development Proposals

Policy 16 Historic Environment

Policy 20 Public Rights of Way

Policy 23 Noise

Policy 24 Air Pollution

Policy 28 Highways

Crewe and Nantwich Local Plan

Policy NE.2 Open Countryside

Policy NE.17 Pollution Control

Policy BE.1 Amenity

Policy RT.9 Footpaths and Bridleways

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 Sustainable Development

Policy PG 5 Open Countryside

Policy SD1 Sustainable Development

Policy SD2 Sustainable Development Principles

Policy EG2 Rural Economy

Policy SE1 Design

Policy SE7 Historic Environment

Policy SE11 Sustainable Management of Waste

Policy SE12 Pollution, Land Contamination and Land Instability

Policy CO1 Sustainable Travel and Transport

Other considerations

National Waste Management Plan for England
National Planning Practice Guidance
Cheshire East Waste Needs Assessment 2014

CONSULTATIONS:

Highways: The transport impact of the proposal is not considered severe and the Head of Strategic Infrastructure has no objection to this planning application.

Environmental Health: The planning application effectively seeks to increase the maximum number of vehicles accessing the site from 5 to 10 on Bank Holidays between 1 April and 31 October (effectively between 3 and 5 days). Giving consideration to previous noise assessments and a lack of relevant substantiated complaints received by this department, whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity.

However, it is important to note that this department would consider cumulative impacts should any further proposals to increase site related activities on Bank Holidays be submitted.

Public Rights of Way: Wish to note the following comments concerning the increased risks to safety for pedestrians.

The development has the potential to affect Public Footpath No. 4 16 & 22, as recorded on the Definitive Map of Public Rights of Way. The current proposals do not constitute any direct obstruction or alteration to the footpaths therefore we are unable to submit an objection.

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

In response to previous changes to the operating hours at this site, application no 13/3774W, our comments were to express concern for the safety of pedestrians where the path coincides with the access used by large vehicles during the hours of darkness.

Our current concern would be that the Bank Holidays between April and October are the days most likely to see increased numbers of people walking for recreation on the footpaths concerned. The access lane is narrow and in places only sufficient to accommodate the width of the vehicles in use. This is of increased concern when greater numbers are likely to be evident on spring/summer bank holidays. The South Cheshire Way also runs along part of Bridgemere Lane where pedestrians are likely to encounter the same vehicles.

Built Heritage:

The proposed route down the track to the application site passes a range of traditional brick outbuildings within the curtilage of Pewit House which is a Grade II listed building. The outbuildings are brick built and fairly substantial and the presence of the grass verge should serve to distance the vehicles from the buildings to mitigate against potential damage resulting from vibration of physical impact to a degree dependent upon the width of the verges.

The protection afforded to the two storey outbuilding located by the narrow grass verge adjacent to the track leading to the application site will of course be more limited in this respect and increasing vehicle movements may therefore be more problematic in relation to this particular building.

Comments from our highways colleagues on this aspect in relation to the proposed increase in days of operation and hence vehicle movements would assist.

The proposal is acceptable and justified, provided highways officers are satisfied on safety issues and the current proposals to intensify the days of operation which are already permitted.

Recommended conditions:

-size, width and number of vehicles and their operating hours should not exceed those currently in use on non Bank Holidays/week days, to mitigate against potential damage resulting from an increase in vibrations or impact

Waste Management Authority (Ansa)

Ansa delivers garden waste collected as part of its kerbside collection service to a number of sites across Cheshire East. It recognises that the sites it delivers to do have constraints imposed by planning permissions. Having been operating within these constraints for several years we have developed working patterns that can accommodate these whilst ensuring the continuity of service delivery.

Therefore Ansa has scheduled these alternative arrangements into its collection cycles so it is not reliant on Whittakers Green Farm's availability on key days or affected by any vehicle movement limitations. As this is the case, Ansa neither supports nor objects to this application.

Parish Council: Hatherton & Walgherton Parish Council strongly object on the following grounds.

Previous planning decisions (21 in total)

The current permission relating to the permitted vehicle movements, 5 vehicles/day on Bank and Public Holidays, was a condition set in place in 2006, repeated in 2011 and again in 2013. No circumstances have changed to support the increased vehicle movements. On the contrary, 9 years on, there is more leisure traffic on Bridgemere Lane on Bank Holidays and there is a strong case to cease altogether waste site traffic on Bank Holidays. The consequences of waste vehicles injuring vulnerable Bank Holiday road users are unthinkable.

The applicant states on Para 4.11 of his supporting statement "The present limit on vehicle movements is also making it such that opening the site on Bank and Public holidays is

becoming less viable.” In that case, in the interests of road safety and Bank Holiday rural peace and tranquillity, the site should be closed on Bank Holidays. ANSA have stated that they are not dependent on this facility being available.

The applicant’s premise in support – “is to operationally assist the Waste Management Authority”. This is untrue as, again, ANSA have confirmed that they are not dependant on this facility being available. We believe there is no justification in seeking an increase.

Loss of amenity

The Waste site is accessed from the A529 then along the narrow lanes of Birchall Moss Lane and Bridgemere Lane, both of which have houses close to the road which are affected by the noise and vibration from these large vehicles. Bridgemere Lane forms part of the South Cheshire Way walking route and the Cheshire Cycle route and is used daily by horse riders. Indeed, since 2006 there are more pedestrians, cyclists and horse riders using the road - especially on Bank Holidays when the peace and tranquillity of the countryside should be available to all residents and leisure road users.

Highway safety

The above road users are vulnerable and will be placed in more danger. There are no roadside footpaths for them to use as the waste vehicles approach taking up most of the width of the road.

Noise and Dust

On Bank Holidays, residents often like to enjoy the peace of their gardens, not having to endure the incessant clatter of HGVs bowling down the road to deposit the Green Waste. This week, a resident walking home along Bridgemere Lane from the bus stop, was showered in dust thrown up from the wheels of a passing Waste Site lorry.

Resident’s Liaison Committee

The waste site operators failed to notify the liaison committee of their intention to apply for increased vehicle movements in advance of the application being made. This committee was set up in April 2013 with a view to improving communications (condition 16 of PP 11/3389N).

For these reasons the Parish Council strongly object to any increase in vehicle movements

REPRESENTATIONS:

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

In excess of 14 letters have been received objecting on the following grounds:

- The rural roads are busiest during bank/public holidays, with increased use by non motorised users;
- Roads are unsuitable, not wide enough for HGV vehicles, visibility is poor and there is increased risk to non-motorised users;
- The local road network is part of South Cheshire Way and a promoted cycle route;
- Impact on peace and tranquillity, need for respite on bank/public holidays;
- Intensification of use creating an industrial use in the countryside;

- Planning history has resulted in removal of planning conditions controlling scale of development;
- Reference made to earlier planning appeal decisions identifying concerns over sensitivity of countryside, rural character of the area and impact on amenity of local residents;
- Need for the development is not justified;
- All vehicles using the site could be large HGVs;
- Reference made to enforcement history on the site;
- All activity on bank holidays should cease;
- Development is not appropriate in a rural area.

A representation has been received from the local ward member raising the following issues on behalf of Hatherton & Walgherton Parish Council; Doddington & District Parish Council; and residents (Bridgemere Lane & Whittakers Green) and members of the Whittaker's Green Residents Liaison Group:

- Vehicles can all potentially be HGVs with 25t capacity
- Justification that proposal will assist Waste Management Authority is an unsubstantiated assumption
- No financial evidence to support statement by applicant that current planning restrictions make the business unviable and no evidence that the business is operating at maximum capacity
- There have been no material changes to the operations on bank/public holidays to justify the change proposed.
- The site is not essential to the Council's Bank Holiday Green Waste delivery activity
- Proposal will have significant amenity impacts as bank/public holidays are when there is the largest number of non-vehicular road users including cyclists
- There are regular cycle races in the local area
- Previous appeal decisions identify level of disturbance is higher than what would be expected from a rural area
- The conditions on hours and vehicle numbers are the only mechanism to control level of tranquillity and amenity.

APPRAISAL:

The key issues are:

- Sustainable Waste Management
- Need for the proposal
- Intensification
- Impacts on local highway network
- Pollution control
- Impact on non-vehicular road users
- Impacts on built heritage

Sustainability.

The proposed development should be considered against the NPPF. The NPPF 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 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. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Economic Sustainability

Sustainable Waste Management

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*.

The National Planning Policy for Waste (NPPW) states that planning plays a pivotal role in delivering the country's waste ambitions through (amongst others) delivery of sustainable development and resource efficiency by driving waste management up the waste hierarchy and ensuring that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can make to the development of sustainable communities. It also emphasises that waste planning authorities should provide a suitable network of facilities to deliver sustainable waste management.

A key objective of the Cheshire Replacement Waste Local Plan (CRWLP) includes protecting primary resources and making the best use of waste generated in Cheshire by promoting (in order of priority) increased re-use, recycling and composting, and energy recovery to reduce the quantity of waste being disposed to landfill.

The application site provides a recycling facility for green waste, offering a means of recycling waste higher up the waste hierarchy in accordance with national and local waste planning policy objectives. It also contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles. It is also

noted that the recent Review of Waste Policy and Legislation by the EU has introduced a range of higher targets for recycling and there remains a requirement under the Waste Framework Directive for a recycling target of 50% by 2020. This application would therefore enable greater volumes of waste to be delivered to this site, contributing to meeting European and national waste management targets. It also serves local businesses, thereby providing benefits to the local economy. In this respect the application accords with the approach of the NPPF, NPPW and CRWLP.

Need for the proposal

The Parish Council and objectors to the scheme state that the applicant has not demonstrated a need for the increase in vehicle numbers proposed, making reference to there being no change in circumstance to support the proposed increase in vehicle movements. They make reference to the supporting statement which says that the limit on vehicle numbers on the current permission is making it such that opening on Bank Holidays and Public Holidays is becoming less viable and consider that in these circumstances the site should be closed on Bank/Public Holidays in the interests of road safety and to limit disturbance to peace and tranquility. In respect of this point it should be noted that the principle of vehicle movements on Bank/Public Holidays has already been established by virtue of previous permissions and NPPG makes it clear that the local planning authority must only consider the disputed conditions that are subject of the application, it would not be reasonable to revisit the principle of operating the site on bank/public holidays.

The supporting statement makes the case that the proposal is sought in order to assist the operations of the Waste Management Authority. They note that green waste output is higher around the bank holiday period particularly from civic amenity sites and increased vehicle movements would provide additional waste management capacity. They also note that current restrictions on waste processing at the site on bank/public holidays mean that they employ a member of staff on these days solely to book in a maximum of 5 vehicles which has financial implications; and should it become unviable to operate on those days, the resulting reduction in capacity at this site on those days would have implications for the Waste Management Authority.

The Parish Council highlight communication from Ansa in March 2015 in which they confirm that they have not been in contact with the applicant and have not been asked to support any application. It clarifies that although some of the Council's green waste is deposited at the site, Ansa has no direct relationship with the owners and during bank holiday periods, Ansa are not dependent on the facility. With regards to this point the applicant has asked for members to be made aware of communication from Ansa Contracts and Procurement Officer to the Local Planning Authority in November 2014 seeking guidance on the scope of advice to provide to the applicant prior to submission of the application. The communication states that Whittakers Green Farm is used by Ansa for garden waste collected as part of the fortnightly waste collection service, and confirms that Ansa were asked by the applicant to provide a letter in support of the forthcoming application. It states that the current restriction, limiting vehicle movements to 10, causes major operational difficulties and results in vehicles being re-directed sites in Sandbach and Scholar Green which is extremely costly.

The planning authority has sought clarification from Ansa on these points and their formal position is set out under the consultations section of this report.

In respect of any 'need' case being presented, Policy 2 of CRWLP states that the waste planning authority will consider the planning objections and benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits, need will be considered and if there is no overriding need for the development, the planning application will not be permitted. The NPPF also states that applicants should only be expected to demonstrate the qualitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; and in such cases waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any need.

This is an existing waste management facility and this proposal would enable an increased volume of green waste to be recycled at the site. This offers benefits in terms of driving waste up the waste hierarchy, contributing to national waste management targets, assisting local businesses and households in the management of their waste and contributing to the waste management objectives of the proximity principle and self sufficiency. Subject to any potential impacts on residential amenity, built heritage, users of the public rights of way network, and highway impacts being adequately addressed as considered below, these benefits are considered to outweigh any potential policy conflict and accordingly, the 'need' for the proposal is not required to be demonstrated to outweigh harm caused by the development in order to satisfy CRWLP Policy 2.

Despite this it is however noted that the recent Cheshire East Waste Needs Assessment identified that 41,151 tonnes of green waste was collected in Cheshire East in 2013/14. The total organic waste arisings until 2030 are forecast at between 82,000 – 91,000 tonnes per annum; however the corresponding available waste management capacity is forecast at 48,000 to 2030, leaving a potential annual capacity gap of 43,000 tonnes. This application therefore would make a contribution to the overall waste management capacity provision, thus helping to meet the overall approach of NPPW which requires waste planning authorities to identify sufficient opportunities to meet the identified needs of their area for the management of waste. As such, it is considered that the proposal is considered to accord with the approach of CRWLP and NPPW.

Any economic benefits of the development should be balanced against the impacts of increased vehicle movements on residential amenity, users of the public rights of way network and the Environment. These are addressed below.

Intensification of use

Residents have raised concerns that the proposal will further intensify a commercial business in the open countryside and that the previous planning history has resulted in removal of planning conditions controlling the scale of the development. As identified above the application presents a number of benefits in terms of sustainable waste management. Whilst it would result in an increase in vehicle movements on bank/public holidays and thus the volume of waste being imported, it is not considered that this development would amount to a fundamental change in the character of the development for which previous planning permissions have been granted. The proposal is supported in the NPPF in that it supports an existing rural business, enhancing the rural economy.

Environmental Sustainability

Impacts on the Local Highway Network

Policy 28 of CRWLP does not support proposals that would generate a level and type of traffic that would exceed the capacity of the local road network or present an unacceptable impact on amenity or road safety.

At present during the April to October period, the site is permitted a maximum of 198 vehicle movements (99 in, 99 out) over a 5.5 day week; of which no more than 40 movements (20 in, 20 out) are permitted on a weekday, a further 18 (9 in, 9 out) on Saturday mornings, and 10 (5 in, 5 out) on bank/public holidays.

This application seeks to double the permitted vehicle movements on bank/public holidays to 20 (10 in, 10 out); which would be delivered during 0830 to 1600 hours. The level of vehicle movements proposed would remain well within weekday allowances (being half of that permitted) and would be not dissimilar to that established for Saturdays. It is noted that on Saturdays such level of vehicle movements are restricted to a 4 hour period, whereas on bank/public holidays permitted hours would extend to a 7.5 hour day. It is therefore the specific impacts on the highway network arising from an additional 10 movements (5 in, 5 out) on bank holidays (of which there are on average between 3 and 5 in the period of April to October) over the course of 365 days which is of consideration.

Concern has been raised by local residents regarding the suitability of the road network for HGVs and potential for increased harm to non-motorised users including walkers, cyclists and horse riders; and they note that there would be larger numbers of such activities on bank/public holidays. Concern is also raised over poor visibility, the road width, the size and weight of the vehicles, and reference is made to recent damage to highway verges.

The nature of the road network surrounding the site is typical of those in rural areas; narrow with poor visibility and not ideally suited to large vehicles. However, the character of traditional agricultural activities leads to larger vehicles visiting farms frequently and utilising the roads in the area.

With regard to the adequacy of the road network, it has already been accepted that up to 40 movements (20 in, 20 out) can be accommodated on the local road network on any weekday by virtue of previous planning permissions. It is also noted that Bridgemere Lane is subject to a weight restriction preventing the green waste vehicles from travelling east from the site towards A51, and as such it is assumed that the roads which serving the site (Bridgemere Lane west to A529) has been assessed as being adequate to accommodate such large vehicles.

In the appeal decision regarding the export of compost in 2013 (Ref: 12/1445N) the Inspector notes that the Council's Senior Development Engineer agreed with the views of the appellant's highways witness that the local network *'can easily accommodate the volume of traffic and can deal with HGV traffic safely. All vehicles including HGV traffic and large agricultural vehicles with trailers negotiate this route safely at low speed with little or now hold up in traffic flow'*. Similarly the appeal decision in 2012 (Ref:10/2984W) identifies that there was no substantial evidence to show that the increased vehicle movements associated with

the site since permission was granted to increase vehicle numbers to 40 movements (Ref: 7/2009/CCC/1) have caused significant highway safety problems.

With respect to suggestions that vehicles delivering to Whittakers Green Farm are causing damage to the roads and the verges, previous appeal decisions at this site note that some degree of erosion associated with all large vehicles in rural areas is not uncommon. It is also noted that the highways authority is responsible for repairs on the public highway large vehicles.

On the basis of these points it is considered that the proposal would accord with policy 28 of CRWLP and the approach of NPPW and NPPF. The impacts on non-vehicular road users are considered below.

Pollution control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. CRWLP Policies 23 and 24 does not permit developments which would give rise to any unacceptable levels of noise pollution or where the impact of dust would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. In determining waste planning applications NPPW states that waste planning authorities should consider the likely impact on the local environment and on amenity against a range of locational criteria which includes noise, air emissions and odour. It states that considerations will include the proximity of sensitive receptors, potential for noise and vibration from waste operations and from vehicle movements associated with the site; the extent to which adverse emissions or odour can be mitigated.

Additional vehicles travelling to and from the site are likely to generate additional noise and disruption on the site and on the local roads serving the site. An earlier Inspectors Report into application 10/2984W noted that the dwellings on the access track occupy a relatively isolated position in the open countryside, away from public highways and so are likely to be particularly sensitive to increases in traffic noise likely to be associated with passing HGVs.

It is noted however that the impacts from noise and disruption associated with the higher level of 40 movements (20 in, 20 out) has previously been deemed acceptable and the vehicle movements are half of what is permitted; and such impacts would be limited to a small number of days out of the year (between 3-5 on average).

The Environmental Health Officer raises no objection and gives regard to the noise assessment submitted for previous application which did not identify any significant adverse noise impacts on sensitive receptors from the transport of vehicles to and from the site. The lack of relevant substantiated complaints of noise and disruption from the existing operations received by the Council is also noted. Overall the officer considers that whilst this increase may be noticeable to the small number of properties close to the access lane, it is not considered that such an increase in vehicle movements would be significant and lead to a loss of amenity. On this basis, it is considered that the application would not give rise to any unacceptable levels of noise pollution and would accord with CRWLP policy 23, the NPPW and NPPF.

In respect of concerns over increased dust and odour, given that the level of dust and odour arising from existing permitted vehicle movements has previously been deemed acceptable and no changes are proposed to the current operations on site, it is not considered that such impacts would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. As such the application is considered to accord with policy 24 of CRWLP and the approach of the NPPF and NPPW.

Impact on Built Heritage

The access track serving the application site passes Pewit House, a Grade II listed building situated on the junction of Pewit Lane. It is a sixteenth century timber framed building with brick infill panels which is set back from Pewit Lane by a courtyard to its foreground. The courtyard is enclosed by a group of traditional one and two storey brick outbuildings which lie within the curtilage of the listed building. The outbuildings are included within the listing by virtue of the fact that they would have been present within the curtilage of Pewit House prior to 1948.

The two storey wing of the outbuildings lies immediately adjacent to the access track serving the application site and is separated from the track by a narrow grass verge. The part one to two storey group of outbuildings have a wider grass verge separating them from Pewit Lane.

NPPW requires consideration to be given to the impacts of waste management proposals on the historic environment, particularly the potential effects of the significance of heritage assets and any contribution made by their setting. Corresponding policies in CRWLP require the full impacts of proposals on the historic environment to be evaluated, and mitigation identified to avoid, reduce or remedy unacceptable impacts (Policy 12). Regard should be given to the effect that a development will have on a listed building and its setting. Where there would be unacceptable impacts on a listed building, the development should not be approved (Policy 16). The NPPF also provides for a similar level of protection for listed buildings and states that regard should be given to the desirability of sustaining and enhancing the significance of heritage assets.

In respect of these considerations, the impacts of vehicle movements passing the listed building have previously been deemed acceptable in the grant of permission 7/2009/CCC/1 and the development remains well within the maximum level of vehicle movements which were permitted by that consent. It is also noted that the Built Heritage Officer, in the consideration of application 12/1445N, identified that there is a grass verge separating the building from the access track which is considered to provide a degree of mitigation against potential for damage from passing vehicles. In addition, the existing speed restrictions on the access track are considered likely to offer further protection to this built heritage asset. In view of the above, and the lack of any objection from the Built Heritage Officer is not considered that the scheme would conflict with Policies 12 or 16 of CRWLP, or the approach of NPPW and the NPPF.

SOCIAL SUSTAINABILITY

Impact on non-vehicular users

Concerns are raised by the public rights of way officer due to potential conflicts between footpath users and large vehicles on the narrow access track; which is identified as being of particular issue on bank/public holidays when larger numbers of users are likely to be evident. They also highlight the potential for further conflicts on South Cheshire Way which runs along part of Bridgemere Lane towards A529.

In the consideration of the last application (Ref: 13/3774W) the public rights of way officer raised concerns due to the potential conflict of green waste delivery vehicles with footpath users, especially during hours of darkness and given that footpath 22 runs alongside the access track for part of its length with no barriers to separate the two users. As a result additional mitigation was imposed on the planning permission to require the erection of speed restriction signs and signs warning of pedestrians on the access road leading to the site. It was also noted that some speed restriction ramps are already in place on the metalled section of the access road. As a result the public rights of way officer considered that the installation of this mitigation would assist in reducing the potential for conflict between vehicles and pedestrians, and no objections were raised.

The impact of green waste vehicles on non-vehicular road users has previously been considered through various consents and deemed acceptable. In the 2012 appeal decision (Ref: 10/2984W concerning export of compost) the Inspector notes that *'a number of local people have raised concern that for non-vehicular road users, HGV traffic associated with the site can be intimidating and give rise to a fear of accidents.... I have no reason to believe that these concerns are not genuinely held and I consider that this is a material planning consideration'*, however it goes on to state *'on balance the concerns raised that HGVs using the local highway network can be intimidating and give rise to a fear of accidents would not be sufficient on their own to justify withholding planning permission in this case'*. Likewise the later appeal decision concerning export of compost in 2013 (Ref: 12/1445N) notes that the highway authority confirmed that there is no record of any personal injury accidents occurring along the route from the site to Audlem Road.

The Public Rights of Way officer is not able to quantify the level of non-vehicular road users on local footpaths on bank holidays and no qualitative or quantitative assessment of the potential impacts to these users has been undertaken in support of their views. As such it is difficult to establish the level of potential impact that a further 5 vehicles on up to 5 days over a year would present to these users. The views of the Highways officer are noted in that do not raise any concerns over road safety or impacts on non-vehicular road users; nor is any record of personal injury accidents in this area noted. On this basis, given that there are no record of safety issues associated with the existing 5 vehicles permitted on bank/public holidays and in the absence of any objection from either highways or public rights of way officer, and given the conclusions of the previous Inspectors in relation to this issue, it is not considered that there is sufficient evidence to demonstrate that the impacts of 5 additional vehicles on non-vehicular road users is of such significance as to warrant refusal on this basis alone.

As such the scheme is considered to accord with policy 20 and 28 of CRWLP: and the approach of the NPPW and NPPF.

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.

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 greater volumes of green waste to be recycled, meeting EU waste policy targets and an identified need in the Cheshire East Waste Needs assessment 2014. It also helps to drive more volume of waste up the waste hierarchy in accordance with national and local waste planning policy objectives. The development supports a site that contributes to a wider network of sustainable waste management facilities within Cheshire East, helping to achieve the management of waste in accordance with the proximity principle and self sufficiency thus contributing to these principles; and the site serves local businesses, thereby providing benefits to the local economy. This should be balanced against any potential harm to residential amenity, highway network and the environment resulting from the increase in vehicle numbers proposed.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and as such the scheme is considered to accord with policies of CRWLP, CNBLP, and the approach of the NPPW, NPPF and Local Plan Strategy.

RECOMMENDATION

That the Board agrees to the amendment of condition 11 of permission 7/2006/CCC/11; condition 8 of permission 11/3389N; and condition 8 of permission 13/3774W to read:

‘Between 1 April and 31 October:

- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which no more than:

- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday***
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800-1200)***
- A maximum of 20 (10 in, 10 out) on Bank or Public Holidays (between 0830-1600)***

No green waste vehicle movements on Sundays’

Between 1 November and 31 March:

- the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;

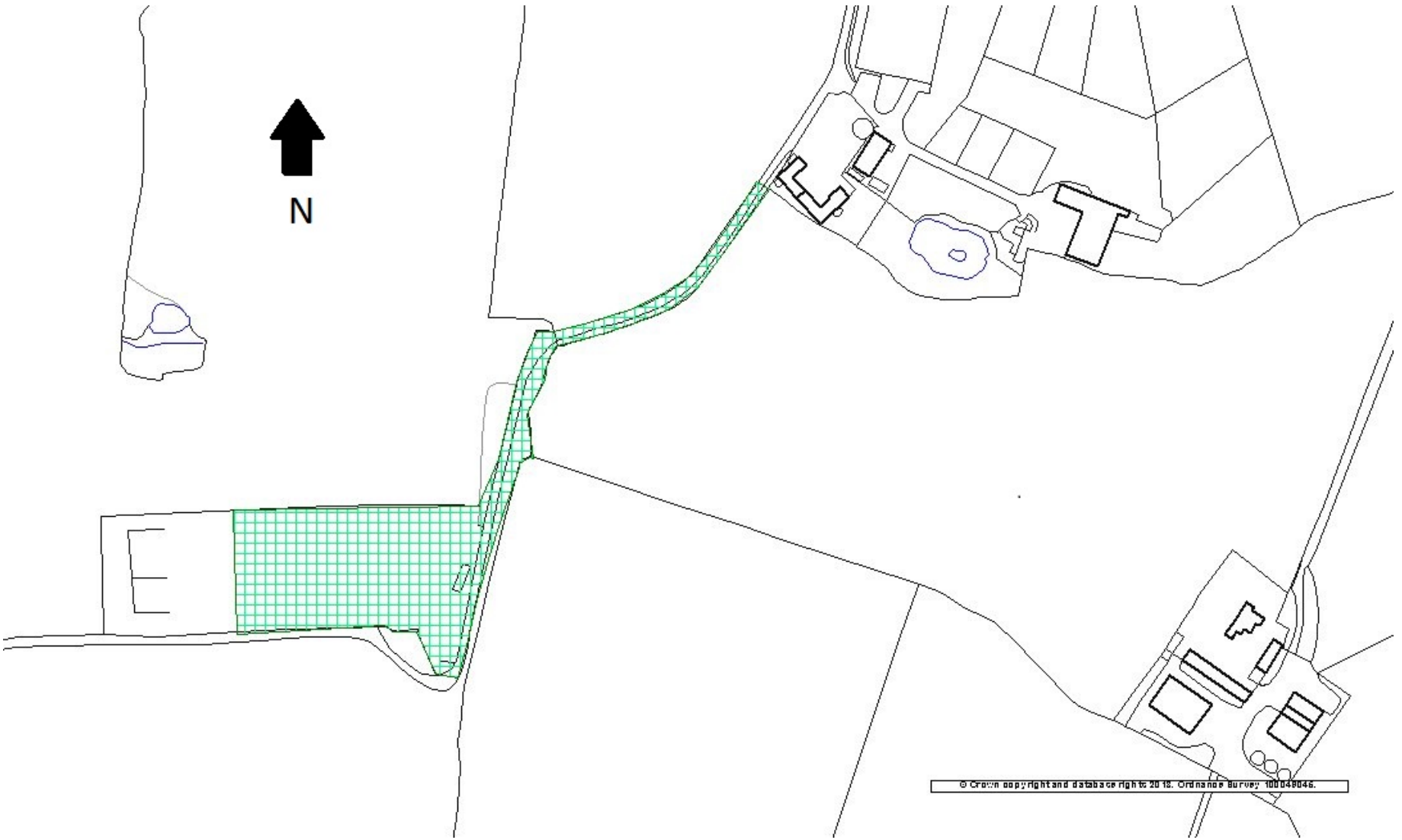
- A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.***

- *No green waste vehicle movements on Saturday or Sunday*
- *A maximum of 10 (5 in, 5 out) on Bank or Public Holidays*

Reason: To control the scale of the development; in order to safeguard the amenities of both the area and local residents and in the interests of highway safety; and to comply with Policy 28 of Cheshire Replacement Waste Local Plan, and Policy BE.1 of the Crewe and Nantwich Local 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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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



Application No: 15/1431W

Location: HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE,
MACCLESFIELD, CHESHIRE, SK11 7XF

Proposal: The temporary use of an area within the existing Henshaw's building for
the acceptance and storage of Council-collected recyclable wastes on
selected Bank Holidays (for 2 years)

Applicant: CFM Henshaw

Expiry Date: 22-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.

The proposal would satisfy the economic sustainability role by providing a range of benefits in terms of sustainable waste management, in respect of providing increased capacity for bulking up recycled wastes on bank holidays which helps to contribute to WMS objectives and management of waste in accordance with the waste hierarchy. Equally a facility in this location serving waste generated from Macclesfield area would accord with the proximity principle and avoiding the unsustainable movement of waste to alternative facilities elsewhere which accords with the objectives of the WMS and the broad approach of the NPPW and CRWLP.

This should be balanced against the significant adverse impacts on residential amenity arising from the delivery and unloading/handling of waste during the extended hours of operation which would cause unacceptable levels of noise impact.

The benefits arising from the proposal are not considered sufficient to outweigh the potential significant adverse harm caused by the scheme. As such it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal as it conflicts with policies 12, 23 and 29 of CRWLP, policy DC3 of MBLP and the approach of the NPPW and NPPF.

RECOMMENDATION

Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site is situated on the Henshaws waste recycling business which is located at 150 Moss Lane, on the southern extent of Macclesfield urban area. Moss Lane connects the A536 Congleton Road to the west with the A523 London Road to the east.

The application boundary covers the western half of the existing waste transfer building and includes the vehicular access route to the site entrance onto Moss Lane. The waste recycling business is situated on a linear area of hardstanding. Aside from the waste transfer building, the site includes a number of steel framed buildings for the storage of wastes, a range of open air storage bays for various aggregates and materials, trommel screen, an area of stored skips and vehicles, and a two storey brick office building fronting onto Moss Lane.

Surrounding the waste recycling site to the north and east is a large residential estate, whilst to the south is a mixture of small industrial and waste management uses, along with smaller residential estates. Open fields edged with broken hedges and trees lie to the west and south of the site. Immediately adjoining the northern boundary of the waste recycling site are residential properties on Whiston Close and Sheldon Drive. These properties are afforded second floor views across the waste recycling business due to their elevated position.

Land to the south, perpendicular to the site, is also in the applicants ownership but does not form part of this application. This area is used for various storage and commercial uses including vehicular repair garage and these uses are served by a separate access off 140 Moss Lane.

DETAILS OF PROPOSAL

This is an application for the use of two of the three bays of the existing waste transfer building for a temporary two year period for the delivery, unloading and storage of Council-collected recyclable wastes on Bank/Public Holidays; with the exception of Christmas Day, Boxing Day or New Years Day.

The waste would be delivered in 17 refuse collection vehicles (generating 34 movements) during the hours of 1000 to 1500. No other vehicle movements or site activities would occur outside of these times.

At present the operating hours of the waste recycling business are restricted by virtue of permission 5/06/2496P to 0730 to 1800 Monday to Friday and 0800 to 1300 Saturday with no operations on Sundays or Bank Holidays. In addition four heavy goods vehicles are permitted to leave the site between the hours of 0630 to 0730 Monday to Friday. The site has permission for a maximum of 500 skip vehicles (250 in, 250 out) per week, with 118 (59 in, 59 out) per day; whilst 130 bulk vehicles (65 in, 65 out) are permitted per week, with 32 (16 in, 16 out) per day.

RELEVANT HISTORY

The waste recycling business at 150 Moss Lane, and the applicants adjacent land at 140 Moss Lane has a long planning history. Those of most relevant are:

At 150 Moss Lane:

- Use of the northern part of the site as a waste transfer station (5/71028) granted in 1992.
- Permission to alter and extend the waste transfer station (5/96/1339) granted 1996.

- Relocation and extension of existing waste transfer buildings and waste recycling facilities granted in 2003 (5/03/3227).
- Extension of the site incorporating new buildings and a new site layout granted consent in 2007 (5/06/2496P)
- Variation of conditions to allow delivery of waste collection rounds and skips on weekends and Bank/Public holidays (11/2765W) – withdrawn
- Variation of conditions to allow delivery of skips/RCVs on weekends and public/bank holidays (12/3496W) – withdrawn

At 140 Moss Lane:

- Site extension and relocation of the Material Recycling Facility (11/2766W) – withdrawn
- Relocation of materials recycling plant, additional picking line shed, delivery/storage of waste during weekends and bank/public holidays (13/2776W) - withdrawn
- Relocation of materials recycling plant, additional picking line shed, delivery of waste during weekends and bank/public holidays (14/4265W) withdrawn

An application for a Lawful Development Certificate for 7 day skip hire deliveries was also refused in May 2008 and the subsequent appeal was withdrawn.

Enforcement action has been taken on the site on a number of occasions. Breach of condition notices have been served on the operator and upheld for:

- Operating screening plant within an unauthorised part of the site, causing noise nuisance. The plant has since been relocated.
- Failing to provide vehicle numbers when requested.
- Failing to submit a noise monitoring scheme

An Enforcement Notice was also served (September 2005) in relation to unauthorised use outside the permission boundary. Planning permission 5/06/2496P regularised this unauthorised use.

POLICIES

National Planning Policy Framework

National Planning Policy for Waste

Cheshire Replacement Waste Local Plan 2007

Policy 1 Sustainable Waste Management

Policy 12 Impact of proposals

Policy 23 Noise

Policy 24 Air Pollution: Air emissions including dust

Policy 26 Air pollution: Odour

Policy 28 Highways

Policy 29 Hours of Operation

Macclesfield Borough Local Plan 2004

DC1 Design

DC3 Amenity
DC13 Noise
DC14 Noise mitigation
Policy E5
Policy E6

Other Material Considerations
Cheshire East Local Plan Strategy
Government Review of Waste Policy in England 2011
Waste Management Plan for England
Cheshire East – Waste Needs Assessment 2015

CONSULTATIONS

Highways: no objection. The proposals involve 17 deliveries of recyclable wastes on Bank Holidays (except Christmas period Bank Holidays) using Refuse Collection Vehicles with a gross vehicle weight of 26 tonnes. Deliveries will be restricted to the hours between 1000 hours and 1500 hours limited to a two year period. The proposals would result in 34 two-way traffic movements per day, which over a 5 hour period of operation equates to, on average, around 7 vehicle movements per hour. The traffic associated with the development proposals would not be expected to have a material traffic impact on the adjacent or wider highway network.

Environmental Health: The application would effectively increase the site's usage by 10 days over the requested 2 year period. The potential impacts from this proposal are from noise and dust sources (vehicle movements and waste depositing / pushing) and odour (waste storage). Properties on Whiston Close and Sheldon Drive have rear gardens and elevations facing the site and the nearest property is located approximately 60 metres from the proposed waste storage area. There are currently no other waste related activities permitted on the site on Public Holidays. Dust should be controlled by damping down when necessary and odour should be controlled by the site's Environmental Permit.

The noise assessment uses BS4142:2014 to assess the noise from the proposed operations at the nearest sensitive residential receptors. This methodology requires an assessment of background levels and the specific noise of the proposed operations. The background noise was measured at a time that could be considered as representative of the proposed hours of operation. However the monitoring location was closer to the road and had a clearer line of sight than the nearest residential property on Whiston Close. Properties on Whiston Close are afforded additional screening from road noise by a 3 metre fence to the east and it is likely that background levels here are perceptibly lower than that used in the assessment.

The noise assessment used measured noise levels of the proposed vehicle movements and waste activities to calculate the specific levels at the nearest residential properties. The calculation assumes that a 10 decibel (dB) noise attenuation could be achieved by the 3 metre fence. However, the 3 metre barrier is located to the east of these properties. A much shorter fence (approximately 1.5 metres in height) is on the site-facing southern border of properties on Whiston Close. Given the overlooking position of these properties it can only be assumed that these houses are afforded only partial screening from the proposed activities

and therefore it would be more reasonable to assume that a 5dB attenuation is the best that could be achieved by the fencing.

The BS4142 assessment requires that an assessment is made of the character of noise from the operations and, in our opinion, correctly assesses that impact noises (impulsivity) would be perceivable. BS4142 states that the following penalty ratings are then applied to the specific noise depending on the magnitude of the impact noise:

Just perceptible: + 3dB

Clearly perceptible: +6dB

Highly perceptible: +9dB

From our experience of waste activities, the published noise levels and from previous site visits, the impulsivity of these activities could, at best, be considered as 'clearly perceptible'. This would result in at least a 6dB rating penalty.

Despite the discrepancies between our assessment of the noise and that of the noise report submitted, we consider that there is sufficient information in the report for a robust assessment of the expected noise impacts to be made by this section.

Given that:

- Background levels at the most sensitive residential properties is likely to be lower than those submitted;
- Less attenuation is likely to be provided by the site boundary fencing than assumed in the report; and
- Impulse noises would be more perceptible than stated in the report;

We would assess that the specific noise rating from the proposed activities according to BS4142:2014 would be in the order of 50 dB(A) rather than the 42 dB(A) given in the report. This would translate as being in excess of 10 dB(A) over background levels and would be an indication of a 'significant adverse impact' at the closest sensitive receptors.

BS4142 requires that this assessment is placed in context. This section recognises that the applicant has made some effective measures in the proposal to reduce the likely noise impacts by limiting the hours of use and by minimising the associated waste processing activities on the site to include only depositing and 'pushing up'.

In this proposal we should consider that these impacts would only occur during 10 days over a 2 year period. However, these days are considered as the most sensitive to noise disturbance as residents are more likely to be at home and at times of the year when the outside of the properties are more likely to be used. Residences are subject to raised noise levels during existing permitted working hours not dissimilar to those proposed albeit over longer periods. Public holidays can be considered as a respite for residences from such noise. There is a history of complaints due to noise from waste activities at the site and this would indicate that such noise levels could be considered as an annoyance to residents.

On balance and from an Environmental Protection perspective it is considered that the noise impacts on the requested Public Holidays would not be acceptable at this location due to the

levels and nature of noise, the close proximity of residential housing and the need for respite from existing operations.

Recommend refusal as the noise impacts would be considered to cause significant adverse impacts and disturbance to nearby residential properties on Public Holidays.

Should a decision be made to accept this proposal then planning conditions should set out to control the hours of use, the permitted activities and the lifetime of the permission. Other potential impacts relating to dust, litter and odour should also be controlled.

Environment Agency: no objection and no comments

Macclesfield Civic Society – Bearing in mind the history of proposals for this and other sites in the area (dating back to the 1970s) it is important to try and strike a reasonable balance between operation of the activity (which provides a valuable service to the town) and the reasonable expectations of nearby occupiers within the existing residential area. No doubt the Council will carefully assess the impact of traffic flow and noise with the imposition of suitable planning conditions where necessary.

VIEWS OF THE PARISH / TOWN COUNCIL - no comments received

OTHER REPRESENTATIONS

In excess of 39 letters have been received objecting on the following grounds:

- Adverse impact on residents enjoying outdoor space due to noise and disruption
- Noise assessment is flawed, conclusions drawn are incorrect
- Impacts on residential amenity in terms of noise, disruption, dust and odour from increased vehicle movements on highway and on site, and increased site activity
- Additional odour over extended timescales
- Increased hazard to vulnerable road users
- Additional litter
- Increased traffic on local residential roads unsuitable for this nature of vehicle
- No justification/need and no explanation why existing arrangements are not sufficient
- Potential for further increases in hours or vehicle numbers in future
- Potential for pollution and contamination to soils, and impact on future site redevelopment
- Breaches of existing conditions frequent; potential for further breaches of planning conditions
- Submission is inconsistent
- Potential vibration to residential properties
- Concern over Cheshire East councils interest in the application and ensuring fair assessment of the application
- No other business allowed to operate on bank holidays
- Potential for vermin
- Red line will prevent vehicle manoeuvring on site
- Overshadowing of gardens from vehicle passing

OFFICER APPRAISAL

Sustainability

The proposed development should be considered against the National Planning Policy Framework (NPPF) which identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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.

Economic Sustainability

Sustainable Waste Management

One of the key principles in waste policy at a national and local level is the sustainable management of waste with priority given to prevention, preparing for re-use, recycling, recovery and disposal as a last resort. NPPW requires communities to be able to take responsibility for their own waste, with waste managed as far as possible in accordance with the proximity principle. Appropriate waste management facilities should be sustainably located to avoid the carriage of waste over long distances and the NPPW requires waste management to be considered alongside other spatial planning concerns, including transport and economic growth, recognising the positive contribution that it can make to the development of sustainable communities.

The Cheshire East Municipal Waste Management Strategy (WMS) identifies that the authority was responsible for the management of 179,646 tonnes of municipal waste in 2013/14 and whilst 53% was recycled, composted or re-used, 41% was sent to landfill. An objective of the WMS is to reduce the level of landfilling to zero. The proposal would enable waste to be bulked up for onward transportation to a recycling facility, thereby contributing to the

management of waste in accordance with the waste hierarchy and assisting in meeting the WMS objectives.

It is noted that there are few waste transfer facilities located in the north of the authority, and the provision of additional capacity to accommodate bulking up of co-mingled waste for recycling from the Macclesfield area on bank holidays would accord with the proximity principle, and would avoid unsustainable waste movements in transporting it to an alternative facility in the south.

The applicant has submitted a letter of support from Ansa Environmental Services Ltd who identify that the current arrangements result in the need for additional collection vehicles and drivers, and has additional financial implications. The applicant makes the case that this proposal would allow for more cost effective waste management.

The direct and indirect sustainability benefits arising from the application in respect of providing further capacity within the Macclesfield urban area for the bulking up of recycled waste, compliance with waste hierarchy and proximity principle, and the sustainable transportation of waste are considered to accord with the approach of NPPW and CRWLP policy 1.

Environmental and Social Sustainability

Impacts on amenity - noise

CRWLP requires the full direct, indirect and cumulative impacts of development to be evaluated, along with appropriate mitigation (policy 12), and where there would be unacceptable levels of noise pollution, permission will not be granted (Policy 23). Policy DC3 of MBLP also states that proposals should not injure the amenities of adjoining or nearby residential properties due to matters which include impacts from noise and vibration.

In considering proposals, Local Planning Authorities should consider the likely impact on the local environment and on amenity against criteria identified in the NPPW which includes (in respect of noise) the proximity of sensitive receptors. It identifies that the 'operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not managed'.

The NPPF also seeks to avoid noise from new development giving rise to significant adverse impacts on health and quality of life but recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The application site has been operating as a commercial business for a number of decades. Residential development has brought properties within close proximity of the site; particularly to the north on Whiston Close/Sheldon Drive (which have private gardens backing onto the site and first floor views over the yard area). In granting permission for residential development on the northern boundary of this industrial use, it must be assumed that the impact of its continued use on residential amenity was considered acceptable at that time.

The Environmental Health Officer has reviewed the noise assessment submitted and considers that background levels at the most sensitive residential properties are likely to be lower than those identified, less attenuation is likely to be provided by the site boundary fencing than assumed in the report; and impulse noises would be more perceptible than stated. As such it is concluded that the noise levels during these periods would be likely to be in excess of 10 dB(A) over background levels, and would at best be 'clearly perceptible' and be an indication of a 'significant adverse impact' at the closest sensitive receptors.

Whilst the impacts are temporary (10 days over a 2 year period) and no waste processing is proposed during these times; it would prolong the period when residents are subject to noise impacts associated with vehicle movements and on-site activity from unloading, moving waste using loading shovels and vehicle manoeuvring. This would be on days when there are lower background noise levels and more residents likely to be at home. The Environmental Health Officer notes that noise levels generated during existing permitted hours are not dissimilar to those generated by this proposal; and there is a history of noise related complaints which indicates that such noise levels could be considered as an annoyance to residents; and the level of complaints is a further indication that there is little capacity for any increase in the frequency of site activity without a negative impact on residential amenity.

The Environmental Health Officer concludes that noise impacts generated by this proposal would cause significant adverse noise impacts and disturbance to nearby residential properties on bank/public holidays which would not be acceptable at this location due to the levels and nature of noise, the close proximity of residential housing and the need for respite from existing operations. Given these conclusions it is not considered that the proposal would accord with the NPPW and NPPF, and would conflict with policies 12 and 23 of CRWLP, and policy DC3 of MBLP.

Impacts on amenity – dust and odour

NPPW is clear that planning authorities should consider the likely impact of waste development schemes on the local environment and on amenity, but should work on the assumption that the relevant pollution control regime will operate effectively. There is potential for odour and dust impacts to arise from waste handling/storage and manoeuvring of vehicles during the extended hours of operation. The operation of the site is controlled by an environmental permit which ensures that appropriate measures are employed to prevent and minimise pollution so as to not endanger human health or harm the environment. This includes controls on the receipt, handling and storage of waste to limit impacts of matters as mud, debris, odour and dust creation. Equally planning conditions could be imposed to ensure these matters do not cause any detrimental impact to residential amenity or the environment. This would accord with the approach of NPPW and CRWLP, particularly policies 12, 24 and 26.

Compliance with policy 29

The normal permitted hours of operation for waste management facilities are 0730 to 1800 Mondays to Fridays; 0730 to 1300 Saturdays with no working at any time on Sundays or Bank Holidays (Policy 29 of CRWLP). In exceptional circumstances, longer working hours may be permitted under this policy, provided there are no consequent unacceptable impacts and

there is demonstration of the mitigation methods to be used to minimise any impacts arising from such extended hours.

It is noted that there are few waste transfer facilities located in the north of the authority and the operation of this site on bank holidays prevents the carriage of waste over long distances. The sustainability benefits identified above in terms of proximity principle and according with the waste hierarchy are also noted and a case could be made that these amount to such exceptional circumstances required by the policy. Despite this, the policy is clear that there should be no consequent unacceptable impacts arising from the longer working hours; and this has not been demonstrated, nor has any mitigation been identified which would minimise the noise impacts to an acceptable level. On the basis of the noise impacts highlighted above, it is not considered that the proposal would accord with this policy.

Highways

The proposal would result in an additional 34 RCV movements (17 in, 17 out). Policy 28 of CRWLP requires new development to demonstrate that the level and type of traffic generated would not exceed the capacity of the road network or raise any concerns over highway safety; similarly policy 12 states that if the Local Planning Authority consider that the proposal would have any unacceptable impacts on (amongst others) highway management and safety the application will not be permitted. The proposal would equate to, on average approximately 7 vehicle movements an hour. The Highways Officer does not consider that this level of vehicle movements would have a material traffic impact on the adjacent or wider highway network. On this basis, no unacceptable impacts are anticipated on the highway network and as such the proposal is considered to accord with policies 12 and 28 of CRWLP and the approach of the NPPW which requires there to be consideration of the suitability of the road network.

Response to Objections

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

PLANNING BALANCE

The NPPW identifies that planning plays a pivotal role in delivering the country's waste ambitions through the development of sustainable development and resource efficiency by driving waste management up the waste hierarchy. The NPPW should be read in conjunction with the NPPF; and all local authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

In accordance with paragraph 14 of the NPPF, applications should be considered in the context of the presumption in favour of sustainable development. It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case the development would provide a range of benefits in terms of sustainable waste management, in respect of providing increased capacity for bulking up recycled wastes on bank holidays which helps to contribute to WMS objectives and management of waste in accordance with the waste hierarchy. Equally a facility in this location serving waste generated from Macclesfield area would accord with the proximity principle and avoiding the unsustainable movement of waste to alternative facilities elsewhere which accords with the objectives of the WMS and the broad approach of the NPPW and CRWLP.

Balanced against these benefits must be the significant adverse impacts on residential amenity arising from the delivery and unloading/handling of waste during the extended hours of operation.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal for the reasons set out below.

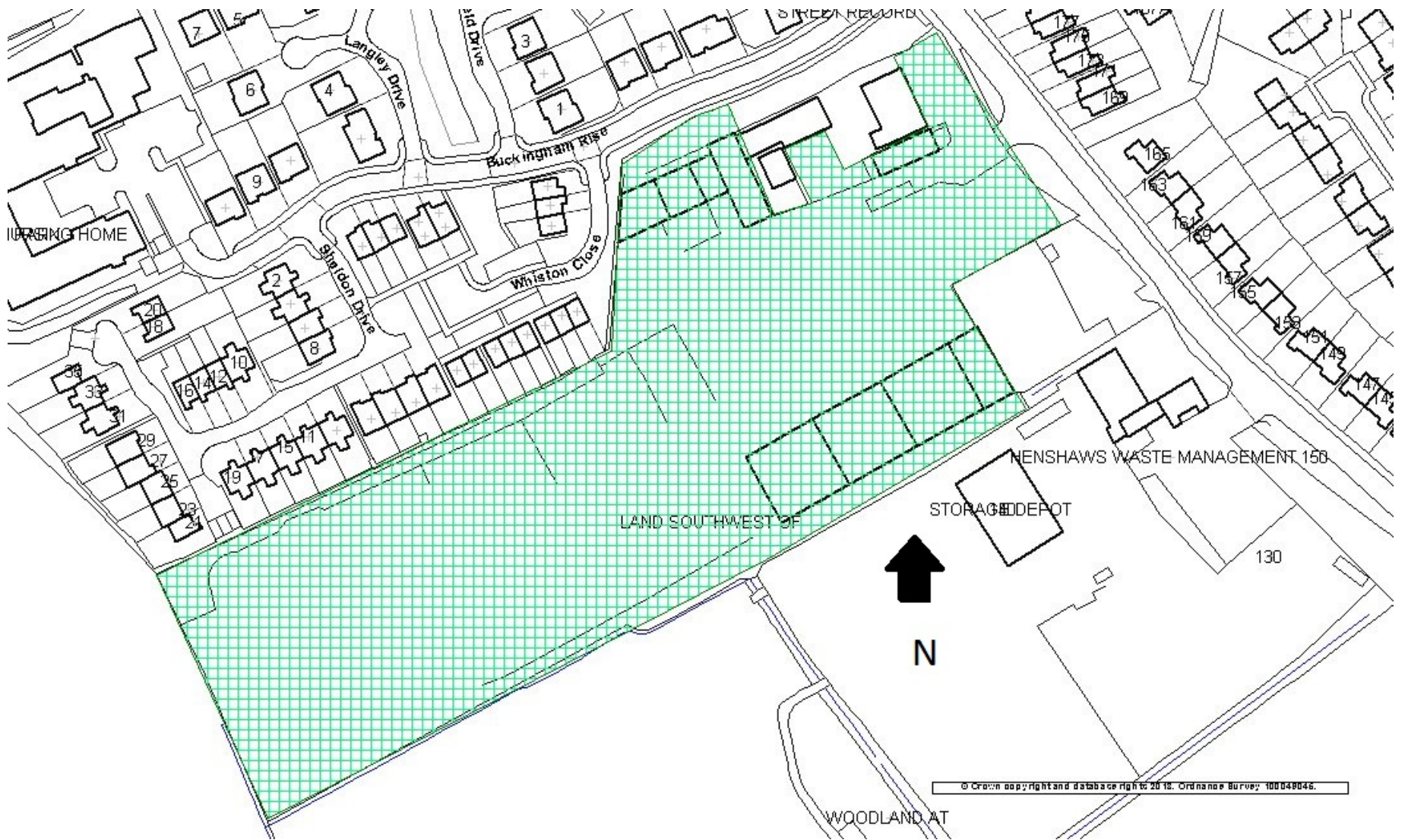
RECOMMENDATION

REFUSE for the following reasons:

- 1. The hours of operation proposed would result in significant adverse impacts on residential amenity due to noise disturbance associated with the delivery, receipt and handling of waste. This is contrary to policies 12, and 23 of the Cheshire Replacement Waste Local Plan; as well as policy DC3 of Macclesfield Borough Local Plan; paragraph 7 of NPPW and paragraph 123 of NPPF.**
- 2. The proposed hours of operation do not conform with those stipulated in the development plan and would result in unacceptable impacts on residential amenity due to noise disturbance. This conflicts with policy 29 of the Cheshire Replacement Waste Local 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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Southern 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 Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 15/3380N

Location: Land South Of Royals Wood Farm, WHITCHURCH ROAD, ASTON

Proposal: Installation of ground mounted photovoltaic (PV) solar arrays to provide c.5MW generation capacity together with inverter houses, internal access track; landscaping; fencing; security measures; access gate; and ancillary infrastructure.

Applicant: INRG Solar Parks Ltd

Expiry Date: 10-Nov-2015

SUMMARY

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposal is contrary to development plan policies NE.2 (Open Countryside) and NE.12 (Agricultural Land) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration is the NPPF which states at paragraph 98, that:

When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

In this case, the benefits of the provision of a renewable energy source are considered to outweigh the limited impacts on landscape, ecology and highway safety which, it is considered will not be severe and can be mitigated by the use of conditions.

Balanced against the identified benefits must be the loss of an area agricultural land. Given the nature of recent appeal decisions, it is considered that it would be difficult to defend a reason for refusal relating to the loss of agricultural land.

Having regard to sustainability, including environmental, economic and social sustainability, the benefits of the scheme by virtue of the provision of a source of renewable, low carbon energy, are not outweighed by the limited harm to the landscape character of the area.

RECOMMENDATION:

On the basis of the above, it is considered that the application should be approved subject to conditions and a s106 Agreement.

PROPOSAL

The development would comprise 12,800 modules that would produce 3MW of electricity, which equates to the annual energy consumption of approximately 900 households. This would generate power and reduce carbon with an anticipated carbon dioxide displacement of 1,290 per annum.

The panel arrays would be south facing, set at an angle of 25 degrees. The front edge of the panels would be 0.65m above ground with the top edge being 2m above ground. Land between and beneath the panels are proposed to be used as biodiversity and enhancements, with the potential for grazing by sheep.

The arrays would be set within a 2m high security 'Deer' fence and there would be fifteen, 3m high CCTV cameras, a DNO cabin and switchgear cabin. The point of connection to the local electricity would be within the adjacent Combermere solar park.

Access would be taken from the A530 Whitchurch Road using the existing access road to Royals Wood Farm.

The development is proposed to be temporary in nature with a lifespan of 25 years.

SITE DESCRIPTION:

The site comprises the south eastern portions of two arable fields totalling 8.2 hectares. The south eastern boundary beyond the site is defined by a broadleaf hedgerow and trees, with the remainder surrounded by farmland. Footpath FP16 crosses the site north – south. The site is designated as being within Open Countryside in the adopted local plan.

To the south of the site in very close proximity, is the Combermere Abbey solar park (14/2247N,) which was approved by Strategic Planning Board in November 2014. That development has now been completed.

The whole site has been assessed as being 34.2% Grade 2, 24.4% Grade 3a, with 40.3% being classed as Grade 3b agricultural land. A small area of land to the north of the main site area was not surveyed. This area would provide the construction access route. An assessment has been made of the actual land area that would be covered with the solar panels and this was 17.2% Grade 2, 31.3% Grade 3a and 51.5% Grade 3b.

RELEVANT HISTORY:

14/2247N Approval for solar park (East of Combermere Abbey)

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 98.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
BE.14 – Development Affecting Historic Parks and Gardens
BE.16 – Development and Archaeology
BE.21 – Hazardous Installations
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.6 – Sites of International Importance for Nature Conservation
NE.7 – Sites of National Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.11 – River and Canal Corridors
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.19 – Renewable Energy
NE.20 – Flood Prevention

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 – Efficient use of Land
SE3 – Biodiversity and Geodiversity

SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon energy
SE9 – Energy Efficient Development
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Circular 02/99: Environmental Impact Assessment
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

CONSULTATIONS:

Highways:

No objection.

Environmental Health:

Recommend a condition for a watching brief for contamination during excavation works.

Natural England:

No objection.

Historic England:

No objection.

Environment Agency:

No objection.

Cheshire Archaeology Planning Advisory Service:

No objection.

Newhall Parish Council:

The Parish have great concerns over the proposed access to the site during the period of construction. The position is on the very busy A530, opposite a busy industrial premises, with very poor visibility and in the location of school bus pick up's/drop offs. As such they recommend that alternative accesses be considered, notably the track by the power substation, or the entrance to the existing solar park which was used successfully to construct that very recently.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and site notices posted.

At the time of report writing three comments have been received relating to this application, these can be viewed in full on the Council's website. The comments raise the following concerns:

- Loss of open green land
- Dangerous access
- Adverse impact on highway safety
- Impact on the public right of way
- Opens the door for further development
- May become engulfed with solar panels
- Blight on the countryside
- No benefits to the residents of Newhall
- Impact on property values
- Disturbance to neighbours dogs

APPRAISAL:

The key issues to be considered in the determination of this application are set out below. They are the principle of the development, sustainability, renewable energy production, highways, amenity, agricultural land, heritage assets, landscape, trees, ecology, flood risk and archaeology.

Principle of Development

The proposed development should be considered against the National Planning Policy Framework (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 including economic, social and environmental.

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

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

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 environmental, 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.

Alternative Sites

The applicant has undertaken a site selection assessment. This concludes that there are no appropriate alternative sites that are sequentially preferable to accommodate the development proposal.

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 for sustainable energy developments. As a result it is necessary to consider whether the proposal represents sustainable development and assess and if any other material considerations indicate if the development is acceptable.

Sustainability

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

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

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

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

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

ENVIRONMENTAL ROLE

Renewable Energy Production

The development would comprise 12,800 modules that would produce 3.MW of electricity, which equates to the annual energy consumption of approximately 900 households. This would generate power and reduce carbon with an anticipated carbon dioxide displacement of 1,290 per annum.

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.

Landscape

The application site is an 8.2 Ha area of farmland located just west of the A530 Whitchurch Road approximately 1.7Km south west of Aston. It lies immediately to the north of the recently constructed Combermere Abbey Solar Park which is now operational. The site comprises the southern parts of two irregularly shaped arable fields that are separated by a

mature hedgerow. The majority of the site lies to the west of the hedgerow with a smaller land parcel to the east. PROW Newhall FP16, which links Pinsley Green Road to the northwest to Whitchurch Road to the southeast, runs through the application site along the western side of the hedgerow then crosses a stile into the Combermere Abbey solar park site.

In the National Landscape Character Assessment the site lies within the Shropshire, Cheshire and Staffordshire Plain character area. In the Cheshire County Council LCA 2008 the site lies within the East Lowland Plain character type and the Ravensmoor character area. The character of the site itself was assessed and the character of the application site was found to be consistent with the surrounding landscape character.

The sensitivity of the landscape (i.e. its ability to accommodate the proposed change) considers landscape condition, value and rarity etc. The assessment finds the application site to be of medium susceptibility and medium value and consequently it is assessed as being of medium sensitivity to the development proposed.

The significance of effects on landscape elements and on landscape character is determined by combining the sensitivity with the magnitude of change. In this assessment, any effects identified as major adverse are considered significant effects with respect to the EIA regulations 2011.

The Land & Visual Impact Assessment (LVIA) finds that the proposed development would not have significant adverse effect on landscape elements or landscape character.

There would be significant major adverse visual impacts, including cumulative visual impacts, from the PROW Newhall FP16 and Royals Farm access track at year 1, but following the growth of the proposed new boundary hedgerows by year 5 these visual impacts would reduce to moderate adverse which is not significant.

After 25 years the development would be removed and the land returned to its original agricultural use. It is anticipated that there would not be any adverse residual impacts. The proposed new hedgerows may, in the long-term, result in a net beneficial effect.

The proposed development is immediately north of the Combermere Abbey solar farm and the combined area of the two sites would be 36.4 hectares which is quite extensive. The development would have an adverse impact on the character of the site itself but due to the screening provided by the woodland to the south, the topography of the area and the abundance of trees and hedgerows in the landscape the two sites would have relatively little impact on the visual character of the wider landscape.

The Combermere Abbey development is well screened and the cumulative visual impact of the two sites would only be observed from public footpath Newhall N16 and the private access track to Royals Wood Farm. However, footpath N16 is not currently well used, there is no worn path and it is not possible to cross Newhall Cut to reach Whitchurch Road because the vegetation along the stream is impenetrable.

Views towards the site from footpath N16 to the south of Newhall Cut and from Royalswood Cottages are screened by Brickbank Wood and the streamside vegetation though there may possibly be filtered views in the winter.

The eastern part of the proposed development would be visible from a short stretch of Whitchurch Road roughly between the Green Lane junction and Royalswood Cottages. There is a good roadside hedge with a couple of gaps through which the site would be visible. This road is very fast and there are no footpaths so any views through the hedge gaps would only be fleeting glimpses. When mature, the proposed hedgerow on the north-eastern site boundary would screen views from the road.

Trees and Hedgerows

There are no significant arboricultural implications associated with this application.

The panels occupy the open aspect of the agricultural fields and are set back from the existing vegetation associated with the southern boundary of the site. Any reduction in terms of light attenuation with the more mature trees is considered to be limited and can be managed under a pruning programme if required.

Part of the access to the site occupies ground presently used for agriculture which will have been subject to compaction and cyclical ploughing; it is not envisaged that any detrimental damage will be caused to the adjacent horticultural features.

The planting of a new native hedgerow is welcomed along with the infilling of existing gaps. Should the application proceed arboricultural conditions are not required.

Ecology

No evidence of a badger sett on or adjacent the site was recorded during the submitted surveys, badgers are however active within the site. It is recommended that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and submitted to the LPA if development does not commence within 12 months of the latest badger survey. To avoid any loss of access to suitable foraging habitats on site it is recommended that a condition be attached requiring the submission of proposals to provide suitable gaps to be provided for badgers under the proposed security fence.

A number of trees have been identified on site that have the potential to support roosting bats. These trees are located within the boundary hedgerows and so would not be affected by the proposed development.

A ditch with flowing water is located along the sites southern boundary which has some low potential to support Water Voles and Otters. A six metre buffer is proposed between the security fence and the ditch. No evidence of these two species was recorded and it is considered that they are unlikely to be present or affected by the proposed development.

Great Crested Newts have been recorded at a number of ponds within 250 of the proposed development. The cluster of ponds supports a medium sized meta-population of Great Crested Newts. No Great Crested Newt breeding ponds will be affected by the proposed

development and the terrestrial habitat lost as a result of the proposed development is of low value for this species. The proposed development could however, in the absence of mitigation, result in the killing or injuring of Great Crested Newts during the construction phase.

Considering the poor quality of the terrestrial habitat offered by the proposed development site, the submitted ecological report advises that the proposed development could potentially proceed without resulting in a significant risk of Great Crested Newts being killed or injured if the works are completed between 1st November and the 28th February when great crested newt are likely to be in hibernation outside the application boundary. If planning consent is granted it is recommended that a condition be attached limited operations on site to this period. Provided this condition is attached it is considered that there would not be a significant risk of an offence occurring under the Habitat regulations and the Council would not be required to have regard to the requirements of the regulations during the determination of the application.

Newhall Cut Local Wildlife Site (LWS) supports one of the few remaining populations of native Crayfish in Cheshire. The submitted ecological report identifies a potential impact on the cut resulting from the potential contamination/siltation of the watercourse as a result of ground disturbance during the construction phase. Outline mitigation measures are proposed and the submitted report recommends that these are included in a Construction Environmental Management Plan (CEMP). Consequently, it is recommended that if planning consent is granted this matter may be dealt with by means of a suitably worded planning condition.

Brown Hares have been recorded on site. It is considered that the proposed development is unlikely to have a significant adverse impact upon this species. However as with Badgers it must be ensured that suitable gaps are provided under the security fence to allow this species to have access into the site.

A number of bird species including those which are a priority for conservation have been recorded on site. Many of these species are associated with the hedgerow boundaries and would not be significantly affected by the proposed development. Two species, Skylark and Yellow Wagtail, are however associated with the open arable fields and so are likely to be affected by the proposed development. The site has been identified as being of district value for these two species. It may be that Yellow Wagtail will continue to nest amongst the solar panels but this is not certain. It is almost certain that that nesting habitat within the application site for Skylark would be lost as a result of the proposed development.

In order to compensate for loss of ground nesting bird habitat associated with the development the submitted ecological report recommends that the remaining area of the field not taken up by the solar arrays be farmed in such a way as to enhance its value for ground nesting birds. The full detail of how this will be managed will be contained within a Landscape and Ecological Management Plan (LEMP). This has not been finalised at the time of report writing and an update on this matter will be provided to members prior to the meeting.

Flood Risk

The part of the site containing the proposed panels lies entirely within Flood Zone 1, with other parts lying in the edge of Flood Zones 2 and 3. However no work other than farming activity will be undertaken in this area. The report concludes that the development would make a contribution to soil improvement and biodiversity and a significant reduction in run off from the site, bringing overall benefits to the environment and renewable energy.

The Council's Flood Risk Manager has assessed the proposals and has no objection subject to a condition requiring compliance with the details contained within the FRA.

Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) 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...."*

The whole site has been assessed as being 34.2% Grade 2, 24.4% Grade 3a, with 40.3% being classed as Grade 3b agricultural land. A small area of land to the north of the main site area was not surveyed. This area would provide the construction access route. An assessment has been made of the actual land area that would be covered with the solar panels and this was 17.2% Grade 2, 31.3% Grade 3a and 51.5% Grade 3b.

Therefore the proposed development would result in the temporary loss of a limited amount of good and moderate quality agricultural land for the 25 year lifetime of the proposed development.

A previous application at Land South of Wood Lane, Bradwall was before Strategic Planning Board in July 2015 (15/1541C). Members resolved to approve the application subject to a Section 106 Agreement relating to the restoration of the land. For application 15/2779N at

Dairy House Farm, Worleston, the applicants submitted a Unilateral Undertaking that made the same provisions as required by the s106 Agreement for the Bradwall application. It is considered that the same approach should be taken with this application.

ECONOMIC ROLE

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

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

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

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

The NPPF makes it clear that:

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

SOCIAL ROLE

Highways Implications

It is proposed to construct a solar park on land south of Royals Wood Farm with the access to the site using an existing track that links to Whitchurch Road.

Further information was requested from the applicant regarding the amount of construction traffic that would be accessing the site and also the visibility available at the main access at Whitchurch Road.

There are very little highway movements to and from the site once the site constructed the only trips that take place are maintenance vehicles.

The information provided by the applicant indicates that there will be a three month construction period and 182 deliveries using HGV’s will be made to the site, this totals 364 two way trips. As these trips are spread over a three month period the actual highway impact on Whitchurch Road will be minimal.

The submitted visibility plan indicates an acceptable level of visibility for the access and this should be a condition on any approval.

In summary, there is a relatively short construction period and the traffic impact will not have a material impact on the local road network, therefore the Head of Strategic Infrastructure has raised no objection to the development. The development is therefore considered to be acceptable in highway safety terms.

Amenity

Given the isolated rural nature of the site there are relatively few residential properties in close proximity to the application site. There would be some disruption caused during the development of the site; however it is considered that this would be limited and any noise and disturbance could be controlled by condition.

There would be a minor alteration to the outlook from a limited number of properties, however this is not considered to result in an oppressive or overbearing outlook and as such could not be sustained as a reason for refusal. As a result it is not considered that the proposed development would raise any significant issues relating to residential amenity.

According to information held by Environmental Protection, there is a Foot and Mouth burial pit from the 1967 outbreak on the north of the application site where a service trench is proposed. As such a condition has been recommended that would ensure an appropriate watching brief during excavation works and if during the course of development contamination is found, remediation measures to be implemented.

One of the objectors has raised the issue of police dogs that live in his garden being disturbed by increased activity and barking and getting stressed. This however could not form a reason for refusal of the application.

Public Rights of Way

The proposed development would have a direct effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”*. Whilst it is stated that the footpath is to be retained within the site it appears that it will run as a corridor between 2 metre high fences with the solar voltaic panels at their highest points at 2.1 metres beyond the fence. There is no specification of the width to be retained for the footpath. The access road will directly dissect the footpath and during the construction phase will be a health and safety issue to members of the public.

The impact on the Public Right of Way is considered acceptable, subject to conditions.

Impact upon the setting of the Local Heritage Assets

At the time of report writing a response has not been received from the Council's Conservation Officer. However; the adjacent solar park is in closer proximity to the nearest heritage assets at Combermere Abbey and in relation to that application, it was considered that there would be a less than significant temporary impact and a localised temporary impact on the setting of the Historic Park and Garden. Therefore, given that this is further

away, it is considered to be acceptable. In addition Historic England have raised no objection to the application.

Archaeology

The Environmental Statement submitted as part of the application contains a consideration of heritage issues.

The Assessment contains a consideration of the information held in the Cheshire Historic Environment Record and the results of an examination of the historic mapping, aerial photographs, place name evidence, and LIDAR imagery. It concludes that the archaeological potential of the site is low and that the development is unlikely to affect significant archaeological remains. No further archaeological mitigation is recommended and it is advised that this represents an appropriate conclusion.

CIL Regulations

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

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

Securing a bond for restoration after 25 years is considered necessary and reasonable in the context of the solar farm and taking account of the agricultural land matters directly relates to the development of the solar farm.

Response to Representations

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. These issues are summarised in the representations and include impacts on landscape, open countryside, appearance, cumulative impact, highway safety and amenity.

Planning Balance

The proposal is contrary to development plan policies NE.2 (Open Countryside) and NE.12 (Agricultural Land) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration is the NPPF which states at paragraph 98, that:

When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

In this case, the benefits of the provision of a renewable energy source are considered to outweigh the limited impacts on landscape, ecology and highway safety which, it is considered will not be severe and can be mitigated by the use of conditions

Balanced against the identified benefits must be the loss of an area agricultural land. Given the nature of recent appeal decisions, it is considered that it would be difficult to defend a reason for refusal relating to the loss of agricultural land.

Having regard to sustainability, including environmental, economic and social sustainability, the benefits of the scheme by virtue of the provision of a source of renewable, low carbon energy, are not outweighed by the limited harm to the landscape character of the area.

On the basis of the above, it is considered that the application should be approved.

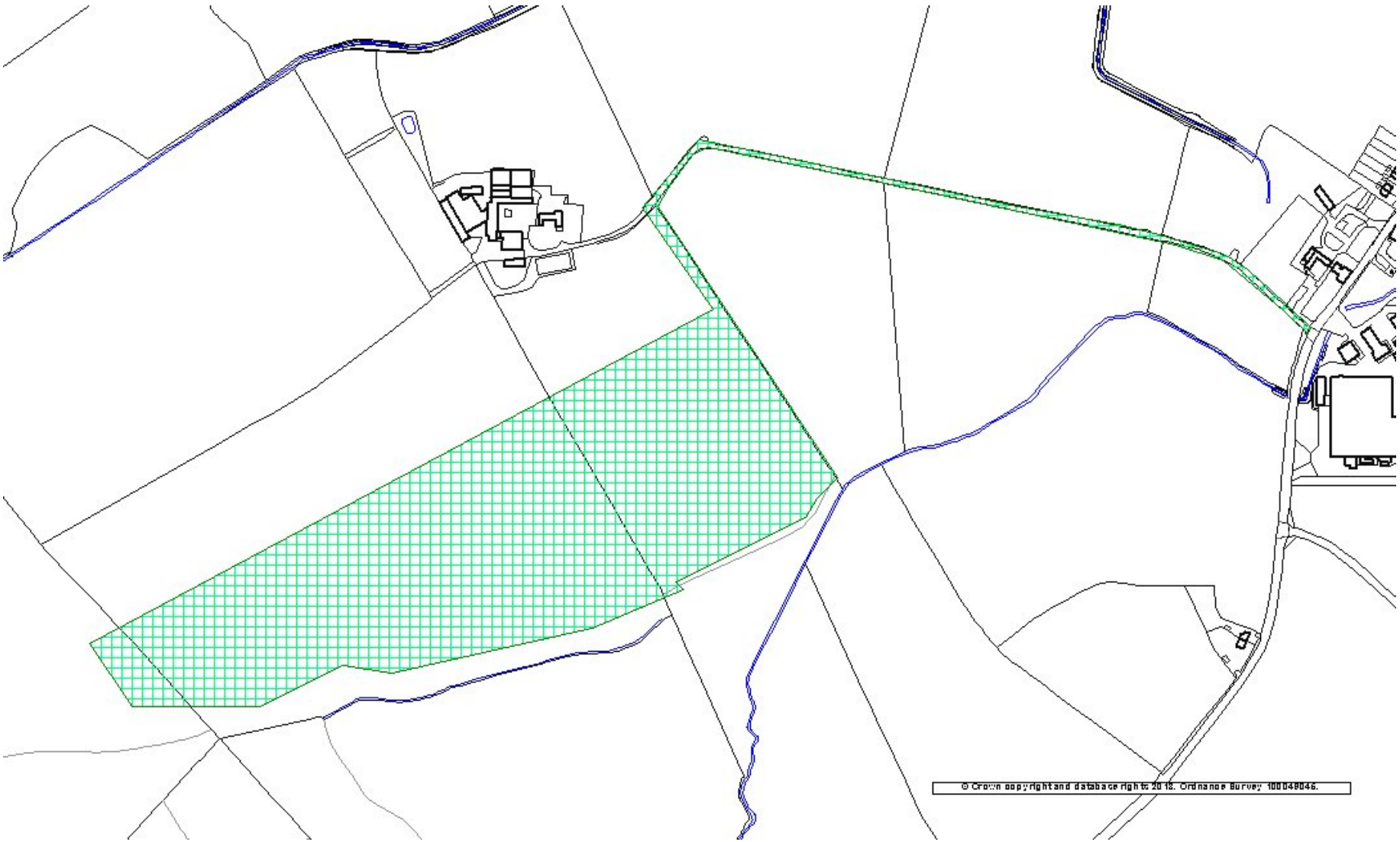
RECOMMENDATION

APPROVE subject to completion of a s106 legal agreement to secure a bond for the clearance and restoration of the land to agricultural use after 25 years.

1. Time limit
2. Approved plans
3. Submission of plans showing visibility splays of 2.4m x 120m
4. Submission of landscaping scheme with planting specification for new hedgerow along northern boundary and details of seeding of the grassland habitats within solar arrays
5. Implementation and maintenance of landscaping scheme
6. Submission and implementation of a Landscape and Habitat Management Plan
7. Submission and implementation of Construction Environment Management Plan
8. Tree protection
9. Tree retention
10. Submission and implementation of full service/drainage layout
11. Submission of report detailing the results of the contaminated land watching brief and any remediation works necessary
12. Submission of and implementation of full details of solar arrays, fencing and all other equipment, including colour and finish
13. Development completed between 1st November and 28th February in any year unless a mitigation statement to avoid Great Crested Newts has been submitted and approved

- 14. Submission of an updated protected species survey and mitigation measures prior to the commencement of development**
- 15. Details of the provision of gaps in the security fencing to allow access for Badgers and Brown Hares**
- 16. Protection for breeding birds**
- 17. Provision of 2 Barn Owl boxes**
- 18. Development completed in accordance with the Flood Risk Assessment**

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.



Application No: 15/3572C

Location: Chells Hill Farm, CHELLS HILL, CHURCH LAWTON, CW11 2TJ

Proposal: Variation of Conditions 05, 09, 10, 11, 15, 19, 22, 23 & 24 on Application 14/2479C for proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking.

Applicant: Mr Ed Nield

Expiry Date: 03-Nov-2015

SUMMARY

The principle of this development has already been deemed to be a sustainable form of development in NPPF terms. The issue of relevance is the effect of the variation of the conditions in terms of allowing the access to be created before the commencement of any further development and Compliance with Para 206 of the NPPF concerning conditions on the following matters:

Access and Highway Safety
Landscape Impact upon Hedgerows
Impact on Protected Species

RECOMMENDATION:

Approve with conditions

DESCRIPTION OF SITE AND CONTEXT

The site is located in open countryside to the east of Hassall Green and east of Rode Heath approximately midway between Pierpoint Locks and Chells Aqueduct. It lies south of Cappers Lane and would be accessed by vehicles via Chells Hill. The land is currently in agricultural use (beef cattle) and is laid to pasture. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and two ponds. The Trent and Mersey canal adjoins the boundary and a public footpath crosses the site. Footpath No. 21 Betchton runs through the site to the canal and beyond.

DETAILS OF PROPOSAL

In April 2013 approval was granted for a proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking (13/0402C). In January 2015 an amended access to the site was approved (14/2479C).

This application seeks to vary conditions 5, 9, 10, 11, 15, 19, 22, 23 and 24. Namely the Grampian conditions that do not allow development to commence until certain criteria have been met. The variation seeks to allow 25 metres of the highway access road to be constructed prior to any other development commencing.

RELEVANT HISTORY

14/2479C Variation of planning conditions 2, 16 and 18 on approved application 13/0402C to allow for the current approved location of the marina road access to be removed and relocated from the B5078 (Chells Hill) onto the A533 (Cappers Lane) – Approved 22nd January 2015

13/0402C Proposed Inland Waterways Marina Including Supporting Facilities Building And Workshop, New Wetlands, Habitat Creation, Ecological Areas, Landscaping, Footpaths, Road Access And Associated Car Parking – approved with conditions 26 April 2013

POLICIES

National Planning Policy

National Planning Policy Framework

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Cheshire Replacement Minerals Local Plan (Adopted 1999)

Policy 45 (Land Bank for Sand and Gravel)

Policy 47 (Areas of Search for Sand and Gravel)

Local Plan Policy

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR8 Agricultural Land
E5 Employment development in the Open Countryside
E16 Tourism and Visitor Development
RC8 Canal /Riverside Recreational Developments

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance

Cheshire East Local Plan

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

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Highways:

None received at the time of report writing.

Environmental Protection:

None received at the time of report writing.

PROW Unit:

No objection.

Canal And River Trust :

No objection.

Cheshire Brine Board:

No objection subject to the recommendation that 'raft' foundations are used.

VIEWS OF THE PARISH COUNCIL:

None received at the time of report writing.

OTHER REPRESENTATIONS

One objection on the following grounds :

- Lack of an adequate visibility splay at the location of the revised opposition of the access road

The comment can be viewed in detail on the application file and on the Council's website.

OFFICER APPRAISAL

Principle of Development

The principle of development has already been accepted following the approval of application 13/0402C. An alternative access point was also approved under application number 14/2479C. This determination seeks only to allow the construction of 25 metres of the access road prior to complying with pre-commencement conditions. Subject to the submission of detailed highway access design, this is considered to be acceptable.

Amenity

The closest dwellings are Oak Tree Cottage and The Barn, both located on Chells Hill, some 250m from the proposed basin. The other close dwellings are that of the applicant himself and Sundown, which is located some 60m from the proposed vehicular access and circa 370m from the proposed basin.

Given the distances involved to nearby residential properties and the likely pattern and intensity of the activities which would occur at the proposed marina it is concluded that the proposed development will not have any detrimental impact upon the amenity or privacy of residents in the area.

Landscape Impact and Trees/Hedgerows

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land is generally flat.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas,*

protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

Policy PS8 accords with the NPPF desire to recognise the intrinsic character of the countryside. The relocated access has no greater impact upon the countryside than the access point that was originally approved.

There are no landscape designations on the application site. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being ‘of good quality’. This is a pleasant rural landscape having a reasonable distribution of semi-natural features’.

Levels

These are unchanged by this proposal. It is intended that the spoil excavated from the marina basin will be placed on the surrounding land which would then be returned to meadow. The farmer intends to re-introduce grazing to the majority of the re-contoured part of the site. The submitted Landscape Character Assessment indicates that the spoil areas will be at a constant depth of 1.48m, sloping as the current slope does at 1 in 10 and that the edge of the bank of the basins will be steeper, sloping to the water’s edge at 1 in 3. Some further information is required, particularly where this spoil is closely related to the root protection area of existing trees, however, this can be satisfactorily addressed via condition.

Hedgerows/Trees

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as ‘Important’. Should any hedgerows be found to be ‘Important’ under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the new access with visibility splays on Chells Hill. Whilst an existing access would be closed up, (a circumstance which could fit an exemption clause in the Regulations), there would be a net loss of hedgerow, however, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Chells Hill frontage. On this basis Policy NR3 is complied with.

Ecology

The previous application was supported by a Great Crested Newt survey which was undertaken 4 years ago. The Council’s Ecologist considers that this survey is still acceptable for planning purposes.

Evidence of breeding Great Crested Newts was recorded at a number of ponds within 500m of the proposed development. In the absence of mitigation the proposed development is likely to have an adverse impact on this species as a result of the permanent and temporary

loss of terrestrial habitat and the risk of killing/injuring animals during the construction phase. Considering the nature of habitats present the potential impacts of the proposed development are relatively low considering the scale of the proposed works.

However since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license.

The Habitats Regulations only allow a derogation license to be granted when:

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

In this case, the economic benefits associated with the tourism attracted to the area and the employment generated is considered to be of overriding public interest, taking into account the low level impacts as noted by the Council's Ecologist.

To compensate and mitigate for the loss of terrestrial habitat the applicant proposes the creation of new ponds.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. Subject to conditions, the favorable conservation status of the species will be maintained.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

A badger sett which appeared to be dis-used at the time of the survey was recorded on site. However, setts can become re-occupied and given the badger survey is over 12 months old it is recommended that an updated survey is undertaken before any development occurs. The updated report should include and mitigation/compensation proposals for any adverse impacts identified.

Standard conditions will be required to safeguard breeding birds and ensure additional provision is made for breeding birds and roosting bats.

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats.

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of part of the hedgerow fronting Chells Hill Road to form the vehicular access. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

Highways and Traffic Generation

Under the previous application, (14/2479C) the position for the access was approved to be relocated to Cappers Lane from Chells Hill. This is to be where the applicant has a field access and has been assessed by the Head of Strategic Infrastructure (HIS) who considered the access point to be appropriate.

An objection has been received questioning why this application should be allowed when condition 16 of application number 14/2479C requires submission of detailed highway access design prior to commencement of development. It should be noted that this condition should also be imposed if this application is approved to ensure that there is no adverse impact on highway safety.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The provision of a marina with workshop and facilities buildings at this site is consistent with policies for outdoor recreation in the rural area and has already been accepted.

The proposal to vary pre-commencement conditions to allow for 25 metres of the access road to be formed before any other form of development commences, would not undermine any of the reasons for which the original conditions were imposed.

Detailed highway access design will still be required prior to the commencement of **any** development to ensure that there is no adverse impact on highway safety.

The development will therefore comply with Policies GR1 (Amenity), GR2(Design), GR5 Landscaping;GR6 Amenity and Health; GR9 Accessibility, servicing and provision of parking ;GR15 Pedestrian Measures; GR17 Car parking; GR18 Traffic Generation PS8 (Open Countryside), NR1 Trees and Woodland; NR3 Habitats; NR8 Agricultural Land; E5 Employment development in the Open Countryside; E16 Tourism and Visitor Development; RC8 Canal /Riverside Recreational Developments and RC8 (Promotion of Canals and Waterways) of the Borough of Congleton Borough Council Replacement Local Plan 2005 and comprise a development that accords with the thrust and principles of the NPPF.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

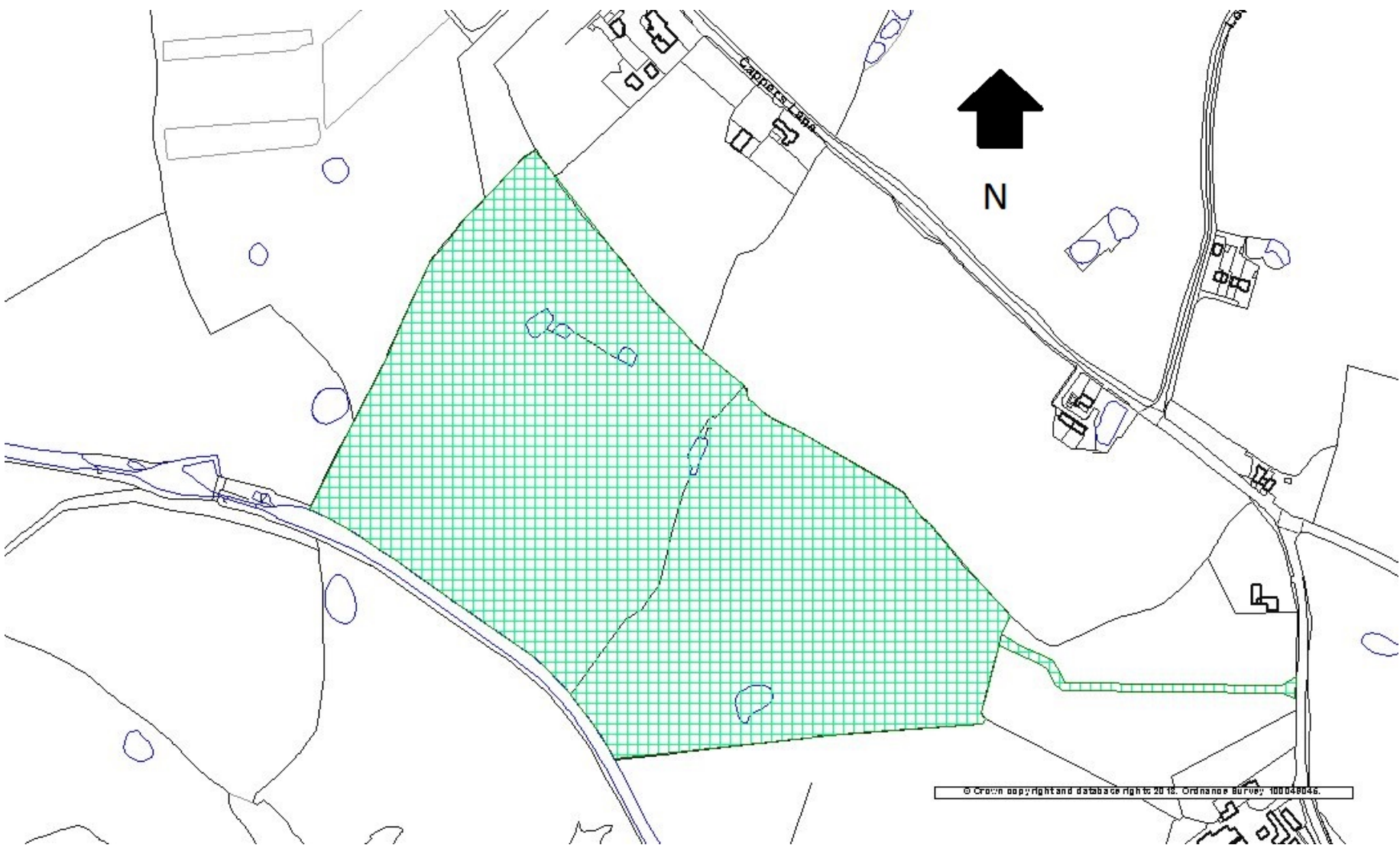
1. Commencement of development – time frame as originally approved
2. Approved Plans (14/2479C)
3. Materials -buildings and all hard surfaces
4. Tree survey
5. Except for the construction of the first 25 metres of the new highway access road and notwithstanding the submitted landscaping details, prior to the commencement of development, full details of structural landscape planting/additional screen planting to

be introduced on the site shall be submitted to and agreed in writing by the Local Planning Authority

6. Full details of the works to deposit the excavated material on the site and finished site levels shall be submitted to and agreed in writing by the local planning authority.
7. Amended landscaping scheme including details of any boundary treatment inc replacement hedge/ all fencing to segregate marina from farmers field/ landscape management plans to be submitted
8. Implementation and maintenance of landscaping
9. Except for the construction of the first 25 metres of the new highway access road, submission of 10 year habitat management plan
10. Except for the construction of the first 25 metres of the new highway access road detailed designs of new ponds shall be submitted
11. Except for the construction of the first 25 metres of the new highway access road, details of provision of bat and bird boxes shall be submitted
12. Safeguarding breeding birds
13. Implementation of Great Crested Newt mitigation, subject to Natural England licence.
14. Scheme to limit the surface water runoff generated by the proposed development, to be submitted to and approved
15. Except for the construction of the first 25 metres of the new highway access road, details of temporary protective metal fencing to be erected 5 metres from the Trent and Mersey Canal shall be submitted
16. Prior to first development the developer will provide a detailed highway access design from the revised access point on Betchton Lane, based on a topographical survey, which will show standard junction geometry and be tracked to demonstrate safe turning movements and to the satisfaction of the LPA.
17. Prior to first development the developer will provide an amended plan showing intervisible passing places along the internal access road to the marina to the satisfaction of the LPA.
18. Workshop/ maintenance /repairs of canal boats only
19. Except for the construction of the first 25 metres of the new highway access road a scheme to implement a programme of archaeological work shall be submitted
20. Narrow boats within dry dock to be stored at ground level only and not stacked

21. No moorings to be used as sole or main residence and the site operator shall maintain an up-to-date register of the names and addresses of all owners and occupiers, and shall make this record available to the local planning authority at all reasonable times, upon request
22. Except for the construction of the first 25 metres of the new highway access road a scheme to allow pedestrian access across the Trent & Mersey Canal at Pierpoints Bottom Lock (Lock 56) to be submitted
23. Except for the construction of the first 25 metres of the highway access road bin store details shall be submitted
24. Full details of all external lighting to be submitted prior to installation
25. Submission of amended tree protection plan required to reflect amendments to spoil disposition. Implementation.
26. Updated badger survey

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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Application No: 15/3868N

Location: 144, Audlem Road, NANTWICH, Nantwich, Cheshire, CW5 7EB

Proposal: Outline permission for Residential development for up to 104 dwellings (Use Class C3) and land for expansion of Brine Leas School (Use Class D1)

Applicant: Wainhomes (North West) Ltd

Expiry Date: 23-Nov-2015

SUMMARY:

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The principle of development, having regard to the northern portion of the site has previously been accepted under outline application 13/1223N, to which the appeal was allowed on August 2014.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Nantwich.

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

Having regard to the above benefits of the scheme including housing land supply and the Inspector's previous decision to application 13/1223N, it is considered that the adverse impacts in approving this development would not significantly and demonstrably outweigh the resultant benefits.

SUMMARY RECOMMENDATION:

Approve subject to conditions

SITE DESCRIPTION:

The application site is to the southern edge of Nantwich and mostly to the rear of a row of housing along Audlem Road, the A529. The majority of the site is semi-improved grassland. The gardens of the housing lie to the east, while the grounds and extensive playing fields of

Brine Leas High School and Weaver Vale Primary School lie to the north and west respectively. Elliots Wood is located to the south of the site.

Other than the access proposed through No 144 Audlem Road, the site lies outside of the settlement boundary as defined in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The proposal would involve the demolition of the dwelling at No 144 to allow for a new access to the site. The A529, reportedly an historic turnpike road between Chester and London, approaches Nantwich from the south. There is housing to both sides of Audlem Road, a small church and a public house, beyond which, traffic signals mark the junction with the A5301 and the road then leads, via the B5341, into the centre of Nantwich, which offers a range of facilities and transport options.

Public footpaths No 1 and No 28, run to the west of the site and improvements are proposed to these footpaths as part of the scheme.

PROPOSAL:

The proposal seeks outline planning permission and approval for access for 104 no. dwellings.

Access would be obtained via No 144 Audlem Road, for which permission has already been granted to demolish the existing dwelling and create a new access under outline application 13/1223N.

The proposal also seeks permission to change the use of the land in the northern portion of the site to use class D1, to become part of the Brine Leas school site.

RELEVANT HISTORY:

14/4588N - Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N. Approved 02nd February 2015.

13/4603N - Outline application for up to 40 dwellings (resubmission of 13/1223N). Refused 20th March 2014.

13/1223N – Outline application for up to 40 dwellings. Appeal allowed 04th August 2014.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

17, 49 & 55

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 (Open countryside)
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

Supplementary Planning Documents:

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

CONSULTATIONS:

Highway Authority: No objection subject to a condition to secure the submission of a Travel Plan to the satisfaction of Cheshire East Council and S.278 Agreement for the provision of a safe and suitable pedestrian crossing facility.

CEC Environmental Health: Object to the application given there is no AQA submitted in support of the application. This has subsequently been provided and has been submitted to the Environmental Health Officer for consideration. Comments would be provided as an update. Conditions regarding the submission of an Environmental Management Plan and contaminated land are required.

Strategic Housing: No objection based on the applicants confirmation that 30% affordable housing would be provided on site, 65% as affordable and 35% as intermediate tenure.

Flood Risk: No objection subject to conditions to secure a surface water disposal scheme.

United Utilities: No objection subject to conditions to secure disposal of foul and surface water.

CEC Education: A contribution of £478,408.84 would be required given the proposal is expected to generate 20 primary school children and 16 secondary school children. CEC Education object to the application given this contribution has not been agreed by the applicant.

Public Rights of Way Network: No objection subject to conditions requiring the submission of a management plan, on-site improvements to Public Footpath No 1 Batherton. Off site improvements to Public Footpath No 28 Nantwich have previously been agreed under approved application 13/1223N and a contribution of £30,000 would be required as part of the S.106.

Ansa (Public Open Space): No objection.

Stapeley Parish Council: Object to the application. Concerns raised include safety concerns for access/egress to and from the site, the application is premature as the land forms part of the Neighbourhood Plan area, the Traffic Assessment supporting the application was carried out at one peak time, future potential for further expansion around the site, change in character of the parish from rural to urban, loss of agricultural land.

Nantwich Town Council: General observations made. Comments raised include the site was not included in the Nantwich Town Strategy or the original version of the Local Plan. Concerns raised regarding the proposed access.

REPRESENTATIONS:

33 representations received. 32 objecting to the proposal and 1 in support of the proposal.

Letter of support

Approval of this application would provide additional land for Brine Leas School which will enable the school to extend and provide new accommodation for pupils.

Objections - Local Residents

Principle of Development and Housing Need

- The developer has not made a case for local housing need.
- There are already too many planning applications for building houses on agricultural land/green belt in and around Nantwich.
- Inappropriate use of valuable agricultural land.
- This site is located on greenfield land outside the settlement boundary which is designated as Open Countryside. It is therefore contrary to saved policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011
- The development of the site would result in the loss of agricultural land.
- It is a greenfield site which should be preserved
- Nantwich has exceeded its housing allocation
- The development is premature as work on a definitive Housing Needs Assessment for the local area is currently work in progress.
- Nantwich as a whole, has exceeded its housing numbers allocation
- The field released to the school will not be returned to agricultural use
- The Inspector stated in the previous decision that *'There is a direct connection to the agricultural land to the south, which suggests that this could be a viable field to remain in productive use'*

Highways and traffic

- Narrow / restricted movement up and down the street caused by parked cars
- New houses will result in additional traffic
- Danger turning right from new access
- Proposal to build a footway makes a narrow road even narrower
- Traffic Congestion
- Issues at school time
- Narrow access will create accidents
- Proposed access would be insufficient and unsafe
- No provision in the outline application for alternative parking spaces, creating difficulty for existing residents to park outside their home
- The Transport Assessment has not demonstrated that the proposed access road is fit for purpose
- Regular HGV movements along the road to service the milk and farming industry
- Poor visibility at the access

Infrastructure

- The development would result in a strain on the town's facilities including schools, doctors, dentists, surgeries, hospital and emergency vehicles
- The field would not be strong enough to build on for another 35 years, since the new sewers were fitted some 11 years ago
- Gifting land to the school is not a valid planning reason to approve the application

Ecology and Wildlife

- Development of the site will have an adverse affect on the ecology and wildlife in the area.

- Development would result in the loss of trees

Other

- The beauty of Nantwich is being spoilt by unnecessary development
- There seems to be no sense in further destruction of the character of Nantwich, for unnecessary housing purely to line developers pockets.
- Will affect existing householder's privacy and noise levels
- Local schools and infrastructure cannot support further growth
- Adverse impact on existing levels of residential amenity for existing occupiers, including overshadowing and overlooking

APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

The northern portion of the site has outline planning permission for up to 40 no. dwellings, granted on appeal under 13/1223N on 04th August 2014. The principle for residential development in the northern portion of the site has therefore already been established.

Nevertheless, this application proposes a larger residential scheme for 104 no. dwellings which extends southwards of the approved scheme.

The proposed development would not fall within any of the categories of exception to Policy NE.2 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.

The impact of the change of use of land from agricultural land to land for the school (use class D1) at this stage is difficult to assess and it remains unknown how the land will be used. However, the expansion of a school into adjacent countryside can be accepted provided there is demonstrated need. Further discussion on this matter is on-going with education colleagues and will be updated accordingly.

Housing Land Supply

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

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

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

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

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

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

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

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls partly within the Nantwich sub-area and partly in the Wybunbury and Shavington sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

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% affordable or social rented and 35% intermediate tenure. This would equate to a requirement of 31 affordable units in total on this site, split as 20 for social or affordable rent and 11 for intermediate tenure.

In this case the Strategic Housing Manager originally objected to the application due to the lack of detail in relation to affordable housing provision on this site. However the applicants

have now confirmed that they will provide 30% affordable housing on this site (20 social rented units and 11 intermediate tenure). The Strategic Housing Manager has now confirmed that this is acceptable and this would be secured as part of a S106 Agreement. Exact details of the affordable housing would be provided at reserved matters stage.

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 required would be 3,640sq.m. The submitted Design and Access Statement states that the level of public open space provided by the development would amount to 3,200sq.m which would be located to the north of the development. This does however fall 440sq.m short of the requirement under Policy RT.3.

The applicant has since confirmed that this figure excludes the open space provision along the western boundary of the site. However, the strip along the western boundary has been indicated in the response of the Councils Ecologist that this should be a wildlife corridor.

A revised plan has been submitted in accordance with the Ecologists comments in regards to the presence of great crested newts on the site, to which revised comments are awaited and will be provided as an update. Therefore, this western strip is currently being assessed for the potential of providing a wildlife corridor and the provision of public open space here may not be possible.

In taking the relative shortfall of open space provision required and the potential lack of open space provision along the western boundary, it is considered that an appropriate mitigation would be required to compensate for the shortfall of POS provision. This is currently under discussion with the applicant and will be provided as an update prior to the Strategic Planning Board meeting.

In terms of children's play space this would be provided on site and the applicant has indicated in the Planning Statement that they are willing to provide a LEAP. Public Open Space has requested a provision of 5 pieces of play equipment. This is considered would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

CEC Education

CEC Education advise that a development of 104 no. dwellings is expected to generate 20 primary school children and 16 secondary school children. The development is forecast to increase an existing shortfall predicted for 2019 and beyond, for both primary and secondary provision in the immediate locality.

To alleviate forecast pressures, contributions to the sum of £478,408.84 would be required. This would be split as £216,925.80 for primary school children and £261,483.04 for secondary school children.

CEC Education currently hold an objection to the proposal, given the applicant has not agreed to provide the financial mitigation required.

The applicants advise that should this development be approved, the land in the northern portion of the site to which has outline permission, would be gifted to Brine Leas School as part of the application.

Discussions are currently proposed between CEC Education, the applicant and the school to which an alternative provision is being discussed. The results of which would be added as an update to this report prior to the Spatial Planning Board meeting.

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.

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	1100m
Local Amenities:	Convenience Store (500m)	1000m
	Supermarket* (1000m)	1400m
	Post box (500m)	31m
	Playground / amenity area (500m)	1300m
	Post office (1000m)	1800m
	Bank or cash machine (1000m)	1000m
	Pharmacy (1000m)	1400m
	Primary school (1000m)	750m
	Secondary School* (1000m)	400m
	Medical Centre (1000m)	2200m
	Leisure facilities (leisure centre or library) (1000m)	2100m
	Local meeting place / community centre (1000m)	26m
	Public house (1000m)	170m
	Public park or village green (larger, publicly accessible open space) (1000m)	1100m
	Child care facility (nursery or creche) (1000m)	2000m
Transport Facilities:	Bus stop (500m)	23m
	Railway station (2000m where geographically possible)	1300m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	1300m

Disclaimers:

The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.

** Additional parameter to the North West Sustainability Checklist*

Measurements are taken from the centre of the site

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

The site fails against 11 criteria in the North West Sustainability checklist, 8 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Nantwich is a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur. Nevertheless, this is not untypical for suburban dwellings and the proposal would lie to the side of the established linear form of development along Audlem Road of which lie within Nantwich Settlement Boundary.

Similar distances exist between the town centre and the approved development site (subject to the completion of the S.106 Agreement) at Kingsley Fields and, although the development at Kingsley Fields would probably be large enough to have its own facilities, not all the requirements of the checklist would be met on site.

Accordingly, it is considered that the site is locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

Due to the separation distances involved to existing properties along Batherton Lane and Audlem Road and the intervening boundary treatments, there is not considered to be a significant impact to the surrounding dwellings.

Detailed measures to achieve appropriate levels of existing and proposed residential amenity between properties would be secured at reserved matter stage.

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan and contaminated land.

Air Quality

The applicant has submitted an Air Quality Assessment to which Environmental Health

The Environmental Health Officer objected to the application given no Air Quality Assessment had been submitted with the application. This has subsequently been received and submitted to the Officer for consideration and this will be provided in an update prior to the Strategic Planning Board meeting.

Public Rights of Way

The development would affect Public Footpaths No. 28 Nantwich and No. 1 Batherton.

PROW raise no objections to the development subject to a condition to secure a Public Rights of Way scheme of management to be submitted to and approved in writing by the Local Planning Authority.

Proposed on-site improvements to Public Footpath No. 1 Batherton which runs along and within the western boundary of the site, would involve the provision of an all-weather route between the site and the facilities of the school and town centre. Public Rights of Way have confirmed that the specification of the route improvement has been agreed and confirmed with the applicant and this would be added as a condition to any grant of consent.

Public Footpath No. 28 Nantwich runs from the north-western boundary of the site northwards and provides a sustainable, traffic-free route between the site and the facilities of the schools and town centre.

Provision of off-site improvements to this route, to the sum of £30,000 has previously been established and agreed with the applicant under approved outline application 13/1223N. This sum would also be required for this application and would be secured in the S.106 Agreement.

Highways

Access

The application is made in outline with approval for access only.

Access into the site would be direct from Audlem Road and the detached dwelling at No. 144 would be demolished as part of the proposal. The proposed access has already been established given the same access was proposed and allowed on appeal under outline application 13/1223N.

The access remains as previously approved, consisting of a simple priority junction with a footway provided to the north and south. The footway provision provides a build out for the access and a narrowing of Audlem Road from approximately 7.2m to 5.5m in the vicinity of the site access.

The visibility splays indicated are 2.4m x 34m to the north (to the edge of the carriageway) and 2.4m x 32m to the south (0.17m into the carriageway).

As the Inspector in his decision to outline application 13/1223N accepted that the proposed access would be safe, the Highway Authority accept that there would be no capacity issues at the site access itself and that the access would be safe and suitable for this proposed development of 104 no. dwellings.

Traffic impact

A Transport Assessment has been submitted in support of the application. The traffic data was collected in 2013 however is considered to be suitable for the assessment of the impacts of this development proposal.

The footway provision mentioned above would result in a narrowing of Audlem Road to 5.5m. Audlem Road generally has parking present throughout the day in the vicinity of the site access particularly on the opposite side of the road. Under the existing layout, even with parking present, cars can pass each other with care allowing two-way vehicle flow but a car and larger vehicle cannot pass each other with the parking present. Larger vehicles form some 5% of overall traffic flows on Audlem Road. overall traffic flows on Audlem Road.

The narrowing of the carriageway, with parking present, would form a barrier to two-way traffic flow unless parking on Audlem Road relocates. The applicant is proposing six unallocated parking bays alongside the access road to their development. This issue was considered at Inquiry for the outline application under 13/1223N to which the Inspector concluded that whether or not the parking bays were used by residents of Audlem Road, the impact of the development would not be severe in terms of delays to existing vehicles using Audlem Road.

The proposal is for an additional 64 dwellings, beyond the original approval. It is considered that realistically, this level of additional development would be likely to generate 35 to 45 peak hour vehicle trips. This authority made a case for severe traffic impact related to the proposed 40 dwellings. Given the views expressed in the Inspector's decision that such impact was not severe it is considered unlikely that a Highways refusal for an additional traffic impact of less than one vehicle per minute in peak hours could be sustained, even with the increased delay associated with the road narrowing.

Pedestrian Access

The applicant is proposing upgrades to existing footpaths and the provision of a footway to the south of the site access on Audlem Road. The upgraded footpaths would assist mainly those at the site and the footway on Audlem Road would assist those in dwellings immediately to the south of the site access; with its primary purpose being to increase visibility from the site access at the expense of carriageway width and potential increased delays to main road traffic with parking in place.

The assessment of access on foot to local services and facilities relied upon in the TA refers to 'preferred maximum' rather than 'acceptable' walking distances. Besides access to bus stops and a secondary school, distances on foot to many other facilities is not ideal and are, in fact, beyond what are indicated as 'acceptable' distances in the IHT guidance.

It is considered that the WYG conclusion in their TA that the site is 'very accessible by foot' is not supported by the evidence base.

In this respect, the Head of Strategic Infrastructure considers that more needs to be done to promote sustainable transport modes and reduce the reliance on the single-occupancy private car. A condition would be attached to any grant of consent to secure the provision of a Travel Plan to the satisfaction of Cheshire East Council, prior to commencement of

development. A S.278 agreement would also be attached to the decision notice to secure provision for 2 no. bus shelters.

Concerns have been raised through the consultation process regarding the safe crossing of Audlem Road, given that traffic flows on the road would increase as a direct result of this development (and the approved development). This issue has been discussed with the applicant as well as the applicants Highway Consultant and it has been agreed that a suitable and safe pedestrian crossing would be implemented to support the application, between the site access and traffic signal junction to the north. Details of the level and form of contributions required for the provision of the crossing are currently under discussion and an update will be provided prior to the Strategic Planning Board meeting.

Highways Conclusion

On balance, it is considered that the current application, even for this higher level of development, would be likely to result in a similar outcome on the original matters raised, provided the conditions and S.278 Agreements above are addressed.

Character and Appearance

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

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

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. The proposal would have a low density of 20.8 dwellings per hectare, which is considered to be appropriate. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Trees/Hedgerows

The submitted report identifies 25 individual trees, 7 groups and one boundary hedgerow located within and immediately adjacent to the application site. Ten individual trees have been identified as High (Category A) trees; 4 individual and 4 groups as Moderate (Category B) trees and 11 individual trees as Low (Category C) trees. One tree, a Hawthorn require removal by virtue of its condition.

In terms of impact on trees, access from 144 Audlem Road is as the extant consent and would necessitate the removal of two low category groups (G1, G2) and the declining Hawthorn referred to above.

Access to the southern part of the site would require the removal of trees (mostly Hawthorn and Elm) within a moderate category group (G3). It is acknowledged however that the impact is not considered to be significant in terms of the wider amenity.

The submitted sketch plan seeks to demonstrate how up to 104 dwellings could be accommodated on the site. Whilst this shows how dwellings are to be located around internal access roads, it is not considered that this would result in the most appropriate design in terms of the retention of those A and B category tree constraints identified in the submitted Tree Report. The positions of existing trees, in particular those located on the Batherton Road frontage are not shown accurately on the sketch plan and it would appear that a number of mature trees along the Batherton Road frontage would potentially be located within the rear gardens of properties. As part of the design process required by BS5837 there is a requirement to ensure due allowance for space around retained trees, particularly in terms of their relationship and social proximity to new buildings. If mature trees are to be located within rear gardens, then additional space may be required in order to ensure the trees long term retention, which could impact upon the overall layout design in terms of plot numbers.

No reference is made in the submitted Tree Report to Elliots Wood to the south of the site. In this regard an assessment would need to be carried out as part of an Arboricultural Impact Assessment as to the impact in terms of the future growth of woodland edge trees and the shading of buildings and gardens.

Existing trees to the west (adjacent to FP1 Batherton) are shown located within proposed open space although there is some interface with buildings. BS5837:2012 design and Root Protection Area (RPA) requirements as part of a formally submitted Arboricultural Impact Assessment (AIA) at reserved matters stage would need to address these issues.

Any reserved matters application would need to be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations). The AIA would need to evaluate the direct and indirect impact of the proposed design and layout at reserved matters stage on existing trees.

Landscape

The application site is flat and well enclosed. The application has been considered by the Councils Landscape Architect who considers that a housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

The Landscape Architect broadly agrees with the submitted Landscape Visual Impact Appraisal that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

Detailed landscape proposals would be addressed at reserved matters stage.

Ecology

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

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

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

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts

Great Crested newts have been recorded at a pond located within the centre of the proposed housing development and also at numerous ponds surrounding the development.

The proposed development would result in the loss of one pond used by great crested newts and also a significant area of relatively low value terrestrial habitat. The proposed development would also pose the risk of killing or injuring any newts present on site when the development was undertaken.

In order to address the potential impacts of the proposed development the applicant is proposing to remove and exclude newts from the footprint of the proposed development using standard best practice measures under the terms of a Natural England license. The loss of the

pond would be compensated for through the enhancement of an existing pond and the construction of a new pond to the north of the proposed houses.

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

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

The Council's Ecologist advises that the proposals to mitigate the risk of newts being killed or injured during the construction phase are considered to be acceptable.

Concerns were initially raised in regards to the location of the replacement pond, which was originally sited further north of the existing pond and 270m north of Elliots Wood. This was considered would isolate the pond from the potentially high value terrestrial habitats at Elliot's Wood and the network of ponds located to the south of the application site.

The applicant has since submitted a revised Masterplan, showing the relocation of the pond, so that it would be sited approximately 76m north of Elliots Wood and set within an area of terrestrial habitat which is linked to the northern pond through a wildlife corridor which follows the line of existing public footpath No. 1 Batherton. This has been submitted to the Council's Ecologist and his comments would be provided as an update prior to Strategic Planning Board meeting.

Roosting Bats and Trees

A number of trees have been identified as having potential to support roosting bats. Based upon the submitted masterplan, the Council's Ecologist advises that it appears feasible for these trees to be retained as part of the proposed development. It is considered that bats would not therefore present a constraint to the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. It appears likely that the proposed development would result in the loss of a section of hedgerow to facilitate the site access. It must be ensured that any losses of hedgerow are compensated for by means of appropriate native species hedgerow creation at the detailed design stage of the development.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. The Council's Ecologist recommends that a condition to support the presence of hedgehogs is attached to any grant of consent.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. 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 Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSATINABILITY

Loss of Agricultural Land

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

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

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

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

The previous outline application under 13/1223N included the submission of an agricultural land survey which indicated that the northern portion of the site is grade 3a agricultural land. The applicant has not submitted a survey to accompany this application, however, given the application site is only separated to the northern portion of the site by a hedgerow, it is assumed that the application site would also be classed as grade 3a agricultural land.

Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

The Council accepted in the Statement of Common Ground relating to application 13/1223N, that the loss of BMV land would not be a reason to refuse the application in the absence of a five year housing land supply. In his decision, the Inspector concluded that given the scale of land in the district available for agriculture, the loss of BMV land in this instance represented only a limited weight against the proposal.

It is acknowledged that the size of the application site is larger than the previously approved outline application. However, the Inspector also concluded in his decision under 13/1223N that

the proposed development would significantly contribute to the Council's shortfall in housing land supply as well as result in an increase in affordable housing in the area, to which afforded greater weight than the impact of the development on the character and appearance of the open countryside and loss of agricultural land.

Accordingly, this would be weighed in the overall planning balance.

CIL Regulations

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

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

As explained within the main report, POS and 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. The contribution/mitigation required is currently under discussion with the applicant and will be provided as an update prior to SPB meeting.

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 primary and secondary schools which would support the proposed development, a contribution towards primary and secondary school education is required. This is currently under discussion between CEC Education, the Brine Leas High School and the applicant, having regard that the applicant is gifting a portion of land to Brine Leas High School. This will be provided as an update prior to the meeting.

The development would result in increased use of Public Footpath No 28 Nantwich, which is presently unsurfaced and considered to be unsuitable for year round use. The route is considered to be an important sustainable transport route to and from the proposed development and a contribution to improve the route is considered to be necessary and reasonable. The contribution sum of £30,000 has already been established under approved outline application 13/1223N.

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The principle of development, having regard to the northern portion of the site has previously been accepted under outline application 13/1223N, to which the appeal was allowed on 04th August 2014.

The Inspector concluded in the appeal decision that the proposal would meet the economic and social role of sustainable development.

The NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would be successful in defending a reason for refusal on the grounds of lack of locational sustainability.

Furthermore, the Highway Authority has requested that the development provides a pedestrian crossing and the upgrade of the existing 2 no. bus stops located adjacent to the site, to bus shelters. This is envisaged would help to improve non-car mode accessibility.

In addition to its locational sustainability, the proposal would supply up to 104 no. market housing on the edge of Nantwich Settlement Boundary which is considered would help to contribute to housing supply in the local area.

The proposed development would also generate direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

It is acknowledged that the proposal would result in harm to the character and appearance of the open countryside and the loss of the best and most versatile agricultural land. However, the Inspector concluded in the previous decision that the resultant harm in this respect did not outweigh the significant economic and social benefits to which the development would result, stating that:-

“Of greater weight in my view, are the benefits that the proposed developments would have, which include, in particular, the significant contribution to addressing the shortfall in the Council’s housing supply, and the pressing need for more affordable housing in the area.”

The Inspector further considered that the proposal was sustainable development concluding that:

“when considered against the test of paragraph 14 of the Framework, (the development) has clear benefits, which are not significantly and demonstrably outweighed by the harm I have identified and that the overall balance of material considerations weigh in favour of granting planning permission.”

Therefore, having regard to the housing land supply and the Inspector’s previous decision to application 13/1223N, it is considered that the adverse impacts in approving this development would not significantly and demonstrably outweigh the resultant benefits. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following Heads of Terms to be secured as part of any S106 Agreement:

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

- transfer of any rented affordable units to a Registered Provider
- provision of details of when the affordable housing is required
- provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
- requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015

2. Provision of a LEAP (5 pieces of equipment) to be maintained by a private management company

3. Provision of £30,000 towards off-site improvements to Public Footpath No. 28 Nantwich

Education contributions TBA

Provision of the pedestrian crossing TBA

And the following conditions:-

1. Submission of Reserved Matters

2. Application for Approval of Reserved Matters

3. Plans

4. Submission / Approval and Implementation of a Public Rights of Way scheme of management having regard to Public Footpath No. 1 Batherton

5. Submission / Approval and Implementation of Environmental Management Plan

6. Submission / Approval of Information regarding Contaminated Land

7. Submission / Approval and Implementation for a Hedgehog Protection Scheme

8. Submission / Approval and Implementation of a Travel Plan to include public transport vouchers to the value of six month season tickets from a local operator (one per household) and upgrade of 2 no. local bus stops to shelters

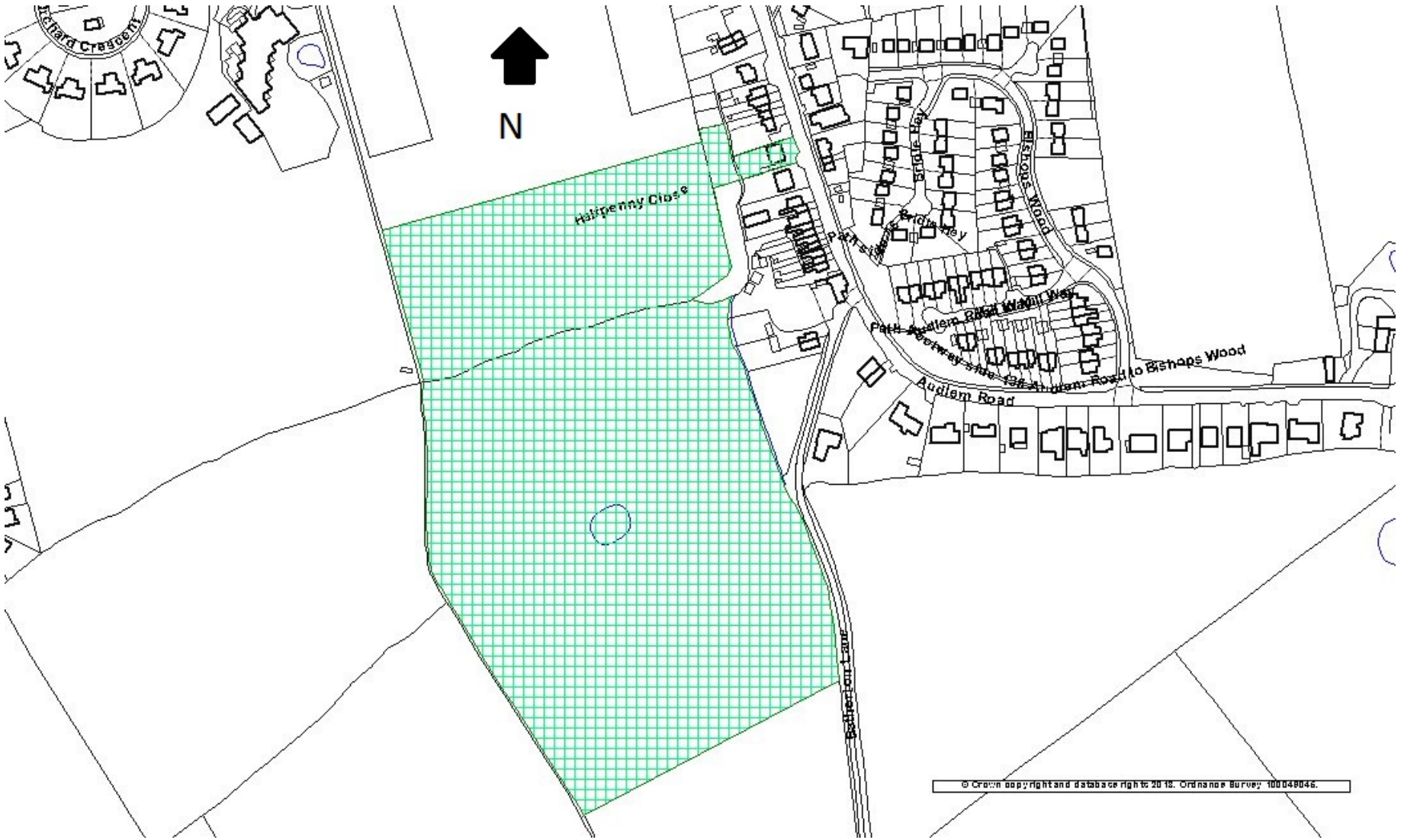
9) Sustainable Drainage Scheme

- 10) Surface Water Disposal Scheme
- 11) Foul Water Disposal Scheme
- 12) Submission / Approval of an Arboricultural Impact Assessment
- 13) Submission / Approval and Implementation of a Habitat and Landscape Management Plan
- 14) Construction of Access Road and Additional Parking Spaces

* * * * *

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 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.



Application No: 15/4046N

Location: Land Off, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE

Proposal: The approval of reserved matters in respect of appearance, landscaping, layout, and scale for the construction of 275 dwellings including landscaping, recreation and amenity open space on land at Crewe Road, Shavington.

Applicant: Taylor Wimpey UK Limited

Expiry Date: 08-Dec-2015

SUMMARY:

The site already has outline planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside. The proposal is acceptable in terms of design, amenity, access and parking and greenspace etc. The proposal is therefore economically, environmentally and socially sustainable.

RECOMMENDATION: APPROVE Subject to conditions

SITE DESCRIPTION:

The East Shavington site extends to approximately 12.02 ha, the majority of which being existing agricultural land. The application also includes the existing residential property, no. 28 Crewe Road which will be demolished to provide the vehicular/pedestrian/cycle access to the site, and the southern side single storey structure to no. 56 Crewe Road, which will be taken down to provide for pedestrian/cycle access (the rest of 56 Crewe Road will remain insitu). The site is generally level and there are a number of field trees and hedgerows within it.

A public footpath crosses the site from south to north between Crewe Road and Weston Lane passing over Swill Brook and is joined from the east by two other public rights of way, which give access to the wider countryside to the east.

PROPOSAL:

Members may recall that Outline planning permission was sought for up to 275 new family homes, in a mix comprising 2-5 bedroom unit including mews, semi-detached and detached dwelling, of 2 and 2½ storeys in height in a variety of styles. Vehicular access was to be provided directly from Crewe Road following the demolition of the existing residential

property, no. 28 Crewe Road. A second pedestrian / cycle link was also to be provided from the development to the west onto Crewe Road which would provide a link directly to the village centre. It also made provision for a pedestrian controlled crossing point.

The application was submitted in outline, but south approval for the access, with matters of appearance, landscaping, layout and scale reserved for subsequent applications.

The application was subject to an appeal against non-determination. Initially Strategic Planning Board resolved to contest the appeal on highways grounds but following negotiations which resulted in a satisfactory Section 106 package to secure off-site improvement works, the objection was withdrawn and the Council resolved not to contest the appeal and it was duly allowed.

RELEVANT HISTORY:

13/2069N - Outline planning permission is sought for up to 275 new family homes, in a mix comprising 2-5 bedroom unit including mews, semi-detached and detached dwelling, of 2 and 2½ storeys in height in a variety of styles. All matters reserved apart from access. – Allowed on Appeal.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan Policy

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

CONSULTATIONS:

Highways

In regard to highways, the proposal is related to the internal road layout of the site only, all other matters have been determined in the outline application that was approved.

There has been discussion about the technical details of the road layout with the applicant prior to the application submission. The layout submitted in the application provides an acceptable standard of access and accords with the technical design requirements for adoption. The materials proposed to be used in the carriageways and shared surface areas are suitable for adoption by the Council.

In regard to car parking and garaging, the proposed units provides acceptable levels of car parking across the site.

In summary, the road layout submitted is acceptable in regard to design and meets technical requirements, no objections are raised.

United Utilities

UU will have no objection to this application on the proviso that the drainage strategy submitted is fully complied with.

There is a 6m easement (Z1523), that being 3m either side of the pipe protecting a sewer crossing the development site near Brook Avenue and The Orchards. Under no circumstances should anything be erected, stored or planted over the easement width, nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24hr access.

Environment Agency

No objection subject to the following conditions:

- The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of the residential dwellings adjacent to Wells Green Brook are to be set at a minimum of 54.50 m AOD as recommended within the Flood Risk Assessment prepared by Lees Roxburgh (dated May 2013, ref 5104/R3), has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to demonstrate no alteration of existing ground levels within the 1 in 100 year (1% AEP) flood outline, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.

Having reviewed the submission we note that the land does not have a history of industrial land use and therefore did not anticipate any adverse concentrations of land contamination which may pose a risk to controlled waters.

The site investigation which has been undertaken to date confirms this consideration. Therefore we agree that no site specific remediation is required to safeguard the environment.

Public Rights of Way

After inspection of the documents available in regard to the above development which directly affects Public Footpaths nos. 4,5 & 6, Shavington; we are unable to give a full response to the consultation due to the lack of clarity regarding many issues including alignment/ diversion proposals/ status.

On this basis we object to the application.

Parish Council

The Parish Council objects to planning application No. 15/4060N (Land off Crewe Road, Shavington. Reserved Matters application in respect of appearance, landscaping, layout and scale for the construction of 275 dwellings including landscaping, recreation and amenity open space) on the following grounds:

- ☐ There is a potential for flooding at Swill Brook as the proposed development is on a flood plane.
- ☐ The development proposes houses which are 2½ storeys and this would adversely affect the character of the parish.

OTHER REPRESENTATIONS

Local Residents

4 representations have been received making the following points:

Strongly opposed for a number of reasons

- the number of cars and vehicles the impact of hundreds of new houses would make.
- the development has now been altered and now will include 2 1/2 storey high houses and also the new plans show the houses are in opposite directions.
- The houses in the Orchards cul-de-sac, are considerably lower than the proposed housing application.
- It will be a gross invasion of privacy, and day light would be totally blocked out
- With all the new houses development being built around Shavington we feel that this housing application should be refused on a number of issues
- concerned about the water flow after these houses are built and the adverse results to our houses on lower ground,
- where are the children in the new houses going to go to school, Shavington school is full with larger intakes than there should be for the last two years .
- there are four new sites in and around Shavington more than doubling the size its no longer a village but a town without more schools and medical centres

- lots of cars going to fast past my gate with no footpath
- The village of Shavington is being destroyed by housing developers being given the rights to build on green fields, there is not one access road into Shavington that's not having a housing estates built that they either enter or exit or both onto

OFFICER APPRAISAL

Main Issues

The site lies in the Open Countryside as designated in the Crewe and Nantwich Local Plan First Review, where policies NE2 and RES5 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.

However, the granting of the outline planning permission established the acceptability in principle of residential development on this site and this application does not present an opportunity to re-examine those issues.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are sustainability of detailed design, layout, appearance, scale and landscaping of the proposal (the reserved matters) in terms of economic, social and environmental factors.

SOCIAL SUSTAINABILITY

Affordable Housing

The overall level of affordable housing provision was established through the Section 106 Agreement attached to the outline planning permission. Although, formal comments were awaited at the time of report preparation from the Council's housing officer in respect of the detail of the on site provision, she has confirmed verbally that the affordable housing provision complies with the requirements of the Section 106 Agreement.

The affordable housing is pepper-potted throughout the site in 12 clusters and reflects the phasing and pepper-potting requirements of the Section 106 Agreement.

The affordable housing provision is therefore considered to be acceptable.

Amenity

The nearest neighbouring properties are those fronting on to Crewe Road, The Orchards and Brook Avenue. The recommended 21.3m between principal windows and 13.7m between principal elevations and flank elevations will be achieved between the proposed dwellings and these existing properties. Therefore, it is considered that an adequate level of privacy and light will be maintained to existing properties.

Although, the separation distances meet the required standard, concern has been raised by the occupants of "The Orchards" regarding overlooking of their properties by windows in the

rear elevations of plots 172 – 181. At the request of the Parish Council, the developer has agreed to re-orientate these dwellings so that the gable elevations of the properties face on to The Orchards, and additional landscaping is provided at the head of the proposed cul-de-sac. This will provide an improved standard of amenity to these dwellings.

A landscape buffer zone is to be provided to the rear of the existing properties fronting on to Crewe Road.

The applicant has confirmed that their intention is that it will be transferred to the property owners on the new development. They will be subject to a covenant requiring them to maintain it. It must be retained as a landscape buffer and not incorporated into gardens.

A 2m closed boarded fence will be erected to the rear of the existing boundary treatments on Crewe Road. To the rear of this there will be the buffer planted with trees and shrubs. The developer will provide a post and rail fence on the other side of the buffer to separate it from the gardens of the new dwellings. An access gate will be provided in this fence for each of the new property owners to maintain it.

To turn to the standard of amenity within the site, the scheme also achieves the recommended 21.3m between principal windows and 13.7m between principal and flank elevations, as set out in the Supplementary Planning Guidance.

The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. A number of plots fail to achieve this standard and the minimum garden areas are now approximately 31sq.m.

Whilst the proposal fails to meet all the requirements of the Council's SPG of the adopted Local Plan,, the provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Environmental Protection have recommended conditions relating to restricting hours of piling and requiring the submission and approval of a Construction Environmental Management Plan. These were imposed on the outline consent and as a result there is no need for them to be replicated on this reserved matters approval.

Open space

The layout approved at the outline stage included provision for a large central formal open space, incorporating a children's play area and a further areas of informal open space, around the periphery of the site. The Section 106 agreement also included provision for a private management company to be set up by the developer to maintain the open spaces within the development.

The detail of the proposed on-site open space, including the play area has been considered by the Greenspaces Officer who has raised no objections and it is therefore considered to be acceptable.

Infrastructure

Infrastructure requirements such as education and highways contributions were dealt with at the outline stage.

ENVIRONMENTAL SUSTAINABILITY

Public Rights of Way

The site is bisected by 2 public rights of way. The Greenspaces team lodged an objection to the application on the basis that the rights of way are shown on the submitted layout to be diverted onto highways. This, in effect, results in extinguishment of those rights of way and would be contrary to Council Policy. Therefore the rights of way should be redirected through green space.

However, Rights of Way officers have discussed with the developer the Public Rights of Way implications of this development proposal. They can confirm that they would be in a position to withdraw their objection to application 15/4046N on receipt of revised layout plans which:

- Indicate the correct alignment, as shown on the Definitive Map, of the Public Rights of Way; and,
- Indicate the proposed diversion of parts of Public Footpaths Nos. 4 & 6 as discussed:
 - onto an alignment within the eastern public open space of the site
 - connecting with the unaffected part of Footpath No. 4 where it leaves the red line boundary at the north of the site
 - connecting with the unaffected part of Footpath No. 6 where it leaves the red line boundary at the south-east of the site; and,
 - Connecting with the unaffected part of Footpath No. 4 where it leaves the red line boundary at the south of the site.

The developer has agreed to provide these amended plans prior to the committee meeting and an update will be providing in due course.

It was agreed that a suitable specification for the diverted Public Footpaths would be a 2m width of compacted stone, which would be maintained under arrangements for the management of the public open space of the site. This can be secured by condition.

Ecology

Ecological issues relating to the principle of development of this site were addressed at the outline stage and through appropriate conditions attached to that consent. The main ecological issue in the determination of this reserved matters application relate to the design of the layout in relation to wildlife mitigation areas. The Council's Ecologist has been consulted and a response was awaited at the time of report preparation. A further update in this regard will be provided prior to the committee meeting.

Landscape

The Landscape Officer is satisfied with the overall design of the scheme, the public space design for the separate areas and the tree planting strategy, however there is concern whether the submitted material provides the level of detail that the Planning Statement indicates.

With reference to the Play Area layout; the concerns relate to the proximity of the play equipment to areas of herbaceous planting, grasses and bamboo and shrubs, many of which would not thrive in such close proximity, and so he has doubts on both the success and longevity of the design for this area.

These issues have been raised by the developer and will be addressed as part of the forthcoming amended plans. Consequently, a further update will be provided to Members.

Forestry

The Appeal Decision dated 25th July 2014 grants outline planning permission with a schedule of conditions. The submitted documents and statements are considered satisfactory to discharge those conditions.

A Picus Sonic Tomograph decay report has also been included as part of the submission and refers to Oak T20. The report recommends that the Oak (which is located within proposed POS) is to be crown reduced by 20-25%, by shortening the length of the branches by 1- 1.5 metres, back to suitable lateral growth points. This recommendation has not been included in the Tree Removal and Pruning drawing and therefore the Council's Arboricultural Officer has asked the applicant if this could be clarified. An updated will be provided on this point.

As described in the Ecological Assessment the hedgerow located along the north eastern boundary of the site is classified as 'Important' under the Hedgerow Regulations 1997 for cultural and heritage reasons. This hedgerow is shown to be retained and therefore satisfies Condition 31 of the Inspectors Appeal Decision.

The Council's Arboricultural Officer has also considered the layout of the site, particularly in respect of the proximity of proposed buildings and hardstandings to trees and the social relationship of trees to houses (overshadowing of windows / gardens etc.) and has raised no objections.

The proposal is therefore considered to be acceptable in arboricultural terms.

Drainage and Flooding

United Utilities and the Environment Agency have raised no objection subject to drainage conditions. These were, however, attached to the outline consent and do not need to be repeated here.

Design

The Council's Design Officer has commented that a fair amount of work has gone into this at pre-application and to a large extent that shows; there is much to be positive about. But,

there are still some areas though where the scheme could be further strengthened to create a genuinely high quality development.

In general the scheme performs well and reflects in principle the approach set out at outline. After a fair amount of pre-app discussion the village street has been retained as a shared surface street linking between the village centre and the village green at the heart of the development. The details are generally acceptable but the materiality and landscaping should be driven by the palette set out in the Draft Design Guide, as discussed at pre-application. The street design has also been refined as part of the pre-application process. It may not be as informal as the design of some of the schemes we are seeing but there is a clear hierarchy and the pre-app process has further improved the design originally tabled.

There is room for potential further improvement though, in particular, the deformatising of the road junctions (especially in respect of the highway design in front of plots 39-41) inclusion of additional landscape into areas where shared court/frontage parking could be problematic in eroding street scenes, and provision of focal buildings at key points. There are also localised areas where additional trees may be of benefit. Discussions have taken place with the developer and highways officers and amendments have been agreed and revised plans are to be submitted. An update on this matter will be provided in due course. Other concerns relating to surface treatments for highways, footways and cycleways, and in particular distinct surfacing to define the cycle route, can be addressed through conditions.

There is a vision underpinning the scheme which has moved it forward from the outline, founded principally on the heritage of Shavington as the former home of the founder of Chester Zoo, John Mordershead. However, the final approach to this place making could still include some community engagement (as we have previously discussed with the applicant perhaps involving the local school) and further bedding this development within the local community. It could be translated in a more sophisticated way and more widely than just the central play facility. This theme could be used to animate the entrances into the scheme and to help create elements of townscape surprise within the layout. That is where a public artist could further enrich the scheme. This place theme could also extend to naming of streets perhaps. These “placemaking features” could be secured by condition.

The scheme is well connected to both the existing village and the hinterland with footpath running through the site positively incorporated, although some minor improvements could still be further achieved. To the west and south of the site are existing dwellings and the scheme seeks to create a positive response to the interface between existing and new along the western boundary through extending back garden length and a landscape buffer. Where the site is constrained by the easement, an inset line of trees is proposed. The scale of development generally reflects that of the settlement and the immediate surroundings with limited and selective use of 2 and a half storey buildings. There is a general gradation of density from the higher density in the west of the site to the rural fringe on the northern and eastern boundaries.

Key trees at the centre of the site form the centrepiece for the scheme, acting as a key focal point terminating the village street and a natural heart for the scheme, whilst the scheme seeks to positively address the Sill Brook valley, reinforcing the naturalised edge, and hedgerow along the eastern boundary of the site, the hedgerow is retained and supplemented, with housing addressing the rural edge.

One area where there is more serious concern is the quality of the house types, particularly for the Village Heart character area. Whilst it was discussed at pre-app that simplicity of the house designs would be a positive attribute, there is good and bad simplicity and that is not a reason to simply provide a standard house type. This character area is the focus of the key link from the village into the scheme and yet the house types feel quite estate like and an “off the peg” solution rather than being characteristic of the village centre with more of an urban characteristic in the detailing. The Design Officer is also concerned about the gateway building at the start of the village street. These need to be really attractive, buildings for pedestrians entering the scheme. The house types do not have to be the same to achieve this, they could be different types with different approaches to detailing. The one directly in view from the pathway is the most crucial as a focal building.

There are also concerns more generally about getting the architecture right, including proportions of fenestration and balance of solid and void on some of the house types (in all character area house types). Details such as bays, which are characteristics that would be expected on houses within all 3 character areas but which are largely absent (the benefit to the scheme on Hind Heath Road, for example, is a case in point in creating more varied street scenes), the quantity and distribution of chimneys, which is really important in creating varied rooflines, quality of porches and canopies, reveal depth for windows to create shadow lines on elevations and also, creating attractive corner turning designs, that provide lots of architectural interest on both elevations (again bays could be employed more effectively to achieve this).

In general terms there needs to be some limited gradation, otherwise the character areas could start to look a little over contrived and distinct – they need to subtly blend rather than have wholly distinct edges. Also, in creating the focal plots the Design Officer suggested bringing in detailing such as whole frontage render, potentially with different shades, and limited use of brick and tile detailing within facades (or even more ornate, decorative roofing). This would be one way of making key plots stand out in the townscape without re-designing the house types themselves (in other words employing a form of re-elevation to create distinct one offs in key places).

However, again, productive discussions have taken place with the applicant with a view to resolving this and amended plans are anticipated. Further updates will be provided in due course.

In terms of materials the facings should predominantly be red to reflect the general character of the area. There is some concern about the orange indicated for the village street and other localised areas, and whilst these colours may be acceptable in principle, precise brick selection needs to be carefully vetted. In terms of roofing dark grey should be the predominant material with very selective use of red, the use of which seems widespread in the Rural Edge character area. Any red tiles should be brindled or antique red rather than a bright red. The unit size of roofing can also play a part in the feel of the development and therefore an imitation plain roof tile such as 20:20 or similar is suggested. These details can be secured by condition, however.

The scheme could be enriched even further through use of bespoke railings along the village street. This could also be secured through a boundary treatment condition.

Overall, in Building for Life terms the scheme as is would fair reasonably well, with the enhancements that would only improve.

ECONOMIC SUSTAINABILITY

Highway Safety and Traffic Generation

The proposal site benefits from outline permission. Access was not a reserved matter in that application and therefore the means of access and off-site transport impacts and mitigation were addressed at that time and were addressed through Section 106 contributions towards off-site junction improvement works. .

The internal layout of the site was not addressed in details at that time. This application, therefore, deals only with the proposed internal layout of the site.

The Strategic Highways Manager has considered the internal layout of the site and raised no objections and on this basis it is not considered that a refusal on highways grounds could be sustained.

CONCLUSION

Subject to the receipt of the amended plans to address the design and public rights of way issues and outstanding consultation responses referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant local plan policies. The proposal is therefore economically, environmentally and socially sustainable and accordingly it is recommended for approval subject to the standard conditions relating to approved plans, materials, boundary treatment and landscaping.

RECOMMENDATIONS

APPROVE Subject to receipt of amended plans amended plans to address the to address the design and public rights of way issues and the following Conditions:

- 1. Approved plans**
- 2. Materials**
- 3. Boundary treatment**
- 4. Landscape implementation**
- 5. Scheme of Placemaking Features**
- 6. Surfacing materials for rights of way / cycle tracks**
- 7. Removal of permitted development rights for buffer area.**

Application No: 14/0365N

Location: Land north of Moorfields, Willaston

Proposal: Development of up to 170 dwellings with associated infrastructure and open space provision (outline)

Applicant: Richborough Estates

Expiry Date: 18-Apr-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, landscape 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 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**MINDED TO REFUSE****PROPOSAL**

This is an outline planning application for the erection of up to 170 dwellings (26.9 dwellings per hectare). Access is to be determined at this stage with all other matters reserved. The site would be accessed via a single vehicular access point which would be located between 47 and 51 Moorfields, a pedestrian access point would provide access onto Wistaston Road.

The dwellings would mainly be detached and semi-detached properties. The site would include the provision of 30% affordable housing and 1.09 hectares of public open space.

The majority of the proposed dwellings would be two-stories in height with those at the centre of the site being up to two and a half storeys.

An appeal has been lodged for the non-determination of this application. Therefore this report is to consider how the Council would have been minded to determine the application.

SITE DESCRIPTION

The site of the proposed development extends to 6.31 ha and is roughly rectangular in shape and is located to the northern side of Moorfields and to the east of Wistaston Road. The site is within open countryside and Green Gap. To the south and west of the site is residential development (fronting Moorfields and Wistaston Road). To the north and east is agricultural land.

The site is flat and is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site with a large Oak tree at the centre at the site. There are a number of trees on this site which are protected by a Tree Preservation Order. To the north-east corner of the site is a pond.

RELEVANT HISTORY

13/3688N - Outline application for development of up to 170 no. dwellings and associated infrastructure and open space provision – Appeal for Non-Determination – Appeal Allowed – Appeal Decision Quashed at High Court – This decision is subject to a further legal challenge

Members of the Strategic Planning Board resolved to refuse this application at the SPB meeting on 2nd April 2014 on the following grounds:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has*

failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

3. *In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope 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.*

13/2717S - EIA Screening Opinion - Residential Development – EIA not required

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 and under Policy NE.4 as Green Gap.

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)

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 to the proposal subject to the imposition of a drainage condition.

Environment Agency: No objection subject to the imposition of planning conditions.

Strategic Highways Manager: The Strategic Highways Manager raises no objection to the proposal, subject to the provision of the following;

- The developer will provide phased funding for the Authority's highway improvement schemes on the A51 corridor in the total sum of £340,000. This sum of monies will be secured via a Section 106 agreement and phased as the development builds out and will be provided in two equal tranches triggered by completion of the 50th and 100th dwelling. This should allow full contribution within a 5-year timescale which aligns with the Authority's ambition for improvement of the A51 corridor.
- As part of any detailed application, the applicant will provide a detailed and safety-audited scheme for the provision of traffic signals at the junction of Wistaston Road and Crewe Road, for approval by the highway authority. Prior to completion of the 100th dwelling, the

approved scheme shall be implemented through an Agreement under S278 of the Highways Act.

Environmental Health: Conditions suggested in relation to environment management plan, hours of operation, bin storage, external lighting, contaminated land, electric vehicle infrastructure, dust mitigation and a travel plan. An informative is suggested in relation to contaminated land.

ANSA Public Open Space: No comments received as part of this application. As part of the last application the open space officer requested the provision of a 6 piece LEAP and provided a detailed specification for a LEAP.

Public Rights of Way: The Illustrative Masterplan indicates a proposed footpath link to Wistaston Road. This would be the main trajectory for cyclists accessing the site as well as pedestrians and should be designed to accommodate both categories of user. Any increase in traffic or resultant upgrade works at the Wistaston Road/Crewe Road junction and the Peacock Roundabout should accommodate the needs of pedestrians and cyclists.

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

Archaeology: The generally low archaeological potential of the site is accepted and there is no objection to the development on archaeological grounds or any necessity for further pre-determination evaluation of the site. There are, however, a small number of locations within the development where the archaeological assessment has identified features which do merit further targeted mitigation. These consist of the site of a former barn in the north-west corner of the site which is depicted on the Tithe Map of 1840 and a County map of 1819. In addition, an extant field boundary in the southern part of the settlement is depicted on the early maps and incorporates a slight bank. This will be cut at several points by new route ways and a section should be recorded through the hedge, bank, and any associated ditch in order to obtain a record of its form. A condition is suggested.

Natural England: Statutory nature conservation sites – No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - For advice on protected species refer to the Natural England standing advice.

Sustrans: If this land use is supported by the local community and the council's planning committee, Sustrans comments are as follows:

- The traffic flows from the estate will be significant on the adjacent roads of Moorfields and Wistaston Road. There could be delays for example to the 84 bus service on the latter due to higher levels of traffic trying to pass parked vehicles.
- For an estate of this scale Sustrans would like to see several pedestrian/cycle connections away from traffic to the adjacent local roads, particularly to Wistaston Road.
- The transport assessment (10.1.4) refers to signals being provided at the Crewe Road/Wistaston Road junction. Sustrans would support this as long as pedestrian measures are included and feeder lanes/advanced stop areas are provided for cyclists.
- The Transport report (10.1.3) refers to a contribution to changes at the Peacock junction. Any changes at this junction should incorporate safe crossing points for pedestrians/cyclists on both

arms of the A51 on their 'desire' line, and not just leave them to cope with traffic on dual lane entries and exits.

- The design of the estate should restrict vehicle speeds to less than 20mph.
- Travel planning is mentioned in the transport statement (10.1.7). How will Cheshire East Council ensure this is carried out with a sense of purpose and is monitored against targets?

CEC Housing: No objection to this development.

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

CEC Education: The development of 156 family dwellings (excluding the proposed 1 bed units) is expected to generate:

29 primary children (156 x 0.19 – 1 SEN)
22 secondary children (156 x 0.15 – 1 SEN)
2 SEN children (156 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall predicted for primary provision for 2019 and beyond, and 2021 and beyond for secondary provision, in the immediate locality.

The development is forecast to increase existing current pressures and forthcoming for SEN provision.

To alleviate forecast pressures, the following contributions would be required:

29 x £11,919 x 0.91 = £314,542.41 (primary)
22 x £17,959 x 0.91 = £359,539.18 (secondary)
2 x £50,000 x 0.91 = £91,000 (SEN)

Total education contribution: £765,081.59

IEWS OF THE PARISH COUNCIL

Willaston Parish Council: Willaston Parish Council strongly objects to the above planning application on the following grounds:-

- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. Policy CS 5 states *"New development will not be permitted in these areas and exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available."* As Cheshire East Council has already identified alternative sites to meet the council's housing land supply requirements any exception to the policy does not apply. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.
- The site fails to meet several of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to secondary schools, medical facilities and transport links. The nearest medical centre is in Shavington and is reached via a narrow country lane with no

pavement and no public transport service. It is also already operating beyond capacity and existing patients have difficulty contacting the surgery to arrange appointments.

- The local primary school is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.

- The applicant's reports show Shavington High School as the closest secondary school to the proposed development site and Brine Leas as an alternative. Neither of these schools fall within the secondary school catchment area. The nearest school within the catchment area is Malbank, which is 4.3km from the proposed development site.

- The drains and sewers in this area of Willaston do not have the capacity to cope with further development and there are grave concerns regarding potential flooding. There have already been several developments in this area over recent years without any improvement to the infrastructure.

- There are already significant issues with traffic congestion in the area. Access to the site would have to be via Wistaston Road, which is a narrow road full of parked cars due to the lack of off road parking associated with rows of terraced housing. Agreement has already been reached with Cheshire East Council for a review of parking in Willaston and this proposed development of 170 houses would result in another 300 vehicles emerging on to the already very congested Wistaston Road. The increased traffic congestion is also likely to cause significant delays to the local bus service, with higher volumes of vehicles attempting to pass parked cars.

- The applicant's own report identifies that the site consists largely of Grade 2 agricultural land. This is not something which should given up lightly in times of concern over the sustainability of food supplies.

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

- The site is not included in Cheshire East Councils Local Plan for development.
- The site is located in the Green Belt on Grade 2 agricultural land.
- The development does not offer anything towards existing community amenities and would have a severe impact on the already oversubscribed schools and medical services of the catchment areas.
- The development would create a significant increase in the volume of traffic at Crewe Road, Wistaston, in close proximity to existing junctions.
- The increased traffic density will have a detrimental impact on the narrow Moorfields Road and its junction with Wistaston Road, Willaston.
- The existing residential development in Moorfields Road has some terraced houses with very small front gardens which results in vehicles parking in the road; they obstruct the 2 way traffic flow.

OTHER REPRESENTATIONS

Letters of objection have been received from approximately 158 local households raising the following points:

Principal of development

- The site is within the Green Gap
- At this point the Green Gap is at its narrowest
- The proposal is contrary to the Councils emerging plan
- An application for the development of this site has previously been refused
- Urban sprawl

- Approving the development would be undemocratic
- The village of Willaston is overpopulated
- Loss of a greenfield site
- Loss of village character
- There are numerous brownfield sites available on Crewe which should be developed first
- The site is not sustainable as some facilities are not within the required distances (secondary schools, medical centres, transport infrastructure)
- Loss of Grade 2 Agricultural Land
- The development is contrary to national and local planning policies
- Cheshire East is able to demonstrate a 5 year housing land supply
- The site fails to meet a number of criteria as set out in the sustainability checklist
- There a number of dwellings for sale within the vicinity of the site
- The development will result in the settlements of Crewe/Wistaston and Willaston merging
- The design of the development does not respect the dwellings in the area
- Opportunistic development
- There is no need for further development
- Loss of village identity
- Willaston will become a suburb of Crewe or Nantwich
- The development is over dense
- Over development of the site
- Inaccuracies contained within the planning application
- Cheshire East now has sufficient housing sites

Highways

- Existing congestion at the railway crossing in the village
- Moorfields is too narrow
- Moorfields is in a poor state of repair
- The junction with Crewe/Nantwich Road is an accident blackspot
- Moorfields cannot cope with the extra traffic
- Moorfields suffers from on street parking problems
- The submitted Transport Assessment is flawed
- The document does not reflect the Government Guidelines
- Highway safety
- Increased traffic movements
- Pedestrian safety
- Poor visibility at the junction of Moorfields/Wistaston Road
- Traffic congestion
- The single access point should not accommodate more than 150 dwellings
- Problems with dangerous and illegal parking in the village
- Existing on-street parking along Moorfields
- The access from the site onto Moorfields requires drivers to manoeuvre a sharp corner
- There is no safe pedestrian/cycle access to the site
- Difficulties for large delivery vehicles accessing the site
- The junction at Moorfields and Wistaston Road is dangerous
- Pedestrian/Cyclist safety
- Unsafe access
- Buses and refuse vehicles struggle to move through the village
- Speeding is a problem in the village
- There is limited parking within the village

- Emergency vehicles have difficulty entering the village

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Loss of habitat
- Loss of Green Land
- Impact upon the mature trees on this site
- There is a Badger sett on site
- There are Great Crested Newts on the site

Infrastructure

- The drains are inadequate and there are potential flooding issues
- The sewer system is at capacity
- The local Primary School is already full
- Water run-off and flooding
- Impact upon local secondary schools which are at capacity
- The site is not sustainably located and fails the sustainability checklist
- Increased pressure on GP services

Amenity Issues

- Proximity to surrounding residential properties
- Loss of light
- Loss of outlook
- Overshadowing
- Noise and disruption from construction of the dwellings
- Increased noise
- Light pollution
- Increased pollution

Other issues

- The design of the dwellings is out of character
- There is a high level of local opposition to this development

A letter of objection has been received from Edward Timpson MP raising the following points:

- Horrified that the previous application was subject to an appeal for non-determination
- Following meetings with local residents and the Willaston Green Gap Action Group it is clear that this development is not wanted
- The development is with the Green Gap and is contrary to the draft Local Plan and the Willaston Parish Council Local Development Plan
- The access to the site is unsuitable and residents are concerned that the local infrastructure will not support the increase in population
- There are also genuine concerns about the loss of wildlife habitats
- Edward Timpson MP supports the objections which have been made by local residents

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 Willaston and Crewe. 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 first 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”.

The recent appeal decisions at Rope Lane, Shavington and Wistaston Green Road were both allowed at appeal despite being located within the Green Gap. In response to these decisions it should be remembered that each case is judged on its own merits and this is supported by the comments of the Inspector at Wistaston Green Road where he stated that:

‘The proposed development, if permitted, should not be taken as accepting of, or encouraging other proposals in the Green Gap’

In this case the development 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

Location of the site

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Child Care Facility (nursery or crèche) (1000m) - 480m
- Community Centre/Meeting Place (1000m) – 800m
- Public House (1000m) – 350m
- Bus Stop (500m) – 480m
- Primary School (1000m) – 850m

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:

- Outdoor Sports Facility (500m) – 700m
- Public Right of Way (500m) – 700m
- Convenience Store (500m) – 650m

The following amenities/facilities fail the standard:

- Post office (1000m) – 1400m
- Supermarket (1000m) – 3500m
- Secondary School (1000m) – 2570m
- Medical Centre (1000m) - 2570m
- Pharmacy (1000m) – 2570m

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 Willaston, 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 Wistaston Road and Moorfields 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.

Affordable Housing

This site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA on Cheshire Homechoice there are currently 16 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 5 x 1 beds, 6 x 2 bed, 2 x 3 beds and 3 x 4 beds.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 51 affordable dwellings on this site, with up to 33 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

The Affordable Housing Delivery Plan submitted with the application confirms that 30% affordable housing will be provided on this site with a 65% rented and 35% intermediate split which is acceptable.

The proposed development is considered to be acceptable in terms of its affordable housing offer and the affordable housing provision will be secured as part of a S106 Agreement.

Education

An application of 156 dwellings (which excludes the proposal for 14 1 bed units) is expected to generate 29 primary aged children, 22 secondary aged children and 2 children with Special Educational Needs.

In terms of primary school education, the proposed development would be served by 14 local primary schools. As there are capacity issues at these local schools (see the table below) from 2019 the education department has requested a contribution of £314,542.41. This will be secured via a S106 Agreement should the application be approved.

Primary Schools	PAN	PAN	NET CAP	Any Known	PUPIL FORECASTS based on October 2014 School Census				
	Sep-15	Sep-16	May-15	changes	2015	2016	2017	2018	2019
wistaston Church Lane	60	60	420	420	421	422	418	418	417
Gainsborough	60	60	420	420	418	417	412	411	409
Wistaston Academy	60	60	420	420	392	387	387	381	375
Edleston	30	30	210	210	213	211	208	208	207
Highfields	30	30	210	210	214	219	216	216	216
pebble Brook	45	45	315	315	256	273	284	286	285
Shavington	30	30	210	210	224	277	330	363	385
St Mary's	90	90	630	630	572	572	560	548	536
Stapeley Broad Lane	30	30	204	204	215	220	225	229	228
Vine tree	30	30	210	210	209	210	206	205	203
Willaston	30	30	210	210	216	224	235	242	246
the berkeley	60	60	330	420	377	383	391	393	390
Wyche	28	28	196	196	170	175	177	179	181
pear tree	30	30	210	210	213	209	207	204	200
OVERALL TOTAL	613	613	4195	4285	4110	4199	4256	4283	4278
OVERALL SURPLUS PLACES PROJECTIONS					85	-4	-61	-88	-83
OVERALL SURPLUS % PROJECTIONS					2.03	-0.10	-1.45	-2.10	-1.98
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					175	86	29	2	7
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP					4.08	2.01	0.68	0.05	0.16

In terms of secondary schools, there are seven which would serve the proposed development and the proposed development would generate 22 new secondary places which cannot be accommodated (see the table below). As there are capacity issues at these local schools from 2021 the education department has requested a contribution of £359,539.18. This will be secured via a S106 Agreement should the application be approved.

	PAN	PAN	NET CAP	Any known	PUPIL FORECASTS based on October 2014 School Census						
	Sep-15	Sep-16	May-15	changes	2015	2016	2017	2018	2019	2020	2021
Secondary Schools											
brine Leas	215	215	1050		1117	1142	1180	1192	1203	1204	1203
sir william stanier	210	210	1050		836	872	919	996	1058	1100	1143
Kings Grove	156	156	780		547	551	539	546	600	602	621
malbank	210	210	1050		877	905	973	1018	1065	1107	1137
shavington	170	170	850		542	597	645	670	713	739	755
St thomas more	128	128	642		642	646	656	673	686	685	693
ruskin	140	140	666		470	459	476	492	497	507	525
OVERALL TOTAL	1229	1229	6088		5031	5172	5388	5587	5822	5944	6077
OVERALL SURPLUS PLACES PROJECTIONS					1057	916	700	501	266	144	11
OVERALL SURPLUS % PROJECTIONS					17.36	15.05	11.50	8.23	4.37	2.37	0.18

A development of this size is also expected to generate 2 children with special educational needs (SEN). In order to mitigate the impact of this development a contribution of £91,000 will be required as part of this development.

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 5950sq.m and the indicative plan shows that the developer will provide 1.09 hectares (10,900sq.m) of amenity green space. 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 6 pieces of equipment as requested by the POS Officer.

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 application site is flat and roughly rectangular shaped area covering two fields, one large and one small, bound to the west to the rear gardens of dwellings along Wistaston Road and to the south by the rear gardens of properties along Moorfields along the western part of the southern boundary, and a thin strip of agricultural land outside the application site along the eastern part of the southern boundary. There are agricultural fields to the north and east of the application site, there are no public footpaths or publicly accessible open views towards the site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, the assessment indicates follows the Guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. There are no landscape designations on the application site and the assessment offers a baseline landscape assessment which is accurate and correctly identifies that the application site as being located within the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also in the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; the application area is very characteristic of this landscape type.

The assessment identifies baseline landscape and visual characteristics of the application site. The landscape impact assessment indicates that the sensitivity of this landscape character type is medium, and that it is considered to be of low sensitivity; it is considered that this has been underestimated and that in reality the landscape character of the site would be greater than a low sensitivity and may be of a medium sensitivity.

There are no landscape designations on the site, but there are intermittent views of the site from the area to the front of properties bordering the site, although there are longer views across the site from further east from the Public Footpath; nevertheless residential properties located along the western boundary –Wistaston Road and the southern boundary Moorfields do overlook the whole of the application site and the wider open countryside beyond the application site.

With reference to the sensitivity of private views, the assessment indicates that properties along part of Moorfields Road, parts of Wistaston Road and parts of Meadow View would be affected. The assessment then indicates that the planning system does not serve to protect private interests; however the Guidelines do indicate that private viewpoints can be included in an assessment and that they can be particularly susceptible to change.

In conclusion the significance of effect on the landscape character has been underestimated and that the effect on the local landscape character will also be greater than predicted, although not significantly so.

This is a locally valued landscape, although an undesignated landscape. In this case the assessment indicates that the proposed development would be visually well contained by the existing built form and associated boundary vegetation, in reality the proposals would extend the built form into what is currently an agricultural landscape. It is not considered that the landscape harm would be so significant as to warrant the refusal of this application.

Highways Implications

Access

The development would have a vehicular and pedestrian access point onto Moorfields with a secondary pedestrian/cycle access being provided onto Wistaston Road.

The access onto Moorfields allows only one 2-metre wide footway alongside a 5.5m entry carriageway width. Normally a footway would be required on both sides of the access. However, given that the main pedestrian desire-line and movements will be on this one side, and a second

pedestrian access is proposed onto Wistaston Road, it is considered that the access to the site is acceptable.

The proposed access would be provided at the point of the existing turning head on Moorfields. The traffic speeds along this road demonstrate that the required visibility splays at the site access are 2.4m x 33m in both directions which can be achieved.

Parking surveys were undertaken by the applicant along Moorfields in the AM peak hour on two days and the results indicate that there were a maximum of eight vehicles parked on the existing highway. It is not considered that parking on the highway would cause any significant issues.

In terms of the junction of Moorfields/Wistaston Road/Gladstone Street the submitted Transport Assessment demonstrates that the junction will operate within capacity with the addition of the proposed development traffic with no requirement to mitigate the junction.

Therefore the proposed access point is considered to be acceptable.

Impact upon surrounding junctions

The relevant test contained within the NPPF states that

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

The existing traffic flows are as follows:

Wistaston Road

AM peak northbound = 80 vehicles; southbound = 60 vehicles;
PM peak northbound = 55 vehicles; southbound = 151 vehicles.

Moorfields

AM peak westbound = 17 vehicles; eastbound = 11 vehicles;
PM peak westbound = 10 vehicles; eastbound = 20 vehicles.

The site is expected to generate the following movements:

Wistaston Road, north of Moorfields:

AM peak northbound (from site) = 32 vehicles; southbound (to site) = 11 vehicles;
PM peak northbound (from site) = 17 vehicles; southbound (to site) = 30 vehicles.

Wistaston Road, south of Moorfields:

AM peak northbound (to site) = 15 vehicles; southbound (from site) = 44 vehicles;
PM peak northbound (to site) = 41 vehicles; southbound (from site) = 24 vehicles.

These flows, whilst not in themselves high, will result in a proportional increase on Wistaston Road of something like a third.

Beyond the extents of Wistaston Road traffic splits to various destinations so the overall impact is reduced. About 16 movements in each peak will use the Peacock Roundabout and 45 trips the

Cheerbrook Roundabout. Although these represent a small proportion of the total movements at these major junctions, they will nevertheless add to existing levels of congestion.

The submitted Transport Assessment has evaluated the junctions based on expected traffic levels in 2023 (i.e. in ten years time). The following junctions were tested and the impact is also given below:

- Wistaston Road/ Coppice Road – The TA modelling demonstrates available junction capacity.
- Wistaston Rd/ Moorfields Road - The TA modelling demonstrates available junction capacity.
- A534 Crewe Road/ Coppice Road – The TA modelling demonstrates available junction capacity.
- Wistaston Road/ Park Road - The TA modelling demonstrates available junction capacity.
- Wybunbury Road/ Eastern Road - The TA modelling demonstrates available junction capacity.
- Wybunbury Road/ Cheerbrook Road/ Green Lane - The TA modelling demonstrates available junction capacity.
- A534 Crewe Road/ Church Lane - Church Lane entry near practical capacity.
- A534 Crewe Road/ Wistaston Road - capacity issues on Wistaston Road, particularly PM with increased queues.

It should also be noted that the development will send more traffic over the level crossing on Wistaston Road. On the basis of existing queue lengths and expected traffic increase, queues and delays to traffic are not expected to increase significantly.

The developers recognise the impact of the development on the Wistaston Road/ Crewe Road junction and have offered to fund the provision of traffic signals at this location. This will remove the difficulties of traffic egressing Wistaston Road whilst maintaining sufficient capacity for the Crewe Road arms. Pedestrian crossing facilities would be included. As the need for the signals arises directly from the increase in Wistaston Road traffic arising from the development, this improvement would be most appropriately funded by the developer under S278 of the Highways Act. The requirement for such an Agreement would need to be attached to any detailed application should this outline application be approved.

The traffic from the site will disperse over various routes but a considerable proportion will use or cross the A51 via the Cheerbrook (A51/A500), Peacock (A51/A534) and Alvaston (A51/A530) roundabouts. These junctions experience congestion with the latter two already over capacity at peak periods. Therefore whilst the impact may be small in terms of vehicle numbers it will be significant in terms of queues and delay.

CEC has improvement schemes for these junctions in the Infrastructure Plan, costed at £705,000 (Peacock) and £1,493,000 (Alvaston). The Strategic Highways Manager considers that a contribution to enhancements on the A51 corridor is justified by the traffic impact of the development and would be CIL-compliant. As part of the earlier application (13/3688N) which is awaiting a high court decision a S106 contribution of £292,000 was sought. The latest highways consultation response requests a contribution of £340,000 – this is not considered to be reasonable given that this application is identical to application 13/3688N and the S106 Heads of Terms will reflect this.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site fronting Wistaston Road and Moorfields.

From the indicative plan the separation distances that would be achieved exceed those contained within the SPD on Development on Backland and Gardens. Therefore, it is not considered that the development would have a detrimental impact upon neighboring residential amenity. Further details would be obtained at the reserved matters stage.

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

Air Quality

The air quality assessment submitted with the planning proposal indicates that there would be an adverse impact in the Nantwich Road Air Quality Management Area (AQMA) in Crewe and to a lesser extent the Hospital Street AQMA in Nantwich. Any increase in air pollutants in an AQMA is considered significant as it is in direct conflict to the objectives of preserving public health as part of the Local Air Quality Management duties.

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

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 air quality impacts from this development could be mitigated against through the implementation of a travel plan, suitable electric vehicle charging infrastructure and dust mitigation during the construction phase. Subject to the mitigation measures being secured the Environmental Health Officer has no objection to the development on air quality grounds.

Trees and Hedgerows

Trees

A Tree Preservation Order protects a number of trees on this site.

The illustrative layout is broadly the same as the previous application and indicates the retention of all High (A) and Moderate (B) category trees.

There are three trees of low quality that will be removed to facilitate development, (trees 28, 29 & 39 Elder and 2 Hawthorn) within the central northern section of the site which is considered arboriculturally acceptable.

As part of this development most high and moderate category trees will be located within open space provision, with some within rear garden boundaries. In terms of the latter, good design as required by BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* shall allow for retained trees to be reasonably accommodated to ensure their long term retention at reserved matters stage.

The illustrative layout indicates one Plot will encroach into the root protection area (RPA) of a mature Beech (T37) which will require some modification at reserved matters stage to accord with the design requirements of BS5837:2012.

The use of standard conditions will be imposed to protect the trees on this site.

Hedgerows

A Hedgerow Assessment (Just Ecology Ltd dated August 2013) has been submitted to inform the application and to assess whether hedgerows within the site are deemed to be important under the Hedgerow Regulations 1997 and what mitigation measures should be recommended. The survey identifies a total of 22 hedgerows of which 7 are outside the application site. Twelve hedgerows form boundaries to domestic properties and are therefore exempt from the Hedgerow Regulations. Three hedgerows, hedgerows 13 (northern site boundary), 15 (eastern site boundary) and 17 (southern boundary section) have been identified as forming an integral part of a field system pre-dating the Inclosure Acts and therefore qualify as 'Important' under criterion 5 of the Regulations. All three 'Important' hedgerows are proposed to be retained as shown on the proposed Illustrative Masterplan.

A section of hedgerow 17 will require removal to accommodate access into the site off Moorfields. It is recommended in the Assessment that the hedgerows be protected during the development process and enhanced by additional native planting to create a species rich hedgerow.

As a result, the impact upon boundary hedgerows is considered to be acceptable.

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, the density of the site is appropriate and is consistent with that of the surrounding area of Willaston.

The indicative layout shows that the properties on the site would overlook the open space, highway and parking areas. The properties located at corner plots would have the potential for dual-frontages. A strong and prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To all sides of the site, a boundary hedgerow would be provided/retained to act as a green buffer to the open countryside and surrounding residential properties.

It is considered that the indicative scheme is acceptable and that an appropriate design solution could be negotiated at the reserved matters stage. The proposal would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Protected Species

Bats

Bat activity surveys undertaken on the site have recorded foraging activity by a number of bat species. The Councils Ecologist advises that the site is not particularly important for foraging bats and the level of recorded activity is relatively low.

A number of trees have been recorded on site that have significant potential to support roosting bats. There is however no evidence at present to suggest that a bat roost occurs within the trees on site. Based on the amended indicative layout plan it appears to be feasible to retain all of the trees identified as having high bat roosting potential. The impact upon bats is therefore considered to be acceptable.

Great Crested Newts

A small population of Great Crested Newts has been identified at a pond some distance from the proposed development site. Due to the distance between the pond and the development site (approximately 160 metres) and the intervening housing it is not anticipated that the proposed development would have a significant impact upon this protected species.

Breeding birds

The application site has the potential to support a number of breeding bird species including House Sparrow and Bullfinch which are both BAP priority species and a material consideration. The Councils Ecologist advises that the retention of hedgerows and mature trees within the site layout and the proposed open space would at least partially mitigate the potential impacts of the development upon breeding birds. The submitted ecological mitigation also recommends the provision of a number of additional features for nesting birds these features would be secured by condition.

Other Protected Species

A sett is present on northern boundary of the application site and the site provides suitable foraging habitat for this species. The sett is currently used by rabbits. However the Councils Ecologist advises that it is likely that the sett could be reused by badgers in the future.

The submitted mitigation method statement proposes the retention of the sett within a 30m undeveloped 'buffer' and the provision of a 10m wildlife corridor along the northern and western boundaries of the site. The undeveloped buffer areas will be planted with fruit bearing trees to provide an alternative source of badger foraging habitat. The Councils Ecologist advises that these proposals are adequate to mitigate the potential impacts of the development upon badgers.

Habitats

Grasslands

The Councils Ecologist advises that the grassland habitats on site are of relatively low nature conservation value and do not present a significant planning constraint upon the development of the site. A number of plant species however have been recorded which are indicative of better quality grassland habitats. The development proposals would result in the loss of much of the grassland habitat and potentially result in an overall loss of biodiversity. Therefore the Councils Ecologist recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

The results of the Defra metric assessment show that a biodiversity contribution of £25,000 would be acceptable to mitigate this development. This would be secured as part of a S106 Agreement and the sum would be utilised to secure habitat enhancement/creation within the Meres and Mosses Natural Improvement Area (NIA) to the south of Nantwich. Possible ways that the sum would be spent are for land purchase and enhancement of land near to Wybunbury Moss National

Nature Reserve in partnership with natural England or management/restoration works of one of a number of Local Wildlife Sites located within the NIA in partnership with Cheshire Wildlife Trust and the NIA board.

Hedgerows

Hedgerows are a Biodiversity priority habitat and hence a material consideration. Additionally, the eastern boundary hedge and a hedgerow to the south of the site qualify as Important under the Hedgerow Regulations.

The direct loss of hedgerows to the proposed scheme would be relatively minor and the impact upon the hedgerows on site is considered to be acceptable.

Flood Risk and Drainage

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

The submitted FRA identifies that there is no or a low risk of flooding from all types of flooding apart from pluvial runoff and the potential effect of the development on the wider catchment and in both cases the risk is medium.

In order to mitigate the development the following is proposed:

- Runoff rates for the development will be limited to Greenfield runoff rates
- The site will use swales to provide the majority of the required attenuation storage and these will direct flows to drain towards the existing pond which will provide the rest of the attenuation storage
- Attenuation storage will be designed to accommodate a 1 in 100 year plus climate change event

The submitted utilities statement identifies that UU have confirmed that there is capacity in the local water supply network and the sewer network to serve this development.

The Councils Flood Risk Manager, the Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development.

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

Archaeology

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.

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

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 5.15 hectares of the land is grade 2, 1.13 hectares is grade 3a and 0.05 hectares is non-agricultural land.

The development would result in the loss of 6.28 hectares of Grade 2 and Grade 3a land and this needs to be weighed into the planning balance.

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 contribution of £292,000 is 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 development will result in the loss of grassland habitat as part of this application. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology requires mitigation. This approach obviously has implications for

the determination of the planning application in light of the NPPF. As such it is considered that it is necessary to secure a biodiversity enhancement contribution as part of this application.

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 landscape impact of the development

The adverse impacts of the development would be:

- The erosion of the Green Gap between Willaston and Rope
- The loss of open countryside
- 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. This is consistent with the appeal application on this site which was successfully challenged at the High Court as can be seen in the planning history section of this report.

RECOMMENDATIONS

Minded to REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and the applicant has failed to demonstrate that this development could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willsaton and Rope 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.**

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 1.09 hectares of amenity green space, a LEAP to be maintained by a private management company
- 3. Highways contribution £292,000 towards the A51 Corridor
- 4. Biodiversity off-setting contribution £25,000
- 4. A primary school education contribution of £314,542.41
- 5. A secondary school education contribution of £359,539.18
- 6. A contribution towards SEN £91,000

