

# Strategic Planning Board

## Agenda

---

**Date:** Wednesday, 16th December, 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 18<sup>th</sup> November 2015 as a correct record.

---

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

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the 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. **15/1537N - Land at Basford East, Crewe: Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping for David Burkinshaw, Muse Developments Ltd & The Witter Tru (Pages 15 - 58)**

To consider the above application.

6. **15/4472M - Block 15 Former CTL, Alderley House, Alderley Park, Congleton Road, Nether Alderley, Macclesfield, Cheshire SK10 4TF: The refurbishment and partial redevelopment of Block 15 with laboratory, office and manufacturing (assembly) spaces for research and development and associated uses (Use Class B1) for Joe Broadley, Alderley Park Ltd (Pages 59 - 78)**

To consider the above application.

7. **14/1193C - Land south of Old Mil Road, Sandbach: Outline planning application for up to 200 residential dwellings, open space with all matters reserved for Muller Property Group (Pages 79 - 104)**

To consider the above application.

8. **15/3410C - Land south of Hall Drive, Alsager: Construction of 128 dwellings with associated infrastructure including public open space, access roads, a river crossing bridge structure, electricity substation and foul water pumping station, and demolition of one dwelling for Mr Johnson Mulk, Prospect (GB) Ltd (Pages 105 - 132)**

To consider the above application.

9. **15/3673C - Land at Manor Lane, Holmes Chapel: Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access for Liberty Properties Developments Limited for Liberty Properties Developments Limited** (Pages 133 - 148)

To consider the above application.

10. **15/4336C - Land south of Wood Lane, Bradwall, Cheshire: Variation of condition 12 on approved 15/1541C - Installation and operation of a solar farm for Lightsource Renewable Energy Ltd** (Pages 149 - 154)

To consider the above application.

11. **Performance of the Planning Enforcement Service for Quarters 1 and 2 of 2015/16** (Pages 155 - 170)

To consider the above report.

**This page is intentionally left blank**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 18th November, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Hammond (Vice-Chairman) in the Chair

Councillors Rhoda Bailey (Substitute), B Burkhill, T Dean, M Sewart,  
L Durham, S Gardiner (Substitute), D Hough, J Jackson, S McGrory,  
D Newton, S Pochin, J Wray and G M Walton

**OFFICERS**

Nicky Folan (Planning Solicitor)  
Ben Haywood (Major Applications – Team Leader)  
Paul Hurdus (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Philippa Radia (Senior Planning Officer)  
Marad Rees (Planning Officer)  
Emma Williams (Principal Planning Officer)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**77 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H Davenport and Rachel Bailey.

**78 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of application 14/0365N, Councillor S Pochin declared that she was the Ward Member and had commented to the press on this application. As she considered that she had pre-determined this application, she would, therefore, speak as the Ward Member and then withdraw from the meeting and take no part in the discussions or voting on this application.

In the interest of openness in respect of applications 15/2099C, 15/3868N and 14/0365N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services who had been a consultee on the applications and that he had not made any comments or taken part in any discussions on these applications.

In the interest of openness in respect of applications 15/1247W and 15/1431W Councillor J Hammond declared a pecuniary interest on the grounds that he was a Director of ANSA Environmental Services who use Whittakers Green Farm to deposit garden waste and Henshaws to deposit

recyclable waste and in the circumstances would leave the room prior to consideration of the applications.

In the absence of the Vice-Chairman, Councillor G Walton was appointed by the Board to take the Chair on these two applications.

In the interest of openness Councillor D Hough declared that he was a Director of TSS who were responsible for the administration of bus stops and applications 15/2099C and 14/0128N made reference to the provision of bus stops, but he had not discussed this with anyone at TSS.

In the interest of openness Councillor Rhoda Bailey declared that she was a member of CPRE who had made representations on applications 15/2099C and 14/0128N and that she had not made any comments or taken part in any discussions on these applications

In respect of applications 15/2099C and 15/3868N Councillor S Gardiner declared a non-pecuniary interest on the grounds that the applicants were former employers.

In the interest of openness in respect of application 15/1247W, Councillor S Gardiner declared that one of the public speakers on this application is known to him.

### **79 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 21<sup>st</sup> October 2015 be approved as a correct record and signed by the Chairman.

### **80 PUBLIC SPEAKING**

That the public speaking procedure be noted.

### **81 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**

The Board considered a report regarding the above application.

(Councillor G Williams (Ward Member), Councillor A Morrison (on behalf of Congleton Town Council, Mr P Minshull (Objector) and Mr B Pycroft (agent) 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:

- 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
- TRO (30 mph consultation) £6000
- Provision of a controlled crossing

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 submitted
13. Retention of important trees and hedgerows
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.
26. Bin Storage
27. Construction Management Plan (to include a timetable for the installation of utilities/services/sewers and how long roads are to be closed)

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

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

*(Note: Councillors S Gardiner and B Burkhill asked for their votes against this application to be recorded in the minutes)*

*Following consideration of this application the meeting adjourned for lunch from 12.30 pm to 13.00 pm.*



- 82 **WITHDRAWN 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**

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

- 83 **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)**

*Prior to consideration of this application, as stated in his declaration, Councillor J Hammond left the meeting and returned following consideration of application number 15/1431W.*

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

(Councillor J Clowes (Ward Member), Councillor B Frodsham (on behalf of Doddington and District Parish Council) and Councillor C Knibbs (on behalf of Hatherton and Walgherton Parish Council) attended the meeting and spoke in respect of the application).

#### **RESOLVED**

That for the reasons set out in the report and written update the amendment of condition 11 of permission 7/2006/CCC/11 be APPROVED 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.**

- An update of all of the original conditions to take account of other applications and decisions at the site.

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 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 Head of Planning (Regulation) 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.

**84 15/1431W - HENSHAW'S 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**

The Board considered a report regarding the above application.

(Councillor L Jeuda (Ward Member) and Mr R Sims (agent) attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be REFUSED 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 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 Board's decision.

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

*Following consideration of this application, Councillor S McGrory left the meeting and did not return.*

**85 15/3380N - LAND SOUTH OF ROYALS WOOD FARM, WHITCHURCH ROAD, ASTON: INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC (PV) SOLAR ARRAYS TO PROVIDE C.3MW GENERATION CAPACITY TOGETHER WITH INVERTER HOUSES, INTERNAL ACCESS TRACK; LANDSCAPING; FENCING; SECURITY MEASURES; ACCESS GATE; AND ANCILLARY INFRASTRUCTURE FOR INRG SOLAR PARKS LTD**

The Board considered a report regarding the above application.

Mr J Coombs (agent) 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/mechanism for the clearance and restoration of the land to agricultural use after 25 years

- Provision for sky larks and a landscape management plan – to be submitted to cover that provision for an offsite area.

And the following conditions:

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 including details of retention and maintenance of the public footpaths within the site
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 1<sup>st</sup> November and 28<sup>th</sup> 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

**86 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**

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 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 Cappers 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 rod 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/informations/ planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

**87 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**

Councillor P Groves (Ward Member), Councillor J Davenport (on behalf of Stapeley and District Parish Council), Mr P Staley (Objector) and Mr S Harris (agent) attended the meeting and spoke in respect of the application).

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

**RESOLVED**

That contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reasons:

- Inability to provide safe and suitable access to the development

*Following consideration of this application, Councillors J Jackson and T Dean left the meeting and did not return.*

**88 15/4046N - LAND OFF, CREWE ROAD, SHAVINGTON CUM GREY, 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**

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

Councillor S Edgar (Ward Member) and Ms C Musker (agent) attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. 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
8. Felling Technique (22 and 49)
9. Tree decay assessment
10. Hedgerow species

**89 14/0365N - LAND NORTH OF MOORFIELDS, WILLASTON: DEVELOPMENT OF UP TO 170 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE PROVISION (OUTLINE) FOR RICHBOROUGH ESTATES**

The Board considered a report regarding the above application.

Councillor S Pochin (Ward Member) attended the meeting and spoke in respect of the application).

*Prior to consideration of this application, as stated in her declaration, Councillor S Pochin spoke as the Ward Member and then left the meeting.*

**RESOLVED**

That the Board be minded to REFUSE the application 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 Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority 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

The meeting commenced at 10.35 am and concluded at 4.45 pm

Councillor J Hammond

Application No: 15/1537N

Location: Land at Basford East, Crewe

Proposal: Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping.

Applicant: David Burkinshaw, Muse Developments Ltd and The Witter Tru

Expiry Date: 19-Aug-2015

#### **SUMMARY:**

The proposed development would be contrary to Policy E3 of the Crewe and Nantwich Adopted Local Plan 2011. 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, states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS1, by way of 325 houses, B1 employment, a local centre which would comprise a health centre and community facility as well as food/non food retail, a public house/restaurant and significant infrastructure improvements/contributions. This scheme is considered to represent the second phase of the Basford East allocation, and the other elements contained within the emerging policy should be delivered in the application for the third phase. This is subject to a suitable mechanism being applied to ensure that the third phase is deliverable as the applicant owns a ransom strip, which could compromise the deliverability of the third phase.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining at existing settlement where there is existing infrastructure and amenities. A viability assessment has been carried out to ensure that the proposal can deliver 10% affordable housing, contributions to education and highways contributions/improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

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

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

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

**RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement**

### PROPOSAL

This is an outline application for the erection of up to 325 dwellings; employment use (Use Class B1), a local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping.

All matters are reserved for consideration at a later date. The application is supported by a voluntary Environmental Impact Assessment (EIA). The application proposals have been submitted as the second phase of development on the middle portion of the site known as Basford East.

Members may recall that an outline application (14/4025N) for the erection of up to 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modelling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe was considered at the Strategic Planning Board on 15<sup>th</sup> April 2015. Members resolved to approve the application subject to revised Ecological update, the completion of a Section 106 Agreement securing the following:-

- £2,000,000 towards the delivery of the Crewe Green. Link Road and the A5020 Weston Gate Roundabout improvement;
- £2,450,000 towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements);
- £345,000 to support a new bus service to the development;
- £325,000 to deliver pedestrian and cycleway improvements along the A523 Weston Road links to the railway station or towards a new cycleway / pedestrian crossing of the Crewe Green Link Road;
- £80,000 to contribute towards a scheme of traffic management / calming measures in the Village of Weston;

- The provision of land at no cost to the council within the applicants control for the future widening (Dualling) of the A500 along with any necessary temporary land (working space) required for the delivery of these improvements;
- The provision of an alternative agricultural access off the new spur road;
- £1 568 000 to primary education. Contributions towards education with a level, fully serviced and uncontaminated site provided;
- Provision of a minimum of 15% affordable housing – subject to review of sales values during the life of the development;
- Provision of public open space to be transferred to a Management Company in perpetuity.

Subsequent planning application(s) for the Phase 3 part of the site will be made in due course, which is likely to make up the remainder of the employment (B1 and B2 uses) requirement necessitated by the emerging policy, along with further environmental and landscaping features. This is the second application for a phased implementation of a comprehensive scheme to deliver Basford East.

This is an outline application with **all** matters reserved for future consideration. All other matters regarding detailed design, such as appearance, layout, scale and landscaping are reserved for consideration at a later date. However, an indicative plan has been submitted with the application which illustrates how a residential led scheme with local centre and 3.8Ha of employment could be brought forward. The plan includes ecological mitigation areas and access links to a bridge over the Crewe Green Link Road.

Access is proposed from a central roundabout off the Crewe Green Link Road in a central location to the east of the site.

### **SITE DESCRIPTION**

The site is located approximately 2 miles to the south east of Crewe Town Centre where a range of high street shops, services and facilities are located. The site falls within the Parish of Weston and Basford and covers an area of approximately 26.5 hectares and is located to the western section of the Basford East allocation. The site is currently comprises a mix of arable, improved grassland and semi-improved grassland. Basford Brook flows through the application site and there are a number of ponds present within the site which support different habitats and flora and fauna.

The urban edge of the village of Weston is some 300 metres to the southeast of the site (via Mill Lane) providing local services including a village store, post office and public house.

The site has excellent access to the strategic highway network. The A500 provides links between Nantwich in the west and the M6 Motorway Junction 16 and Stoke to the east. To the north of the site, the A532 Weston Road provides direct access into Crewe Town Centre whilst the A5020 University Way provides access to Sandbach and Junction 17 of the M6 Motorway.

The southern boundary of the site comprises of the A500 Hough-Shavington by-pass with open countryside and smaller settlements beyond. To the north of the Trent/Nottingham railway line lies Weston Road, which is lined by retail and commercial units and warehousing

to the north and greenfield land to the north east. To the west of the Crewe/Stafford/Chester railway line is the Basford West site.

To the east of the application site, within the wider Basford East allocation lies the Crewe Green Link Road (granted planning permission January 2013) and beyond the road lies Phase 1 of the Basford East site, which was granted planning permission subject to a S106 on 15<sup>th</sup> April 2015. To the west of the application site lies Phase 3 (owned by the Co-op, who own Phase 1 also) and beyond that the Crewe/Stafford/Chester railway, which links to the West Coast main railway line.

To the south of the A500 lies the Weston Conservation Area, which is characterised by low-density residential development, rural and farm buildings in addition to a number of listed buildings. To the east of the previously approved Phase 1 site, is land owned by the Duchy of Lancaster, which is greenfield land identified within the emerging Local Plan as the South Cheshire Growth Village – SL3 for 800 new homes, a community centre, village square and sports and leisure facilities.

Whilst the Phase 2 Basford East site is currently largely open agricultural land, it does have the benefit of being allocated within the adopted Local Plan under Policy E.3 as a regional and strategic employment allocation.

An outline planning permission for storage and distribution (B8), general industrial (B2) and business (B1) development, was granted on 31 March 1999, however, it is noted that this has not been implemented.

### **RELEVANT HISTORY**

P96/0815 - O/A for employment development classes B1, B2 and B8. Legal Agreement. S106 – Approved 31-Mar-1999

P03/1119 - Variation of Conditions 1, 6, 7, 11 and 16 and Deletion of Condition 10 of Outline Consent P96/0815 – Withdrawn 04-Apr-2005

### **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 47.

#### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as an Employment Allocation outside the Settlement Boundary of Crewe and Nantwich.

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  
E3 - Employment Allocations at Basford  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.11 (Non Trunk Roads)

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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
CO 4 Travel Plans and Transport Assessments  
CS 1 Basford East, Crewe  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

### **Other Considerations:**

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

### **CONSULTATIONS:**

#### **Highways:**

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of enhanced financial contributions to infrastructure. As such the Strategic Highways Manager offers no objection to this application subject to conditions.

#### **Environmental Health:**

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

#### **Housing:**

Notes that the development can only sustain 10% affordable housing, however, accept the viability case put forward and therefore, no objection is put forward. The affordable housing should comprise a balanced mix and that any social rented/affordable rented units should be provided through a registered provider of affordable housing.

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

The development has the potential to affect Public Footpaths Basford No. 1 and 2 as recorded on the Definitive Map of Public Rights of Way held at this office. The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with.

#### **Environment Agency (EA):**

No objection is made with regards to flood risk. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS). Conditions are recommended which seek to reduce the risk of flooding in the proposed development for future occupants.

A scheme for the provision and management of a large undeveloped buffer zone alongside the watercourse should be provided

The Ecological Appraisal recommends a 'minimum suitable offset of built development would be 30m but this could include multifunctional areas used for the provision of open space for informal recreation as well as providing for nature conservation'. Within this area there must be an undeveloped buffer zone along the watercourse. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths, formal landscaping



etc; and could form a vital part of green infrastructure provision. The undeveloped buffer zone must at least 8 metre wide, measured from bank top, bank top is defined as the point at which the bank meets normal land levels.

No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of white-clawed crayfish and associated habitat during construction works and once the development is complete. The white-clawed crayfish is a “*globally endangered*” species and is considered of high conservation concern on a European scale. The species is listed in Appendix III of the Bern Convention and Annexes II and V of the EU Habitats Directive. In the UK, the white-clawed crayfish is also protected under Schedule 5 of the Wildlife & Countryside Act (1981) and the Salmon and Freshwater Fisheries Act (1975).

Details of all bridges proposed on site shall be provided. All bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide a natural riparian riverbank beneath the bridge. There should be an unobstructed corridor to allow the movements of otters, water vole and other animals etc along the river corridor.

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

### **United Utilities:**

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

### **Education:**

This phase of the development will be expected to generate 62 primary aged pupils and 49 secondary aged pupils. The site has been identified in the local plan as including a new primary school which would be expected to cost £3,200,000. Therefore the sum sought towards primary education is the proportionate share of this build cost. The contribution required towards primary education is £960,000

### **Historic England:**

The grade II\* listed Hollyhedge Farmhouse was built in the late 16<sup>th</sup> early 17<sup>th</sup> century. This timber-framed farmhouse has a close relationship with its agricultural setting both in terms of how it illustrates the historic function of the farmstead and for its contribution to the aesthetic value of the farmhouse. The setting of Hollyhedge Farmhouse therefore is an important part of its significance.

The current proposal seeks approval in outline for a mixed use development including 325 dwellings, employment use and a local centre approximately 0.4km west of Hollyhedge Farmhouse and within the setting of a number of Grade II listed buildings and the Grade II Registered Park and Garden at Crewe Hall. In this case, the remit of Historic England lies within the impact of the proposal on the setting of Hollyhedge Farmhouse.

Historic England are currently providing comment upon the Local Plan Strategy (Submission Version), which should be considered in conjunction with the advice within this letter. Historic England are aware of a number of similar site allocations identified in the area by the Local

Plan Strategy, and careful consideration should be given of the cumulative impacts of such proposals on the setting of both Hollyhedge Farmhouse and other designated heritage assets. The site allocations should be considered strategically so that harm caused to the setting of listed buildings can be reduced. For example, if development could be restricted around Hollyhedge Farmhouse its rural setting can be preserved. Any displaced development could be moved further to the west beyond Crewe Green Link Road and therefore be accommodated by higher housing densities in those areas.

The scheme is likely to have a minimal impact upon the setting and significance of Hollyhedge Farmhouse. Historic England recommend that the methodology within our *The Setting of Heritage Assets* Good Practice Advice Note is used in the assessment of the impact of the development on the setting of designated heritage assets.

Historic England would urge the LPA to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of CE's specialist conservation advice.

### **Archaeology:**

The Development Control Archaeologist from the Cheshire Archaeology Planning Advisory Service notes that the application is supported by an archaeological desk-based assessment.

The report draws on data held in the Cheshire Historic Environment Record and also contains the results of an examination of the historic mapping, place name evidence, and aerial photographs. It also notes the results of recent fieldwork (geo-physical survey, targeted trial trenching, and watching brief) undertaken in connection with the construction of the Crewe Green Link Road (South). It is concluded that the development has a limited archaeological potential for the discovery of significant archaeological remains and that this may be addressed by a targeted programme of archaeological work, which should focus on the in-filled pond and mill race of Crotia Mill.

It is advised that this represents an appropriate approach, which following the completion of the fieldwork, will result in the completion of a report. A condition is suggested to ensure that a programme of archaeological mitigation is submitted and approved.

### **Public Open Space:**

Comments awaited.

### **Natural England:**

No objection is made with regards to Statutory nature conservation sites. This application is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

**Network Rail:**

Comments are provided in order to ensure that the planning process reduces the risk to railway infrastructure due to adjacent developments. Conditions are requested in order to ensure that any works do not impact on the safety, operation, performance and integrity of the operational railway. The developer should be aware that they are not to discharge any water onto the railway, and not to increase any of their flow that in a surcharge situation could lead to an overtopping and flooding of railway land.

**Health and Safety Executive:**

Does not advise, on safety grounds, against the granting of planning permission.

As the development lies within the consultation distance of a major accident hazard pipeline, the LPA should contact National Grid plc before deciding the case. This is due to the proximity of the site to the pipeline and the standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline,

*It should be noted, that a consultation letter has been forwarded to National Grid Plc and no comments have been received.*

**Sport England:**

No comments received.

**Highways Agency:**

No comments received.

**Crewe Town Council:**

Supports the well-established principle of the development of the Basford East site for employment purposes, and accepts the need for enabling development to fund the infrastructure necessary for employment development to take place.

The inclusion of employment uses in the current application is welcomed. It is important that high quality employment sites are available to take advantage of the HS2 hub at Crewe, and to provide balanced and sustainable development in the area.

In the absence of an overall masterplan and agreed phasing, it is unclear whether the overall objectives for the Basford Strategic Allocation described in Policy CS1 of the draft Local Plan will be delivered. The current application will have to be judged on its own merits, and reliance cannot be placed at this stage on agreements associated with the Co-operative Group application ref 14/4025N in respect of education provision, highways improvements, the provision of pedestrian, cycling routes, or public transport enhancements until that agreement is completed, and the trigger points reached to secure the necessary contributions. Nor can reliance be placed on the development of the land to the west of the application site.

The proposed retail provision is three times the size of a typical local convenience store, and there is concern that it could prejudice the "Town Centre First" approach in the draft Local Plan

The Town Council would like to see the amount of affordable housing provided maximised, given the under provision compared to the 30% guideline on the Co-operative Group site (14/4025N).

The mixed development of Basford East is capable of contributing to the regeneration of Crewe through increasing the potential spend in the town centre, and providing employment opportunities for the town as a whole. For this potential to be realised, it is necessary to ensure that there are good pedestrian, cycle, car, and public transport links into the town centre. It is noted that there is a contribution to off-site links and public transport in the proposed s106 agreement associated with application 14/4025N. However, this cannot be relied upon in the case of this separate application until that agreement is completed, and the trigger points reached to secure the necessary contributions.

Therefore the Town Council would make the following comments on the application:

- i. Before considering this application, a masterplan for the development and phasing of the entire Basford East strategic allocation should be produced, agreed with the landowners and developers, and embedded in planning consents or s106 agreements.
- ii. Any phasing agreement should ensure early release of employment land.
- iii. Permission should not be granted unless there is certainty as to primary school provision and improvements to public transport, pedestrian and cycling links to Crewe Town Centre to meet the needs of the development proposed by this application.
- iv. The amount of retail floorspace must be justified in terms of the local need from the development in the current application and any other committed development in the area. In any event a condition should be imposed limiting the maximum size of any individual unit to 500 sq. m. of net internal floorspace to support the Town Centre First approach.
- v. Every effort should be made to maximise the amount of affordable housing provided within the development.
- vi. In the interests of good planning, it should be a requirement that adequate provision is made within the site for access to the remaining portion of development land to the west of the application site
- vii. Greater clarity and detail is required on the provision of off-site pedestrian, cycle and public transport links to the town centre in the interests of sustainable development

### **Weston and Basford Parish Council:**

The Parish Council is supportive of the overall development principles relating to the Strategic Allocation at Basford East and is generally supportive of this proposal. Notwithstanding this, the Parish Council is concerned that this is a free standing application in the centre of the overall site. It must be fully integrated into the development proposals for the land abutting to the east and west. Outline permission has recently been granted on the land immediately to the east.

In the event of the application being approved the Parish Council request that a suitable condition is imposed to ensure effective, attractive and direct pedestrian and cycle connectivity within and from the site to Weston Village via Mill Lane. This is to enable the facilities proposed in the local centre to be shared by the residents of Weston. Weston is devoid of facilities of this nature. It is considered important that this local centre is promoted concurrently with the development of the remainder of the site.

The Parish Council also request that a Section 106 Agreement is incorporated into any permission to cover the following aspects:

- Enhancement of the Mill Lane access to ensure an attractive and easily accessible pedestrian and cycle link for local residents between Weston Village and the site signage, lighting, surface treatment, landscaping etc....
- Contribution towards the provision of a regular bus service linking Weston Village with the local centre on the site.
- Contribution to providing traffic mitigation measures within the Parish of Weston & Basford.
- Contribution towards financing an extension to Weston Cemetery off Cemetery Road. This development along with that recently approved immediately to the east will increase the numbers of dwellings in the immediate vicinity by over 800: there are no burial facilities proposed and the existing Weston Cemetery is fast reaching capacity.

The Parish Council considers the Crotia Mill Farm which is excluded from this application has an important function and role to play in the integration with Weston Village. It is requested that discussions take place with the applicant regarding its future use and integration in the scheme having regard to this aspect.

Finally, whilst it is appreciated that this is an outline application with all matters reserved and that the layouts submitted are purely illustrative at this stage, it is considered that further thought needs to be given in layout and land use terms as to how future industrial and commercial development immediately to the west can be satisfactorily integrated into this scheme.

### **REPRESENTATIONS:**

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

The Co-operative Group has submitted initial comments. TCG is working to secure the comprehensive development of the site and have recently obtained a resolution to grant permission for the development of land to east of the Crewe Green Link Road for up to 490 houses, a primary school and access road (Reference 14/4025N). TCG also own land to the west of this planning application allocated as part of the Basford East site. Based on the submitted applications the remaining land will need to accommodate primarily employment uses based on the balance of the residual land uses in the emerging Policy CS1 (i.e. 20.2 ha of B1 and B2 floor space of the 24 ha proposed in policy CS1).

To make a full and proper assessment of the proposal TCG requires further clarification in terms of:

1. Local centre / retail provision. The masterplan (Area 5 Food retail creates anchor within local centre) indicates a “25,000 sqft / 0.29 Ha (approx.) food retail store” and the D&A Statement refers to a 25,000 sqft (2,323 sqm) single food retail unit / supermarket. This conflicts with the application and lack of any justification for such a proposal which refers to a local centre catering for local needs and not an out of centre supermarket.
2. Flood Risk. In assessing flood risk and adopting a sequential approach to development could the proposed houses positioned in Flood Zone 2 be located in areas within the wider emerging mixed use allocation that are at lower risk and/or accommodate less vulnerable employment uses?

3. Pedestrian and cycle link over the Crewe Green Link Road. There are no details of land to be provided for the footbridge and how this is to be provided.
4. Confirmation that affordable housing will be provided at 30 per cent or the alternative level subject to agreement of a Viability Assessment.
5. Delivery of a new access road. It is proposed that the new access road will facilitate access to the main employment site on TCG land to the west of the application site equating to 20.2 ha (84% of the proposed employment land allocation in policy CS1). This is only correct if the road meets the boundary of TCG's ownership and the mechanism for how this would be delivered needs to be confirmed?
6. Phasing. Years 4-15 includes all the employment and local centre land uses.
  - This is a large range and is further information available to confirm when new residents can expect to access the local centre?
  - Are there any proposals to ensure the delivery of employment units?
  - The application excludes the access road to the commercial units in Area 10 (Muse / Witter masterplan) and how does this impact on the proposed phasing?
7. Comprehensive Development. Emerging Policy CS1 confirms that the site must be developed on a comprehensive basis and that applications must contribute to and complement the development as a whole. This issue arises following The Witter Trust's objection to the Council's Compulsory Purchase Order of the Crewe Green Link Road which amended the original Order to remove the east and west spur roads which would have provided access to the whole allocation. TCG is actively seeking to ensure the delivery of the majority of the remaining employment land and a proposal to deliver access was submitted to the Witter Trust on 24th October 2014 based on contributing towards the cost of the access road to the value of one million pounds and building the eastern spur road to directly join Witter land (Area 10 on the Muse/Witter masterplan). A decision is yet to be received but this application provides the Council with the ability to secure comprehensive development and the benefits of releasing the majority of the employment land at the earliest opportunity.

### **APPRAISAL**

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

- The suitability of the site for the proposed mix of uses having regard to matters of principle of development
- Sustainability
- Impact upon nature conservation interests
- Design and impact upon the character of the area
- Landscape impact
- Loss of agricultural land
- Impact upon local infrastructure
- Highway safety
- Affordable housing

### **Principle of Development**

The site is allocated within the Local Plan under Policy E.3 as a Regional and Strategic Employment Location. Policy E.3.2 states "Basford East (gross area about 43ha) will be

developed for Major Industrial and Business Development (including B1, B2 B8) (The remainder of the Basford East site is committed for employment development.) Extensive landscaping will be carried out along the site's southern and western boundaries". The Borough Council has also published the Basford East Development Brief which was adopted in April 2004.

Under these policies and the Brief, the development of Basford East is seen as a site primarily for B1, B2 and B8 uses. The Development Brief requires the site to provide the following elements:

- a) Provision of the Crewe Green Link Road to act as an attractive boulevard running through the centre of the site providing a quality entrance to Crewe Town Centre, access to development plots on Basford East and efficient access to and from the main highway network for both Basford East and Basford West.
- b) The need for a significant depth of woodland screening along the southern and eastern boundaries to offset detrimental visual impact to the open countryside and the creation of wildlife habitats.
- c) Retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site.
- d) Protection and enhancement of Basford Brook as the main drainage conduit on site and as an important element of the linear 'country park' concept.
- e) Creation of drainage ponds that have visual and habitat potential.
- f) An informal zoning of uses to respond to the setting of the boulevard and the visual impact of buildings on the open countryside.
- g) An attractive gateway into the site, providing the opportunity to sit ancillary uses such as a hotel.

This application, which involves the land to the west of the spine road for a mixture of residential development (325 dwellings), 3.8 hectares of employment land (commercial office space), a local centre (health centre, community centre, retail and public house/restaurant, as well as open space areas would conflict with policies, which seek to ensure development of the site for a regional warehouse and distribution park. 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 materials considerations indicate otherwise*". The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

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

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the

latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

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

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

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

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

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

### **Emerging Policy**

The Cheshire East Local Plan Strategy Submission Version (March 2014) highlights the Basford East site as presenting the opportunity to create a high quality employment led, vibrant and sustainable, mixed use development with excellent links to Crewe and the M6 Motorway.

#### Basford East, Crewe

The development of Basford East over the Local Plan Strategy period will be achieved through:

1. *The delivery of up to 19 hectares of B1 Office Space, up to 5 hectares of B2 floor space; to include the creation of a fourth generation business park, with generous Green Infrastructure provision. The site is not considered to be suitable for B8 uses, due to highway constraints;*
2. *The delivery of up to 1,000 new homes, ancillary to the delivery of employment uses on the site. The delivery of more than 1,000 new homes on the site will only be permitted if this can be justified by the submission of a viability study. Such a study will be independently evaluated, on behalf of Cheshire East Council, such costs to be borne by the developer(s);*
3. *The creation of a new local centre including:*
  - i. *One new Primary School located to the eastern edge of the site;*
  - ii. *Retail provision appropriate to local needs;*
  - iii. *Public house / restaurant; and*



- iv. *A community facility that will be capable of accommodating a variety of uses*
- 4. *The retention and incorporation of the existing farm buildings (Crotia Mill) on the site, potentially as part of the Local Centre;*
- 5. *The incorporation of Green Infrastructure, including:*
  - i. *A significant depth of native woodland and other semi-natural habitat screening along all boundaries to provide a buffer between the development and the railway line (at least 20metres) and the A500 (at least 40metres), to offset detrimental visual impact to the open countryside and the setting of the Grade 1 Listed Crewe Hall and its Registered Park and Garden, along with the creation of wildlife habitats, including those for protected species;*
  - ii. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
  - iii. *The protection and enhancement of Basford Brook;*
  - iv. *The creation of drainage ponds that have visual and habitat potential;*
  - v. *Allotments; and*
  - vi. *Open space including sports pitches; Multi Use Games Area; outdoor gym; equipped children's play space and facilities for teenagers.*
- 6. *The provision of a pedestrian link (also allowing for cycle access) over the Crewe Green Link Road South.*
- 7. *The provision of contributions to local health infrastructure;*

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

- a. *The site must be developed on a comprehensive basis. To ensure that the impact upon protected species is minimised, the development of the site shall take place starting in the south and finishing in the north, on a phased basis. The Council will not permit the development of small portions of the site, unless it can be demonstrated that they contribute to and complement the development as a whole.*
- b. *As part of a comprehensive masterplan for the site, provision must be made for a community facility that contains space that can be used for a number of uses, on a flexible basis.*
- c. *The development would be expected to contribute towards road infrastructure improvements in the area, including the Crewe Green Link Road, A500 link capacity improvements, A5020 Weston Road junction and Junction 16 of the M6.*
- d. *The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- e. *Environmental mitigation required as part of the Crewe Green Link Road South scheme will be safeguarded from development. The development should provide compensatory habitat for great crested newts and other protected and priority species on the site. The great crested newt mitigation areas shall be contiguous with that provided for the Crewe Green Link Road South, within a zone adjacent to the northern boundary of the site, parallel to the railway corridor.*
- f. *The development would be expected to provide contributions towards improvements to existing, and the provision of new, public transport links to Crewe railway station, Crewe town centre and local villages.*

- g. *The development would be expected to allow continued access to and servicing of the adjacent railways including improved access to the Rail Depot from Crewe Green Link Road South.*
- h. *The development would be expected to provide improvements to existing, and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools and health facilities.*
- i. *The development will provide connections to the South Cheshire Growth Village, South East Crewe, in the form of Green Infrastructure, pedestrian and cycle links with further consideration of comprehensively masterplanning both schemes.*
- j. *The provision of Green Infrastructure, to reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposals.*
- k. *High quality employment provision on the site is key to its delivery, with housing considered ancillary and required in order to ensure the deliverability of this site.*
- l. *The development should provide a quality of place with pedestrian and cycle links through to Crewe Railway Station and beyond to Crewe Town Centre.*
- m. *A desk based archaeological assessment shall be carried out; if it requires further work and mitigation, this will be completed, as required.*
- n. *The area has a 'typical' Cheshire Landscape, characterised by a flat topography broken up with a dense network of field hedges interspersed with mature hedgerow trees. The development of Basford East must respond to this sensitive landscape setting and create a new high quality environment.*
- o. *Existing farm buildings offer the potential for conversion to alternative uses.*
- p. *Investigate potential for land contamination.*
- q. *There are several ponds located on the site and a range of mature trees and hedgerows which are of ecological value.*
- r. *The site is located in close proximity to the Grade 1 Listed Crewe Hall and its Grade II Listed Registered Park and Garden; any development on the site will need to ensure that it does not have an adverse impact upon its setting.*
- s. *Existing buildings of Crotia Mill Farm, on the site, are thought to lie on the site of a 14th century water mill. Archaeological investigations will be an important consideration across the site but particularly in relation to this farm complex.*
- t. *Records show that there is potential for some areas of infill associated with former ponds and a mill lake, and there may be areas of localised contamination associated with Crotia Mill Farm (formerly a mill) on site.*
- u. *The Crewe Green Link Road South will run through the site and is a precursor to the comprehensive delivery of the site. The site will deliver a pedestrian and cycle link over the Crewe Green Link Road South.*
- v. *Future masterplanning and development of the site should take into account potential impacts from High Speed Rail Two.*

The application clearly delivers a number of the items from the above criteria, namely, 3.8 hectares of employment land, up to 325 new homes, retail provision, a public house / restaurant, a community facility, retention of buildings around Crotia Mill, the green infrastructure provisions, a pedestrian link to the Crewe Green Link Road. The costs of

delivering the proposed development have been assessed by way of an evaluated viability study.

The applicant has suggested that the remainder of the employment provision (20.2 hectares) and up to 185 dwellings can be satisfied on the section of the Basford East site, which falls to the west of the Phase 2 site.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

The wider Basford East site is located in the parishes of both Basford and Weston, however it appears that the residential area of this proposal is located in the Weston Parish.

The Interim Planning Statement: Affordable Housing states that for windfall sites in settlements with populations of 3,000 or less the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or more than 0.2 hectare in size.

As the proposal includes up to 490 residential dwellings there is a requirement for affordable housing provision, this should be 30% of the total dwellings, the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA which is for 65% rented and 35% intermediate tenure. Both social and affordable rented housing is acceptable in this location.

Weston and Basford are located in the Haslington and Englesea sub-area for the SHMA. The SHMA identified a need for 220 new affordable homes between 2013/14 – 2017/18 in that area, made up of an annual requirement for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4+ beds and 1 x 1 bed & 1 x 2 bed older persons dwellings.

There are currently 34 applicants on the waiting list for social rented housing with Cheshire Homechoice who have selected Weston as their first choice, these applicants require 9 x 1 bed, 14 x 2 bed, 9 x 3 bed and 1 x 5 bed (1 applicants hasn't specified how many bedrooms they need). There are 2 applicants who have selected Basford as their first choice; these applicants require a 3 bed property and a 1 bed property.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings)

It is the Housing Strategy and Needs Managers preference that the affordable housing is secured by way of a s106 agreement with a requirement that an affordable housing scheme is submitted with the reserved matters application(s) and that any rented affordable dwellings are transferred to a Registered Provider of affordable housing.

The application initially had confirmed that 30% affordable housing would be provided on this site subject to a financial viability assessment that was being carried out. A Financial Viability Appraisal has confirmed that only 10% affordable housing would be provided. In the event that a reduced amount of affordable housing be accepted then the Housing Strategy and Needs Manager would expect a requirement for 'overage' payments to be made subject to future reviews of viability of the site. This is in line with SC 5 of the Local Plan Strategy Submission Version.

As such, there should be a requirement in the s106 for a review of sales values during the life of the development.

### **Viability**

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

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

The applicant's Financial Viability Assessment has been scrutinised and it has been agreed that the proposed development would be deliverable with a reduction in affordable housing to 10%.

Although application 14/4025N was approved (subject to completion of a s106) by SPB in April 2015, it was considered that the development on the western side of the Crewe Green link Road would provide the balance of the employment requirements of the policy. If permission were to be granted for the Phase 2 application on the basis that it may be possible for the remainder of the employment provision to come forward as part of Phase 3, then it is important that this would be economically viable.

### **Public Open Space**

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided throughout the central section of the site and to the north.

Although formal comments are awaited from the Greenspace / Open Space Officer as to whether the amount of open space to be provided is acceptable, it is understood that there should be sufficient open space provided on site to enable further details to be submitted at the Reserved matters stage.

### **Education**

A development of 325 dwellings would be expected to generate 62 primary aged pupils, however this is only 30% of the pupil numbers to support a new school. The sum in total equates to the development generating the need for either a new school build provided on the

site, or a new schools worth of expansion at existing schools in the locality (subject to the local schools having grounds which allow expansion).

Based on prices which the Local Authority is currently achieving, a new build school will cost £3.2 million and so the proportionate share (30%) will be required from this proposal equating to £960,000. It is noted that a level, fully serviced and uncontaminated site has previously been provided under the Phase 1 development (application 14/4025N). The LA will then be in a position to identify whether it is possible to expand local schools (which is the preferred option), or whether the new school is required. In the event that the new school is not required then the site will be returned and the contribution retained and spent on expansions.

Phase 2 of the development will be expected to generate 49 secondary aged pupils. Having looked at secondary places in the area the data suggest that there are sufficient places in the local secondary school to accommodate the pupils generated of this age range.

### **ENVIRONMENTAL SUSTAINABILITY**

A noise and vibration assessment has been submitted with the planning application. Following a review of this information further clarification was received confirming the industrial noise times and the inclusion of airborne train noise. There is also a consideration of the HS2 route although from the draft reserved land information available at this time the route lies significantly further to the east (and further from this development) than indicated on the plans in the noise assessment.

The noise modelling of road, rail and industrial noise sources indicates that the acceptable daytime and night time noise levels can be achieved for much of the site for internal and external habitable areas with suggested mitigation levels. It is recommended that these mitigation proposals are detailed and approved via the reserved matters planning application.

In this area, it is recommended that further mitigation is detailed to enhance the noise environment in outdoor areas of residential properties. This should be achieved in the form of acoustic fencing and designed to reduce noise levels to acceptable standards, i.e. those detailed in BS8223: 2014.

### **Noise Mitigation Scheme**

The applicant has submitted a noise assessment taking into account rail and traffic noise on the site that shows the site is suitable for development from a noise perspective providing certain mitigation methods are put into place and reduce the noise levels as predicted. In order to ensure that future occupants of the development do not suffer adverse health effects due to noise pollution, the applicant is required to submit details of all acoustic mitigation measures in the reserved matters application.

As noise levels in garden areas are a material consideration it is necessary for noise levels in garden areas to achieve the levels specified in BS8233:2014 and therefore, acoustic barriers should be considered that achieve this where necessary.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

### **Residential Amenity**

There are some existing properties in the area therefore the following conditions relating to the construction phase of the proposed development are recommended to control noise and air pollution

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

### **Air Quality**

The Environmental Health Officer has also commented that in order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such conditions are recommended requiring the submission of a residential travel plan for the site. Individual Travel Plans should also be developed for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons. A condition requiring the provisions of Electric Car Charging Points is also recommended.

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

- public transport links (including low emission public transport routes)
- walking routes
- cycle routes
- provision for infrastructure for Ultra Low Emission Vehicles (public on-street charging posts, and provision on an agreed percentage of properties)
- Delivery vehicle Euro standards agreed
- Support for low emission car clubs

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

There is potential for dust generated during the construction phase of development to have an impact in the area. Therefore, the Environmental Management Plan, should identify all potential dust sources and outline suitable mitigation. The plan should also include details of construction waste management and should specify that there shall be no burning of materials on site during demolition / construction. The plan should be implemented and enforced throughout the construction phase. The proposed commercial uses, include hotel, pub and restaurant uses, have the potential to create nuisance as a result of the discharge of odours and fumes arising from food handling, preparation and cooking. Therefore conditions are recommended requiring a scheme of odour / noise control to be submitted and approved.

It is considered that conditions in relation to a construction management plan, hours of operation, lighting, noise mitigation to be incorporated in to the design of the proposed pumping station, piling, travel plan, dust control, and contaminated land should be attached to any planning permission.

### **Contaminated Land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of mill use and therefore the land may be contaminated. There are also areas of likely infilling on the site which may pose localised contamination and ground gas issues.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- There has been a Phase I Preliminary Risk Assessment and ground conditions chapter submitted as part of an EIA in support of the planning application. These documents recommend further works in certain areas of the site.

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

### **Public Rights of Way**

The development will affect Public Footpath No. 2 Basford and has the potential to affect Public Footpaths Basford No. 1 Basford, as recorded on the Definitive Map of Public Rights of Way. However, it should be possible to incorporate these routes into the reserved matters application.

### **Highways Implications**

This proposal forms part of the Basford East Strategic Site which is allocated for a mixed use development in the submission version of the Local Plan.

The site has a considerable 'back history' being originally allocated for employment uses only for many years. One of the predominant factors in the site not being developed was the considerable infrastructure costs that were required to open up the site fully – principally these were the improvement of the A500 and the delivery of the spine road through the site.

The site is accessed off the (under construction) Crewe Green Link Road, which provides a new dual carriageway between the A500 and the A5020. A large central roundabout is being constructed as part of this scheme – and access for the proposed development is taken off the roundabout spur road.

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of enhanced financial contributions to infrastructure. As such the Strategic Highways Manager offers no objection to this application subject to conditions.

The proposed development is, in a transport sense, sustainable and makes appropriate contributions towards further sustainable transport provision.

The site is accessed off the (under construction) Crewe Green Link Road which provides a new dual carriageway between the A500 and the A5020. A large central roundabout is being constructed as part of this scheme – and access for the proposed development is taken off the roundabout spur road.

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

The Transport Assessment (TA) which informs the planning application has been written in accordance with the DfT Guidance and includes assessment of the agreed network scope.

There are three main areas that need to be addressed as part of mitigating the impact of this development.

### ***1. Crewe Green Link Road***

This scheme, though currently being delivered, is being underwritten by the Council. As this scheme provides the means of access to the proposed development it is considered reasonable that a financial contribution towards its delivery is appropriate. In accordance with the Submission version of the Local Plan the Site Specific Principles of Development (CS1) the site should be expected to contribute towards the Crewe Green Link Road South Scheme. It should also be noted that that land take for the link road also includes additional land take necessary to deliver a future junction improvement at the A5020.

A contribution of £2.0m has been agreed with the developer.

### ***2. Crewe Green Corridor.***

The proposed development impacts on both junctions on this corridor. However, the greatest impact is felt at the A5020 Weston Gate roundabout. Therefore, a contribution has been agreed with the developer towards the future delivery of an improvement scheme at this location.



A contribution of £2.5m has been agreed with the developer on the basis of the number of new 'trips' the development generates at the roundabout.

### **3. A500 Improvements**

A £0.7m contribution towards the delivery of the dualling of this section of road has been agreed with the developer.

The delivery of improvements to the A500 has been a strategic goal of the council for many years and will assist in helping deliver the wider Basford East site. A major upgrade of the A500 would attract traffic away from the Crewe Green Corridor, relieving these junctions.

Recent national strategic infrastructure announcements may require a degree of flexibility in the order in which these improvements are brought forwarded. Therefore, it is recommended that the proceeding 3 highway contributions are secured in a manner which allows this to take place.

The **sustainability credentials** of the site have also been considered. The development has excellent sustainability credentials being located fairly close to Crewe railway station. However, Cycle links along Weston Road are relatively poor. The adjacent site provided funding to deliver improvements to the pedestrian cycle/infrastructure connecting the wider site to the town along Weston Road.

It is considered that this development needs to enable high quality sustainable links to the adjacent site (across the Crewe Green Link Road) where, for example, a new local primary school is to be provided.

In the short term this may be provided by a new Toucan Crossing of the Crewe Green Link Road. This will be secured by a S278 Agreement.

Additionally, Policy CS1 of the Submitted Local Plan confirms the need to provide a pedestrian link over the Crewe Green Link Road – hence a contribution of £225,000 is requested to facilitate this.

£40,000 is required towards **traffic calming**, which will be sufficient to manage potential off-site impacts, including potential rat running through the village of Weston.

A new **bus service** is required to serve the site via the CGLR. An hourly service could be provided between Crewe, the site and Weston at an approximate cost of £115,000 per annum (for 3 years); Giving a requested contribution of £325,000

However, the adjacent site also provided a contribution towards the delivery of this service. A mechanism is suggested that if the adjacent scheme is delivering a sustainable bus service to the site this contribution is reduced to £175,000. The view is that the detailed phasing conditions of this element could be written to reflect occupation levels for both schemes.

### Commutated Sums

In summary, the following Commuted Sums were initially agreed with the developers highway consultants, which should be contained within a s106 Agreement: -

- **£5,200,000** towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- **£345,000** to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- **£225,000** to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- **£40,000** to contribute towards a scheme of traffic management / calming measures in the Village of Weston.

However, following the submission of a viability assessment, it has been necessary to revise the above figures. When compared alongside the Co-ops application (14/4025N) it is important to note that this reduction is due mainly to the reduction in dwellings and employment provision, which therefore means that less value is provided for S106 contributions.

The following revised contributions are now sought, following discussion with the Strategic Infrastructure manager.

- **£2,572,000** towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- **£345,000** to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- **£225,000** to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- **£40,000** to contribute towards a scheme of traffic management / calming measures in the Village of Weston.

It is suggested that a condition to seek provision of a Toucan Crossing of the Crewe Green Link Road through a S278 agreement also be attached.

### Design

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

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.*

*Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The developable area of the proposed dwellings (as shown on the Illustrative Master Plan) would be of approximately 32.5 dwellings per hectare, which is considered appropriate in the context of the character of the area.

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows the point of access from the CGLR. Blocks of development are arranged with a large swathe of Open Space and Ecological Mitigation areas, in a central area, which follows the watercourse. A further substantial area of landscaping and bunding is proposed at the northern end of the site, at the southern end and a narrow buffer along the western side of the site, which will separate and screen the residential part of the site from the employment element which would need to come forward with Phase 3. The indicative layout indicates that the employment provision would be located as a buffer between then CGLR and the residential area. A further employment area is located on the eastern side of the CGLR.

Concern has been raised in relation to the provision of employment floor space adjacent to the new Crewe Green Link Road. The applicant has asserted that the commercial uses were considered appropriate in this location due to the following reasons: -

- Having taken advice from commercial agents, this type of use, and particularly the type of operators that it would attract, must have visibility from the highway and if that is not provided, it would not have market demand, would be unviable and would not be delivered. This location has been specifically chosen for this use to ensure it comes forward;
- In addition, this part of the site falls within Flood Zone 3 and thus would not be appropriate for residential accommodation. To displace employment uses to land already proposed for housing, would not be commercially viable and thus would reduce the amount of deliverable employment and residential uses.

Given the above, the applicant considers that it would seem entirely illogical to seek to move the commercial use to another, unviable/undeliverable location within the allocation and further reduce the provision of housing on the allocation.

The current indicative plan developed for this site ensures that a deliverable mixed use proposal comes forward, which meets the policy objectives of CS1 as far as practically possible.

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to designing coding to control the detail of the scheme, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site and the proposal will comply with local plan policy BE2 (design) and the provisions of the NPPF in this regard.

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

### Landscape

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

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

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

The proposed Development will change the existing agricultural fields to a residential area at Basford East. In the most part, important trees and hedgerows have potential to be retained and enhanced as part of a comprehensive landscape infrastructure planting strategy which will also help to soften the built form and assimilate the development into the wider landscape context. Existing tree corridors should be enhanced with additional native planting. This is especially important in close proximity to local footpath routes and to provide noise buffers and visual screening around the sites edges. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

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

A key feature of the proposals is the linear park, which runs north/south through the site, along the course of Basford Brook. The park provides significant recreational and amenity value, and also ensures a buffer zone around Basford Brook in order to protect the habitat and biodiversity potential. The housing would front the park to provide necessary surveillance. The park also incorporates potential for play, the use of naturalistic play elements and woodland themed installations. The park also incorporates an area for attenuation, in order to offset potential impact of the development on the flood zone.

There is a significant area of landscape to the northern and southern proximities of the site which provide buffers to both the railway line and the A500.

This area creates opportunity for attractive planting and screening of the road from the development as well as providing the Sustainable Urban Drainage (SUDs) for the development with the ponds and swales associated with this.

To the north-east of the site (beyond the site boundary) is located an area to mitigate the impact on Great-Crested Newts of the development of the CGLR. This area must be addressed in an appropriate way so as to protect the newts and provide a suitable relationship between the development and the mitigation area.

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

environment. These planting proposals will also help to reduce potential impacts to the visual amenity of residential and footpath users.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 4,875sqm of shared recreational open space and 6,500sqm of shared children's play space which is a total of 11,375sqm of open space.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Ecology**

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

Statutory nature conservation sites – no objection. This application is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England, therefore advise that this SSSI does not represent a constraint in determining this application.

### Protected species

It is of note that the planning application boundary encompasses the approved Great Crested Newt Mitigation area for the Crewe Green Link Road, this should factor into any submitted mitigation, however it can not form part of the mitigation for this site.

The Nature Conservation Officer has commented on the application as follows: -

### Great Crested Newts

This protected species has previously been recorded at a number of ponds on site. The proposed development is highly likely to have a significant adverse impact upon this species as a result of both the loss of breeding ponds and the loss of terrestrial habitat.

To compensate for the loss of 4 ponds associated with the development 8 new ponds will be created within a total mitigation area of 1.2ha located on the western side of the link road. This location would provide links to the other green infrastructure areas located adjacent to the brook.

Only 0.2ha of habitat is proposed to the eastern side of the link road. This seems to underutilise the available space for habitat creation as there is a triangular area of land within the red line of this application located to the south of the railway line and to the north of the great crested newt mitigation land associated with application 14/2485n. This area of land is not subject to any development proposals and so could be utilised for habitat creation/woodland planting. This matter could be secured by means of a condition if outline consent is granted.

It will be necessary for the council to have regard to the habitat regulation tests during the determination of the application.

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE3 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

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

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

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

In relation to protected species, the Nature Conservation Officer advises that based upon the outline proposals received it is likely that the favourable conservation status of the local great crested newt population could be maintained as during the development of this site. Detailed proposals put forward at the reserved matters stage must however be supported by an updated/revised protected species assessment and mitigation strategy.

The Council's Nature Conservation Officer does not object to the scheme as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

### Ponds

The ponds on site have been recorded as supporting nationally scarce invertebrate species. Four ponds are likely to be lost as a result of the proposed development. The submitted ES states that at least 8 new ponds would be created to mitigate for this loss. The Nature Conservation Officer advises that this is acceptable, however, these ponds must be solely for nature conservation purposes and not form part of any SUDS scheme associated with the proposed development. This matter should be dealt with by means of a condition if planning consent is granted.

### Otter

The updated otter survey has again recorded evidence of otter activity on Basford Brook, it is however not thought likely that the brook corridor provides opportunities for otters to seek shelter or protection.

Provided the construction process is restricted to daylight hours, the Nature Conservation Officer advises that the proposed development would not be likely to result in the disturbance of otters or pose a risk of killing or injuring them. An offence under the Habitat Regulations in respect of otters is therefore unlikely. This matter may be dealt with by means of a condition requiring any future reserved matters application to be supported by a detailed protected species mitigation strategy.

### Water Voles

Water voles were previously recorded on Basford Brook. The 2012 survey did not record any conclusive evidence of water voles but their presence could not be ruled out. Mink have however been recorded during the latest surveys and so it is not likely that water voles would have returned.

The Nature Conservation Officer advises that the installation of an outfall into Basford Brook and the construction of bridges to allow the access roads to cross the brook would be highly likely to have an adverse impact upon this species if present.

It is recommended that as a precaution if outline planning consent is granted the requirement to undertake pre-commencement water vole surveys should form part of the detailed protected species mitigation strategy submitted in support of future reserved matters applications.

### Impacts on Basford Brook

As well as supporting a number of protected and uncommon species Basford Brook where it flows through the application site is also designated as a Local Wildlife Site. The brook is designated primarily for the presence of a regionally important population of native crayfish.

Recent surveys undertaken to inform the ES have confirmed the continuing presence of native crayfish within the brook. Any disturbance or pollution of Basford brook during the construction phase would be likely to result in a high magnitude adverse impact upon this population. The submitted ES states that the risk posed to crayfish could be mitigated through the production of a Construction Environment Management Plan and Ecological Management Plan.

The ES also identifies an increased risk of crayfish plague being introduced to the population due to the close proximity of the proposed housing.

The construction of outfalls into the brook and the proposed access roads crossing the brook have the potential to have an adverse impact upon the brook and the species it supports both as a result of disturbance and pollution during the construction phase and also as a result of permanent loss of bankside habitat.

The Nature Conservation Officer recommends that indicative plans be submitted that demonstrate how the outfalls and brook crossings would be designed to minimise the impacts on the brook. In order to further mitigate the impacts of the development upon the brook. The Nature Conservation Officer also suggests that crossings over the brook be restricted to a single point.

### Bats

A number of minor bat roosts were recorded at Croatia Mill Farm. These roosts are unlikely to be directly affected by the proposed development, however in the absence of mitigation, noise and lighting associated with the construction process would potentially lead to some temporary disturbance of this roost. The submitted ES recommends a condition that construction work ceases 30 minutes before sun set during April – October to minimise the potential disturbance of the roost.

As the application is outline only it is difficult to assess the potential impacts of the proposed development upon roosting bats at Croatia Mill, however, it seems unlikely that an offence would be committed in respect of bats as long as the suggested mitigation is secured at the reserved matters stage.

The submitted ES identifies two trees (T85 and T47) with bat roost potential that would be lost as a result of the proposed development. A further protected species survey of the trees to be lost as a result of the proposed development has now been undertaken. No evidence of roosting bats was recorded associated with the trees on site.

### Barn owls

There is a history of barn owl activity at Croatia Mill Farm located adjacent to the proposed development. The latest survey has recorded evidence of barn owls within a number of buildings at the farm and the species is thought to be breeding here.

The submitted ES states that loss of foraging habitat and disturbance during the construction process is likely to result in the desertion of the site by barn owls.

It is proposed that the impacts of disturbance during the construction phase be mitigated through the implementation of a method statement. The Nature Conservation Officer recommends that if planning consent is granted a condition be attached requiring the submission of a barn owl mitigation method statement as part of the updated protected species mitigation strategy submitted with the outline application.

In order to compensate for the loss of barn owl habitat a contribution to the local barn owl group to fund off-site habitat creation is proposed by the applicant. A figure of £3,000 has been suggested by the Mid-Cheshire Barn Owl Group. This sum would be used to fund the



manufacture and erection of 12-15 barn owl boxes and cover the cost of their long term monitoring, maintenance and replacement.

### Badgers

Three badger setts have been recorded on site. Based upon the indicative layout it appears likely that the Main sett would be retained as part of the proposed development however the two outlying setts present are likely to be lost. To avoid an offence occurring in respect of badgers the submitted ES proposes to close any setts directly affected by the proposals under the terms of a Natural England license. The Nature Conservation Officer confirms that this approach is acceptable.

If outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation strategy. The inclusion of fruit trees in the landscaping plans for the open space areas would provide an additional seasonal food source for badgers to compensate for the loss of foraging habitat associated with the proposed development.

### Reptiles

A regionally import population of slow worms was previously recorded on the Basford East site. An updated survey in 2015 confirmed the continued presence of this species on site. The habitat that has been confirmed as being used by this species would be retained as part of the proposed development and incorporated into the sites open space. It must however be ensured that the retained habitats are managed to maintain them in a form suitable for this species. This matter may be covered by the condition requiring any future reserved matters application to be supported by an updated protected species strategy.

### Nesting/Wintering Birds

The application site is likely to be of some value for breeding and nesting birds in the Local context. The provision of a significant buffer of undisturbed habitat adjacent to the brook and the incorporation of suitable habitat creation measures into the open space areas of the development is likely to provide some compensation for the loss of habitat for birds.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. It appears likely that boundary hedgerows could be retained as part of the proposed development. There is however, likely to be a loss of hedgerow from the sites interior. If outline planning consent is granted it must be ensured that appropriate replacement native species planting is incorporated into the scheme at the detailed design stage.

If planning consent is granted the following matters must be dealt with by means of conditions:

- Reserved matters application to be supported by an updated protected species assessment and mitigation strategy. This strategy to include detailed pond designs, proposals for the exclusion of public access from the ponds, restriction of works in the vicinity of the stream to daylight hours, proposals for the retention and enhancement of reptile habitat, white clawed crayfish mitigation, barn owl mitigation strategy and bat mitigation proposals.

- Habitat creation proposals for the triangle shaped red line land located to the east of the link road and to the south of the railway line, including woodland planting, to be submitted with future reserved matters application.
- Ecological mitigation ponds not to be utilised as part of a drainage/SUDs scheme.
- Reserved matters application to be supported by a Construction Environment Management Plan.
- Reserved matters application to be supported by a strategy for the safeguarding of the brook.
- Reserved matters application to be supported by a habitat management plan to be implemented in perpetuity.

### **Green Infrastructure potential**

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development.

### **Flood Risk and Drainage**

The site is located within Flood Zones 1, 2 and 3 of the Environmental Agency Flood Map and is therefore, considered to have areas of low, medium and high risk of fluvial flooding from Basford Brook. A site specific FRA has been undertaken and the proposed development has been carefully designed with residential and commercial development restricted to Flood Zones 1 and 2, and therefore is at medium and low risk of fluvial flooding. Only a couple of small areas, notably set aside for car park and service yard space, are shown to be located within Flood Zone 3.

The development will not cause displacement of existing flood storage volume within the site; and as such it is concluded that flood storage compensation will not be required; and there will not be increase in flood risk downstream of the site.

A preliminary SUDS Drainage has been prepared, which demonstrates that surface water run-off from the development can be sustainably managed to minimise any adverse effects relating to increased surface run-off rates and volumes generated as a result of the proposed development.

Surface water run-off from the proposed development will be attenuated on site within detention basins, bio-retention units, swale, permeable paving or other similar attenuation structures and the discharge of flows into Basford brook will be restricted to agreed Greenfield run-off rates. Flows into Basford Brook will not be increased as a result of the development.

To prevent impacting established white clawed crayfish habitat, outfalls will be set back from the bank as far as possible; with wet swales provided to convoy flows into the watercourse.

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the position of appropriate planning conditions. With compliance with

the adherence to current design guidelines, there should be no detrimental impact on flood risk or surface water quality.

### Loss of Agricultural Land

The area of grade 3a with some 3b and Grade 2 land lost to agriculture would be minor at a local scale and would not be a significant loss, an assessment determined from the guidelines set out in the NPPF, NPPG and the European guidance for soils in Environmental Impact Assessments. Considering Tables 1, 2 and 3 the magnitude of impact would be medium magnitude. The higher grade soils would be highly sensitive to change and the significance of the impact would be **Medium** or **minor adverse** at a local site level. The lesser grade soils are less sensitive and the overall significance of impact on the greater areas of the site would be **Low** or **slight adverse** at a local level.

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.

In this case, the previous approval and the allocation of the site for development in the adopted Local Plan, has established the acceptability in principle of the loss of agricultural land on this site. Consequently, it is not considered to be an issue, which can be revisited at this 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 Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The scheme will also deliver direct employment uses.

### Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the dis-benefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

Securing overall employment objectives of the CELPS CS1 allocation

The Town and Parish Councils are concerned that the approval of this application will not bring about the guarantee that employment development will take place. The application for the Phase 3 development will need to be considered on its merits, however, the strategic objectives of the CS1 allocation can be delivered and shortfall of commercial uses (20.2 hectares) can be brought forward on the Phase 3 land. This employment shortfall could be supported by 185 dwellings. The applicant has submitted a plan which demonstrates that there is circa 28.3 hectares of land within the remained of the Basford East allocation that is considered to be available to accommodate development. The plan shows generous areas given over to Green Infrastructure. In addition, a substantial buffer is shown between the Phase 2 and Phase 3 land in order to adopt a cautious approach when assessing the extent of the developable land.

The plan illustrates how 5 hectares of B2 development adjacent to the West Coast railway corridor to the north of the proposed access road could be brought forward. 12.8 hectares of B1 development could be brought forward adjacent to B2 development and the West Coast railway corridor. 10.5 hectares of mixed use development, of which the balance of 2.4 hectares of B1 development can be accommodated together with 185 residential units.

Of course, the exact mix and arrangement of uses proposed on the remaining land within the Basford East allocation would need to be put forward by the owners of the land and as part of any subsequent planning application. Nevertheless, it has been demonstrated that the remaining land within the allocation provides sufficient development capacity to meet the shortfall and enable all of the objectives of policy CS1 to be met.

### Accessing the Phase 3 land

Concern has been raised that the ownership of the land required to access Phase 3 could create a barrier to the comprehensive development of the Basford East site.

The applicant for this application has put forward a suggested mechanism to ensure that the land ownership issue will have no impact on the viability of the development of Phase 3 as follows: -

As part of a financial viability appraisal of the Phase 3 development, a value of the Phase 3 site (i.e. Site Value) will require to be established in the context of the prevailing planning policy and in accordance with the RICS guidance on Financial Viability in Planning.

By reference to established case law, where there is an area of access land, which provides the key to unlock the development potential of adjacent land, the market value of the access land is determined as a proportion of the unlocked site value. The market value will be at a consideration, which a willing purchaser would pay to a willing seller to bring forward development

The value of the access land should not therefore be regarded as being in addition to Site Value, and in itself will not have an impact on the viability of the development of the Phase 3 site.

To ensure the delivery of the access to the proposed employment development on the Phase 3 land, the applicant is prepared to deal with this through a tried and tested mechanism in the section 106 agreement. This mechanism will effectively guarantee the delivery of the access

to the Phase 3 land on mutually acceptable commercial terms. The proposed mechanism would work as follows:

- Following the planning authority resolving to grant planning permission for Phase 3, the applicant would be bound to use reasonable endeavours to negotiate and enter into an agreement with the owners of the Phase 3 land pursuant to which the access road will be completed and connected into the Phase 3 estate road system, with the applicant being paid the market value for permitting access across the relevant land;
- In the event that an agreement has not been reached with the owners of Phase 3 within a certain period (perhaps 3 or 6 months – subject to discussion) then the applicants would be bound (if so directed by the Council) to use reasonable endeavours to negotiate and enter into an agreement for such access with the Council direct, again on the basis of the applicant being paid market value for permitting access across the relevant land;
- If agreement on the terms or the price cannot be reached within a specified period, then the applicants are happy for such matters to be referred for binding expert determination. Again, a time limit for such determination can be specified in the agreement so that there is no undue delay in bringing forward the Phase 3 development.

In this way, access to the Phase 3 land will be secured and the point is comprehensively addressed in an obligation, which meets the CIL Regulations tests.

The site is allocated for Major Industrial and Business Development within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy. However, the site is identified in the SHLAA as being suitable, available, achievable and deliverable with a potential capacity of 1000 dwellings of which 500 will be delivered in the 1-5 period and a further 500 in the 6-10 period. Residential development is also a preferred option in the emerging CELPS and the Crewe Town Strategy. A scheme, which provides more employment uses will be less viable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the site, as well as the contributions that it will make towards infrastructure improvements, including the Crewe Green Link Road and A500 are considered to be of vital importance to the delivery of the “All Change for Crewe” as well as the CELPS. It is therefore essential that a viable scheme is put forward. The development of the site for the proposed uses is therefore considered to be acceptable in principle.

The comments raised by Weston and Basford with regards to enhancement of the Mill Lane access to ensure an attractive and easily accessible pedestrian and cycle link for local residents between Weston Village and the site signage, lighting, surface treatment, landscaping etc and the request for contributions towards the provision of a regular bus service linking Weston Village with the local centre on the site, and requests for a contribution to providing traffic mitigation measures within the Parish of Weston and Basford, have been forwarded to the Head of Strategic Infrastructure and a comment on this matter has been requested. These details should follow in an update report.

The request by Weston and Basford Parish Council to have a contribution towards financing an extension to Weston Cemetery off Cemetery Road on the basis that there are no burial

facilities proposed in the application and the existing Weston Cemetery is fast reaching capacity is noted. However, there is no provision within the Crewe and Nantwich Local Plan or CELPS to make such a request and as a result no contribution is required, or justified.

CELPS policy CS1 includes the provision of retail provision appropriate to local needs. The D and A Statement indicates that the food retail store could be up to 2,323 sqm. Crewe Town Council and the Co-op have raised concerns that there is lack of justification for a single food retail unit / supermarket. It is noted that Paragraph 26 of the NPPF states that:

“when assessing application for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm).”

Therefore, no assessment is technically required. However, the applicant has provided details on how the floorspace has been formulated. The planning application before the Council has been made in outline, with all matters except for access reserved for future determination. The retail provision is considered to be an appropriate level to meet local needs of the development (principally all new residential properties associated with the Basford East allocation) and it is envisaged that there would be one larger unit, with a series of smaller units to provide a variety of local needs retail. It is envisaged this would prevent the local community traveling to the surrounding town centres for basic every day goods

The Agent has been asked to provide further details on the pedestrian and cycle link over the Crewe Green Link Road. It will be necessary for land to be provided for the footbridge. Members will be provided with an update on this issued prior to the SPB meeting.

The other issues raised by the Town and Parish Council will be more appropriately addressed at the reserved matters stage when further details are put forward.

### **Section 106 Package and Viability Issues**

The developer has submitted a viability appraisal, undertaken by consultants, which indicates that it is not possible to provide the highway contributions outlined above and education contributions as well as the required level of affordable housing.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the “All Change for Crewe” in terms of the contribution that it will make to employment opportunities within the town and the delivery of the Crewe Green link Road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East’s 5-year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

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

## **S106 Contributions:**

Following the assessment of a viability study which has been submitted, the sum of money available to cover s106 items is £4.145m. This 'pot' should be allocated as follows: -

- £960 000 towards secondary school education. The LA will then be in a position to identify whether it is possible to expand local schools (which is the preferred option), or whether the new school is required. In the event that the new school is not required then the site will be returned and the contribution retained and spent on expansions.
- As explained in the highways section above, it has been necessary to reduce the amount of Highways contributions due to the schemes viability. £3.182m is now proposed towards road infrastructure improvements. To be split between: -
  - Crewe Green Link Road, A500 link capacity improvements, A5020 Weston Road junction and Junction 16 of the M6 (in accordance with draft Policy CS1).
  - Improvements to existing, and the provision of new, public transport links to Crewe railway station, Crewe town centre and local villages (in accordance with Draft Policy CS1),
  - Public Transport Services

It is recommended that a mechanism is attached to allow for further viability testing to be carried out as the development comes forward on a phased approach to enable further contributions to come forward should the scheme allow.

In addition, 10 per cent affordable housing would be provided and £3,000 to compensate for the loss of Barn Owl habitat and creation of new off site habitat.

## **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.

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

The development would result in a number of highways impacts at the Crewe Green Roundabout, Weston Roundabout, Crewe Arms Roundabout, A500, and contributions clearly

are required towards the Crewe Green Link Road, and Crewe Green Corridor. In addition, contributions towards footway and cycle facilities, traffic calming and bus service provision are required to ensure that a sustainable form of development is delivered. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

### CONCLUSIONS

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy.

However, many of the objectives of the emerging policy CS1 would be delivered as a result of this scheme and the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. Furthermore, the previous scheme, which comprised entirely B1, B2 and B8 development, in accordance with the Local Plan allocation, has been demonstrated to raise viability issue and in order to ensure that the site is delivered with the necessary infrastructure, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the allocated site should be capable of being delivered as part of the Phase 2 scheme. Although the development cannot provide the full Highways contributions requested by the Strategic Infrastructure Manager, it is considered in the planning balance that the revised contributions are acceptable. The contributions that this scheme will make towards infrastructure improvements, including the A500, Crewe Green Link Road and wider area are considered to be of vital importance to the delivery of “All Change for Crewe” as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore considered to be acceptable in principle.

### The Planning Balance

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

The proposal is contrary to development plan policy E3.2 (Basford East) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The benefits in this case are: -

- A package of highways contributions (in excess of £3,182,000), which will help deliver a number of highways improvements in the vicinity of the site



- Improvements to existing, and the provision of new, public transport links to Crewe Railway station, Crewe town centre and local villages
- 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
- Contributions towards education of £960,000
- £3,000 towards Barn Owl habitat creation
- POS provision
- The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation
- There is not considered to be any drainage implications raised by this development
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral
- The impact upon trees and hedges is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

Balanced against the above must be the loss of an area agricultural land. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It will be necessary for the Phase 3 application to bring forward further employment opportunities and the further objectives of the allocation within the emerging Development Plan.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

### **RECOMMENDATION**

#### **Approve subject to the completion of a Section 106 Agreement**

Heads of Terms:

- £2,572,000 towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- £345,000 to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- £225,000 to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- £40,000 to contribute towards a scheme of traffic management / calming measures in the Village of Weston.
- £960,000 to primary education
- Provision of 10% affordable housing – subject to review of sales values during the life of the development.
- Provision of public open space to be transferred to a Management Company
- £3,000 for Barn Owl habitat creation.

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

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

Application for Outline Planning

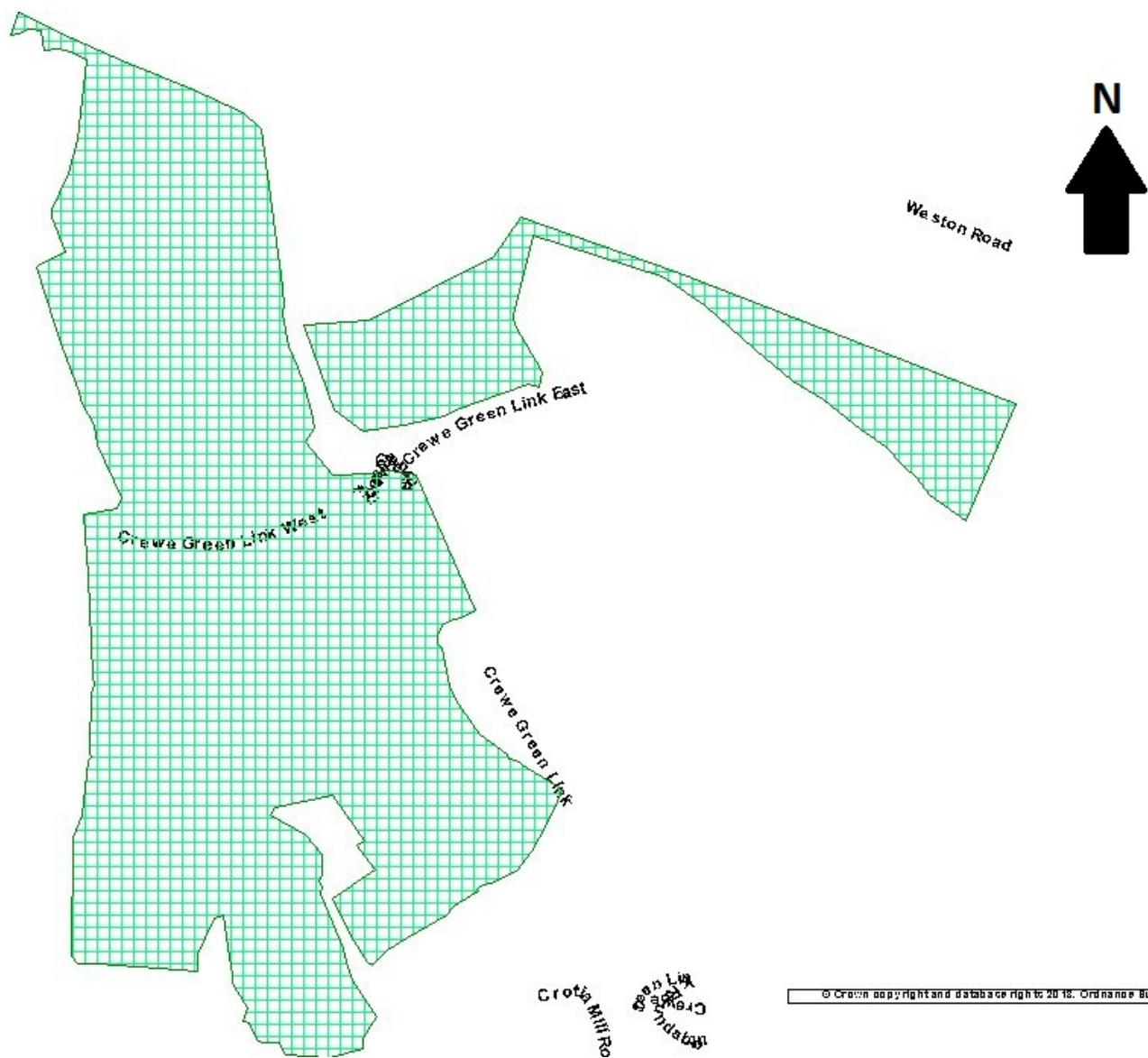
### RECOMMENDATION:

1. Construction of access
2. Vehicular visibility at access to be approved
3. Submission of construction method statement
4. Standard outline (Phased)
5. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
6. Development to be carried out in accordance with the approved Flood Risk Assessment
7. A scheme to demonstrate appropriate flood resilience measures to the proposed development to be submitted and approved
8. All residential dwellings to be located in Flood Zone 1

9. No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing
10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing
11. A scheme for the disposal of foul and surface waters for the entire site to be submitted to and approved in writing
12. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority, followed by any necessary remediation.
15. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house.
16. Submission, approval and implementation of travel plan
17. Scheme to minimise dust emissions arising from demolition / construction activities on the site to be submitted to and approved in writing by the Local Planning Authority.
18. Details of electric vehicle infrastructure to be installed within that phase shall be submitted to and approved in writing by the LPA.
19. Standard time frame - 3 years
20. A detailed landscape scheme should be submitted for approval prior to commencement on site
21. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
22. 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
23. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
24. 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
25. Submission / approval / implementation of footpath surfacing / lighting
26. Drawing numbers
27. Bin storage
28. Details of trees and hedgerows to be retained to be provided
29. Phasing plan to be submitted

30. Details of land to be provided for footbridge across spine road to be submitted as part of the Reserved Matters application
31. Details of boundary treatment to be submitted prior to commencement.
32. Individual Travel Plans shall be developed for all commercial occupants and residential properties with the aim of promoting alternative / low carbon transport options for staff, patrons and residents.
33. Low emission strategy including a timetable for implementation for that phase to be submitted to and approved in writing by the LPA.
34. 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
35. Ground levels to be submitted
36. Protection of breeding birds
37. Provision of bird boxes
38. Times of Piling
39. Hours of construction/noise generative works
40. The scheme is to include provisions for ventilation that will not compromise the acoustic performance of any proposals
41. Any mitigation shown as part of the report must achieve the internal and external noise levels defined within BS8233:2014 and / or industrial noise levels where complaints are considered unlikely as defined in BS42142:2014.
42. Further mitigation is to be provided in areas to the south of the site to enhance the noise environment in outdoor areas of residential properties. This should be achieved in the form of acoustic fencing and designed to reduce noise levels.
43. Detailed layout to show that housing units are not located in the area to north where the noise modelling has indicated that industrial noise levels are unacceptable.
44. Noise mitigation proposals to be submitted for approval with the reserved matters planning application.
45. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy
46. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority.
47. Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.
48. Details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
49. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of white-clawed crayfish and associated habitat during construction works and once the development is complete.

50. Provision and management of a large undeveloped buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority
51. Reserved matters application to be supported by an updated protected species assessment and mitigation strategy.
52. Habitat creation proposals for the triangle shaped red line land located to the east of the link road and to the south of the railway line, including woodland planting, to be submitted with future reserved matters application.
53. Ecological mitigation ponds not to be utilised as part of a drainage/SUDs scheme.
54. Reserved matters application to be supported by a Construction Environment Management Plan.
55. Reserved matters application to be supported by a strategy for the safeguarding of the brook.
56. Reserved matters application to be supported by a habitat management plan to be implemented in perpetuity.
57. Toucan crossing to be delivered through a S278 Agreement



© Crown copyright and database right to 2018. Ordnance Survey 100049046.

Application No: 15/4472M

Location: Block 15 Former CTL, ALDERLEY HOUSE, ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4TF

Proposal: The refurbishment and partial redevelopment of Block 15 with laboratory, office and manufacturing (assembly) spaces for research and development and associated uses (Use Class B1)

Applicant: Joe Broadley, Alderley Park Ltd.

Expiry Date: 15-Jan-2016

## **SUMMARY**

Following AstraZeneca's announced departure from Alderley Park, a series of important interventions have taken place to ensure that the impact of disinvestment is managed and mitigated. The proposals for Block 15 demonstrate a continued commitment to the parks development as a world class hub for the Life Sciences. The proposed refurbishment and partial redevelopment of Block 15 is a critical first step in this process. It will provide high-quality and flexible purpose-built facilities in the short-term for both new and existing companies at the BioHub, thus ensuring that that talent and skills associated with AstraZeneca can be re-deployed on site before becoming dissipated.

The proposed development constitutes an appropriate use of the site that seeks to enhance the availability of high-quality research and development floorspace at Alderley Park. The proposed development reduces the impact of the existing built form on the openness of the Green Belt.

The proposed development constitutes the regeneration of buildings within previously developed land. It constitutes a high-quality design that respects and enhances the character of the existing site. It will improve the landscape setting of the facilities whilst introducing new green infrastructure and future connections to the wider site.

The proposed development respects and enhances the local landscape character and visual amenity.

Overall the scheme is considered to constitute sustainable development with a firm emphasis on the economic benefits of the proposal.

## **RECOMMENDATION**

**Approval subject to conditions**

## **DESCRIPTION OF SITE AND CONTEXT**

### **Allocations:**

The site is located in the North Cheshire Green Belt and is identified as a Major Development Site in the Green Belt in the Macclesfield Local Plan.

### **Background:**

As detailed within the Alderley Park Development Framework, which was endorsed by the Council on 30<sup>th</sup> June, Alderley Park is a research and development site renowned for the discovery and development of innovative new medicines. It is a key part of the North West Life Science Ecosystem. Opening more than 40 years ago, the site has a rich heritage of important advancements in medical treatments. As the lead centre for cancer research, Alderley Park currently houses the global Advanced Lead Discovery Centre, and its world class laboratories offer unique facilities for drug discovery and development.

When AstraZeneca announced its intention to transition the majority of its research and development function from Alderley Park to a new purpose-built centre in Cambridge, it was immediately recognised that the potential negative economic impacts of this decision were considerable. Following rapid intervention at Ministerial level, senior stakeholders came together, as the Alderley Park Taskforce, to devise a strategy for the site which would sustain high-value employment and investment beyond AstraZeneca's planned withdrawal.

AstraZeneca had already begun to establish a cluster of research and development life science companies on site at the BioHub. The Taskforce therefore set out a vision for the site which would build on that BioHub model, devising a strategy to re-purpose the site to offer facilities which complement existing life science resources across the region.

In March 2014, Manchester Science Partnerships (MSP) successfully bid to acquire the site, confirming its ambition to build on the BioHub concept, adapting the site's state-of-the-art research facilities to enable the development of a community of life science businesses specialising in different aspects of the drug discovery chain.

AstraZeneca's phased decant of the site is progressing and the applicant is now keen to begin the task of re-purposing the site. It is critical that work is undertaken to remodel the site for multioccupier use quickly such that talent and skills associated with AstraZeneca can be re-deployed on site before becoming dissipated and to ensure the world class facilities on site are properly maintained and do not become obsolete.

The proposed refurbishment and partial redevelopment of Block 15 is therefore a critical first step in this process. It will provide high-quality and purpose-built facilities in the short-term for both new and existing companies at the BioHub looking to expand. Whilst AstraZeneca's gradual departure is making existing facilities available, these tend to be the poorer quality stock (the redevelopment of which will shortly be the subject of a separate planning application).

The proposals will therefore create high-quality accommodation capable of attracting continued investment in the Life Sciences at Alderley Park.



## Site / Topography:

The red edge boundary of the application site measures approximately 3.7 hectares and is located within the eastern corner of the existing Mereside complex at Alderley Park. The site falls within the Ward of Chelford and the Parish of Nether Alderley.

Block 15 and its associated curtilage are located within the application boundary. This existing complex comprises a number of linked buildings (labelled A to L) which have been constructed in an *ad hoc* fashion over the latter half of the last century. The total floor area of the existing Block 15 complex is 33,783 m<sup>2</sup> (GEA) or 32,554 m<sup>2</sup> (GIA).

Initial planning permissions on the site were for a number of laboratory and office buildings with associated animal keeping facilities and workshops. Over time, further planning permissions were granted for a number of modifications and extensions to existing facilities; as well as for the erection of further laboratories and office accommodation for research and development purposes. The complex was operated by AstraZeneca until it was mothballed in 2007. It has remained vacant but in good physical condition since. The principal permitted use of the site has been for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

In physical terms, the application site rises from the lowest point in the south (+103.60m AOD) to the highest point in the north-east (+111.60m AOD). The existing blocks are between 2 and 5 storeys in height (in general keeping with the scale of the wider Mereside complex) but differ in age and architectural styles, albeit each is principally built from brick masonry and concrete. As an existing facility, the complex benefits from operational access and servicing arrangements with car parking to be found adjacent. Woodlands surround the site to the north and east, with existing built development associated with the wider Mereside complex to the south and west. The application site therefore remains well screened from external views into Alderley Park. However, two key internal views to its existing entrances can be observed from the south and west.

The topography within the red line boundary is not dissimilar to the wider site, with a gently undulating landscape. From the south of the site, at the access roadway, the site levels are at their lowest and from here there is an increase in datum to the main entrance elevation. From this low point the levels steadily rise to the south heading eastwards along the access roadway, with occasional notable changes in level to provide access into and from the existing buildings. The occasional changes amount to 1.5m at loading bays and lower plan level access points, whilst the level of the roadway increases from 103.60m to 111.60m at the easternmost corner.

To the north, again the levels rise from west to east by 4.25m, a storey height, dropping as required to access points into the existing blocks. A number of 'bridge' links are also used to address sudden level changes within the landscaped curtilage of the built form.

Within the existing landscaped courtyard the storey height in level change is evident from the existing western entrance in an easterly direction.

### **Previous Developed Land:**

The majority of the site comprises 'Brownfield' land in the form of building, a surface car park, and some landscape areas.

### **Access:**

The park lies just off the A34 allowing access by road to Manchester International Airport in around 20 minutes and to Wilmslow in 7 minutes. From Alderley Edge railway station, Manchester city centre is accessible by train in 30 minutes and Manchester Airport in only 10 minutes. The Arriva 130 bus runs through the site between Macclesfield and Alderley Edge every half hour Monday to Friday and hourly on Saturdays. In addition, from Monday to Friday the 27A bus also passes through the site twice a day in either direction between Macclesfield and Knutsford.

The proposal will retain the existing road infrastructure to the perimeter of the Block 15 buildings and in addition will create a defined drop off point adjacent to the westernmost entrance. Emergency service vehicles will be able to access the full perimeter of the site and will in addition be able to access the pedestrian biased route between the conjoined buildings and the pavilion blocks J and E.

The car parking provision for the buildings is within the existing multi-storey block.

The principal pedestrian routes provide access to the western entrance and the second entrance to the east of the conjoined buildings. Full access is however afforded to the perimeter of the buildings. The axial east / west pedestrian route through the Mereside campus extends into the new landscaped space to the centre of the buildings and this linkage will be significantly enhanced as part of this development.

A separate cycle hub and shower facilities are provided within the Mereside campus and customers of Block 15 will have full access to the facilities.

Temporary waste storage and recycling space will be provided within the buildings for collection on a regular basis and removed from site.

### **Surrounding Land Uses:**

Alderley Park is located to the south of Alderley Edge and is somewhat hidden from the adjacent road network. The site has a world class setting, with Radnor Mere, a significant expanse of open water to the north and mature managed and farmed parkland to the south. Elsewhere established woodland creates a green backdrop to the site, with the extensive Beech Wood reaching northwards from the site and enveloping the Mere along its northern perimeter.

The Block 15 site also benefits from this woodland context. Views from within the site to the north and east capture the dense wooded vista, with land to the south extending out beyond the access road and Parklands building into the managed estate. The neighbouring buildings to the west of the Block 15 site are varied in scale and use, with a mix of ancillary and laboratory buildings.

## DETAILS OF PROPOSAL

The application seeks full planning permission for the refurbishment and partial redevelopment of Block 15 with laboratory, office and manufacturing (assembly) spaces for research and development and associated uses (Use Class B1).

The proposals will bring back into use a currently vacant group of buildings to form a series of modern and adaptable laboratory, office and manufacturing (assembly) spaces for research and development purposes. This will provide grow-on space for the BioHub as well as flexible accommodation for new customers to Alderley Park. A new roof is also proposed that will create an internal atrium area providing internal breakout spaces for collaborative working with ancillary retail and café facilities to serve users of the complex.

Partial demolition works have already commenced on-site under Section 81 of the Building Act 1984 and will remove all buildings deemed unsuitable for refurbishment. In total, this removes 12,654 m<sup>2</sup> (GEA) or 12,162 m<sup>2</sup> (GIA) of floorspace which subsequently creates an opportunity to open up the site as well as create new built development including an atrium roof, new entrance features and some glazed upper accommodation. The proposed new build floorspace totals 9,312 m<sup>2</sup> (GEA) or 9,144 m<sup>2</sup> (GIA) which is considerably less than that which is being removed. All remaining floorspace will be refurbished in accordance with the specifications set out in the Design and Access Statement. Overall, the total floorspace of the proposed Block 15 complex is 30,441 m<sup>2</sup> (GEA) or 29,519 m<sup>2</sup> (GIA).

The layout of the proposed Block 15 complex largely mirrors that of the existing facility given that the majority of the retained floorspace will be refurbished only. The biggest change to the layout will result from a new atrium with associated entrance features.

The scale of the proposed Block 15 complex will also remain essentially the same to that of the existing facility. As detailed above, the total proposed floor area is less than that for the existing complex. Furthermore, the total volume of the proposed facility is *circa* 3% less than that which exists now (see Section 5 below for further details). With regard to the height of buildings, only

Blocks E and I are proposed to be increased through the addition of a glazed upper level of accommodation.

The proposed development will retain as much of the existing brickwork as possible, allowing for repair works and cleaning. The new atrium roof will be covered with a metal standing seam product and will be finished with a recessed aluminium channel eaves profile. To the underside of the roof structure a lacquered plywood finish will be used internally, which will switch to an external grade plywood finish externally. A machined timber finish will also be utilised in the façade of the two new projecting pods which nestle beneath the cantilevered atrium roof. A curtain-wall system will be used on various elevations incorporating expressed vertical timber fins. Finally, the new lightweight glazed extensions will be designed to appear as simple vertical extensions, with limited interface at the junction between the head of the curtain-wall and roof. Low e-glass will be used to form new glazed elements here and elsewhere in the proposed scheme.

A landscaping strategy for the site has been designed to create three interconnected landscaped areas that complement the changes to the main building fabric. These include new landscaping around the main entrance, within the proposed central courtyard, and around the newly proposed secondary entrance. Movement lines will be focused on these spaces and entrances allowing connection to the wider Mereside campus and surrounding parking areas. It is intended that the proposed landscaping strategy will establish a new campus character around the building and its approaches, with an emphasis on introducing new planting and lawn areas that will help to create a calm and relaxed working environment. Spill out and gathering spaces are proposed to allow workers the opportunity to make full use of external areas, whilst new tree lined avenues define key pedestrian walkways. The landscaping strategy is indicative at this stage and a detailed scheme will be required to be brought forward in accordance with the principles set out therein.

### **Access:**

The proposed development will retain the existing road infrastructure surrounding the site but will create a defined drop-off point adjacent to the western entrance. The east to west route that currently runs through the Mereside campus (which will be enhanced for pedestrian usage as part of the wider site proposals) extends into and terminates within the new landscaped space to the centre of the Block 15 complex and will be significantly enhanced as part of the proposals. Furthermore, the scheme has been designed to provide fully inclusive access to all users including improved disabled and emergency service access. Separate cycle and car parking facilities are already provided within the Mereside campus to which users of the proposed development will have full access; and it is also intended that the existing site-wide waste management strategy be extended to cover the proposed facility with temporary waste storage and recycling space to be provided within the buildings for collection and removal from site on a regular basis.

### **RELEVANT HISTORY**

Following a review of the Council's records it is evident that there have been a number of applications for numerous buildings, and significant landscaping improvements across the Alderley Park Estate, however these are not relevant to this application proposal.

### **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan. The relevant Local Plan policies are considered to be: -

### Environment

- NE2 Protection of Local Landscapes
- NE5 Historical landscapes, parklands and gardens;
- NE11 Nature Conservation;
- NE17 Major developments in the countryside
- BE1 Good Design;
- BE21-24 Archaeology;
- BE22 Scheduled Monuments;

### Green Belt

- GC1 New development in the Green Belt;
- GC4 Major Developed Sites in the Green Belt;

### Recreation

- RT7 Cycleways, bridleways and footpaths;

### Employment

- E1 Employment Land Policies;

### Transport

- T1 General Transportation policy;
- T2 Public Transport;
- T5 Provision for cyclists;
- T6 Highways improvements and traffic management;

### Implementation

- IMP1 Development sites;
- IMP2 Transport Measures;

### Development Control

- DC1 High quality design for new build;
- DC5 Measures to improve natural surveillance and reduce crime
- DC6 Circulation and Access;
- DC8 Requirements for Landscaping;
- DC9 Tree Protection
- DC17 Water resources
- DC18 Sustainable drainage systems
- DC63 Contaminated land

## Other Material Considerations:

### NPPF

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

- The NPPF sets out a clear presumption in favour of sustainable development. Paragraph 7 defines sustainable development as having three dimensions: economic, social and environmental;
- Paragraph 9 of the Framework explains that pursuing sustainable development involves *'seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life'*;
- Paragraph 14 sets out the presumption in favour of sustainable development, which should be *'seen as a golden thread running through both plan-making and decision-taking'*;
- Paragraph 17 outlines 12 core land-use planning principles that should underpin both plan-making and decision-taking;
- Paragraph 18 of the NPPF sets out that: *'the Government is committed to securing economic growth in order to create jobs and prosperity'*;
- At paragraph 19 identifies that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth'*;
- Paragraph 21 identifies a number of measures for local planning authorities to consider when drawing up their plans to assist investment in business, which it is identified *'should not be over burdened by the combined requirements of planning policy expectations'*;
- Amongst the measures identified in paragraph 21, is the need to support existing business sectors and to build in flexibility to be able to respond to changes in economic circumstances;
- Paragraph 32 indicates that developments generating significant amounts of movement should be supported by a Transport Statement/Assessment;
- Paragraph 24 states that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan;
- Paragraph 26 requires an assessment of impact on existing, committed and planned public and private investment and the impact on town centre vitality and viability;
- Paragraph 56 highlights that good design is a key aspect of sustainable development;
- Paragraph 61 sets out that development should address the connections between people and places and the integration of new development into the natural, built and historic environment;
- Paragraph 80 outlines the five purposes the Green Belt serves;
- Paragraph 109 states the planning system should contribute to the enhancement of the natural and local environment and protect and enhance value landscapes, minimise impact on biodiversity and provide net gains where possible;

- Paragraph 111 sets out that *'planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land)';and*
- Paragraph 118 states Council's should aim to conserve and enhance biodiversity through principles such as mitigating and compensating for significant harm that cannot be avoided.

### **Cheshire East Local Plan Strategy – Submission Version (CELP):**

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

Policy MP 1 Presumption in Favour of Sustainable Development  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy PG 3 Green Belt  
Policy PG 6 Spatial Distribution of Development  
Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy CS29 Alderley Park Opportunity Site  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy EG 1 Economic Prosperity  
Policy EG 3 Existing and Allocated Employment Sites  
Policy EG 5 Promoting a Town Centre First Approach to Retail and Commerce  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 6 Green Infrastructure  
Policy SE 7 The Historic Environment  
Policy SE 8 Renewable and Low Carbon Energy  
Policy SE 9 Energy Efficient Development  
Policy SE 13 Flood Risk and Water Management  
Policy CO 1 Sustainable Travel and Transport  
Policy CO 2 Enabling Business Growth Through Transport Infrastructure  
Policy CO 4 Travel Plans and Transport Assessments

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- The Alderley Park Development Framework (June 2015);
- The Nature Conservation Strategy Supplementary Planning Document (October 2006);
- Supplementary Planning Guidance on s106 (Planning) Agreements (May 2004);
- Trees and Development Guidelines (February 2004);

- The Cheshire East Employment Land Review (March 2012);
- The Cheshire East Economic Development Strategy (June 2011);
- The Local Plan Strategy Employment Background Paper (March 2014);
- The SQW Report on the Economic Impact of Disinvestment (January 2014);
- The SQW Assessment on Future Demand (February 2014);
- The National Planning Policy Framework (March 2012); and
- The Planning Practice Guidance (March 2014)

Circulars of most relevance include:

- ODPM 06/2005 Biodiversity and Geological Conservation;- 11/95 The use of Conditions in Planning Permissions; and
- Circular 02/99: Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats etc.) Regulations 2010.

### **CONSULTATIONS (External to Planning)**

**Highways:** Comments awaited

**United Utilities:** No objections, subject to conditions requiring a separate system for foul and surface water; with foul connecting into the sewer and surface water details to be submitted.

**Environment Agency:** No objections, subject to conditions dealing with the submission of a remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Environmental Health:** No objections subject to conditions requiring the submission of an Environmental Management Plan. A travel plan is also suggested, as well as the provision of Electric Vehicle Infrastructure. As the application area has a history of pharmaceutical research and development use and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The Report submitted in support of the application recommends further gas monitoring be carried out. We are in agreement with this and would also advise that post demolition site investigation works be carried out. A Contamination Land Phase 2 report will be required.

**English Heritage:** No objection in principle, subject to a scheme of archaeological recording/investigation being carried out.

**Cheshire Archaeology Planning Advisory Service:** No objections - the proposed works are not considered to be of such a nature as to require any archaeological mitigation.

**Public Rights of Way:** Advises that the proposed development does not appear to affect the public right of way.



## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Nether Alderley Parish Council:** Raise no objections.

## **REPRESENTATIONS**

None received.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following documents, details of which can be read on file:

- Supporting Planning Statement;
- Design and Access Statement;
- EIA Screening Report;
- Ecological Assessment;
- Transport Statement;
- Landscape and Visual Impact Assessment;
- Phase 1 Geo-Environmental Assessment;
- Phase II Environmental Site Assessment;
- Tree Quality Survey, Arboricultural Implications Assessment and Method Statement;
- Desk Based Archaeological Assessment; and
- Flood Risk Assessment and Drainage Statement.

## **OFFICER APPRAISAL**

Full Planning Permission is sought for the refurbishment and partial redevelopment of Block 15 with laboratory, office and manufacturing (assembly) spaces for research and development and associated uses.

## **PRINCIPLE OF DEVELOPMENT**

### Green Belt

The site is located within the Green Belt therefore, policy GC1 of the Macclesfield Local Plan applies. Policy GC1 states that “*within the Green Belt, approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for [inter alia] ... development within Major Developed Sites which is in accordance with Policy GC4.*” Policy GC4 subsequently confirms that the Council will grant planning permission for limited redevelopment proposals within these sites (including Alderley Park) provided they meet the following criteria;

- *Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- *Contribute to the achievement of the objectives for the use of land in Green Belts;*
- *Not exceed the height of existing buildings; and*

- *Not occupy a larger area of the site than the existing buildings unless this would achieve a reduction in height which would benefit visual amenity.*

#### Impact on Openness of the Green Belt

One of the two essential characteristics of the Green Belt is its openness. The NPPF confirms that the construction of new buildings is inappropriate in the Green Belt **except** where this comprises *inter alia* the “*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”. This essentially corresponds with the first criteria of ‘saved’ MBLP Policy GC4. Importantly however, the NPPF states that the extension or alteration of a building **can** be considered appropriate development “*provided that it does not result in disproportionate additions over and above the size of the original building*”. Both exceptions to inappropriate development in the Green Belt apply to this case.

As detailed within the supporting Design and Access Statement, the gross external and internal floor areas for the proposed Block 15 complex represent a *circa* 10% decrease from the existing floor areas. Furthermore, even with the inclusion of a new internal atrium, the demolition of the poorer quality buildings results in a volume *circa* 3% less than the existing building’s volume. Consequently, the proposed reduced size and scale of Block 15 will ensure that the proposals do not have a greater impact on the openness of the Green Belt and do not result in a disproportionate addition over and over the size of the original building in accordance with the requirements of the NPPF.

	Total GEA (m <sup>2</sup> )	Total GIA (m <sup>2</sup> )	Total Volume (m <sup>3</sup> )
Existing Block 15	33,783	32,554	132,663
Proposed Block 15	30,441	29,519	128,314

With regard to the purposes of including land within the Green Belt, the proposed development is entirely within previously developed land and so will not result in the unrestricted sprawl of large built-up areas; it will not lead to neighbouring towns merging or encroachment into the countryside; it will have no impact on the setting and special character of historic towns; and will assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Consequently, the proposed development will have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it. In fact, it will have less of an impact in full accordance with ‘saved’ Policy GC4. The same conclusions apply to ‘saved’ MBLP Policy GC8 which relates to the reuse and adaption of existing buildings in the countryside for commercial uses.

The objectives for the use of land in the Green Belt are a local requirement and not explicitly included within the NPPF. Furthermore, they are listed in MBLP Policy GC2 which is an expired policy. Consequently, there is no requirement for the proposed development to contribute to the objectives for the use of land in the Green Belt as stated.

The vast majority of the proposed Block 15 complex will retain the same building heights as the existing facility. The only exceptions to this are the proposed single glazed upper levels of accommodation to Blocks E and I which are required to make the internal spaces usable thus maximising their potential employment offer. These existing blocks are currently two of the lowest buildings on-site at 3 storeys and are surrounded by other buildings of 4 and 5 storeys. Therefore, whilst an increase in the height of two blocks is proposed, these remain under the height of the tallest existing buildings on-site and within the overall scale of the complex.

The footprint of the existing Block 15 complex is 12,202 m<sup>2</sup>. When taking into account the demolition works currently being undertaken, the footprint of the proposed Block 15 complex (including the new cantilevering pods proposed at both entrances) is 9,749 m<sup>2</sup>. Overall, the footprint of the proposed Block 15 complex is therefore 20% smaller than that of the existing.

The scheme is therefore considered to be in accordance with Green Belt policies.

### **ECONOMIC / SOCIAL SUSTAINABILITY**

The proposals will create *circa* 30,000 m<sup>2</sup> of high-quality laboratory, office and manufacturing (assembly) floorspace (Use Class B1) to meet the requirements of modern businesses and companies looking to invest in Alderley Park.

The re-use and improvement of existing facilities will ensure that high-quality space is available in the short-term for both existing and new companies. The ability to provide this fantastic facility in the short-term will ensure that talent and skills associated with AstraZeneca can be re-deployed on-site before becoming dissipated thus ensuring sustainable economic growth in accordance with paragraphs 18 and 19 of the NPPF.

Once fully occupied, the proposed development has the potential to provide for *circa* 1,000 highly skilled jobs in accordance with the Core Planning Principles of the NPPF to build a strong and competitive economy.

The proposals also support economic growth in rural areas and the creation of jobs and prosperity through the growth and expansion of existing businesses in accordance with paragraph 28 of the NPPF.

### **ENVIRONMENTAL SUSTAINABILITY**

#### Layout, Design and Amenity

The application seeks full planning permission for the refurbishment and partial redevelopment of Block 15 with laboratory, office and manufacturing (assembly) spaces for research and development and associated uses (Use Class B1).

In order to remove buildings unsuitable for re-use and to provide a more logical and legible site plan, certain buildings will be demolished.

The net effect of the demolition work listed above means that a logically planned series of buildings can be refurbished and clear axial routes to and through the site can be established. In effect, creating a group of buildings to the west, conjoined and covered with a new and

grand atrium space. To the east, two pavilion buildings; sit adjacent a new linear landscaped space - at the easternmost edge of which two sites for future development close the vista.

The removal of the westernmost extension to Block G along with the removal of some planting and trees in this key location means that an appropriately scaled new entrance can be created. The existing building entrance both here, and generally, are subtly scaled and somewhat hidden from view. The proposal provides a highly visible entrance into Block 15.

This new entrance building will accommodate office space at the upper levels, but at the ground floor will house a new café facility. Each of the retained buildings will be refurbished to a high standard. New windows and curtainwall will be provided throughout and where necessary brick and façade repairs will be undertaken.

With occasional exception services plant space will be accommodated within the footprint of existing plant enclosures, which will be re-clad or remodelled as required.

The major new addition within the proposal is the atrium roof. This key feature of the scheme creates the upper envelope for the new open space which will become the heart of the project and define the sense of place for this new development. This space will be used by the buildings customers and visitors throughout the day and as mentioned above will accommodate lettable customer space, breakout work space, collaborative open meeting space and seating adjacent to the new café area.

Elsewhere, the refurbishment of Block E incorporates a new light weight glazed upper level of accommodation. This provides a potential office space to be co-located with either a laboratory or manufacturing (assembly) space at ground floor.

Brickwork facades will be repaired where necessary and cleaned. Window units and curtainwalling will be replaced throughout with modern polyester powder coated aluminium framed systems and low e glazing.

The atrium roof will be covered with a metal standing seam product and will be finished with a recessed aluminium channel eaves profile. To the underside of the roof structure a lacquered plywood finish will be used internally, which will switch to an external grade plywood finish externally and the supporting expressed column structures painted.

The new atrium roof and particularly its plywood soffit creates a starting point for a palette of materials which will be visually sustainable, natural and complimentary to the existing 'buff' coloured brickwork and occasionally expressed concrete frames. A machined timber finish will also be utilised in the façade of the two new projecting pods which nestle beneath the cantilevered atrium roof. Here, the curtainwall system will incorporate expressed vertical timber fins, creating a dramatic façade composition, but additionally functioning to reduce the amount of solar gain into the space behind.

The application site is located on the eastern edge of the Mereside complex and is surrounded by large-scale existing development to the south and west and woodland to the north and east. It is not visible from Congleton Road; nor to any historic assets, or visually sensitive receptors in and around Alderley

Park. Furthermore, the existing Block 15 complex provides no architectural merit, or significance in itself and is rather outdated in appearance. Consequently, and in accordance with the Development Framework, the site is able to accommodate a more contemporary and innovative design appropriate to its secluded location.

It is considered that the layout provided would be acceptable. Due to Block 15's location within the park, it is good distance away from any neighbouring properties, it is not considered that there would be any impact from the building on neighbouring properties.

### Landscaping Setting and Trees

Block 15 is located within the PDL boundary and is surrounded by built development and woodland. The proposed refurbishment and partial redevelopment will therefore have no impact upon the historic parklands. However, to consider the impact of the proposals on existing trees and woodland, a Tree Quality Survey, Arboricultural Implications Assessment and Method Statement has been undertaken to set out the extent of tree loss and the associated tree protection measures, arboricultural working methods, and management recommendations to accompany the proposals. Comments are awaited on these surveys / reports from the Arboricultural Officer and will be provided prior to the SPB meeting.

A high-quality landscaping strategy is proposed which seeks to create three inter-connected landscaped zones that complement the proposed scheme whilst also connecting the site to the wider areas of Alderley Park. In accordance with 'saved' MBLP Policy DC8, the proposed landscaping strategy helps to achieve a better balance between open space and built form; as well as enhance the quality of the layout, setting and design of the proposed development. The landscaped areas have a clear purpose to provide attractive arrival, circulation and breakout spaces for all users of the facility, with appropriate species to be planted throughout. The applicant will retain control of the management and maintenance arrangements for all landscaping spaces. The proposals accord with Macclesfield Borough Local Plan Policies DC8 and NE17.

### Archaeology

The Development Control Archaeologist from the Cheshire Archaeology Planning Advisory Service has been consulted with regard to the proposals and the proposed works are not considered to be of such a nature as to require any archaeological mitigation.

### Environmental Amenity

The Environmental Health Officers comments are noted. It is considered that the suggested conditions are acceptable which seek to: -

- Ensure that an Environmental Management Plan is provided. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
  - Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology,

screening, a detailed specification of plant and equipment to be used and construction traffic routes

- Waste Management: There shall be no burning of materials on site during demolition / construction
- Dust generation caused by construction activities and proposed mitigation methodology.
- Details of the phased occupation of the site to protect new occupants.

A travel plan and Electric Vehicle Infrastructure should also be provided. As the application is for new laboratories and offices, which are a sensitive end use and could be affected by any contamination present, means that a Contamination Land Phase II report will be required.

### Ecology

An Ecological Assessment has been undertaken to provide an assessment of any ecological issues associated with redevelopment of the Block 15 complex. The assessment demonstrates that the site is not covered by, or adjacent to any statutorily protected sites. The application site is adjacent to two non-statutorily protected Sites of Biological Importance (SBI). There is a minor risk of incidental disturbance to habitats within the SBIs during construction and therefore fencing is recommended along the eastern site boundary to ensure that vehicle movements and the storage of materials do not affect habitats. Comments are awaited from the nature conservation Officer.

### **Highways**

Although the Strategic Infrastructure Manager has yet to formally comment on the proposals, it is understood that no objections are to be made. The key issue will be as follows: -

- The traffic impact of the development on the local infrastructure

Key Principle 6 of the Development Framework seeks to improve public access to Alderley Park. Whilst this relates more to the masterplanning of the wider site, consideration of vehicular and pedestrian accessibility, as well as impacts upon the local highway network arising from the proposed development of the Block 15 complex have been considered by Vectos in a Transport Statement. This has confirmed that the site is accessible by a range of transport modes, with a number of leisure and retail facilities being present on-site already (as well as those ancillary facilities proposed within the development and to form part of future development proposals). In particular, the site is accessible by bus with services connecting to Alderley Park and providing links to key destinations such as Manchester, Macclesfield and Knutsford in accordance with 'saved' MBLP Policies T2 and DC6. Furthermore, improvements to disabled access have been incorporated into the designs in accordance with 'saved' MBLP Policies T4 and DC6.

With regard to impacts upon the local highway network, whilst not in use at present, the Block 15 complex nevertheless represents an existing development whose use could restart immediately without requiring any planning approval. On this basis, and when considering the slight reduction in floor area, the proposed development is likely to have no material impact on the local highway network. Furthermore, the existing access points from Congleton Road will be retained as well as access to the site from the internal road network within Alderley

Park in accordance with 'saved' MBLP Policies T6 and DC6. In addition, the existing car parking and cycle storage facilities and vehicular service arrangements will be re-utilised by the proposed development in accordance with 'saved' MBLP Policies T5 and DC6.

Further comments from the Strategic Infrastructure Manager will be provided prior to the SPB meeting.

### EIA

An Environmental Impact Assessment (EIA) Screening Request was submitted. Following review, it was concluded that the application does not need to be supported by an Environmental Statement (ES). Notwithstanding this, a full EIA has been submitted as part of the proposals for the wider site (application reference 15/5401M). Whilst supporting a separate planning application, that ES considers the proposals for Block 15 cumulatively therein.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered (subject to the comments awaited from outstanding consultees), that the proposals can be approved. The proposed development is considered to be acceptable in this Green Belt location and public benefits arise from the proposal in respect of securing and expanding the Life Science related businesses, significant investment to the local economy, along with direct and indirect employment.

The NPPF is a material consideration to this planning application and sets a clear presumption in favour of sustainable development.

The **benefits** to be generated by the proposal include:

- The proposed development constitutes an appropriate use of the site that seeks to enhance the availability of high-quality research and development floorspace at Alderley Park;
- The proposed development constitutes the retention and enhancement of an existing employment facility, seeking to bring it up-to-date and back into use in the short term;
- The proposed development reduces the impact of the existing built form on the openness of the Green Belt;
- The proposed development constitutes the regeneration of buildings within previously developed land;
- The proposed development constitutes a high-quality design that respects and enhances the character of the existing site;
- The proposed development seeks to maximise the use of sustainable modes of transport;
- The proposed development will improve the landscape setting of the facilities whilst introducing new green infrastructure and future connections to the wider site;
- The proposed development will protect and enhance the ecological conditions of the site; and
- The proposed development respects and enhances the local landscape character and visual amenity.

With regard to the other material considerations relevant to the proposal, landscape; heritage and ecology have all been assessed and mitigation proposed to offset any impact.

The traffic generated by any additional commercial uses proposed will be mitigated through a comprehensive approach to green travel.

The economic case is compelling. The development will significantly enhance employment growth in a high quality and sustainable environment.

The proposed refurbishment and partial redevelopment of Block 15 is a critical first step in this process. It will provide high-quality and flexible purpose-built facilities in the short-term for both new and existing companies at the BioHub thus ensuring that that talent and skills associated with AstraZeneca can be re-deployed on site before becoming dissipated.

When the impacts are weighed up against the significant economic benefits and sustainability credentials of the proposal, and taking into consideration mitigation proposed, the balance weighs strongly in favour of granting planning permission and should therefore be granted without delay.

The proposal is not considered to constitute a significant departure from policy, therefore, there would be no need to be refer the application to the Secretary of State should the Council be minded to approve it.

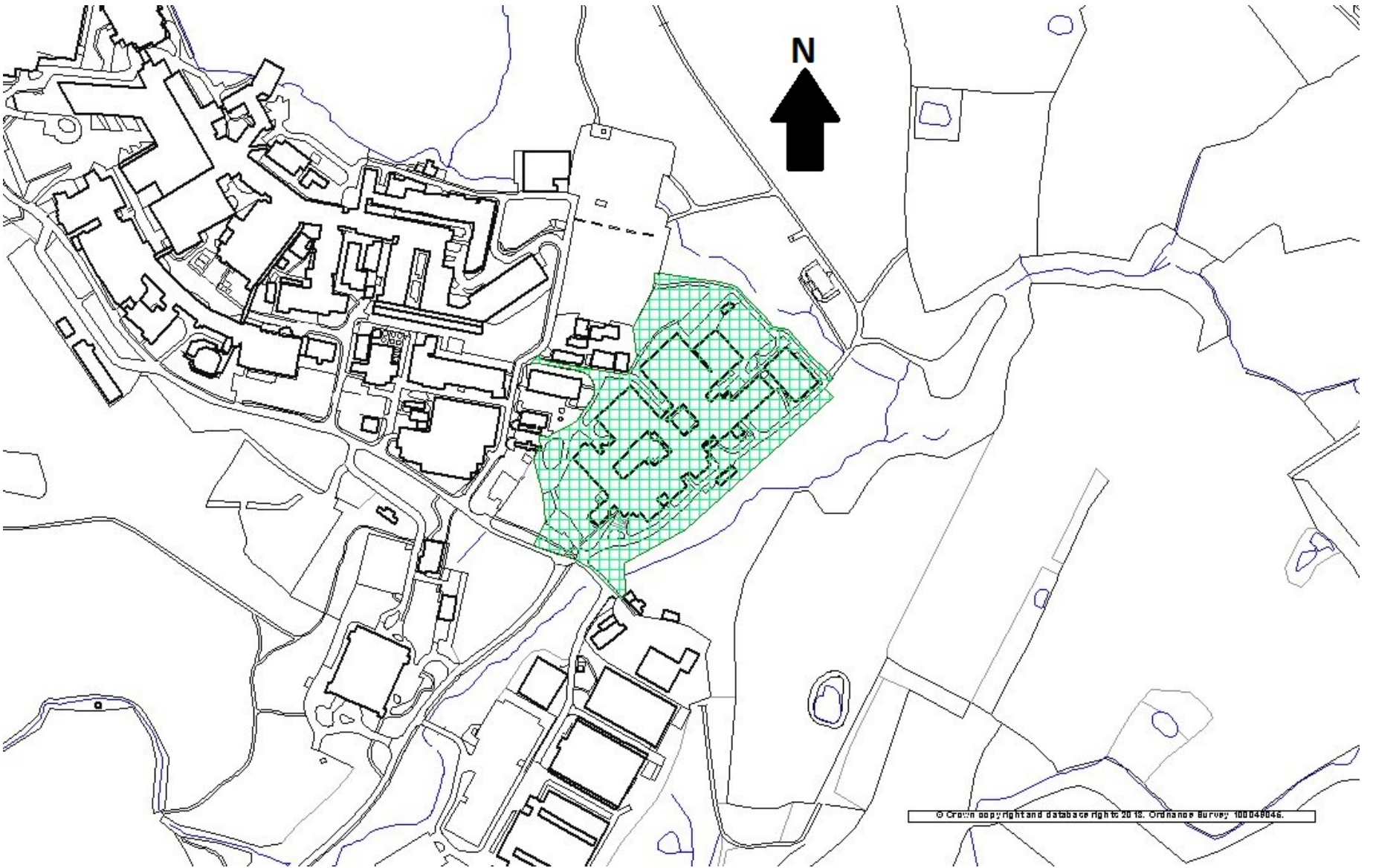
### Application for Full Planning

#### RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
7. Travel Plan to include Electric Vehicle infrastructure within the car parking area
8. Submission of Environmental Management Plan - to include details of mitigation for noise and disturbance, waste management, and dust generation.
9. Travel Plan
10. Electric Vehicle Infrastructure
11. Contaminated land
12. Foul and surface water shall be drained on separate systems.



13. Surface water drainage scheme to be submitted



Application No: 14/1193C

Location: Land South of, Old Mill Road, Sandbach

Proposal: Outline planning application for up to 200 residential dwellings, open space with all matters reserved.

Applicant: Muller Property Group

Expiry Date: 04-Jun-2014

### **SUMMARY**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the principle of development has already been accepted following the appeal decision on this site. The main difference between this application and the extant consent is that the means of access is no longer specified so that all matters are reserved.

The benefits in this case are in terms of much needed affordable housing provision and the development would help in the Councils delivery of 5 year housing land supply. Also the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact on protected species/ecology (subject to mitigation), drainage/flood risk implications, highways, trees, residential amenity/noise/air quality. Contaminated land could be mitigated through the imposition of planning conditions and the impact upon education infrastructure would be mitigated through the required contributions

The adverse impacts of the development would be loss of open countryside, loss of agricultural land and the development would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and this weighs in favour of approving the development.

### **RECOMMENDATION**

**Approve subject to conditions and a S106 Agreement**

## **PROPOSAL**

This is an outline application with all matters reserved. The position of the access point was originally proposed as part of this application but has now been removed.

The development relates to a residential development of 200 dwellings. The dwellings types would be a mix of 1-4 bed dwellings and would include 30% affordable housing. Public open space would also be provided on the application site.

The residential development would be located on the western parcel of land with the eastern parcel of land used for water drainage, attenuation ponds and ecological mitigation.

The application is accompanied by an Environmental Statement.

## **SITE DESCRIPTION**

The application relates to 9.2 ha of land, located within the open countryside as defined by the Congleton Borough Local Plan. Part of the site is also located within a wildlife corridor and is subject to Policy NR4.

The site is split into three parcels of land. The main part comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

The second and third parcels of land are located to the west of the A534 and comprise agricultural land which is bound by hedgerows and trees.

## **RELEVANT HISTORY**

13/2389C - Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road – Appeal for non-determination – Strategic Planning Board ‘Minded to Refuse’ – Appeal Allowed 11<sup>th</sup> December 2014

13/2767S – EIA Scoping – Decision Letter issued 7<sup>th</sup> August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> December 2012. Appeal Lodged. Appeal Withdrawn

## **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

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

**Sandbach Neighbourhood Development Plan (Draft for Consultation)**

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

**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 in principle to the development subject to the imposition of planning conditions.

**Strategic Highways Manager:** This development proposal benefits from approved access arrangements determined under appeal ref: APP/R0660/A/14/2212604 accordingly Cheshire East Council as Highway Authority is content that satisfactory access arrangements have been established for this development proposal subject to securing the necessary land to enable implementation and the inspectors recommended conditions and S106 contributions namely:

- S106 contribution of £120,000 towards The Hill/High Street junction.
- The access to the residential site shall be from a junction to the A534/A533 roundabout, in accordance with plan SCP/13111/F04 rev D hereby approved.

No assessment of the access shown on drawing 0239 SK01 Rev D from A534 Wheelock Bypass has been undertaken for this application as all matters are reserved.

On this basis, and in the absence of other assessments, Highways consider that site access from a junction at the A534/A533 roundabout is preferable on grounds of network integrity and road safety.

No other highway objections are raised on this outline application.

**CEC Environmental Health:** Conditions suggested in relation to hours of construction, piling, environmental management plan, noise mitigation, a travel plan, electric vehicle infrastructure, dust control, contaminated land and an informative in relation to contaminated land.

**Natural England:** The proposal does not appear to affect any statutorily protected sites. For advice on protected species reference should be made to the Natural England standing advice, concern over the supporting bat surveys.

**CEC Public Rights of Way:** The development has the potential to affect Public Footpaths Sandbach Nos. 17, 19, 18 and 50, as recorded on the Definitive Map of Public Rights of Way. An informative is suggested to be attached to any approval.

**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 Archaeology:** It is advised, that in the event that planning permission is granted a programme of archaeological work will be required, which may be secured by condition.

**Cheshire Fire and Rescue:** Access and facilities for fire services should be in accordance with Building Regulations. The applicant is advised to submit details of the water main installations in order that fire hydrant requirements can be assessed. A fire risk assessment should be undertaken for the construction phase of the development. Consideration should be given to the design of refuse stores and the fire service recommends the fitting of domestic sprinklers.

**ANSA Public Open Space:** No comments received but as part of the last application they stated that:

*There is a need for new on site amenity greenspace to meet the future needs arising from the development and based on the policy of 2.4 average bedrooms/persons per dwelling. This equates to 6,000sq.m.*

*There is a requirement for new on site Children and Young Persons provision to meet the future needs arising from the development and a one large on site facility would be preferred.*

*This should be a NEAP facility provided by the developer containing at least 8 items of equipment and would take into account all ages of play, items including elements of DDA inclusive equipment, infrastructure and appropriate safer surfacing.*

**Education:** The following contributions will be required:

- £390,466 for primary school education
- £424,909 for secondary school education

**Congleton Ramblers:** Object to the proposed development as it does not respect the existing PROW on the land to be developed

## **VIEWS OF THE TOWN COUNCIL**

Object on the grounds that the development is so substantial that its cumulative effect would be significant; granting permission would undermine the plan making process because of the emerging Neighbourhood Plan for Sandbach.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 17 households raising the following points;

### Principal of Development

- The proposal is speculative
- There is no need for more housing in Sandbach
- The development is too large for Sandbach
- No benefits from this development unlike the retail park scheme
- Questions raised by the previous appeal decision on this site
- 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 BMV Agricultural land
- The development is contrary to the Sandbach Neighbourhood Plan
- The development is not needed or wanted
- The development does not respect the historic market town
- Lack of detail contained within this planning application
- The number of housing applications is disproportionate to the size of Sandbach
- 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
- The previous application on this site was refused
- There are no jobs in Sandbach
- This site should be kept green for local residents to enjoy
- Impact upon the character of Sandbach which is a market town
- Loss of Green Belt

### Design issues

- Visual impact due to the topography of this site
- The development should include bungalows as well as housing
- Over intensive suburban form of development
- Impact upon local Listed Buildings and the Conservation Area
- The development is too dense
- The site is prominent/landscape impact

### Infrastructure

- Impact upon schools
- Impact upon medical infrastructure
- No assessment of the impact upon local infrastructure



### Highways

- Increased traffic congestion
- Pedestrian safety
- The highway network should be improved first
- Increased traffic
- Cumulative highways impact
- The traffic information contained within this application is out of date
- Traffic is already a problem at this roundabout
- Traffic congestion where there is an accident on the M6
- Existing problems at Junction 17 of the M6
- Lack of car parking within Sandbach Town Centre

### Amenity

- Increased pollution – air quality
- Impact upon living conditions
- Loss of outlook
- Loss of privacy
- Noise pollution
- Proximity of the proposed dwellings to existing dwellings. Certain plots should be removed from the application
- The existing trees and hedgerows which provide a buffer to existing dwellings should be retained as screening
- Light pollution
- Increased landscaping/vegetation is required
- Further clarification is required in relation to boundary treatment

### Green issues

- Landscape impact
- Loss of trees on the site
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Bats are located on the site
- Impact upon the wildlife corridor
- Significant ecological improvements are required

### Other issues

- Increased drainage problems
- Flooding
- Impact upon the PROW
- The site is well used by walkers and ramblers

An objection has been received from HIMOR (Land) Ltd and is summarised as follows

- The development is situated within the Sandbach Wildlife Corridor, as was the previous proposal, which was refused due to the loss of this habitat contrary to the NPPF and Policy NR4 of the Congleton Local Plan. Therefore the current application should be refused on the same grounds.

- There are a considerable number of surveys absent from the supporting documentation, which is a matter of serious concern. The absence of these surveys demonstrates that the applicant has not adequately considered the impact of the proposed scheme upon a number of nationally and internationally protected species. The missing surveys relate to the following species: Bats – a European Protected Species; Great Crested Newt – a European Protected Species; Badgers - protected under the protection of Badgers Act 1992; Otters – a European Protected Species; Water voles – protected as part of the Wildlife and Countryside Act 1981; White-clawed crayfish – protected by the Wildlife and Countryside Act 1981.
- The application should be refused on ecology grounds.
- The previous application for a mixed-use development was not considered to be sustainable due to reliance on car borne trade and the increased congestion on junctions already at capacity.
- The previous reasons for refusal regarding highways matters still exist and therefore the current application should be refused.
- The landscape impacts of the proposed development would be unacceptable, given the harm to views from the countryside beyond Sandbach.
- As with the recent Alsager appeal, the application should therefore be refused on these grounds.
- Additionally it is considered, as discussed, that the application is contrary to a number of national and local planning policies.
- The application should therefore be refused as it is contrary to Policies PS3 and PS8 of the Local Plan and the NPPF.

A representation has been received from the Sandbach Woodland and Wildlife group raising the following points:

- This planning application needs to demonstrate a better appreciation of the characteristics and requirements of how these red and blue areas impact the adjacent area of the environmental corridor which includes Brook Wood and the need to link its recently formed trails with the public footpaths in Mill Hill Lane. A 'Location of Ecological Habitat' which arises in this planning application as an isolated feature with no connection to the future overall environmental plan for Sandbach and therefore does not have the support of the SWWG as it currently stands in the planning application.
- There is also no reference to public access to this area. The Environment Agency did ask for details of proposed footpaths. Sandbach is in need of a good quality path from the Old Mill Road through to Mill Hill Lane. Ideally this should be wheelchair accessible. It would also be highly desirable to have a bridge crossing the Arclid Brook from Coronation Crescent/Townfields joining with this proposed new footpath.

### **APPRAISAL**

The key issues are:

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

### **Principle of Development**

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

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

In this case the principle of development has already been accepted following the appeal decision on this site as part of application 13/2389C.

### **Sandbach Neighbourhood Plan**

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach.

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

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

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

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

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

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

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

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

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

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 200 dwellings.

However in this case the principle of a development of 200 dwellings has already been accepted on this site and this is acknowledged within the Neighbourhood Plan. As a result it is not considered that this development would conflict with the main aims of the neighbourhood 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.

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 indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current 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 has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has 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, we 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 Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

### **SOCIAL SUSTAINABILITY**

#### **Location of the site**

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 400m
- Public House (1000m) – 800m
- Public Right of Way (500m) – On site
- Convenience Store (500m) – 500m
- Supermarket (1000m) – 500m
- Post office (1000m) – 800m
- Pharmacy (1000m) – 1000m
- Community Centre/Meeting Place (1000m) – 1000m

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:

- Primary School (1000m) – 1280m
- Secondary School (1000m) – 1280m
- Child Care Facility (nursery or crèche) (1000m) - 1280m
- Medical Centre (1000m) - 1200m
- Outdoor Sports Facility (500m) – 2000m

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 Sandbach, 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 east of the site. However, all of the services and amenities listed are accommodated within Sandbach and are

accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is a sustainable site.

### **Public Open Space**

In this case the level of open space that would be required is 6,000sq.m. The submitted indicative plan does not show areas for the open space that would be provided. The site of the proposed housing measures 8 hectares and a subtracting the required amount of open space would result in a development of 33.7 dwellings per hectare which is consistent with the residential areas to the east of the site. This required amount of POS will be secured via a condition.

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 NEAP with 8 pieces of equipment as requested by the POS Officer.

The POS and NEAP would be managed by a management company and this would be secured as part of a S106 Agreement.

### **Affordable Housing**

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed and 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation.

Information taken from Cheshire Homechoice shows there are currently 308 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 117 x 1 bed, 125 x 2 bed, 58 x 3 bed and 8 x 4+ bed units.

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%.

There is currently a shortfall of affordable housing delivery in Sandbach, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 75 affordable dwellings with 49 provided as either social or affordable rent and 26 as intermediate tenure.

The applicants are offering 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate. This complies with the Interim Planning Statement.

As this is an outline application and the detail of the affordable housing offer is limited details of the affordable housing 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 (£390,466 for primary education £424,909 for secondary education).

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 Sandbach.

## Health

Concern has been raised over the potential impact upon health infrastructure in Sandbach. The NHS choices website confirms that all of the local doctor's surgeries are accepting new patients. This suggests that there are no capacity issues and the impact upon health infrastructure is considered to be acceptable.

## ENVIRONMENTAL SUSTAINABILITY

### Landscape

This is an outline application for a development of up to 200 residential dwellings, open space, and a new access off the A534/A533 roundabout. The application site is located on both sides of the A534 bypass and covers approximately 9.2 hectares in total. The part of the application on the western side of the bypass is intended for surface water attenuation, namely ponds and associated planting and covers 1.2 hectares, the remainder of the application site is on the eastern side of the bypass and covers 8 hectares.

The application site is located to the south of Sandbach and the application site is described as '*underused land*' in the Design and Access Statement, although it is in reality agricultural grazing land. The same statement states that '*The site has no intrinsic value or landscape merit*' but offers no justification for such a statement.

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the application site as roughly triangular area, bound to the west by the A534, to the south by Houndings Lane and by residential dwellings along the east, along Condcliffe Close, Palmer Road and Laurel Close. The application site is an undulating area of medium scale semi-improved grassland with horse paddocks. Fields farm is located towards the central part of the site and Houndings Lane Farm is located to the south of the southern boundary of the site.

As part of the appeal application on this site the Council produced landscape evidence in an attempt to demonstrate that the development would adversely impact upon the landscape character of the site. As part of her appeal decision the Inspector found that:

*'The loss of this area of countryside to housing would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town. The proposal is not supported by Policy GR5. The degree of harm and the extent to which the proposal may respect landscape elements would be dependent on the details of the scheme, which are not for consideration in the outline application. The application of*

*the landscape mitigation principles suggests that the indicative housing layout would have to undergo significant amendment and possible reduction in housing units.*

*The Framework is not only concerned with protection of nationally designated landscapes but in preparing plans to meet development needs the aim should be to minimise adverse effects on the local and natural environment. Account should be taken of the different roles and character of different areas and recognition afforded to the intrinsic character and beauty of the countryside as core planning principles. With this proposal there would be significant harm to local character and given the lack of detail it is not possible to say that the harm would be minimised. Whether this environmental harm would be sufficient to justify refusal of permission is a matter for further consideration in assessing the overall sustainability of the proposal'*

As part of her appeal conclusion the Inspector then went on to conclude that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As such the development constituted sustainable development.

The conclusions made by the Inspector equally apply to this current application.

## **Access**

The proposed development is in outline form with all matters reserved. The revised indicative plan submitted with this application shows an indicative access point to the west of the site onto the A534 via a new roundabout.

The outline application allowed at appeal includes an improvement to the existing roundabout at Old Mill Road which consists of the addition of a fifth arm to serve the site, an increase in the diameter of the roundabout along with alterations to the geometries and approaches. To the north-east arm of Old Mill Road a toucan crossing would be provided to encourage pedestrian/cycle linkages between the site and the Town Centre.

As part of this application no assessment of the indicative access to the A534 Wheelock Bypass has been undertaken by the applicants. Had the applicants wished to determine the acceptability or otherwise of this access point they could have included it as part of the application. Similarly, had the application not shown a preferred access point then outline consent could have reasonably been granted leaving the point of access to be determined through reserved matters. In this case the indicative 'preferred' access point needs to be addressed as otherwise it will be assumed that the LPA accept the indicative access point as being acceptable when it is for the applicant to show that it is through the approval of details. As this access is directly onto a principle highway where the highway authority generally seek to restrict the number of new access points, it is important not to convey the impression that this access is acceptable without proper consideration of the details.

Consideration of the new access point has to form part of the outline application. This is because Article 5 (3) of the T&CP (Development Management Procedure)(England) Order 2015 states that where access is a reserved matter, the outline application must "*state the area or areas where access points to the development proposed will be situated*" which is what the applicants have done. The effect of art.5 is (i) that if outline permission is granted it would be difficult for the Council



to argue later that the new access point is unacceptable in principle if the details of the access show that it can be constructed and will work properly.

In this case as part of the determination of the appeal application the Inspector found that the development would not have a severe impact in terms of traffic generation. The Head of Strategic Infrastructure has stated that there is an acceptable access strategy onto the Old Mill Road roundabout and the required junction geometry/visibility could be achieved as shown on the indicative access. As such access could be secured as part of any reserved matters application for this application.

### Highways Conclusion

In this case the traffic generation from this development was considered to be acceptable as part of the appeal decision and an acceptable access to the site could be achieved at the Reserved Matter stage. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

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

However, a condition should be attached to make it clear that the indicative access point is not accepted and to advise that the access should preferably come off the previously approved roundabout.

### **Amenity**

There are residential properties in close proximity to the application site that would be affected by the development.

As the application is outline it is difficult to assess the impact upon the adjacent properties and details in terms of separation distances and privacy issues would be dealt with at the reserved matters stage.

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

### **Air Quality**

There is an Air Quality Management Areas (AQMA) at Junctions 17 of the M6 which was declared in 2008 as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

The proposed scale of the development is considered significant in that it 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.

The submitted Environmental Statement uses ADMS Roads to model NO<sub>2</sub> and particulate matter (PM<sub>10</sub>) impacts from the predicted additional road traffic associated with the proposal. The model

predicts that the proposed residential areas will all be below the air quality objectives. This is accepted by the Councils Environmental Health.

Regarding existing sensitive receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all 10 receptors modelled. Five of these receptors are within the AQMA and as such any increase is considered significant.

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

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. 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 Health Officer has no objection to the development. Details of dust mitigation would be secured by condition.

### **Noise**

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the A534.

The mitigation recommended in the report shall be revisited at reserved matters stage in order that they are applied to the detailed layout of the site and that the proposed mitigation can be applied correctly. The detailed layout will provide the glazing and/or ventilation to be provided to each dwelling in order to meet the BS 8233 'Good' standard and also the site layout in order to meeting the WHO guidelines for gardens and any further mitigation measures which may be required for the gardens in order to meet the WHO guidelines.

### **Trees and Hedgerows**

A revised Arboricultural Impact Assessment Addendum has been submitted in support of the amended plans/details.

The amended details show an alternative indicative access off the A534. The alternative indicative access proposes a 3 arm roundabout and widening of the A534 at its approach and exit.

The supplementary Arboricultural Statement states that the indicative access road '*will cut through an existing belt of early mature mixed species trees planted adjacent to the A534*' resulting in the loss of some. The Assessment Addendum has not provided any specific survey details of these trees or their category and definition as required by *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The trees were originally planted as part of the landscaping for the A534 and are within the ownership of CEC (Assets). Comprising of a mix of semi mature Willows, Alder, Ash, Pine, Alder and various other native species, the trees are visually prominent along the A534 providing a buffer/screening to the A534.

In terms of tree losses the Councils Tree Officer concurs with the amended Arboricultural Assessment that the indicative proposal would not result in any loss of any A or B category trees. The internal spine road should ensure the safe long term retention of Oak (T2).

The loss of trees to provide the new roundabout and access as shown on the indicative plans has not been quantified, the Planning Statement refers to a small area of plantation and hedgerow and the Arboricultural Assessment refers to 'some trees'.

The proposed roundabout and associated infrastructure (road widening), levels changes and service provision etc will inevitably require the loss of trees potentially on both sides of the A534 and probably more significant than what is suggested. The trees lost are all relatively young specimens and although they are visually prominent they be mitigated by replacement planting as part of a landscape scheme.

In design terms the indicative layout does appear to show some potential conflict with existing trees 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. An updated Arboricultural Impact Assessment will need to be secured as part of the planning conditions should the application be approved.

### **Public Rights of Way**

Public footpaths Sandbach FP17, FP18 and FP19 all cross the application site. The amended indicative plans show that the PROW which cross the site could be retained with only minor alterations to the position and route of the PROW.

Further details of the impact upon the PROW would be negotiated at the Reserved Matters stage.

### **Design**

The application site is presently Greenfield and in use as pasture/grazing land, except for Fields Farm located on the eastern side of the site. It is also adjoined to the south by Houndings Lane Farm. To the north east of the site, elevated above it, is an area of post war housing. To the west, set back from the line of Arclid Brook and its associated landscape is housing development (early post war and early 21st century off Old Mill Road).

The northern part of this triangular shaped site is characterised by the crossing of Arclid Brook into the site and its relationship to the adjacent roundabout that connects the A533 and A534 (Old Mill Road and the Sandbach/Wheelock bypass).

The site topography generally falls from east to west, but has been artificially affected by the construction of the bypass, which has created an embanked edge topped by landscaping and trees (which lie outside the site boundary).

The site is relatively close to the town centre, but it also feels separated from it by the barrier created by bypass/Old Mill Road. The site is a wedge of countryside that encroaches into the town from the south. It is enclosed by landscaping along the boundary with the Wheelock bypass but there are views into and across the site from Old Mill Road and from car parks and Brookhouse Road. The development is also likely to be partly visible on approach from the south on the Wheelock bypass.

A public footpath runs through the site, north/south and along the eastern boundary, with a branch eastward around Fields Farm connecting to Laurel Close. Views from the site include the view back toward the town centre of St Michael's Church and views across the site from the public footpaths and from Houndings Lane, immediately to the south.

The proposed development would have a density of 23 dwellings per hectare when deducting the required amount of public open space. It is considered that this density would not appear out of character when compared to the adjoining residential areas to the east of the site which includes areas of dense housing development which fronts Condliffe Close, Ormerod Close, Palmer Road and Birch Gardens.

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

In terms of the finished land levels these details would be secured at the Reserved Matters stage and this issue would be controlled by condition.

### **Ecology**

#### Other Protected Species

No evidence of other protected species has been recorded on site during the latest survey. The Councils Ecologist advises that this species is not likely to be significantly affected by the proposed development.

#### Water Vole

This species was previously recorded as being associated with the ditch on the western block of land. No evidence of this species was recorded during the latest surveys. As the survey was constrained by lack of access to the ditch resulting from the density of the vegetation, the Councils ecologist advises that it is entirely possible that this species is still present and associated with the ditches on the western block of land.

The potential impacts of the proposed development should be mitigated by means of a condition requiring the provision of undeveloped buffer zones adjacent to the on-site water courses.

#### Bats and Barn Owls

Updated Bat and Barn Owl surveys have been undertaken. No evidence of roosting by either of these species has been recorded and the Councils Ecologist advises that the proposed development is not likely to have a significant adverse impact upon these species.

### Breeding Birds

If planning consent is granted the use of standard conditions will be required to safeguard breeding birds.

### Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor. Local Plan policy NR4 is pertinent to the determination of this application.

The Councils Ecologist advises that the proposed development would result in a loss of area of habitat from within the wildlife corridor contrary to local plan policy NR4. The habitat lost however, with the exception of the hedgerows, is of limited nature conservation value consisting primarily of improved grassland. The proposed development would however result in the loss of hedgerows (a UK BAP priority habitat and a material consideration).

To mitigate for the loss of habitat within the wildlife corridor the applicant is proposing to undertake habitat creation including:

- pond creation
- hedgerow planting
- wildflower grassland creation
- tree planting
- enhancement of the riparian corridor adjacent Arclid Brook
- grassland habitat restoration

The proposed habitat creation would take place on an area of land to the west of the proposed development. This additional area of land is also located within the Sandbach Wildlife Corridor.

The Councils Ecologist advises that if planning consent is granted the proposed habitat creation would be adequate to compensate for the loss of habitat associated with the proposed development and has the potential to lead to an enhancement of the overall ecological value of the Sandbach Wildlife Corridor.

As part of the proposed habitat creation area is within the blue as well as the red line of the application a Section 106 Agreement will be required to secure the proposed habitat creation together with the detailed design of the proposed habitat creation and the submission of a management plan.

A condition should also be attached requiring the submission of an in perpetuity habitat management plan for the ecological mitigation area.

### Impacts of indicative alternative access

The alternative indicative access scheme would result in the loss of an area of relatively recent plantation woodland and the loss of 90m of establishing hedgerow habitat. The alternative access would however be beneficial in avoiding the need for a crossing over Arclid brook and would also allow an area of semi-improved grassland/tall ruderal (of modest nature conservation value) to be retained within the open space area of the development.

## **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 northern part of the site adjacent to the Old Mill roundabout is identified as being within Flood Zones 2 and 3.

In terms of the land located in Flood Zones 2 and 3 it is proposed to remodel the land levels to move the whole site into Flood Zone 1 and provide the compensatory flood storage on the western parcels of land.

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.

## **Archaeology**

There are no statutorily-designated Heritage Assets within the application area. The Council's Archaeologist has examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, and concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. This would be secured through the use of a planning condition.

## **ECONOMIC SUSTAINABILITY**

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

### **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 45% of the agricultural land on the site is Grade 2 and 55% of the agricultural land is grade 3b or 4. This will be incorporated into the reason for refusal.

In relation to this issue the Inspector found that:

*'In conclusion, the BMV is not critical to the efficiency and productivity of the farming operation at Hounding Lane Farm. The proposal is unlikely to have adverse economic effects in respect of farming operations and the business overall, provided that the design of the housing layout responded to the constraints imposed by the farmyard and buildings with suitable mitigation to protect amenity'*

### **The Impact upon Housing Lane Farm**

The impact upon this adjacent working farm was considered by the Inspector as part of her appeal decision on this site. The Inspector found that:

*'The probability is that because of the shape and topography of the site a fair proportion of the proposed dwellings would be sited to the north and east of the farm buildings and yard at Houndings Lane Farm. In fact the indicative scheme layout shows gardens backing onto a silage clamp and some dwellings sited within a few metres or so from the north western boundary of the farm unit. There is the potential for dwellings, and more especially those nearest the boundaries, to be in close proximity to the activity and the associated noise and odour associated with a working dairy farm and the outlook would be severely affected by the silage clamp. The proposed housing would have a very different relationship to the farmstead when compared to the existing residential development to the east of the site on Palmer Road, Condliffe Close and Laurel Close, which is a good distance away. The fact that there have been no complaints from residents about the farming operation provides no guide to the likelihood of future complaints after development.'*

*'There are proposals to reorganise and update the farmstead that includes relocation of the silage clamp. Even so, to site dwellings and private gardens immediately next to a farmyard, with no buffer space at all, would be poor design and unacceptable in terms of amenity, whether or not the silage clamp is relocated. The indicative layout adjacent to the farm would require significant revision. The Appellant advised that the loss of some 10 units would not affect the viability of the scheme'*

It is considered that the assessment above applies to this outline application and a further assessment and the potential reduction in the number of dwellings will be required at the reserved matters stage.

### **CIL Regulations**

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

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

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

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

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

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

### **PLANNING BALANCE**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. In this case the principle of development has already been accepted following the appeal decision on this site.

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.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon 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 development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon education infrastructure would be mitigated through the required contributions

The adverse impacts of the development would be:

- Loss of open countryside
- Loss of agricultural land
- The development would adversely affect the landscape character of the site and the surrounding area and would have a negative effect on the setting to the urban area of the market town.



There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and this weighs in favour of approving the development.

Furthermore, the previous appeal decision provides confirmation of the acceptability of the scheme and that a development – subject to the access being agreed, can be achieved.

## **RECOMMENDATIONS**

**APPROVE** subject to a S106 Agreement to secure the following Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company**
- 3. Primary School Education Contribution of £390,466**
- 4. Secondary School Education Contribution of £424,909**
- 5. A contribution of £120,000 towards off-site highway improvements (The Hill/High Street)**
- 6. Detailed design, implementation and management of the ecological mitigation area**

**And the following conditions:**

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Notwithstanding the preferred access point as indicated as part of the submitted details, this permission does not convey or imply that a vehicular access directly onto the A534 is acceptable in principle to the Local Planning Authority as no information has been submitted to demonstrate that it is.**
- 5. Landscaping shall include details of replacement hedgerow planting**
- 6. Phasing shall be submitted to the LPA for approval in writing**
- 7. Reserved matters to include details of land levels**
- 8. Surface water drainage scheme**
- 9. Compensatory flood storage**
- 10. Details for the disposal of foul water**
- 11. Provision of an 8m buffer to Arclid Brook**
- 12. Contaminated land**
- 13. Environment Management Plan**
- 14. Noise and Odour Assessment in relation to Houndings Lane Farm**

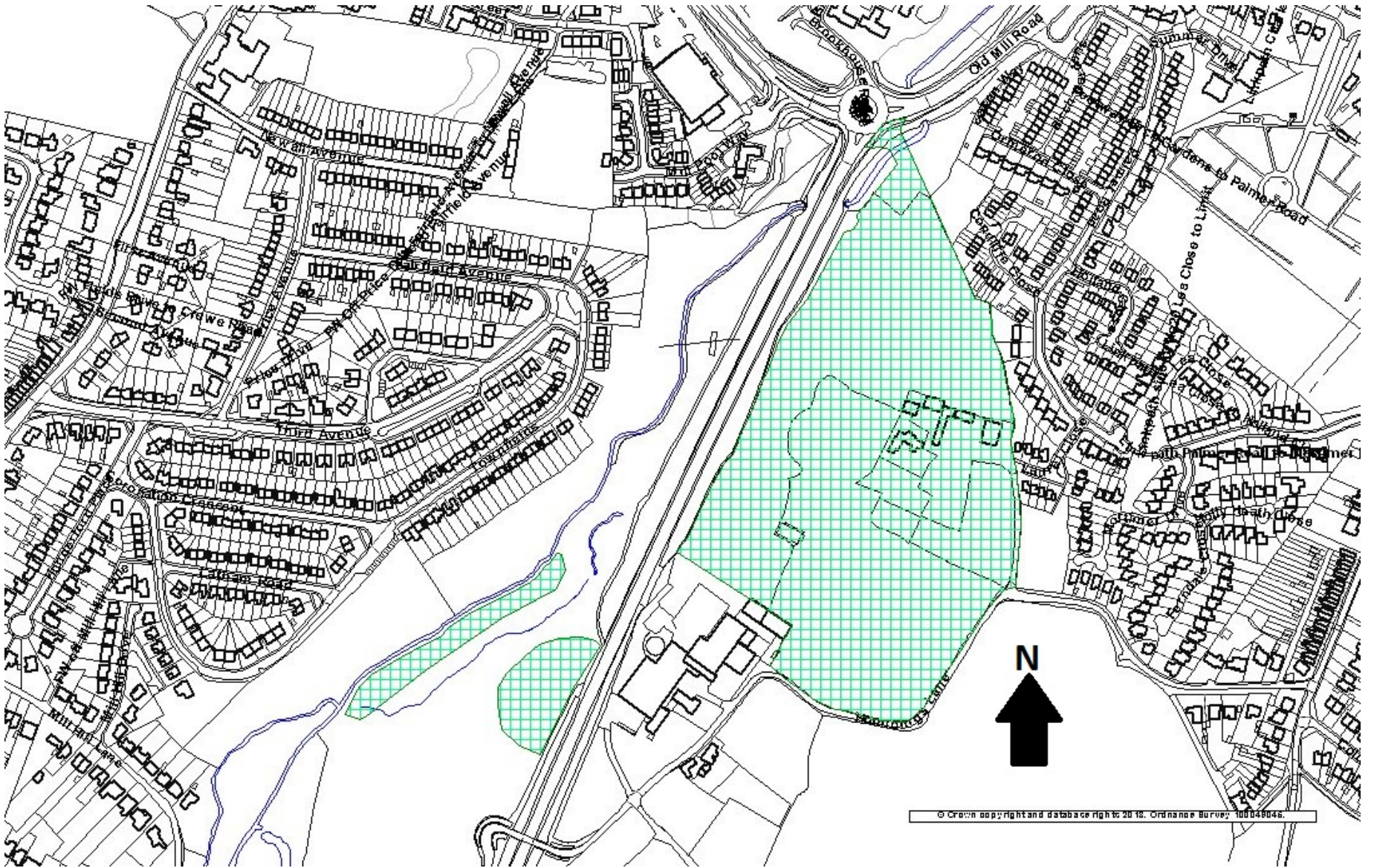
15. Archaeology mitigation
16. Timing of works within the bird breeding season
17. Breeding bird and bat boxes
18. Ecology mitigation strategy
19. Arboricultural Method Statement
20. Travel Plan
21. Pedestrian and cycle provision
22. Electric vehicle Infrastructure
23. No development within the area adjacent to the silage clamp unless the silage clamp has been relocated to a position south of Houndings Lane Farm
24. Reserved Matters application to include updated protected species surveys

**Informative:** There is an access point already determined to be acceptable as part of the access arrangements as determined under appeal ref: APP/R0660/A/14/2212604.

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement with the following Heads of Terms:

2. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a private management company
3. Primary School Education Contribution of £390,466
4. Secondary School Education Contribution of £424,909
5. A contribution of £120,000 towards off-site highway improvements (The Hill/High Street)
6. Detailed design, implementation and management of the ecological mitigation area



**This page is intentionally left blank**

Application No: 15/3410C

Location: Land South Of, HALL DRIVE, ALSAGER

Proposal: Construction of 128 dwellings with associated infrastructure including public open space, access roads, a river crossing bridge structure, electricity substation and foul water pumping station, and demolition of one dwelling.

Applicant: Mr Johnson Mulk, Prospect (GB) Ltd

Expiry Date: 10-Nov-2015

## **SUMMARY**

The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development. As 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 principle of development has already been accepted on this site following the approval of an earlier outline application.

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 NEAP 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 contribution), 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 loss of open countryside and the loss of agricultural land.

The adverse impacts in approving this development and would not significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S106 Agreement**

## PROPOSAL

This is a full planning application for the erection of 128 dwellings with an access taken off Hall Drive to the north of the application site.

The dwelling types would be a mix of 2-5 bed dwellings (all would be two-storey in height apart from 8 units which would be two and a half stories) and would include 30% affordable housing. The development would provide the following housing mix:

- One bedroom – 4 units
- Two bedroom – 16 units
- Three bedroom – 49 units
- Four bedroom – 58 units
- Five bedroom – 1 unit

The application includes two areas of public open space – the first is to the east of the site fronting the existing stream and the second is located to the south-west corner of the site. An amenity area would be provided centrally within the site to provide for the retention of an existing Oak tree.

The development would result in the demolition of one dwelling on the site known as ‘The Lodge’.

## SITE DESCRIPTION

The application site is located to the south of Alsager, adjoining the existing settlement boundary as defined in the Congleton Borough Local Plan. It is approximately 450m from Alsager Town Centre.

The site is relatively level, currently undeveloped and used for agricultural purposes with no distinctive landscape characteristics. The land was formerly pasture but had not been used for many years until in 2012 a potato crop was taken from the land. It is a narrow strip of countryside between a modern housing development and St Gabriel’s primary school to the north, which currently forms the edge of the settlement; and the railway line to the south which forms the Green Belt boundary. The railway provides a strong dividing line and defensible boundary between Alsager and the Green Belt, as is evident from the local plan map.

The site extends to approximately 6.34 hectares and is confined on its northern boundary by Valley Brook and a play area beyond which lie the houses on Swallow Drive. The play area and an area of public open space would be retained for community use.

There is a public footpath (Alsager FP8) alongside part of the railway along the southern boundary of the site. This connects with a path (Alsager FP10) that crosses the railway, and runs alongside the brook to connect with Well Lane/Cedar Avenue. This path gives access on foot to St Gabriel’s school, the railway station, health centre and other town centre facilities. To the west of the site is agricultural land with the Old Mill Public House beyond. To the east are allotments and a playing field accessed from Cedar Avenue.

## RELEVANT HISTORY

13/4092C - Outline application for erection of up to 109 dwellings with associated infrastructure (Resubmission of 12/4150C) – Approved 25<sup>th</sup> June 2014

12/4150C - Erection of up to 150 dwellings with associated infrastructure – Refused 14<sup>th</sup> March 2013 – Appeal Lodged – Appeal Withdrawn

## **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

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

RC2 – Protected Areas of Open Space

DP5 – Recreation/Leisure or Community Use Allocation



### **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:** Originally objected to the proposed development because there is an inadequate undeveloped buffer zone to the Valley Brook for plots 65 and 66.

Amended plans have now been submitted in response to this objection and at the time of writing this report an updated consultation response was awaited.

**Head of Strategic Infrastructure:** The additional units proposed do not represent a severe impact and no objections are raised, although the highway contribution in the S106 needs to be revised to take account for the additional units in this application.

**CEC Environmental Health:** Conditions suggested in relation to acoustic mitigation, piling, environmental management plan, a travel plan, electric vehicle infrastructure, dust control, contaminated land and an informative in relation to contaminated land.



**CEC Strategic Housing Manager:** At the time of writing this report the Council's Strategic Housing Manager has raised concerns in relation to the location of the affordable housing units showing the tenure split and the size of the units. Negotiations are continuing at the time of writing this report and this issue will be dealt with as part of an update report.

**NHS England:** No comments received.

**CEC Flood Risk Manager:** Parts of the site adjacent to Valley Brook are at risk of flooding from surface water. This will need to be appropriately managed as part of the development. Any works affecting Valley Brook will need to be consented by the Environment Agency under the Water Resources Act 1991. No objection subject to the imposition of planning conditions.

**Natural England:** The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. For advice on protected species refer to the Natural England standing advice.

**CEC Archaeology:** If planning permission is granted, the proposed scheme of archaeological mitigation will address the requirements of the advised archaeological condition.

**United Utilities:** No objection subject to the imposition of drainage conditions.

**Health and Safety Executive:** No objection

**Education:** A development of 128 dwellings is expected to generate: 24 primary children (128 x 0.19) and 19 secondary children (128 x 0.15).

The development is forecast to increase an existing shortfall predicted from 2018 and beyond, for both primary and secondary provision in the immediate locality.

To alleviate forecast pressures, the following contributions would be required:

- 24 x £11,919 x 0.91 = £260,310.96 (primary)
- 19 x £17,959 x 0.91 = £310,511.11 (secondary)

Total education contribution: £570,822.07

**ANSA Public Open Space:** Based on the Council's Interim Policy Note on Public Open Space there is a requirement for 4220sq.m of new Amenity Greenspace.

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 128 new homes will generate a need for a new NEAP play facility.

A NEAP (Neighbourhood Equipped Area for Play) standard play facility is required having a minimum area of 1000sq.m. Ansa can confirm that the NEAP standard play area would be acceptable due to the size of the development and should be suitable for all ages. The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure.

The Amenity Greenspace and NEAP should be transferred to a Management Company.

**Newcastle-under-Lyme Borough Council:** No comments received at the time of writing this report.

**CEC PROW:** The revisions outlined in the letter from Emery Planning dated 26<sup>th</sup> November, in relation to the Public Rights of Way, are acceptable. The proposed diversion of Public Footpath No. 10 Alsager, referred to in the heads of terms for the s106 agreement, would be subject to public consultation through the Highways Act 1980 public path diversion process.

**Network Rail:** No objection – general comments made in relation to asset protection and access.

**Ramblers Association:** No comments received.

### IEWS OF THE TOWN COUNCIL

**Alsager Town Council:** Alsager Town Council strongly objects to this application for the following reasons:

- This planning application should be viewed in addition to those development sites identified in the emerging Local Plan and would take Alsager significantly over its development limit.
- Alsager Town Council expresses concern regarding the procedure used for this application. The Town Council considers this to be a completely new application and the procedure employed by Cheshire East Council Planning should be in accordance with this.
- Alsager Town Council is seriously concerned regarding the effect of this development on flooding and its impact on the environment in particular upon the flora and fauna. The site is located in a flood zone and is much waterlogged. Alsager Town Council has written to the Environment Agency regarding Valley Brook and the cumulative impact of development in this area on flooding.
- Alsager Town Council strongly objects to the removal of mature trees on this site which would have a detrimental effect on flood management in the area and also upon noise management as they act as a sound buffer for residents between the housing estates and railway.
- Alsager Town Council expresses significant concern over access to the site and the effect of the development on traffic management in the area. The housing density of this development is a real concern as it will impact significantly on traffic access and egress to the site and the effect upon residents parking. Further to this there is concern regarding the ability of emergency vehicles to access the development.
- Councillors are concerned that the site is located within the blast zone for BAe Systems factory at Radway Green.
- Further comments include concern over installation of an unattractive galvanised fence; the houses backing on to railway would need obscured windows at the rear; those houses without garages would need cycle storage provision; the developer should pay for dog fouling bins on the footpath close to St Gabriel's School and the play area needs updating and upgrading.
- Alsager Town Council strongly advises a site visit.

### OTHER REPRESENTATIONS

Letters of objection have been received from 59 households raising the following points;

#### Principal of Development

- Lack of employment within Alsager
- There are a number of brownfields sites available (MMU and Twyford)
- The development is contrary to the Alsager Town Plan
- The development is not needed or wanted

- Alsager is a zone of restraint for housing to protect the regeneration of the Potteries
- Loss of countryside
- The development is just family homes and there are many family homes available in Alsager
- There should be a greater level of bungalows on this development
- Loss of open space
- The outline permission is only for 109 dwellings and this application is for 128 dwellings
- The application site is a well used open space
- The site is not identified within the current Local Plan
- The development is premature

### Design issues

- Visual impact
- Impact upon the landscape
- The density of the development would be too high
- The proposed three storey development is out of character
- The development is too close to the railway line

### Highways

- Increased traffic congestion
- Increased traffic flows on Hall Drive
- Highway safety
- Pedestrian safety
- Lack of parking provision on the proposed development
- Existing problems of on-street parking along Hall Drive
- Traffic problems at the junction of Crewe road and Hall Drive
- Hall drive is narrow and is not suitable for increased traffic
- The access to the Lake View Estate running from the southern end of Hall Drive over the brook and under the railway line needs to be maintained
- Safety of children walking to school due to the increased traffic
- Existing speeding problems along Hall Drive
- Junction improvements are required at the junction of Hall Drive and Crewe Road
- Parked cars obstruct the visibility splays at the junction of Crewe Road/Hall Drive
- Alsager is gridlocked when there is an accident on the M6
- There should be an additional vehicular access via Poppyfields
- Mud will be deposited on the highway during the construction phase of the development
- Poor cycle provision and connectivity within Alsager
- The development should provide footpath improvements along the northern boundary of the Brook
- The traffic surveys are out of date

### Infrastructure

- The electric infrastructure cannot cope with any further development
- Lack of school places in Alsager
- Medical infrastructure is at capacity

### Amenity

- Increased pollution – air quality
- Impact upon living conditions of future occupiers due to the noise and disturbance from Radway Green
- Loss of outlook

- Loss of privacy
- The developer is providing minimum standards in terms of private amenity spaces
- Noise pollution
- Increased disturbance

### Green issues

- Impact upon the stability of the river bank
- Landscape impact
- Loss of trees on the site
- Impact upon wildlife habitat
- Impact upon local ecology
- Impact upon protected species
- Tree T18 should be retained as it is a memorial to a boy killed in an accident

### PROW

- Impact upon the PROW
- The site is well used by walkers and ramblers
- The improved PROW to the rear of Swettenham Close will not be maintained
- There is no benefit in improving the footpath link to the rear of Swettenham Close
- The improved PROW will be used by motorbikes and create anti-social behaviour
- There has been a lack of consultation about the upgrade to the PROW
- The existing footpath can be upgraded through surfacing improvements only
- The dimensions of the proposed PROW seem inappropriate
- The PROW improvement is not wanted or needed by local residents
- The footpath improvements would result in the loss of flood plain
- The footpath improvements would result in the loss of open space
- The proposed PROW improvements would sever the existing area of POS into 2 small areas

### Other issues

- Increased drainage problems
- Increased risk of flooding
- The development will be in a flood plain
- It is not clear how surface water will be disposed of
- Loss of a view
- The site is in close proximity to the blast zone at Radway Green
- Impact upon the flood plain
- Concerns over the maintenance of the proposed park
- The development will result in increased anti-social behaviour at the play park opposite the site
- The affordable housing is sited close to the railway line
- Lack of neighbour notification about this application
- Archaeological issues on this site around the dwelling which is to be demolished
- Increased erosion of the river bank
- No response was received from the developer following the pre-application consultation
- Lack of affordable housing provision
- Loss of BMV agricultural land
- Safety from children from the new site trespassing on the railway line

An objection has been received from the Hall Drive Action Group (HDAG) which raises the following points of objection:

- This application is an increase on the original approval for 109 dwellings
- This application would result in a larger, denser and less attractive form of development
- There are inconsistencies between the original FRA and the FRA submitted as part of this application
- The application site is subject to flooding
- It is very difficult to calculate the greenfield run-off rate and a cautionary approach should be taken
- Concern over the increased discharge into the brook
- There is standing water on the application site
- Increased pressure on the existing flood plain
- The drainage system is not sustainable
- The Alsager Traffic Study identifies that the highway network is over capacity
- Increased congestion at the junction of Crewe Road/Hall Drive
- The impact upon the junction of Crewe Road/Hall drive is not assessed within the current application
- Serious concerns over access to the site for construction traffic and HGVs due to poor visibility and the narrow nature of Hall Drive
- Inadequate pre-application consultation
- Loss of mature trees on this site
- The trees that would be lost are important for water absorption on this site
- The proposed development is out of character with the existing Hall Drive estate
- The proposed two and a half storey development is not consistent with the character of the area
- Lack of bungalow provision on this site
- The proposed trees within residential curtilage's will not be retained
- The improvements to the PROW will be ecologically and aesthetically detrimental
- The majority of the dwellings will be executive homes. There is a greater need for starter homes.
- Swept path analysis is required for the level crossing to the railway bridge
- The development will encroach into the 8m buffer zone to Valley Brook
- There are protected species on this site which have been filmed by local residents

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

- It is unnecessary that such a large piece of Green Belt is being threatened when there are three vacant brownfield sites which have been earmarked for development
- The original outline permission is for 109 dwellings and this development would result in an increase of 17% and the current application is different in size and scale to the original plans
- There is a disparity between the house types which are required in Alsager and those proposed as part of this current application. Alsager needs a greater level of affordable units (1-2 bedrooms) and elderly/disabled housing
- Part of the proposed housing is located within a long line of mature trees – which result in the loss of trees, the loss of water absorption and impact upon the integrity of the banks of Valley Brook. New fencing will erode the rural character of the landscape.

### **APPRAISAL**

The key issues are:

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

- Impact upon local infrastructure

### **Principle of Development**

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

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

In this case the principle of development has already been accepted following the appeal decision on this site as part of application 13/4092C which gave approval for 109 dwellings.

### **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 suggest 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.

## Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- One bedroom – 4 units
- Two bedroom – 16 units
- Three bedroom – 49 units
- Four bedroom – 58 units
- Five bedroom – 1 unit

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

## SOCIAL SUSTAINABILITY

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

Category	Facility	HALL DRIVE, ALSAGER
----------	----------	------------------------

<b>Open Space:</b>	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	500m
<b>Local Amenities:</b>	Convenience Store (500m)	600m
	Supermarket* (1000m)	600m
	Post box (500m)	850m
	Playground / amenity area (500m)	0m
	Post office (1000m)	850m
	Bank or cash machine (1000m)	600m
	Pharmacy (1000m)	750m
	Primary school (1000m)	200m
	Secondary School* (1000m)	1126m
	Medical Centre (1000m)	800m
	Leisure facilities (leisure centre or library) (1000m)	750m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	450m
	Public park or village green (larger, publicly accessible open space) (1000m)	500m
	Child care facility (nursery or creche) (1000m)	804m
<b>Transport Facilities:</b>	Bus stop (500m)	160
	Railway station (2000m where geographically possible)	900m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	600m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

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 Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development to the east of the site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this site is within a sustainable location..

## Public Open Space



In this case the level of open space that would be required is 4,220sq.m. The submitted plan shows that the area for the open space that would be provided to the south west corner of the site would measure 11,300sq.m. As a result there would be an overprovision of open space as part of this development.

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 NEAP with 8 pieces of equipment as requested by the POS Officer.

The POS and NEAP would be managed by a management company and this would be secured as part of a S106 Agreement.

### **Affordable Housing**

The site falls within the Alsager sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed general needs units and 5 x 1 bed older persons accommodation.

It should also be noted that information taken from Cheshire Homechoice shows there are 54 people asking for a one bed property, 63 people asking for a two bed and 38 people asking for a three bed properties.

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%.

There is currently a shortfall of affordable housing delivery in Alsager, and the affordable housing requirements for this application as per the Interim Planning Statement: Affordable Housing are the provision of 38 affordable dwellings with 25 provided as either social or affordable rent and 13 as intermediate tenure.

The applicants are offering the provision of 38 affordable housing units (4 x 1 bed units, 16 x 2 bed units and 18 x 3 bed units). These dwellings are dispersed across the site to form 7 small groups and the location of the affordable housing units is considered to be acceptable.

At the time of writing this report the Councils Strategic Housing Manager has raised concerns in relation to the location of the affordable housing units showing the tenure split and the size of the units. Negotiations are continuing at the time of writing this report and this issue will be dealt with as part of an update report.

### **Education**

The education department has stated that local primary and secondary schools are forecast to be cumulatively oversubscribed. The Education Department has stated that this development will generate 24 primary school pupils and 19 secondary school pupils and has requested that contributions are sought in the town on a per pupil basis (£260,310.96 for primary education and £310,511.11 for secondary education).

In this case the outline application (13/4029C) for 109 dwellings included a contribution of £206,080 for primary school education and no contribution for secondary education.

The latest projections for Alsager have been provided by the Councils Education department and are set out in the table below (it should be noted that this table does not include 3 additional developments which would total 452 houses and are expected to yield 81 primary and 51 secondary pupils which would create negative figures).

Primary Schools	NET CAP	Any Know	UNFILLED PLACES	PUPIL FORECASTS based on October 2014 School Census						
	May-15	changes		2015	2016	2017	2018	2019		
Cranberry	210	315	35	184	202	236	249	252		
Excalibur	210	210	-5	217	234	248	260	270		
Alsager HighFields	315	315	26	301	321	321	324	328		
Pikemere	210	210	1	212	217	217	220	223		
Rode Heath	210	210	9	209	217	217	219	220		
St Gabriel's	210	210	32	218	223	223	228	231		
OVERALL TOTAL	1365	1470	98	1341	1414	1462	1500	1524		
OVERALL SURPLUS PLACES PROJECTIONS				24	-49	-97	-135	-159		
OVERALL SURPLUS % PROJECTIONS				1.76	-3.59	-7.11	-9.89	-11.65		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised N				129	56	8	-30	-54		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CA				8.78	3.81	0.54	-2.04	-3.67		
Secondary Schools	NET CAP	Any know	UNFILLED PLACES	PUPIL FORECASTS based on October 2014 School Census						
	May-15	changes		2015	2016	2017	2018	2019	2020	2021
alsager	1125	1125	64	1048	1041	1048	1107	1109	1112	1125
OVERALL TOTAL	1125		64	1048	1041	1048	1107	1109	1112	1125
OVERALL SURPLUS PLACES PROJECTIONS				77	84	77	18	16	13	0
OVERALL SURPLUS % PROJECTIONS				6.84	7.47	6.84	1.60	1.42	1.16	0.00

The primary school education contribution is considered to be acceptable and would be increased from the CIL compliant contribution requested as part of the outline planning permission.

In this case it should be noted that at secondary school level there are a number of pupils who attend Alsager High School who travel to Alsager from outside the catchment (including Staffordshire and Stoke-on-Trent). The website [www.schoolguide.co.uk](http://www.schoolguide.co.uk) provides a map to show where pupils who attend Alsager High School are travelling from; this uses National School Census Data 2015 and states that 'many' children who attend Alsager High School live in Kidsgrove and are travelling to Alsager High School from outside the 'catchment'.

The Department of Education website also provides local authority cross-movement tables based on the January 2015 National School Census data and this shows that for secondary schools there are 345 pupils from Staffordshire and 48 pupils Stoke-on-Trent attending schools in Cheshire East (with 41 pupils from Cheshire East attending schools in Staffordshire and 49 pupils from Cheshire East attending schools in Stoke-on-Trent). At this time the Education Department have been unable to provide figures for the number of pupils attending Alsager High School who live in Staffordshire

In should also be noted that there are two secondary schools in Kidsgrove which have spare capacity University Academy is 3.9 miles from the application site and has 216 vacant spaces and Kings School which is 3.8 miles from the application site and has 462 spaces (giving a total of 678 vacant spaces). These figures have been taken from the Department of Education website and are based on January 2015 National School Census data.

This situation has similarities to the appeal decision at Audlem Road, Audlem (13/2224N) which generated 16 secondary school pupils and Brine Leas School which was 4 miles from the site was oversubscribed. As part of this appeal decision the Inspector found that

*‘in this case there seems to be little doubt that the effect of the introduction of new children from the development to Brine Leas would displace out of catchment area children wishing to come to the school. However, I note that about a mile further away at Malbank School the EPDS study indicates 317 surplus places with an additional 364 extra places available at Shavington High School. However, these two schools are not as popular as Brine Leas their OFSTED performance being less favourable. As a result at Brine Leas nearly 39% of children on roll live outside the catchment area’*

The Inspector then went onto state that:

*‘The proposed contribution is not to accommodate the 16 children from the development but to accommodate 16 new children without impacting negatively on the existing pattern of parental preference in the area. The Council has a statutory duty to comply with parental preference unless it would prejudice the provision of efficient education and the efficient use of resources and to increase opportunities for parental choice. In considering applications for entry to Brine Leas, the school can assess the impact of increasing its intake on the provision of efficient education and use of resources. Some of those children applying will almost certainly live in the catchment area for the other nearby schools where there is significant capacity’*

*‘Parental preference may be the responsibility of the Council but not of the appellant company. The raw data indicates Brine Leas school could overtime accommodate the 16 children generated by the development. Presumably the Council are working to improve standards at the other two nearby schools which would seem to be the obvious solution to changing parental preference. This would utilise available school places without the need for children to travel to schools outside of their own catchment area’*

*‘Therefore, it is for this reason that I consider it has not been shown that the contribution towards education is necessary or justified to mitigate the effects of the new development in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. Consequently, it is not reasonable to take this aspect of the UU into account’*

As a result there are concerns over whether the requested secondary school contribution is CIL compliant and can be included within the S106 Agreement. A further written update on this matter will be made to Members prior to the meeting.

## **Health**

Concern has been raised over the potential impact upon health infrastructure in Alsager. The NHS choices website confirms that 7 local doctor's surgeries within 3 miles of the application site are accepting new patients. This suggests that there are no capacity issues and the impact upon health infrastructure is considered to be acceptable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape**

The site consists of 6.2 hectares of agricultural land located off Hall Drive, on the southern edge of Alsager. The area to the immediate north of the site is residential and this is separated from the site by the Valley Brook, which meanders along the site boundary. To the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site. The Lodge, which is to be demolished, is located along the southern boundary of the site and an access track that leads to The Lodge leads also to a small tunnel under the railway line, and then to the area to the south. The site itself is open farmland with a pattern of hedgerows. The play area to the west of Hall Drive has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a single mature Oak located in the central part of the site.

This application site has an extant permission for the development of 109 dwellings, and this application seeks to increase the number of new dwellings by an additional 118, and also proposes the demolition of The Lodge, which is located along the southern boundary of the application site. It is not considered that the proposals will result in more adverse landscape or visual impacts than the already permitted development.

### **Highways Implications**

There is a current outline permission for residential development for 109 dwellings on this site using Hall Drive as the main access to the site. The impact of the proposed residential development on the local infrastructure including Hall Drive was considered in the outline application and was considered acceptable subject to financial contributions to off site highway works.

This is a full detailed planning application for 128 dwellings, a further 19 units on the site. The units are located within the land allocated on the outline approval and there are no major changes in the internal layout of the site.

### Traffic Impact

The applicant has submitted a Transport Statement in support of the application and has predicted the additional traffic associated with the increased number of units, the number of trips will increase by 11 in the peak hours with the 128 units proposed. Since the outline application was approved there has been a number of other residential applications approved in Alsager and CEC has undertaken a cumulative traffic impact study to assess the overall impact of development in Alsager. In regard to this particular application, it is not appropriate to consider cumulative impact as there is already a valid planning permission granted and the additional traffic associated with the further units is minimal.

The additional units proposed do not represent a severe impact and no objections are raised, although the highway contribution in the S106 needs to be revised to take account for the additional units in this application. As a result a contribution of £171,449.60 will need to be secured as part of a S106 Agreement for this application.

### Highways Conclusion

In conclusion the proposed development would not represent a severe impact and the Head of Strategic Infrastructure has raised no objection to this application. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF which states that:

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

## **Amenity**

A number of the objection letters refer to the proximity to the proposed dwellings and the impact upon residential amenity.

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances between the proposed dwellings and the existing dwellings are above 44 metres and exceed those set out within the SPG. As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

The proposed development would provide adequate separation distances within the site and an adequate level of private amenity space for each dwelling.

## **Air Quality**

An Air Quality Impact Assessment has been submitted in support of the planning application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional road traffic associated with this development and the cumulative impacts of committed developments in the area.

The report concludes that there will be a negligible increase in pollution levels at all receptors modelled. Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is considered appropriate that mitigation should be sought in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality, irrespective of whether the development would lead to a declaration of an Air Quality Management Area.

It is considered that conditions in relation to electric vehicle infrastructure and dust control measures would mitigate the air quality impact of this development.

## **Noise**

The proposed development lies close to the main railway line, and is also subject to industrial noise from nearby BAE systems. As such there is a possibility that future residential occupants will be subject to levels of noise likely to give rise to significant harm and loss of residential amenity.

Noise levels within habitable rooms (living and bedroom) and also external amenity areas should achieve those outlined in BS8233:2014. The nature of railway noise (high peaks of noise with periods of quiet) requires a calculation to be done to average the single event levels.

An acoustic report submitted with the application makes an assessment of the noise from BAE systems and the railway line. The assessment confirms that internal noise levels will achieve the required standards with ordinary, high quality thermal glazing, with no additional ventilation requirements.

It is the view of Environmental Health that a worded suitable condition can be attached to require the developer to submit a scheme of glazing and ventilation in order to achieve satisfactory noise levels in bedrooms of properties closest to the railway line to allow occupants to achieve satisfactory ventilation levels with windows closed. There are readily available acoustic trickle ventilation systems that would readily achieve this.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. A combined Phase I and Phase II geo-environmental assessment has been submitted in support of the planning application however the report does not include the whole planning application boundary – it is noted the area currently occupied by The Lodge on the south of the site has not been included within the assessments to date.

Although the site investigation does not identify any particular concerns from the soil samples which were analysed, it appears the made ground at one location was not sampled. Although it appears from the geotechnical section of the report that this material is proposed to be removed, its future placement on site or disposal route will in part depend on its chemical suitability.

It is noted that for some properties, precautionary gas protection measures have been recommended within the report. However elsewhere it also states that this potentially gas generating material will be removed from this location. This Environmental Health Department has requested clarification on this matter once a decision has been made, and risks to proposed properties from the re-location of this material should be addressed if necessary. A condition will be attached in relation to contaminated land.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Implication Study. The site edged red apart from a single tree identified as T2 is predominantly former agricultural land with the predominance of trees located around the periphery of the sites northern aspect.

The application identifies the loss of 10 individual trees and 2 groups, the majority of which are categorised as low (Category C) specimens, with only 3 moderate value (Category B) specimens noted. The categorisation of the trees in terms of current best practice BS5837:2012 is accepted.

Located to the south of Swallow Drive and the adjacent stream but outside the site edged red stands a large copse of TPO trees, mainly Crack Willows. The AIA identifies the removal of the adjacent trees T11, T12 and G13 (All Crack Willows) again probable TPO'd for safety reasons. This species is not considered suitable for retention within an urban residential setting given the hazard potential associated with the species especially at maturity. In this case the AIA rates the trees as follows:

- T11 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen, severe crown asymmetry, major deadwood, substantial lodged hanging branches, multiple leaning and subsiding stems
- T12 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen, compact ascending crown form, multiple stems, major deadwood, substantial lodged hanging branches, potential weak main forks
- G13 (Crack Willow) – Grade C – estimated life span less than 10 years – over mature specimen with two satellite stems/trees leaning to the south, large torn wound on satellite stem, multiple stems, major deadwood, substantial lodged hanging branches, leaning and subsiding stems

In this case replacement planting will be secured for the trees that are lost as part of this application.

The principle of development on the site has already been accepted. The retained tree aspect of the development including the only high value tree T2 can be protected in accordance with current best practice. The EA easement establishes a reasonable and practical social proximity from the majority of the retained trees preventing post development issues associated with social proximity.

A number of the letters of objection refer to the loss of a tree which includes a memorial plaque. This tree (T18) would be retained as part of this proposed development.

As a result the Councils Tree officer has raised no objection to the development subject to the imposition of a planning condition.

### **Public Rights of Way**

Public footpaths Alsager FP8 and FP10 cross the application site. In this case both PROW would be retained in their current positions on the site and both would benefit from good natural surveillance as part of this proposed development. A standard informative would be attached to the decision notice to ensure that the PROW are maintained as part of the development.

As part of this development the PROW Alsager FP8 would be upgraded and this is welcomed by the Councils PROW team. This upgrade will involve the widening and resurfacing of the PROW and this would be controlled by the use of a planning condition.

The PROW team have also requested off-site improvements to PROW Alsager FP10. This has been subject to a number of objections from local residents. However the proposed diversion of Public Footpath No. 10 Alsager, referred to in the heads of terms for the s106 agreement, would be subject to public consultation through the Highways Act 1980 public path diversion process. This is the appropriate stage for local residents to engage with the PROW team regarding the diversion/upgrade. The commuted sum of £40,950 will be secured as part of the S106 Agreement.

### **Design**

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning*

*policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The scheme would also provide the benefit of natural surveillance to the areas of open space and the play area which is located to the rear of dwellings fronting Swallow Drive, Hall Drive, Dunham Close and Swettenham Close. These existing areas of open space particularly the Swallow drive play area suffer from anti-social behaviour and this development will help to combat such issues.

The density of 20 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Alsager. The development does include 8 two and a half storey units which would be located towards the centre of the site and would add a variety to the roof-scape of the development. The inclusion of these units is acceptable.

The layout plan includes accessibly located open space and includes additional planting for the trees which would be lost as part of the proposed development. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the streets within the site. This is positive in terms of place making.

In terms of the detailed design the proposed dwellings include canopies, brick banding, plinth detailing, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Alsager.

### **Ecology**

#### Oakhanger Moss SSSI

The application site is located within the consultation zone for Oakhanger Moss SSSI and Ramsar site. In this case Natural England have been consulted and have raised no objection to this development in terms of the impact upon the SSSI. An 'Assessment of Likely Significant Effects' has been undertaken by the Councils Ecologist in respect of the Ramsar site and no further action under the habitat regulations is required.

#### Bats, Great Crested Newts, Reptiles, Water Vole and Otter

Following the submission of an updated protected species assessment the Councils Ecologist is satisfied that these species are not reasonable likely to be affected by the proposed development.

#### Breeding Birds

Yellowhammer a 'red' listed bird species was recorded in scrub located on the sites 'north western' boundary during the initial ecological survey and subsequently at other locations around and adjacent to the site.



The Councils Ecologist advises that the proposed development will have a localised impact upon this species. In order to mitigate this impact the applicant's consultant has proposed that the western and south western boundaries of the site be enhanced for this species through the retention of a narrow band of unmanaged vegetation and additional scrub planting. This would require a slight amendment to the submitted landscaping scheme.

The Councils Ecologist recommends that if planning consent is granted a condition should be attached requiring the applicant to submit a revised landscaping plan annotated to incorporate the proposed yellow hammer mitigation strategy.

If planning consent is granted standard conditions will be required to safeguard all other breeding birds.

### Other protected Species

A further survey has been undertaken following reports from local residents of other protected species being active on site. The latest survey has recorded evidence of other protected species moving through the site. Movement is mostly along the western and northern boundaries of the site. The site does not appear to be used significantly for foraging purposes and no setts were recorded on site. Based upon the current level of activity on the site the proposed development will result in a localised impact on the ability of other protected species to move across the site. Mitigation proposals to address this impact have been included with the submitted report.

As other protected species activity on a site can change within a short timescale the Councils Ecologist advises that if planning consent is granted a condition should be attached requiring an updated survey and mitigation strategy to be submitted prior to the commencement of development.

### Valley Brook

Plant species have been recorded along the banks of the Valley brook that are indicative of long established habitats. The Councils Ecologist advises that the brook and a suitable buffer of semi-natural vegetation should be retained and safeguarded during the construction phase.

The submitted layout plan includes an 8m EA easement adjacent to the brook the area of the easement is proposed to be sown with a wildflower seed mix.

The Councils Ecologist advises that the Environment Agency easement is sufficient to safeguard the brook. However the semi-natural habitats adjacent the brook should be retained and protected rather than replaced with a wild flower seed mix.

If planning consent is granted a condition must be attached requiring the submission of a method statement for the safeguarding of the brook and associated 8m undeveloped buffer during the construction phase.

The proposed development includes a crossing over the brook. To ensure that the road crossing does not present a barrier to the movement of wildlife along Valley Brook it is necessary for the applicant to submit a detailed design for the road crossing.

A condition will be attached to secure a method statement for the removal of Himalayan Balsam on the application site.

### **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment has been submitted in support of the application. The watercourse which runs along the northern boundary of the site is classed as a main river and the site includes areas which are identified as being with Flood Zones 2 and 3 with the majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps.

The submitted FRA has undertaken detailed hydraulic modelling of Valley Brook which has established the 1:100 year flood levels and flood plan and also the 1:1000 year flood levels and floodplain (0.1% annual exceedance probability event). The modelling also included the climate change effects.

This modelling has been used to inform the proposed masterplan and to ensure that no dwellings are located within an area of high risk or medium risk. The submitted site layout shows that the proposed dwellings lie outside the flood plan and within Flood Zone 1 (which is defined as low probability – land having a less than 1 in 1,000 annual probability of river or sea flooding).

The submitted FRA states that in accordance with EA standing advice that the proposed finish floor levels should be set a minimum of 600mm above the modelled flood levels for the 1:100 year + climate change event.

In terms of land levels the FRA states that on the eastern parcel of land the area affected by the maximum modelled flood level has an existing topographical level of 1.7m higher than the predicted flood level for the 1:100 year + climate change event. On the western parcel of land the area affected by the maximum modelled flood level has an existing topographical level of 800mm higher than the predicted flood level for the 1:100 year + climate change event.

In terms of drainage the site is greenfield and to ensure that the site does not contribute towards surface water flooding it is required that the site does not exceed existing pre-development greenfield run-off rates. This will ensure that the existing run-off is maintained and the receiving watercourses or water bodies do not receive increased flows.

A preliminary surface water drainage strategy has been formulated for this site and this incorporates SuDs in the form of flow controls, attenuation pipes and above-ground storage to limit flows to Valley Brook. This is proposed to form two separate systems serving the west and east parcels of the site with each having a separate outfall to Valley Brook. The preliminary surface water drainage strategy demonstrates that an appropriate system could be provided which manages surface water run-off and ensures pre-development greenfield run-off rates are not exceeded. The final details of the drainage system will be secured through the use of a planning condition.

The foul water from the site is proposed to drain via gravity to a new pumping station located towards the northern boundary of the site. The new pumping station will then pump foul water to the existing foul water sewer in Hall Drive.

The CEC Flood Risk Manager, 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.

It should be noted that the Environment Agency has objected to the grounds on a technical ground due to the proximity of two plots (65 and 66) to Valley Brook. Amended plans have been received and this issue will form part of an update report.

## **Archaeology**

Earlier application (Ref 12/4150C and 13/4092C) for the development of this site were subject to comments from the Councils Archaeologist, when it was recommended that aspects of the development should be subject to a developer-funded watching brief. These aspects were defined as works involving disturbance to the stream at the northern boundary of the site, in order to record structures that would be removed and to investigate any early sediments.

In this case it should be noted that further informal advice was provided to the applicant's archaeological consultants concerning a project design which had been prepared to address the archaeological condition attached to the earlier planning consents. This document, which was prepared by L-P Archaeology, has been updated and submitted in support of the present application and the Councils Archaeologist advise that, if planning permission is granted, the proposed scheme of archaeological mitigation will address the requirements of the advised archaeological condition.

## **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 Alsager 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 agricultural land classification study was submitted as part of the last application and this concluded that there is an area of Grade 4 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grades 3b and 3a, the latter confined to a strip of higher ground alongside the railway line.

The proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of 3a land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is considered that the loss of agricultural land in this instance is acceptable.

### **Impact on Radway Green**

The Health and Safety Executive have been consulted in relation to this application and have confirmed that the site falls within the outer (band 3) consultation zone of the nearby licensed explosives facility. The Explosives Inspectorate has confirmed that they have no objection to the development provided that it is no more than three storeys (12 metres) in height and is of a traditional brick construction.

The proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations. As a result the development is considered to be acceptable in terms of the impact upon the hazardous installation at Radway Green.

### **Impact on Level Crossing**

The site is located adjacent to a level crossing, which carries a public right of way over the Crewe-Stoke Railway line. The proposed development has potential for increasing the level of foot traffic. However Network Rail have confirmed that they have no objection to this application.

### **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 school places in Alsager 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 school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The requested secondary school education is still to be considered as stated within the education section above.

The development would result in increased vehicular movements at the Hassall Road/Crewe Road junction and the signal junction in the town centre at Sandbach Road/Crewe Road which are already at capacity. In order to mitigate this impact a contribution is required towards the Councils scheme of improvements to these junctions. 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.

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

### **PLANNING BALANCE**

The site is within the Open Countryside where under Policy PS.8 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 principle of development has already been accepted following the outline approval on this site.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed NEAP this is considered to be acceptable. The provision of a NEAP would provide a facility for future residents and other residents in Alsager.
- 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 loss of open countryside
- The loss of agricultural land

The adverse impacts in approving this development and would not significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the completion of a S106 Agreement to secure the following:

**1. A scheme for the provision of affordable housing (38 units) – 25 units to be provided as social rent/affordable rent and 13 as 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. LEAP including at least 8 items of equipment. Specification to be submitted to and agreed by the Council.
  3. Provision for a private residents management company to maintain the on-site amenity space / play area / public footpaths and all incidental areas of open space not within the adopted public highway or domestic curtilages
  4. Detailed management plan for the above Open Space be submitted and approved.
  5. Highways contribution of £171,449.60 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
  6. A contribution of £40,950 towards the upgrade of Alsager FP10

And the following conditions:

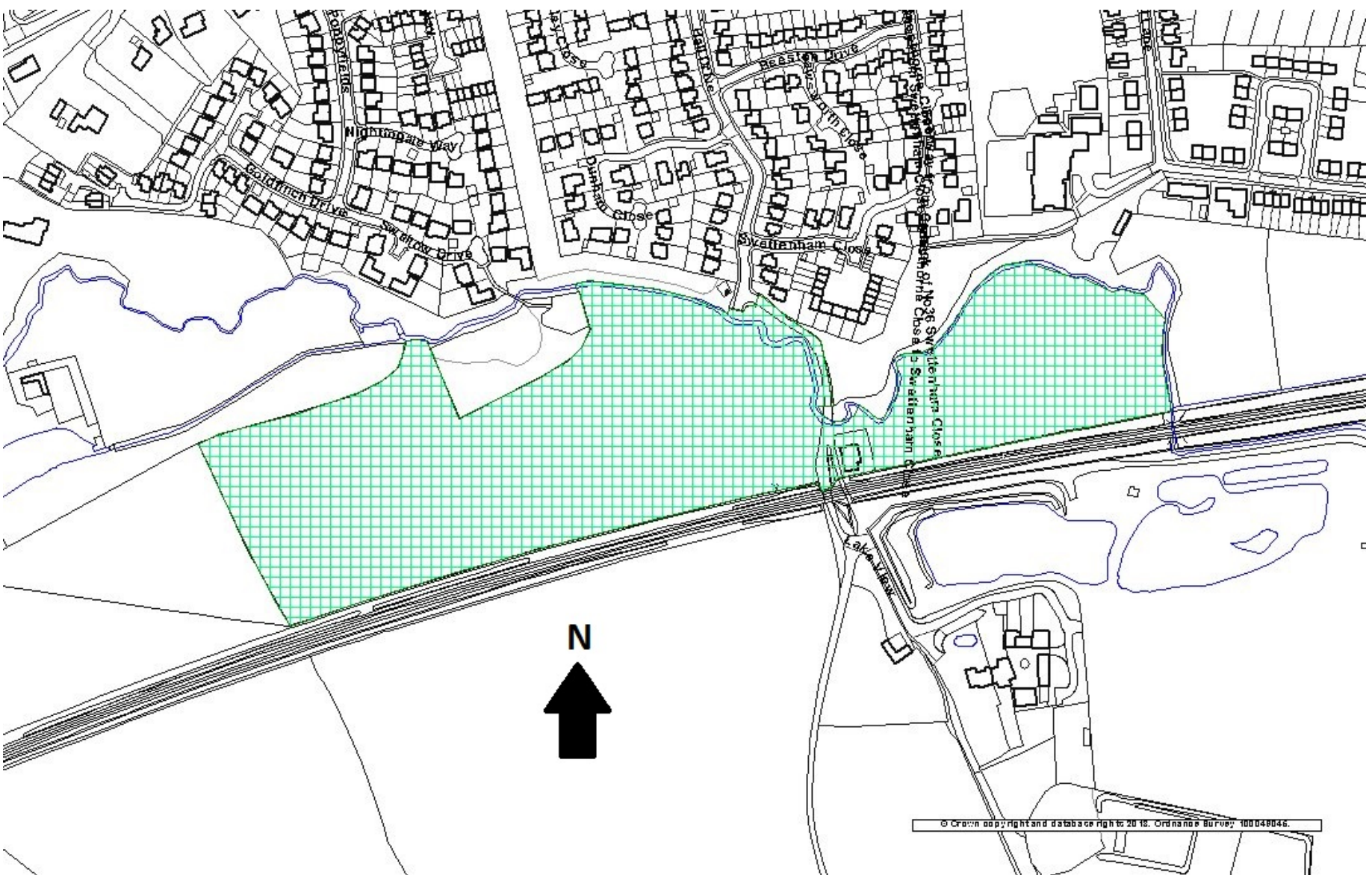
1. Standard Time
2. Plans
3. Archaeology
4. Submission / approval and implementation of works to improve and enhance footpath no.8 / 10
5. Provision of signage within the site for cyclists and pedestrians
6. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
7. Submission, approval and implementation of a piling method statement
8. Submission, approval and implementation of an Environmental Management Plan
9. Prior to the development commencing the applicant shall submit and agree with the LPA a scheme of acoustic mitigation to ensure that noise levels within bedrooms do not exceed levels within BS8233:2014. The acoustic integrity shall not be affected by the need to open windows to achieve trickle ventilation.
10. Provision of a 2.0m acoustic boundary treatment to the residential gardens as described in the acoustic report submitted with the application.
11. Dust Control details to be submitted and approved
12. Provision of Electric Vehicle infrastructure on the properties
13. Submission and approval of a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA)
14. Implementation of the approved landscaping scheme
15. Compliance with the submitted FRA
16. Submission of a drainage strategy for the site
17. Submission of a scheme for on and off site drainage works
18. Submission of a detailed design and management plan for the surface water drainage using sustainable drainage methods
19. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system.
20. Submission of a method statement for safeguarding the brook
21. Submission of a scheme for the removal of Himalayan Balsam on the application site
22. Detailed designs for the crossing over Valley Brook to be submitted and agreed
23. All arboricultural works to be in accordance with the submitted Arboricultural Implication Study

24. No works in bird nesting season without survey
25. Provision of features for breeding birds
26. Submission and approval of facing materials
27. Submission and approval of boundary treatment
28. Existing and proposed land levels to be submitted for approval
29. Yellowhammer mitigation strategy to be submitted and approved
30. Updated protected species survey/mitigation to be submitted and approved

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following:

1. A scheme for the provision of affordable housing (38 units) – 25 units to be provided as social rent/affordable rent and 13 as 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. LEAP including at least 8 items of equipment. Specification to be submitted to and agree by the Council.
3. Provision for a private residents management company to maintain the on-site amenity space / play area / public footpaths and all incidental areas of open space not within the adopted public highway or domestic curtilages
4. Detailed management plan for the above Open Space be submitted and approved.
5. Highways contribution of £171,449.60 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
6. A contribution of £40,950 towards the upgrade of Alsager FP10
7. Contribution of £260,310.96 towards primary education





Application No: 15/3673C

Location: LAND AT, MANOR LANE, HOLMES CHAPEL

Proposal: Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access.

Applicant: Liberty Properties Developments Limited,

Expiry Date: 09-Nov-2015

**SUMMARY**

The site is located within the Holmes Chapel Settlement Boundary and relates to an out-of-centre supermarket. The applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre which are sequentially preferable to the application site. Further, the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres.

Design of the proposed development has been developed to an acceptable standard subject to a number of conditions. In addition, subject to conditions there no landscaping and forestry issues are raised.

No significant highway safety, ecology, flooding and drainage concerns are identified subject to conditions.

No amenity issues would be created subject to a number of conditions proposed in relation to environmental disturbance.

The development would bring positive planning benefits such as; the creation of new employment opportunities, knock-on benefits during construction and benefits with regards to reduced travel and time to access a larger food store for the local residents.

Balanced against this benefit must be the dis-benefits, which in this case are mitigated by conditions.

As such, in this instance, it is considered that economic and social benefits of the scheme outweigh any dis-benefits which can be controlled by conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

**RECOMMENDATION**

**APPROVE** subject to conditions

## **PROPOSAL:**

Full Planning permission is sought for the erection of a food store (Use Class A1), together with associated service area, car parking' landscaping and access.

The food store in this instance is an Aldi store which would have a floor space of 1,804 square metres.

## **SITE DESCRIPTION:**

The application sites comprises of a previously developed site located on the western side of Manor Lane within the Holmes Chapel Settlement Zone Line.

The site is located approximately 0.7 miles to the east of the Holmes Chapel Village centre on the Manor Business Park. The application site as a whole extends 0.87 hectares, fronts onto Manor Lane which links to the A54 and the A535.

To the north and west of the site is more land comprising of the former Manor Business Park. The site is vacant as the former buildings on the site have been demolished.

The application site falls partially within a Flood Zone 2 and Flood Zone 3 and the Jodrell Bank Radio Telescope Consultation Zone Line.

## **RELEVANT HISTORY:**

**15/4234C** - Proposed demolition of existing buildings and outline planning permission for up to 65 residential dwellings to include access – Under consideration

**10/4464C** - Extension to Time Limit. Ref: 08/0528/REM, 07/0604/REM, 06/0721/OUT - Re-design of Two Storey Office Building from 3no. Self-contained Units to 4no. Self-contained Units – Withdrawn 24<sup>th</sup> January 2011

**08/0528/REM** - Re-design of two storey office building from 3no. self-contained units to 4no. self-contained units – Approved 22<sup>nd</sup> May 2008

**07/0604/REM** - Phase 1 redevelopment of existing business park for mixed commercial use, including B1, B2, and B8 – Approved 13<sup>th</sup> November 2007

**06/0721/OUT** - Redevelopment of existing business park for mixed commercial uses including B1, B2 & B8 – Approved 19<sup>th</sup> September 2006

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 18-22 Building a strong, competitive economy, 23-27 – Ensuring the vitality of town centres, 56-68 – Requiring good design

### **Development Plan:**

For the erection of a food store in this location, the following policies within the Congleton Borough Local Plan First Review 2005 would apply; PS5 (Villages in the Open Countryside and inset in the Green Belt), S1 (Shopping Hierarchy), S2 (Shopping and Commercial Development Outside Town Centres), S7 (Shopping and Commercial Development in Villages), S8 (Shopping – Holmes Chapel), GR1 (New Development – General Criteria), GR2 (Design), GR4 (Landscaping), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), (GR20 (Public Services), GR21 (Flooding), NR1 (Trees and Woodlands) and NR2 (Protected Species).

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 (Settlement Hierarchy), PG6 (Spatial Distribution of Development), EG3 (Existing and Allocated Employment Sites), 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), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions).

### **Other Material Considerations**

PRE/1432/14 – Pre-application letter

### **CONSULTATIONS:**

**United Utilities** – No objections, subject to a number of conditions including; that the site must be drained on a separate system and that the surface water flows generated from the site must discharge to a soakaway and the nearby watercourse and the inclusion of an access strip

**Head of Strategic Infrastructure (HSI)** - No objections

**Environmental Protection** – No objections, subject to the following conditions; a restriction on the hours of operation; a restriction over the hours of delivery; the prior approval of the acoustic specification and locations of any fixed plant equipment; the prior approval of a dust mitigation scheme; the prior approval of a floor floating method statement; that 2 rapid electric vehicle charge points shall be provided; the prior approval of a staff travel plan; Implementation of dust mitigation measures; the submission of the results of a watching brief for contamination prior to the first use of the site; the submission of a verification report to demonstrate that the soil forming materials for use of landscaping is contamination free.

In addition, informatives relating to hours of construction and contaminated land are proposed.

**Environment Agency** – No objections, subject to a number of conditions including; the prior submission of a remediation strategy; the submission of a verification report prior to the first occupation of the site; That no infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are present; No piling or other foundation designs without the written consent of the LPA.

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the implementation of the proposed submitted drainage plans. In addition, it is recommended that a section of Alum Brook (Ordinary watercourse) adjacent to this site be promoted as a designated extension to statutory main river once the works to watercourse are completed and subject to the necessary formal Land Drainage Consents.

**Jodrell Bank (University of Manchester)** – No comments received at time of report.

**Network Rail** – No objections, subject to the following condition; The prior approval of a risk assessment detailing the use of any vibro-compaction machinery/piling machinery

**Holmes Chapel Parish Council** – No objections. However the Council would support;

- A restriction on deliveries to between 07.00 and 23.00 hours
- Acoustic fencing for the properties on the opposite side of the site
- Lighting is directed onto the site
- Consideration of the changing locations of the bus stops
- S106 monies can be used to assist with car park maintenance at the HCCC

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the application was published in a local newspaper.

To date 10 letters of objection have been received. The main areas of concern raised include;

- Amenity – Noise, lighting
- Retail – Impact upon existing small businesses in the village
- Highway safety – Traffic volume, access safety, pedestrian safety
- Unsustainable location
- Design – Unsightly frontage parking
- Landscaping – impact upon existing buffer

Other issues have been raised which are not material considerations including; the need for a recently approved telecommunications mast, and the request for public toilets.

259 letters of support letters of support / no objections have been received for the application. The main reasons for the support include;

- The principle of development
- Convenience
- Creation of jobs
- Utilisation of brownfield site
- More parking provision
- More income via business rates

## **APPRAISAL:**

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic). More specifically, the acceptability of the impact upon;
  - Landscape / Trees / Hedgerows
  - Design
  - Highways
  - Ecology
  - Drainage and Flooding
  - Amenity
  - Jodrell Bank
- Planning balance

### **Principle of Development**

Policy S1 of the Local Plan advises that proposals for shopping and commercial development will only be permitted where the scale, nature and location reflect Policies S7 and S8 of the Local Plan.

Policy S7 advises that within such settlements, proposals for shopping and commercial developments will only be permitted where the proposal is clearly intended to serve principally the needs of local residents, subject to the proposal adhering with Policy S2 and other relevant Local Plan policies.

Policy S2 advises that any 'significant' shopping or commercial proposal will need to meet all of the following criteria; There is a proven need for the development; No other town centre use is available or suitable; the proposal would not undermine the vitality and viability of the existing centre; it would not have an impact upon local amenity; it is accessible by a choice of means of transport; it would give rise to unacceptable levels of traffic and would adhere with all other local plan policies.

In the subtext of this policy, specifies 'significant' shopping and commercial proposals to be those in excess of 500 square metres net floor space.

Paragraph 26 of the NPPF advises that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is not locally set threshold, the default threshold is 2,500 sqm).

It is noted that the floor space of the retail unit proposed is 1,804 sqm.

As the application site is located just less than 1 mile from the Holmes Chapel village centre, the applicant was advised to undertake a Retail Impact Assessment (RIA).

In response to this assessment, which was updated during the application process, the Council's Senior Planning Policy Officer, has advised that she is comfortable with the methodology that has

been adopted in this statement and the subsequent application of assumptions relating to these proposals.

The RIA broadly represents the 'worst case' scenario in terms of the modelled floor space and its likely impact, whilst it identifies that there will be an impact on Holmes Chapel centre, circa 8.21%, (when tested cumulatively alongside the committed Sainsbury's store, which is located in a similar out of centre location).

From a policy perspective it is not considered that the proposed food store sited in the location proposed would be to the detriment to the vitality and viability of Holmes Chapel centre (a similar conclusion was also made in determining the Sainsbury's proposals).

The Aldi proposals seek to develop a food store of a much smaller scale to the Sainsbury's store and given the level of residential development that is currently under construction and is already committed within Holmes Chapel itself, this proposal only seeks to provide greater choice and competition within this catchment area that would be complementary to Holmes Chapel centre and would prevent any further leakage to surrounding settlements that is currently being experienced.

As such, it is concluded that the proposed food store in the location proposed would not be to the detriment to the vitality and viability of the Holmes Chapel village centre. The principle of the proposal is therefore considered to be acceptable.

The benefits and dis-benefits of the proposal are considered below based on their sustainability.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

### **Environmental Role**

#### Landscape, Hedgerows and Trees

##### *Landscape*

The Council's Landscape Officer has advised that there do not appear to be any significant landscape constraints to the development of this brownfield site. Nevertheless, a wide highway verge is a linear feature on Manor Lane and it is considered important that this is retained as a landscape buffer, which it is.

Along much of the length of Manor Lane, trees are present on the verge and a number of trees were removed from the front of this particular site some years ago. As such, the Council's Landscape Officer advises that it would be desirable to secure suitable tree planting along the frontage of the development site to compensate for losses and maintain a tree lined corridor.

This matter was considered by the applicant and they have introduced further tree planting within the site. However, they were not prepared to insert further planting in order to maximise visibility of the store and for financial viability reasons.

The submission is supported by a landscape scheme which the Council's Landscape Officer considers to be acceptable in principle. However, further tree planting within the site is suggested.

A revised landscaping scheme is therefore recommended as a condition as a means to secure this.

To maintain an open character, The Council's Landscape Officer suggests that the boundary treatment on the site frontage should be no higher than a knee rail. The boundary treatment plan is not clear in this respect.

A boundary treatment condition to overcome these concerns and to consider the acceptability for the boundary treatment for the rest of the site is recommended.

##### *Forestry*

The submission is supported by an Arboricultural Impact Assessment (AIA) which covers the application site and trees on land to the north and west.

The report identifies that three individual trees and two tree groups must be removed to accommodate the development. One tree is identified for removal as it is unsuitable for retention. Mitigation planting is recommended. The Council's Forestry Officer has advised that the trees to

be removed are not significant. It would however be important to secure sufficient mitigation tree planting as part of the proposed development.

The report indicates that site hoarding will demarcate a construction exclusion zone around the site periphery. The Council's Tree Officer has advised that this should provide sufficient protection for retained off site trees. A condition to this effect is recommended.

### Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The proposed food store would be located to the rear (west) of the application site at its furthest point away from the proposed access to the site onto Manor Lane.

The food store, at its maximum points, would measure approximately 66.6 metres in width, 30 metres in depth and would comprise of a flat roof with a maximum height of 6.6 metres. The store would be inset by approximately 74 metres from Manor Lane to the east, approximately 5 metres from the southern side boundary of the site, approximately 5.7 metres from the rear western boundary of the site and approximately 10.9 metres from the northern side boundary.

A car park comprising of 117 parking spaces which includes 10 disabled spaces and 9 staff parking spaces is proposed between the food store and Manor Lane.

The scheme has been amended following discussions between the applicant and the Council's Urban Design Officer. More specifically, a number a changes to the elevations of the proposed food store have been made. These include;

- Raising the parapet
- Changing the mix of materials on the front elevation
- Breaking up the elevation with brick piers and extending the glazed sections
- Introduction of a brick band detail to define the parapet
- The addition of an further glazed section

The extent of the changes made to the elevations are to the satisfaction of the Council's Urban Design Officer.

With regards to the general layout of the site, the Council's Urban Design Officer recommended a number of improvements. More specifically, he advised that the following changes be made;

- The creation of a pedestrian link to the north
- The introduction of further tree planting along the customer entrance
- The introduction of further selective tree planting along the frontage
- A reduction in the width of the hard standing between parking spaces and the access from 7 metres down to 6 metres
- The re-siting of a kneeler rail on the front boundary



- The introduction of a Children's zone at the entrance

In response to these points, the applicant was not able / prepared to make these further changes for the following reasons;

- Aldi has no control of access onto the neighbouring site to the north (onto a proposed new housing site comprising of up to 65 dwellings – 15/4234C, currently under consideration). The 2 sites are of separate ownerships and the owner of the site to the north is not prepared to accept this link
- Trees – There has already been a substantial increase in the number of proposed new trees within the site. Aldi would prefer no trees at all in order to maximise visibility, however has introduced a number of trees at significant cost.
- That the car park needs to meet Aldi's standards which are specific for the purpose of providing an effective, functional car park. Essentially, Aldi's parking spaces are larger than average.
- The 7 metre width of the access and aisles between parking spaces is the Aldi standard and no objections are raised by the Council's Highways.
- A timber kneeler rail cannot be re-sited to the edge of the site as proposed as it falls on highways land and is not within the control of the applicant.
- Children's zone not possible as the store entrance has been designed for a specific purpose, would create additional traffic and congestion and therefore should remain safe and open.

To conclude, it is accepted that the applicant has made a number of changes to the application proposal on the advice of the Council's Urban Design Officer. Although the applicant has not made all the changes sought, some matters could be further secured via condition.

It is therefore considered that the design and layout of the scheme on balance is acceptable, subject conditions for the prior approval of landscaping details, the implementation of a landscaping scheme, the prior approval/implementation of boundary treatment.

### Highways Implications

The proposed development would retain one of the vehicular access points to be used for the delivery of vehicles and staff. A new vehicular access junction is proposed to the north close to the boundary for customers. It is advised within the submitted Design and Access Statement that this will keep the two functions separate and both routes can be used by pedestrians.

It is further advised that new pedestrian routes will be provided for the site from Manor Lane, access will be via the vehicular access points by using the defined pathways that lead to the front of the food store. Paving will be provided around the building.

The size of the store is 1,804 Sqm and has 117 car parking spaces in total proposed on the site, there is 10 disabled spaces and 9 staff spaces included in this total.

### Accessibility

The site can be accessed by pedestrians, there is a footway on the development side of Manor Lane and does connect with Macclesfield Road, providing access to the centre of Homes Chapel.

There are a number of bus services that could be used to access the site. Whilst, the site is accessible, most food store trips are undertaken by private car.

### *Traffic Impact*

Manor Lane is a busy route and is used as an alternative route to using London Road to access Macclesfield Road, there has recently been a new roundabout junction provided at the junction of the A54. A Transport Assessment has been submitted with the application. The applicant has assessed the impact of the development on a number of local junctions on the road network and considered whether further capacity assessments are necessary.

In regard to trip generation, the Council's Head of Strategic Infrastructure (HSI) accepts that not all trips to food stores are new trips as many trips are already undertaken to other retail destinations and there are transferred and pass by trips with a new food store. The applicant has applied this methodology to the traffic impact of the site and undertaken a proportional impact assessment at each of the junctions.

The HSI advises that the traffic impact from the development does not have a material impact at the majority of the junctions assessed but of concern is the existing priority junction at the A535 Macclesfield Road / Manor Lane. The capacity tests undertaken in the Transport Assessment indicate that this junction will operate over capacity with committed development and the food store in place.

Approval has recently been given for a residential development just north of this site (Saltersford Corner) that requires the implementation of a new roundabout at the Macclesfield Rd/ Manor Rd junction to provide access to the site. The applicant has assessed the food store development with and without this roundabout being in place. With the roundabout, it has been demonstrated that the capacity assessment indicates that the roundabout can accommodate the development traffic without undue queuing taking place. Without the roundabout, the current situation, the HSI has advised that whilst there would be a traffic impact at the junction from the food store, it does not result in a severe congestion impact that warrants the addition of a condition to provide a roundabout.

### *Summary and Conclusions*

The HSI has advised that the accessibility of the site has been assessed and it is considered acceptable as it can be accessed on foot and there is cycle parking being provided. The store can be accessed by public transport and the applicant is proposing a new bus stop on Manor Lane. Overall, the HSI considers that the site is accessible although the majority of trips to the site will be made by car.

There is no highway concern regarding the proposed internal layout of the site are raised, the southern site access is indicated as being used for service access only although it is not apparent how the access for customers is to be prevented. The HSI recommends that a condition is required, for the applicant to submit details of how access is reserved for servicing vehicles should the application be approved.

Subject to this condition, no objections are raised.

## Ecology

The application is supported by an Ecological Assessment.

In response to this, the Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposal. However, it is advised that if Planning Permission is granted, a condition seeking the protection of breeding birds should be imposed.

## Flood Risk/Drainage

### *Flooding*

The application is supported by a Flood Risk Assessment (FRA).

The Environment Agency has reviewed the proposal and advised that they have no objections, subject to a number of conditions; These include; the prior approval of a remediation strategy to deal with the risks associated with the contamination of the site; the submission of a verification report prior to the first occupation of the site; That no infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are present; No piling or other foundation designs without the written consent of the LPA.

The Council's Flood Risk Manager has reviewed the proposal and advised that he has no objections in principle on flood risk grounds subject to the development proceeding in accordance with the submitted FRA. Furthermore, it is recommended that a section of Alum Brook (Ordinary watercourse) adjacent to this site be promoted as a designated extension to statutory main river once the works to watercourse are completed and subject to the necessary formal Land Drainage Consents. As this adoption is considered under different legislation, this shall be added as an informative only.

### *Drainage*

United Utilities have also reviewed the proposal and advised that they raise no objections, subject to a condition that the site be drained on a separate system and that a service strip be retained along the frontage.

The separate system condition can be included, however the service strip proposal should be added as an informative only. Sufficient space along the site frontage is available to adhere to this requirement.

## Environmental Conclusion

The application would have a limited impact upon the landscape due to the previously developed nature of the site. The scheme would not have any detrimental impact upon trees of amenity value however, further tree planting within the site is recommended and boundary details submitted for prior approval.

The revised design of the unit is acceptable and the proposal would not create any significant highway safety concerns. The development would not create any ecology concerns subject to a

condition to protect breeding birds. No flooding or drainage concerns are raised subject to a number of conditions.

As a result of the above reasons, it is considered that the development would be environmentally neutral.

### **Social Role**

A large number (259) of the representations supporting the scheme highlight that the provision of the food store in this location would be of personal benefit to them with regards to convenience.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site on a Business Park, there are limited neighbouring residential properties around the site. The site is enclosed by further previously developed land to the north, further industrial units to the west, business park units to the south and Manor Lane to the east. On the opposite side of Manor Lane are the closest neighbouring dwellings. These comprise of the residential barn conversions; Oak Barn, The Stables and The Coach House.

At their closest point, these dwellings would be 74 metres away from the food store itself, but would be sited directly opposite to the proposed access.

Given the large distance of these properties from the food store, it is not considered that the occupiers of these dwellings would be detrimentally impacted by the proposed development in terms of; loss of privacy, light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and has raised no objections in principle to the development, subject to a number of conditions.

These conditions include; a restriction on the hours of operation; a restriction over the hours of delivery; the prior approval of the acoustic specification and locations of any fixed plant equipment; the prior approval of a dust mitigation scheme; the prior approval of a floor floating method statement; that 2 rapid electric vehicle charge points shall be provided; the prior approval of a staff travel plan; Implementation of dust mitigation measures; the submission of the results of a watching brief for contamination prior to the first use of the site; the submission of a verification report to demonstrate that the soil forming materials for use of landscaping is contamination free. In addition, informatives relating to hours of construction and contaminated land are proposed.

Subject to the imposition of these conditions, the Council's Environmental Protection Officer raises no objections with regards to environmental disturbance.

### Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan. Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have not provided comments at the time of the report. Therefore, it is assumed that they have no objections. However, an update will be provided to members before planning committee should a response be received.

### Network Rail

The application site is separated from the closest rail line by third party land of at least 35 metres. As such, Network Rail have advised that their normal comments do not apply.

Notwithstanding this, Network Rail have recommended that should the application be approved, a condition seeking the prior approval of a method statement detailing the use of any vibro-compaction machinery / piling should be submitted to the LPA.

### Social conclusion

The creation of a food store at this location would be of convenience to the people of Holmes Chapel as detailed within the large number of consultation letters received. Furthermore, no significant amenity issues would be created subject to the inclusion of a number of conditions as proposed by the Council's Environmental Protection Officer.

As a result of the above reasons, it is considered that the proposed development would be socially sustainable.

### **Economic Role**

It is advised on page 39 of the submitted Planning Statement that *'the development will also lead to the creation of 40-50 jobs and will deliver indirect jobs through services supporting the food store.'*

It is also accepted that the construction of a development of this scale would bring the usual economic benefits to the closest shops in Holmes Chapel for the duration of the construction, and would potentially provide wider economic benefits to the construction industry supply chain.

Within a large number of the received neighbouring consultation responses, many people have advised that the creation of this food store at this location would save them money in so far as they no longer have to travel as far to access a food store of this brand or of this scale. This would also be an economic benefit.

As a result of the above, it is considered that the development would provide strong economic benefits and would therefore be economically sustainable.

### **Planning Balance**

The site is located within the Holmes Chapel Settlement Boundary and relates to an out-of-centre supermarket. The applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre which are sequentially preferable to the application site. Further, the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres.

Design of the proposed development has been developed to acceptable standard following discussions between the applicant and the Council's Urban Design Officer, subject to a number of conditions. In addition, subject to conditions, no landscaping and forestry issues are raised.

No significant highway safety, ecology, flooding and drainage concerns are identified subject to conditions.

No amenity issues would be created subject to a number of conditions proposed in relation to environmental disturbance.

The development would bring positive planning benefits such as; the creation of new employment opportunities, knock-on benefits during construction and benefits with regards to reduced travel and time to access a larger food store for the local residents.

Balanced against this benefit must be the dis-benefits, which in this case are mitigated by conditions.

As such, in this instance, it is considered that economic and social benefits of the scheme outweigh any dis-benefits which can be controlled by conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

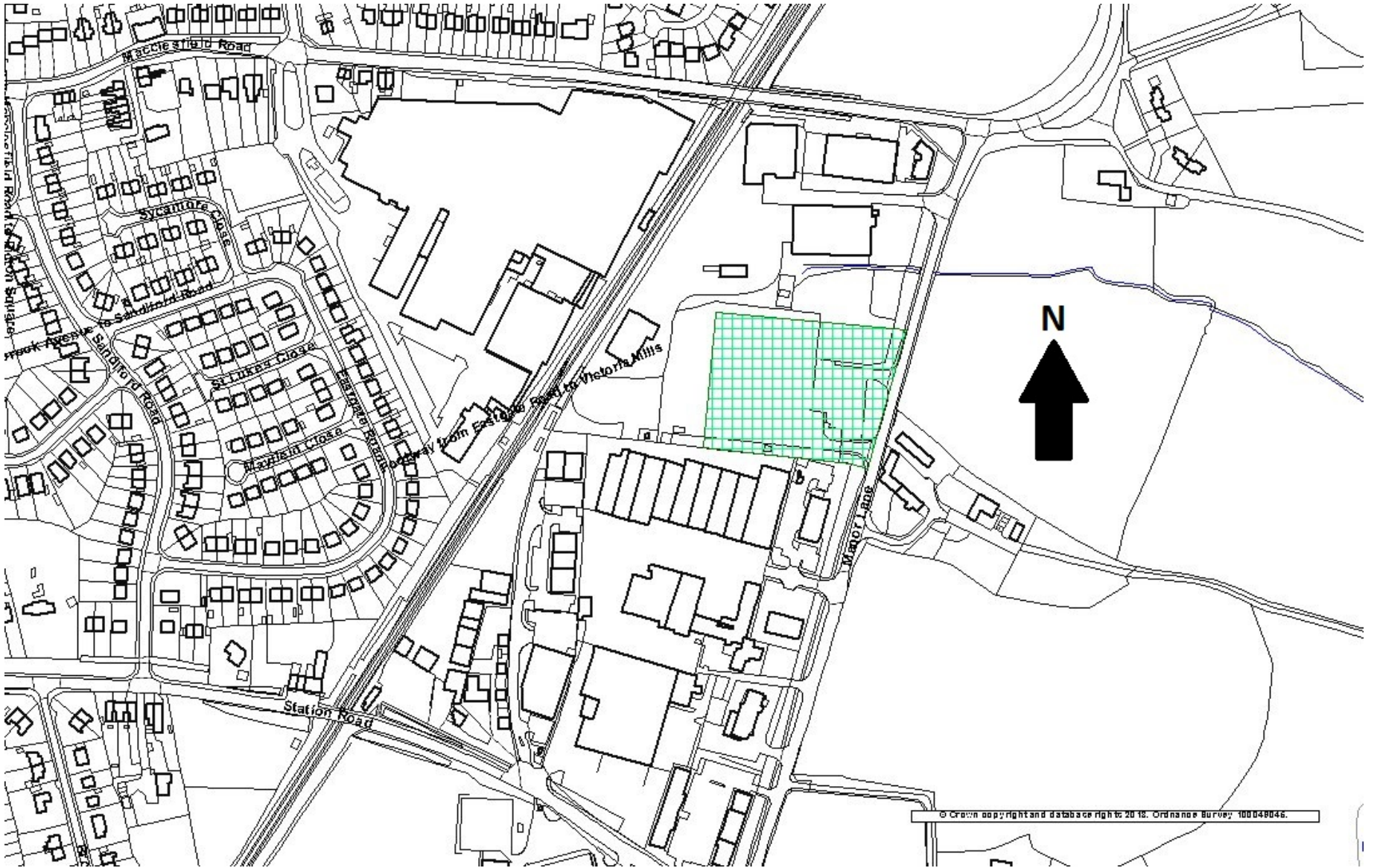
### **RECOMMENDATIONS**

#### **APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior approval of facing and roofing material details**
- 4. Prior approval of surfacing materials**
- 5. Landscape – Prior approval of details**
- 6. Landscape – Implementation**
- 7. Boundary treatment – Prior approval**
- 8. Prior approval of site hoarding details which will demarcate a construction exclusion zone around the site periphery**
- 9. Prior approval of a plan to demonstrate how access is reserved for servicing vehicles**
- 10. Protection of breeding birds**

11. Prior approval of a remediation strategy to deal with the risks associated with the contamination
12. The submission of a verification report prior to the first occupation of the site
13. No infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are present
14. No piling or other foundation designs without the written consent of the LPA
15. Proceed in accordance with submitted Flood Risk Assessment
16. Site to be drained on a separate system
17. Hours of operation - Monday to Saturday 08:00 – 22:00 and Sundays and Public Holidays: 10:00 – 16:00
18. Hours of delivery - Monday to Saturday 07:00 – 21:00 and Sundays and Public Holidays 09:00 – 19:00
19. Prior approval of acoustic specification and locations of any fixed plant equipment;
20. Prior approval of a dust mitigation scheme;
21. Prior approval of a floor floating method statement;
22. The provision of 2 rapid electric vehicle charge points
23. Prior approval of a staff travel plan;
24. Implementation of dust mitigation measures;
25. The submission of the results of a watching brief for contamination prior to the first use of the site
26. The submission of a verification report to demonstrate that the soil forming materials for use of landscaping is contamination free.
27. Prior approval of a risk assessment detailing the use of any vibro-compaction machinery/piling machinery

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





Application No: 15/4336C

Location: LAND SOUTH OF WOOD LANE, BRADWALL, CHESHIRE

Proposal: Variation of condition 12 on approved 15/1541C - Installation and operation of a solar farm

Applicant: Lightsource Renewable Energy Ltd

Expiry Date: 25-Dec-2015

### SUMMARY

The expected operational life of the solar farm is at least 30 years. It is therefore recommended that the Condition 12 from planning permission 15/1541C be varied as requested, subject to the necessary deed of variation being made to the S106 Agreement.

No new issues with regards to; open countryside, design, landscaping, amenity, highway safety, public footpaths, public utilities, flooding, trees, nature conservation or agricultural land would be created by the proposed variation.

The application is therefore recommended for approval.

### RECOMMENDATION

**APPROVE Subject to a deed of variation to the S106 Agreement to secure the hereby approved changes and conditions**

### PROPOSAL:

A variation of condition application is sought to vary condition 12 on planning permission 15/1541C. That application was for the *'Installation and operation of a solar farm'* at Land South of, Wood Lane, Bradwall, Cheshire.

Condition 12 reads;

*'Within 25 years and 6 months following completion of development, or within 6 months of the cessation of electricity generation by the solar photo voltaic installation, or within six months of the permanent cessation of construction works prior to the solar photo voltaic facility coming into operation, whichever is sooner, the solar photo voltaic panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the local planning authority in writing no later than 5 working days following cessation of power production. The site shall subsequently be restored in accordance*

*with the scheme, the details of which shall be submitted to and approved in writing by the LPA no later than three months following the cessation of power production.*

*Reason: In order to ensure the full restoration of the site and in accordance with Policy PS8 of the Congleton Borough Local Plan First Review 2005.'*

The applicant seeks to vary this condition to;

*'Within 30 years and 6 months following completion of development, or within 6 months of the cessation of electricity generation by the solar photo voltaic installation, or within six months of the permanent cessation of construction works prior to the solar photo voltaic facility coming into operation, whichever is sooner, the solar photo voltaic panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the local planning authority in writing no later than 5 working days following cessation of power production. The site shall subsequently be restored in accordance with the scheme, the details of which shall be submitted to and approved in writing by the LPA no later than three months following the cessation of power production'.*

Essentially, the applicant seeks to extend the time as to when the site needs to be restored by 5 years. This is because the life of the approved solar farm is expected to be 30 years.

### **SITE DESCRIPTION:**

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

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

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

### **RELEVANT HISTORY:**

**15/1541C** - Installation and operation of a solar farm – Approved 4<sup>th</sup> September 2015

**14/4315S** – EIA Screening Opinion - EIA not required 3<sup>rd</sup> October 2014

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

### **Local Plan Policy**

PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 & GR5 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR16 (Footpath, Bridleway and Cycleway Networks), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation), NR3 (Habitats),

NR4 (Non-statutory Sites), NR8 (Agricultural Land), NR9 (Renewable Energy) and E5 (Employment Development in the Open Countryside)

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

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 93-108 – Climate change, 109-125 – Natural environment

### **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)

### **CONSULTATIONS (External to Planning)**

**Bradwall Parish Council** - No comments received at time of report

### **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the proposal advertised in the local newspaper.

No neighbouring letters were received during the application process.

### **APPLICANT'S SUPPORTING INFORMATION:**

Supporting Statement

### **OFFICER APPRAISAL**

The principle of the provision of the solar farm on this site has been agreed and the site restoration secured via a S106 Agreement.

This application seeks to vary the condition which ties in the site restoration in with the associated legal agreement. More specifically, the only change sought relates to a change in the timeframes as to when the restoration shall be delivered. Instead of it being 25 years and 6 months as agreed, the applicant seeks to amend this to 30 years and 6 months.

Within the supporting statement, the applicant has provided the following justification for this amendment;

- The Feed in Tariff scheme came into effect in the UK in April 2010 to promote the uptake of a range of renewable and low carbon electricity generation. The Tariff was initially set at 25 years hence the historical use of this time period for the site restoration condition. This also tied in with the warranty provided by the manufacturers of the panels at the time. Since then, some of the earliest constructed solar farms have been found to still be operating far in excess of their predicted lifespan. Furthermore, the solar technology has improved further since these earlier developments.
- The approved Bradwall development uses the latest top performing panels and as such should be expected to perform at least the lifespan of the early constructed farms.
- Lightsouce commissioned an independent survey to assess the expected operation life of their solar PV farms and this concluded that a 30-year operational life time is comfortably achievable.
- The benefits of a longer timeframe of solar energy production are also outlined

The expected operational life of the solar farm is at least 30 years. It is not considered that the additional period of 5 years causes any further issues over and above the original decision and it would be unreasonable to refuse the scheme given the applicants submission. It is therefore recommended that the Condition 12 from planning permission 15/1541C be varied as requested, subject to the necessary deed of variation being made to the S106 Agreement.

No new issues with regards to; Open Countryside, design, landscaping, amenity, highway safety, public footpaths, public utilities, flooding, trees, nature conservation or agricultural land would be created by the proposed variation.

The application is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE Subject to a deed of variation to the S106 Agreement to secure changes to;**

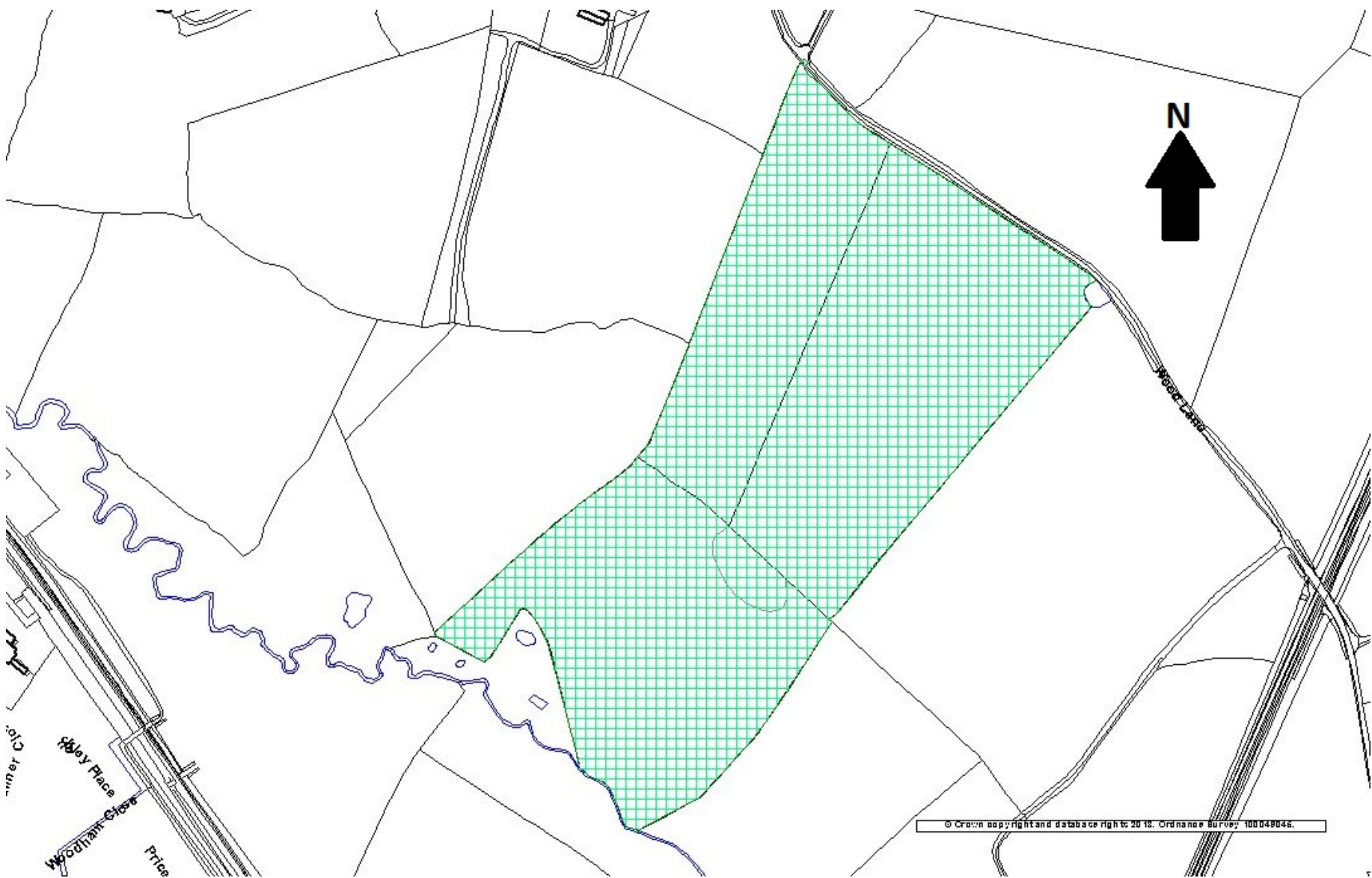
- a) The timeframe of the restoration of the site, and;**
- b) Application number**

**And the following conditions;**

- 1. Time – Commence by 4<sup>th</sup> September 2017**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping – Implementation**
- 5. Provision of an undeveloped 15m buffer between the proposed development and the boundary of the woodland**
- 6. Prior submission of a detailed assessment and mitigation of the potential impacts of the proposed development upon ‘Other’ protected species**
- 7. Implementation of security fence details discharged under condition 15/5212D**

8. Implementation of cutting regime designed to maximise the botanical value of the grassland habitats discharged under application 15/5212D. To be implemented for lifetime of solar farm
9. Tree protection
10. Flood Risk Assessment – Implementation
11. HGV Movements – 10 per day
12. Restoration plan

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



## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD REPORT

---

Date: 16<sup>th</sup> December 2015

Report of: Peter Hooley – Planning and Enforcement Manager

Title: Performance of the Planning Enforcement Service for Quarters 1 and 2 of 2015/16

---

#### **WARDS AFFECTED**

All

#### **EXEMPT/CONFIDENTIAL ITEM**

No

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide the Strategic Planning Board with information relating to the activities and performance of the Council's planning enforcement service during Quarters 1 and 2 of 2015/16, including a status report on those cases where formal enforcement action has already been taken.
- 1.2 Members are requested to note the content of the report

#### **2.0 BACKGROUND**

##### **2.1 Introduction**

This report is the half yearly report on the performance of the planning enforcement service.

It highlights the significant volume of work undertaken within the planning enforcement service, with 446 new investigations undertaken within the 6 month reporting period, which represents an increase of 35% on the previous two quarters and demonstrates the action being taken by the service to investigate and enforce planning control in Cheshire East

Notwithstanding the number of investigations, the team has maintained an effective and responsive service to local residents and Members

The service is continuing to implement the recommendations of the Enforcement Task and Finish Group which includes developing new performance measures and targets for inclusion in a revised Planning Enforcement Policy and publishing an online Enforcement Register.

The new performance measures have been finalised and have been applied to cases opened from 1<sup>st</sup> July 2015 onwards. These measures have been incorporated into the updated Planning Enforcement Policy that is currently being finalised.

Progress continues with the online Enforcement Register and it is expected that this will be live in 2016.

## 2.2 Report Format

The information contained in this report is divided into three sections:

Section 3.1 provides a summary of investigative activity and formal enforcement action undertaken during the first two quarters of 2015/16. It also contains details of the accumulation of cases that remain open and 'in hand' from previous years and details the number of appeals lodged and the outcome of those decided within the period

Section 3.2 provides an update those cases where formal enforcement action has been authorised and taken place.

Section 3.4 advises on future reports

## 3.0 REPORTED INFORMATION

3.1 This section of the report contains statistical data relating to:

- a) The number of enforcement cases opened during the first two quarters of 2015/16 together with a breakdown of the types of cases - **See Table 1**
- b) The number of enforcement cases closed during the first two quarters of 2015/16 together with a breakdown of the reasons for closure – **See Table 2**
- c) The numbers of enforcement cases that are still open and 'in hand' at 30<sup>th</sup> September 2015 – **See Table 3**
- d) The amount of formal enforcement action taken during the first two quarters of 2015/16 , together with a breakdown of the type of action taken – **See Table 4**
- e) The number of appeals that have been lodged and the outcomes of appeals determined during the period – **See Table 5**



**Table 1: Input of Planning Enforcement Cases between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

<b>Type of Input (Investigation type)</b>	<b>Amount of Input Q's 1 and 2 2015/16</b>	
	<b>Number of Cases</b>	<b>Percentage</b>
Unauthorised Building Works	210	47%
Unauthorised Change of Use	96	21%
Non Compliance with Planning Conditions	100	22%
Illegal Display of an Advertisement	17	4%
Untidy Land	8	2%
Unlawful Works to Protected Trees (TPO's)	8	2%
Unauthorised Deposit of Waste	2	Combined 2%
Unlawful Demolition	2	
Non Compliance with an Enforcement Notice	0	
Removal of Tree in Conservation Area	3	
<b>Total</b>	<b>446</b>	<b>100%</b>

Table 1 provides a breakdown of the 446 enforcement cases that were opened between 1<sup>st</sup> April and 30<sup>th</sup> September 2015.

The figure of 446 represents a 35% increase in the number of cases opened during the previous two quarters. It can be seen that the around under two thirds of the new cases relate to buildings works and changes of use of land and buildings. Cases concerning non compliance with planning conditions constitute just under a quarter of all the reported cases and relate mostly to working/opening hours, tree protection, obscurely glazed windows and landscaping schemes.

The total percentage of cases involving advertisements, untidy land, unauthorised works to trees, waste, unlawful demolition and non compliance and Enforcement Notice amounts to just under 10%

**Table 2: Outcomes of Planning Enforcement Cases Closed between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

<b>Type of Outcome (Reason for Closure)</b>	<b>Amount of Output Q's 1 and 2 2015/16</b>	
	<b>Number of Cases</b>	<b>Percentage</b>
No breach/Permitted Development	159	54%
Breach Regularised Voluntarily through Negotiation	62	21%
Breach Regularised by granting Retrospective Planning Permission	44	15%
Not expedient to take any formal action	18	6%
Immune from formal action	2	1%
Other (formal notice complied with or special circumstances)	9	3%
<b>Total</b>	<b>294</b>	<b>100%</b>

Table 2 shows a breakdown of the outcome (reason for closure) of all cases that were closed between 1<sup>st</sup> April and 30<sup>th</sup> September 2015. This includes cases that were opened in previous years as well as this period.

The figure of 294 represents a 31% increase of the number of enforcement cases that were closed during the previous two quarters.

The data shows that 54 % of investigations resulted in no breach of planning control being found. This figure is 10% higher than during the previous two quarters. In the 46% of cases where a breach was found to have occurred:-

- 46% were regularised voluntarily through negotiation; (+12% on previous period)
- 33% were granted retrospective planning permission; (-9% on previous period)
- 13% were not causing any demonstrable planning harm and therefore it was not expedient to take formal enforcement action
- 8% were either immune from enforcement action or were complied with after formal enforcement action had been taken

**Table 3: Enforcement Cases in Hand at 30<sup>th</sup> September 2015**

Year	Number of Cases Opened in the Year/Period	Cases still open as at 31 <sup>st</sup> March 2015	
		Number of Cases	%
2009/10 (CEC formed)	607	85	14%
2010/11	612	122	20%
2011/12	939	201	21%
2012/13	895	209	23%
2013/14	759	244	32%
2014/15	748	284	38%
New Cases in Q's 1+2 of 2015/16	446	288	65%
<b>Total as at 31<sup>st</sup> March 2015</b>	<b>5006</b>	<b>1433</b>	<b>29%</b>

Table 3 shows the number of new cases opened each year since the formation of Cheshire East Council and the number of cases for each of those years that were still outstanding at the end of the reporting period (30<sup>th</sup> September 2015).

The purpose of reporting this information is to demonstrate the number of incoming cases each year /period and the accumulation of older cases from the current and previous years that make up the number of cases in hand.

The figure of 1433 cases does not include cases carried over from the legacy authorities. Work is ongoing to identify and prioritise these, however, current staffing issues will impact on the ability to do this.

**Table 4: Summary of Formal Enforcement Action Taken between 1<sup>st</sup> April and 30th September 2015**

<b>Type of Formal Enforcement Action</b>	<b>Output (Number) Q's 1+2 2015/16</b>
Planning Contravention Notices issued	<b>12</b>
Enforcement Notices issued	<b>6</b>
Temporary Stop Notices issued	<b>0</b>
Breach of Condition Notices issued	<b>1</b>
Untidy Land Notices issued	<b>0</b>
Injunctions/Court Orders obtained	<b>0</b>
Prosecutions where verdict secured	<b>0</b>

Table 4 shows the amount of formal enforcement action taken in terms of the number of Notices issued, Injunctions/Orders obtained and prosecutions secured. Information relating to work on enforcement appeals and ongoing legal proceedings is included in the Appendix to this report that provides an update on those cases where formal enforcement action has been authorised and taken place.

The table does not reflect the work that is undertaken to prepare reports, formal Notices collation of evidence and witness statements for legal proceedings which are not issued or are abandoned at the last minute due to compliance being achieved.

**Table 5: Appeals Lodged and Determined between  
1<sup>st</sup> April and 30<sup>th</sup> September 2015**

<b>Appeal Activity</b>	<b>Numbers Q's 1+2 2015/16</b>
Appeals lodged	<b>5</b>
Appeals Dismissed (Enforcement Notice Upheld)	<b>3</b>
Appeals Allowed (Enforcement Notice Quashed, Planning Permission Granted)	<b>1</b>
Appeals Withdrawn (Enforcement Notice comes into effect)	<b>1</b>

Table 5 shows the number of appeals lodged and the outcomes of appeals determined between 1<sup>st</sup> April and 30<sup>th</sup> September 2015

### 3.2 Update on formal enforcement action already taken

Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal Notice.

The Appendix contains 39 cases. These comprise 2 new cases that have been added since the last update. A breakdown on the status of the 39 cases at 30<sup>th</sup> September 2015 is as follows:-

- 6 have already been closed
- 3 are the subject of active legal proceedings
- 4 are not yet due for compliance
- 3 are the subject of an appeal and an appeal decision is awaited
- 23 await site visit to check for compliance, are being monitored for ongoing compliance, are pending a decision on next course of action or are being prepared for commencement of legal proceedings or other action.

The cases are listed in Ward order

### 3.4 Future Reports

The next report will be presented in July 2016 and will contain information for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2015/16.

## **4. RISKS ASSOCIATED WITH THE PROPOSED DECISION**

There are no risks

## **5. OTHER IMPLICATIONS**

Financial	-	None
Staffing	-	None
Legal	-	None
Assets	-	None
Policy	-	None
Sustainability	-	None
Equality	-	None
Crime and Disorder	-	None
Other implications	-	None

## **6. APPENDICES**

Appendix 1 – Status report on cases where formal enforcement action has been taken.

## **7. BACKGROUND PAPERS**

Any background papers used to complete this report and are available for public inspection for four years from the date of the meeting from the Contact Officer(s) named above.

Background papers used: None

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

*Portfolio Holder: Councillor Ainsley Arnold*

*Contact Officer: Debbie Kirk – Principal Planning Officer (Enforcement)*

*Tel No: 01625 383765*

*Email: [Debbie.kirk@cheshireeast.gov.uk](mailto:Debbie.kirk@cheshireeast.gov.uk)*

## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

Site Address	Ward	Breach	Type of Notice	Current Status
Tollgate Farm, Linley Lane, Alsager	<b>ALSAGER</b>	Unauthorised change of use from agriculture to deposition of waste	Temporary Stop Notice (TSN) and Enforcement Notice	Temporary Stop Notice (TSN) issued to prevent further tipping. TSN not Complied with. Enforcement Notice served. No appeal lodged. Enforcement Notice not complied with. Successful prosecution for failure to comply with TSN 15/12/14. Prosecution for non compliance with Enforcement Notice to be considered.
Bar 48, 48 Crewe Road, Alsager	<b>ALSAGER</b>	Change of use from A1 retail to A4 drinking establishment.	Enforcement Notice	Enforcement Notice issued 08/01/15. Compliance due 10 <sup>th</sup> March 2015. Gathering evidence to ascertain whether notice complied with. Owner currently claims to be using it as a restaurant. Licence review prompted by Police. Licence revoked therefore can no longer trade as licensed premises. Owner now claiming use changed to A3 (permitted change for two years) Further investigation being carried out to ascertain the legitimacy of this claim.
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Seeking clarification from legal regarding status of works carried out to reinstate the land
The Rumping Donkey, Hassall Green, Sandbach	<b>BRERETON RURAL</b>	Unauthorised works to a listed building	Listed Building Enforcement Notice	Enforcement Notice issued. No appeal. Notice not complied with. Owner pleaded guilty in court on 15 <sup>th</sup> January 2015 with sentencing suspended for 6 months to allow re-building works to be completed. Defendant ordered to pay Council's court costs. Court hearing for sentencing on 13 <sup>th</sup> July 2015 fined £2,500 with £120 VSC.
Thimsworra Farm, Dragons Lane, Moston	<b>BRERETON RURAL</b>	Erection of entrance walls and piers contrary to approved landscaping plan	Breach of Condition Notice	Breach of Condition Notice issued. Compliance due December 2014. Notice not complied with by original site owner. New site owner has removed the walls, reduced the height of the gate piers and painted the gates green. Walls replaced with post and rail fencing, planting yet to be carried out.

## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

Beech Skips, Betchton Cottage, Capers Lane, Betchton	<b>BRERETON RURAL</b>	Breach of Condition hours of operation.	Breach of Condition Notice	Breach of Condition Notice issued 23/11/15. Compliance due 23/12/15
Sycamore Cottage, Moss Lane, Ollerton	<b>CHELFORD</b>	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 7/1/15. Appeal Lodged. Appeal Dismissed. Enforcement Notice Quashed and Planning Permission Granted. <b>CASE CLOSED</b>
Woodside Farm, Grotto Lane, Over Peover	<b>CHELFORD</b>	15 Unauthorised Dwellings	Enforcement Notice	<b>NEW:</b> S106 signed to protect affordability of housing, impose control over ecological issues, compliance with original planning conditions and future development on site. Enforcement Notice issued 17/9/15. No appeal lodged. Enforcement Notice complied with. <b>CASE CLOSED</b>
Land North of Pedley Lane, Timbersbrook	<b>CONGLETON EAST</b>	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Counsel opinion obtained with regards to current situation. Matter under review.
Coppenhall House, Groby Road, Crewe	<b>CREWE EAST</b>	Unauthorised extension and alterations to dwelling	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Prosecution proceedings instigated. Owner accepted a Simple Caution. Majority of remedial works carried out but still some which remain outstanding. Owner to be given a final opportunity for full compliance prior to consideration of further legal action.
Rear of 91 Hall O'Shaw Street, Crewe	<b>CREWE EAST</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. Decision required with regards to further action which could take the form of a prosecution or direct action. New Notice issued 01/12/15 as a result of new information of land ownership. Notice comes into effect on 3 <sup>rd</sup> January 2016 and allows a period of one month for compliance.



## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

24 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
20 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
Land adjacent to Riverswood, Strines Road, Disley	<b>DISLEY</b>	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11/6/15. Appeal Lodged. Appeal Decision awaited
Oakton Stud Farm, Thisilldous, Macclesfield Road, North Rode	<b>GAWSWORTH</b>	Unauthorised erection of a dwellinghouse	Enforcement Notice	Enforcement Notice issued. Compliance due 30/12/14. Notice not complied with. Works underway to erect new dwelling granted planning permission in 2011. Planning permission granted in 2015 to retain unauthorised dwelling as an office. Case to remain open to check that residential use of unauthorised dwelling ceases when new dwelling is completed and its use changes to an office.
Land west of Bramhall Hill North Rode	<b>GAWSWORTH</b>	Unauthorised Stables	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Enforcement Notice complied with. <b>CASE CLOSED.</b>
Haslington Hall, Holmshaw Lane, Haslington, Crewe	<b>HASLINGTON</b>	Unauthorised Modular Building	Enforcement Notice	Enforcement Notice issued 25/06/15. Due to be complied with by 27 <sup>th</sup> August 2015. Planning application submitted and awaiting determination.
Mere End Cottage, Mereside Road, Mere, Knutsford	<b>HIGH LEGH</b>	Unauthorised erection of dwellinghouse and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.
Land at Spinks Lane, Pickmere	<b>HIGH LEGH</b>	Unauthorised Change of use of land for agricultural use to the siting of residential and touring caravans etc	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order

## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

Boundary Farm Peacock Lane High Legh	<b>HIGH LEGH</b>	Unauthorised change of use of agricultural land to garden. Erection of building, patio and play equipment	Enforcement Notice	Enforcement Notice issued 10/3/15. Appeal lodged 16 <sup>th</sup> April 2015 but withdrawn on 18 <sup>th</sup> June 2015. Notice due to be complied with by 18 <sup>th</sup> October 2015.
Land Opposite Five Acre Farm, Cledford Lane, Middlewich	<b>MIDDLEWICH</b>	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	<b>NEW:</b> Enforcement Notice issued 05/08/15, Appeal lodged. Appeal decision awaited.
Oakleigh, Childs Lane, Brownlow	<b>ODD RODE</b>	Unauthorised construction of an outbuilding	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Requirements of Notice amended at appeal to require the reduction in height of the building. Bat mitigation measures to be implemented before remedial works can be carried out. Mitigation measures were due to be completed by 9 November 2014 and reduction in height by 9 January 2015. Owner declared bankrupt, property for sale. Evidence of barn owls found in recent survey, further survey required but current owner unable to fund the necessary survey. Ongoing discussions with owner.
Land to the Rear of Rose Cottage, Chells Hill, Church Lawton	<b>ODD RODE, BRERETON RURAL</b>	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Building partially demolished. Planning application submitted for smaller building. (retaining approximately one third of original building). Planning application refused. Appeal lodged against refusal of planning application. Planning appeal allowed subject to a condition that building must be demolished within 6 months if specific events do not occur before specified dates. Case stayed open to ensure condition is complied with or building demolished. Condition complied with. <b>CASE CLOSED.</b>
Elm Beds Caravan Park, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open.
Land adjacent to 5 Rushmere Close, Adlington	<b>POYNTON WEST AND ADLINGTON</b>	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 18/2/15. Appeal lodged. Appeal Dismissed. Compliance due 29 <sup>th</sup> June 2016

## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

PSS Nurseries, 9 Lees Lane, Newton, MSA	<b>PRESTBURY</b>	Unauthorised erection of timber building, glasshouse and conservatory	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice partially complied with. Planning permission granted on alternative site and so business relocated and site closed. Glass house and timber building removed. Planning permission 15/0197M granted on 22 September 2015 for change of use of building (including conservatory) to dwelling house. Case to remain open to ensure that permission for use as a dwelling house is implemented before September 2018
PSS Nurseries, 9 Lees Lane, Newton, MSA	<b>PRESTBURY</b>	Unauthorised use for storage and sale of non horticultural items. Formation of hardstanding and erection of walls	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice substantially complied with. Planning permission granted on alternative site and so business relocated and site closed. Hardstanding and walls removed. Site in process of being cleared of all items (including non horticultural items). Final site visit required to take a view as to whether items to be required by Notice have been removed.
Asana Collar House Drive Prestbury	<b>PRESTBURY</b>	Unauthorised fencing around pitch and floodlights	Enforcement Notice	Enforcement Notice issued 1/4/15. Appeal lodged. Appeal decision awaited
Mottram Wood Farm Smithy Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10/06/15. Notice due to be complied with by 10/5/18 (special circumstances for lengthy compliance date)
Oakotis Heath Road, Sandbach	<b>SANDBACH HEATH &amp; EAST</b>	Unauthorised stationing of caravans and unauthorised creation of hard standing.	Enforcement Notice	Enforcement Notices issued. Notices not complied with. Owner prosecuted and fined. Site no longer appears to be occupied but hard standing remains. Case to be reviewed.
30 Lime Close, Sandbach	<b>SANDBACH TOWN</b>	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners.

## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

Styal Moss Nursery, Moss Lane, Styal	<b>WILMSLOW LACEY GREEN</b>	Unauthorised use of land for airport parking	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal dismissed. Appellant successfully challenged appeal decision in High Court. New Appeal held. Appeal outcome allowed 200 cars to be parked anywhere on the site. New planning application submitted to redevelop the site and allocate a specific area to airport parking (which the Council believes will accommodate far more than 200 cars). Application refused. Appeal lodged. Appeal dismissed. Appeal Decision quashed in High Court and appeal remitted back to SoS. Site being monitored for compliance with Notice i.e. no more than 200 cars
Unit 5 Blakelow Business Centre, Newcastle Road,	<b>WILLASTON AND ROPE</b>	Breach of Condition relating to hours of operation and noisy activities.	Breach of Condition Notice	Prosecution proceedings instigated with regards to hours of operation. Papers with Legal.
Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council being able to pursue the removal of the hard standing. Legal advice being sought.
Haycroft Farm, Peckforton Hall Lane, Spurstow	<b>WRENBURY</b>	Unauthorised operational development and engineering works	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice substantially complied with, but awaiting painting of roof. Awaiting full compliance. Permission grated for alterations to building. <b>CASE CLOSED</b>
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incident vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 <sup>th</sup> December 2014. Notice complied with. <b>CASE CLOSED</b>
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	Construction of a building and creation of a hard standing	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Prosecution authorised. Papers with legal.
Land at Chorlton Lane, Crewe	<b>WYBUNBURY</b>	Change of use of land from agriculture to a use for the storage and distribution of timber, including the siting of ancillary portacabins, trailers, waste containers, vehicles and a caravan used for residential purposes.	Enforcement Notice	<b>NEW:</b> Enforcement Notice issued 10/12/14. Compliance due 8 <sup>th</sup> March 2015. Partial compliance only achieved. Prosecution proceedings instigated, court hearing adjourned owing to health of defendant, due back in court January 2016. Requirements of Notice have now almost been met.

**APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 30th September 2015**

**This page is intentionally left blank**