

# Strategic Planning Board

## Agenda

---

<b>Date:</b>	<b>Wednesday, 27th January, 2016</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

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 any apologies for absence.

**2. Declarations of Interest/Pre Determination**

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

**3. Minutes of the Previous Meeting (Pages 1 - 16)**

To approve the minutes of the meeting held on 16<sup>th</sup> December 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 Ward Councillors who are not members of the Strategic Planning Board.

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

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

5. **13/5242C - Land off Hawthorne Drive, Sandbach, Cheshire CW11 4JH: Residential development comprising 144 dwellings, access and associated works (accompanied by an Environmental Statement) for Adele Snook, Persimmon Homes North West (Pages 17 - 42)**

To consider the above application.

6. **15/2010M - Land Southwest of Moss Lane, Macclesfield: Full planning application for the demolition of existing buildings and the erection of 150 no. dwellings with associated car parking, access, internal roads and landscaped open space for BDW Trading Ltd (Barratt Homes M'cr) (Pages 43 - 68)**

To consider the above application.

7. **15/3386N - Land south of Newcastle Road, Shavington, Crewe, Cheshire: Removal of condition 30 (Number of dwellings) on previous permission 12/3114N; Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works for Mactaggart & Mickel Homes Ltd (Pages 69 - 90)**

To consider the above application.

8. **15/5141M - Danes Moss Landfill Site, Congleton Road, Gawsworth, Macclesfield, Cheshire SK11 9QP: Variation of Condition 1,25,31,32,37,39,42 on 12/3240W An application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of Danes Moss Landfill Facility to 31 December 2014 with final restoration by 31 December 2015 by applying to vary Condition 47 of planning permission 09/0761W for Alan Bulpin, 3C Waste Limited (Pages 91 - 104)**

To consider the above application.

9. **15/0184N - 138 Sydney Road, Crewe CW1 5NF: Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access for C Muller, Muller Property Group (Pages 105 - 132)**

To consider the above application.

**This page is intentionally left blank**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 16th December, 2015 at Council Chamber,  
Municipal Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rachel Bailey, L Durham, D Hough, S Gardiner (Substitute),  
J Jackson, S McGrory, D Newton, S Pochin, M Sewart and J Wray

**OFFICERS**

Dan Evans (Principal Planning Officer)  
Nicky Folan (Planning Solicitor)  
Nick Hulland (Senior Planning Officer)  
Paul Hurdus (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Nick Turpin (Principal Planning Officer)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**90 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors B Burkhill, G Walton and  
T Dean.

**91 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 15/1537N  
Councillor J Hammond declared that he had attended a number of  
briefings with the Agents, Officers, Ward and Parish Councillors in  
developing the Master Plan for Basford East. However, he had not  
made any comments nor been involved in any discussions relating to  
this application.

In the interest of openness in respect of applications 14/1193C and  
15/3410C Councillor J Hammond declared that he was a Director of  
ANSA Environmental Services Limited who were consultees, but had  
not made any comments nor been involved in any discussions  
relating to these applications.

In the interest of openness in respect of application 15/3410C  
Councillor S Gardiner declared that the applicant is known to him, but  
had not spoken to the applicant or agent about this application.

In the interest of openness in respect of application 15/3410C Councillor D Hough declared that he had been approached about this application but had not participated in any discussions or expressed a view.

In respect of application 15/3673C Councillor S Pochin declared a non-pecuniary personal interest on the grounds that the applicant is a good friend and would, therefore, withdraw from the meeting and take no part in the discussion or voting on this application.

### **92 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 18<sup>th</sup> November 2015 be approved as a correct record and signed by the Chairman.

### **93 PUBLIC SPEAKING**

That the public speaking procedure be noted.

### **94 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 TRUST**

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

(Councillor J Cornell (on behalf of Weston and Basford Parish Council) and Mr H Spawton (Agent) attended the meeting and spoke in respect of the application)

### **RESOLVED**

That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Strategic Planning Board and in consultation with Ward Members to APPROVE subject to securing the monies required for the cemetery extension and the highways works in relation to a safe walking route to school within the Section 106 Heads of Terms and the associated variation

of the Heads of Terms to accommodate these contributions and subject to the completion of a Section 106 legal agreement to secure:

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 and improvements to Mill Lane to facilitate an effective pedestrian route to and from Weston Village
- £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
- Mechanism to secure access for phase 3

And the following conditions:

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 tress 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
58. Environmental Management Plan
59. Risks assessment/methodology for works adjacent to railway (including fencing, levels)
60. Pedestrian/cycle route over link road
61. Reserved matters to secure pedestrian link to Mill Lane
62. Removal of Permitted Developments Rights

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.

95 **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**

The Board considered a report regarding the above application.

(Mr M Robinson (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. 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

14. No mezzanine floors without approval

96 **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**

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

(Councillor S Corcoran (Ward Member) and Matt Wedderburn (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be APPROVED subject to the completion of a Section 106 legal agreement to secure 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. Landscaping shall include details of replacement hedgerow planting
5. Phasing shall be submitted to the LPA for approval in writing
6. Reserved matters to include details of land levels
7. Surface water drainage scheme
8. Compensatory flood storage
9. Details for the disposal of foul water
10. Provision of an 8m buffer to Arclid Brook
11. Contaminated land
12. Environment Management Plan
13. Noise and Odour Assessment in relation to Houndings Lane Farm
14. Archaeology mitigation
15. Timing of works within the bird breeding season
16. Breeding bird and bat boxes
17. Ecology mitigation strategy
18. Arboricultural Method Statement
19. Travel Plan
20. Pedestrian and cycle provision
21. Electric vehicle Infrastructure
22. 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 with suitable drainage
23. Reserved Matters application to include updated protected species surveys
24. Bin Storage

### **Informative**

Notwithstanding the access points 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. This would be dealt with at the reserved matters stage.

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:

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

*Following consideration of this application, the meeting adjourned for lunch from 1.00 pm to 1.45 pm.*

**97 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**

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

(Councillor R Fletcher (Ward Member) and Councillor M Deakin (Ward Member), Councillor P Williams and Councillor J Smith (on behalf of Alsager Town Council), Mr P Bower (Objector), Ms J Naylor (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 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 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. A contribution of £81,713 towards secondary education
8. Contribution of £260,310.96 towards primary education

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 (no change in land levels to floodzone 3)
29. Yellowhammer mitigation strategy to be submitted and approved
30. Updated protected species survey/mitigation to be submitted and approved
31. Finished floor levels for dwellings
32. Finished floor levels for roads, parking and pedestrian areas
33. Landscape habitat plan
34. Contaminated land remediation
35. Bin Storage
36. Removal of PD for conservatories/extensions

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 agreed by the Council.
  3. Provision for a 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. A contribution of £81,713 towards secondary education
  8. Contribution of £260,310.96 towards primary education

*Following consideration of this application, the meeting was adjourned for a short break. Councillors D Newton and S Pochin left the meeting and did not return.*

**98 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**

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

(Councillor L Gilbert (Ward Member), Mr M Watterson (Objector) and Ms J Gabrilatsou (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. 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 including security measures – 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, Sundays 10:00 – 16:00 and Bank Holidays 10:00 – 22.00
18. Hours of delivery - Monday to Saturday 06:00 – 23:00 and Sundays 09:00 – 17:00 for 12 months and then revert to hours of operation also restricted by condition
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
28. Prior approval of bus stop details
29. Implementation of bus stop prior to first use of food store
30. Prior approval of Electromagnetic Screening Measures (Jodrell Bank)
31. Hours of construction

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.

*During consideration of this item Councillor J Wray returned to the meeting and did not take part in the debate or vote.*

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

99 **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**

The Board considered a report regarding the above application.

Mr C Ryan (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be APPROVED subject to a deed of variation to the S106 Agreement to secure changes to:

- The timeframe of the restoration of the site
- 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.

*Following consideration of this application, Councillors J Wray and R Bailey left the meeting and did not return.*

**100 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE  
FOR QUARTERS 1 AND 2 OF 2015/16**

Consideration was given to the above report.

**RESOLVED**

That the report be noted.

The meeting commenced at 10.30 am and concluded at 4.45 pm

Councillor H Davenport (Chairman)

Application No: 13/5242C

Location: Land off, Hawthorne Drive, Sandbach, Cheshire, CW11 4JH

Proposal: Residential development comprising 144 dwellings, access and associated works (accompanied by an Environmental Statement).

Applicant: Adele Snook, Persimmon Homes North West

Expiry Date: 18-Feb-2015

**SUMMARY**

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply. It would provide a public open space facility for proposed and existing residents, and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses, as well as making a significant financial contribution towards infrastructure to enable the employment uses on Strategic Site CS24.

Balanced against this are the adverse impacts of the development including the loss of open countryside and the loss of agricultural land and the moderate landscape impact.

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

**SUMMARY RECOMMENDATION**

**Delegate to Head of Planning (Regulation) in consultation with the Chairman of SPB for approval subject to conditions and a s106 agreement.**

The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

## **PROPOSAL**

The application seeks full planning permission for 138 residential dwellings and an area of public open space.

## **SITE DESCRIPTION**

The application site comprises grazed paddocks and is located to the north of residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14) crosses the site from Hawthorne Drive in a north easterly alignment and is fenced on both sides. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

13/5239C - Reserved Matters following outline approval (12/4874C) for Residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 10.07.15

12/4874C - Outline application for residential development, comprising 50 homes, including 15 affordable homes to include an area of public open space and a children's play area – Approved 20.11.14

30591 – Change of use from agricultural to equestrian – Approved 01.02.99

20715/1 – Access road, residential, open space – Appeal dismissed 12.09.89

19528/1 – Residential development and sports facilities – Refused 03.05.88, Appeal withdrawn 16.05.89

18511/1 – Residential development – Withdrawn 30.04.87

16845/3 – Disposal of surplus material from inner relief road – Approved 31.07.85

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

### **Development Plan**

#### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)  
GR3 (Residential Development)  
GR4 (Landscaping)  
GR5 (Landscaping)  
GR6 (Amenity and Health  
GR7 (Amenity and Health)  
GR8 (Amenity and Health - pollution impact)  
GR9 (Accessibility, servicing and provision of parking)  
GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR16 (Footpath, Bridleway and Cycleway networks)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

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

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

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity

SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

**Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
Sandbach Neighbourhood Development Plan (September 2015)

**CONSULTATIONS (External to Planning)**

***Environment Agency*** – No objections subject to conditions relating to discharge of surface water and contaminated land.

***United Utilities*** - No objection subject to condition requiring submission of drainage details

***Natural England*** – No objections

***Environmental Health*** – No objections subject to conditions relating to hours of construction, environmental impact during construction, noise mitigation, incentivising low carbon travel options and contaminated land.

***Public Rights of Way*** – No objection subject to part extinguishment of right of way.

***Head of Strategic Infrastructure*** - Traffic impact from this development, with the offered mitigation via the funding for the junction improvement is acceptable.

***Housing Strategy & Needs Manager*** – No objections

***ANSA (open space)*** – No objections

**VIEWS OF THE PARISH / TOWN COUNCIL**

Sandbach Town Council – Object on the following grounds:

- Contrary to Policy GR18, the scale of traffic generated by development will worsen existing traffic problems to an unacceptable level
- Development proposals will generate significant travel needs and, in accordance with GR10iii a Transport Assessment is required.



- Members call for a full tree survey, in accordance with policy GR2ii.
- This is not a preferred site according to the emerging Local Plan.
- The development would have an unacceptable adverse impact on the Wildlife Corridor, thus contravening policy GR1.
- Members were greatly concerned about the accuracy of the documents provided. All plans failed to include a bungalow bordering the site, on Wrights Lane and, within the Design & Access Statement, under heading 'Landscaping' the text references a canal which Members are confident is not in existence.

### OTHER REPRESENTATIONS

48 letters of representation have been received from local residents and local cycling and rambling groups, objecting to the proposal on the following grounds:

- Impact on highway safety
- Increased pollution
- Impact on nature conservation
- Disruption from traffic
- Increased congestion
- Impact upon trees
- Intrusion into open countryside
- Increased flood risk
- Out of character – dormer bungalows are characteristic of area
- Overlooking
- Impact on local amenities / infrastructure
- Urban sprawl
- Inadequate access
- Destroys public right of way
- Traffic assessment does not appropriately reflect the potential traffic impact
- Poor design
- Sustainable transport facilities in the site are inadequate
- Landscape boundary treatment need improving
- Principle of developing this land has not been accepted
- No mandate to approve a policy change to this tract of land from open countryside to housing
- Single access isolates the development and discourages integration with the existing community
- Site is severed from town centre
- Brownfield sites available
- Little weight can be afforded to the emerging core strategy and consequently NPPF
- Same house types used on persimmon site in Elworth indicating lack of choice and competition, contrary to NPPF
- Absence of two bed properties and properties for elderly looking to downsize
- Gross density figure of 24 dwellings per hectare is misleading. Net density is 43 dwellings per hectare
- Loss of agricultural land
- Wildlife corridor should be protected and enhanced

- Transport Assessment claims Heath Road to be capable of up to 750 Vehicle movements per hour however no evidence provided
- Traffic Survey carried out by residents would also indicate a lower capacity than 750 vehicles per hour
- Development should make a contribution to off-site measures to improve local travel on foot/by bike.
- Highways mitigation is inadequate – TA relies on unfunded schemes
- Transport assessment carried out at inappropriate time of year giving lower than normal traffic numbers
- TA should be run through VISSIM model
- Does not enable employment
- Air quality assessment flawed
- Damages prospects of local plan
- Already exceeded housing numbers in emerging local plan
- Transport Assessment disregards impact of additional 400 cars on the road

Two petitions signed by a total of 461 people have also been submitted objecting to the proposal on the following grounds:

- Speculative proposal creating an undesirable urban sprawl on land which does not meet the criteria for sustainable development
- Development is disproportionate for Sandbach Heath and is not based on any housing need evidence for Sandbach Heath.
- Number of proposed and approved houses will distort and harm the character of Sandbach Heath
- Access arrangements are poor
- Traffic generation and impact on local roads
- Ecological impact
- Design out of keeping
- Impact on living conditions of neighbours
- Inadequate education contributions
- Housing numbers already exceed planned numbers

### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an Environmental Statement, an ecology assessment, a noise assessment, a contaminated land report, a transport assessment, a sustainability strategy, an arboricultural implications report, a design and access statement, an air quality assessment, a planning statement, a landscape and visual impact assessment, a flood risk assessment, an archaeology assessment, a consultation statement, and an affordable housing statement.

The planning statement outlines:

- The key consideration is whether there are other material considerations to outweigh the policy presumption against development in the open countryside
- The Council does not have a five year supply of housing land as required by the Framework.

- The presumption in favour of sustainable development therefore applies, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- The accompanying reports demonstrate that there are no adverse impacts in terms of access and highways, drainage and flooding, ecology, landscape impact or ground conditions.
- The development delivers significant economic, environmental and social benefits.
- The scheme will add value in terms of place making and contribute to the attractiveness of Sandbach as a place to live.
- Local consultation has taken place in the form of the creation of a website, a community event, and pre-application meetings with the Council, St Johns Primary School and Sandbach Town Council.
- Whilst many residents continue to object to the proposal, many others recognised the need for growth and new housing.
- Housing supply is a very important consideration in the determination of the application, and in accordance with recent appeal decisions should be given significant weight.

### **APPRAISAL**

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

#### **Principle of Development**

The site lies in the Open Countryside as identified in the Congleton Borough Local Plan 2005 where policies H6 and PS8 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.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The proposal would therefore be contrary to policies H6 and PS8 of the Congleton Borough Local Plan.

Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

#### **Emerging Policy**

In terms of the emerging local plan the application site forms part of strategic site CS24, which extends from the M6 down to the existing residential development along Heath Road / Hawthorne Drive. The emerging policy seeks to deliver a mixed used development site with the main emphasis on providing an employment site, and with a small level of residential development which will help to enable improvements to access and infrastructure of the site.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. *The delivery of up to 20 hectares of employment land to the north of the site;*
2. *The delivery of up to 200 new homes to the south of the site;*
3. *The provision of appropriate retail for local needs;*
4. *The provision of appropriate leisure uses, potentially including a hotel, public house or restaurant;*
5. *The incorporation of Green Infrastructure, including:*
  - i. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
  - ii. *The protection and enhancement of the wildlife corridor and Local Wildlife sites; and*
  - iii. *Open space including a Multi Use Games Area and an equipped children's play space.*

*And the following site specific principles of development:*

- a. *Contributions to the improvement of junctions at A534 Old Mill Road corridor and J17 of the M6.*
- b. *The site will avoid development within the functional floodplain, wildlife corridor and Site of Biological Importance / Local Wildlife Site and these features will be retained within appropriate undeveloped buffer zones.*
- c. *Appropriate contributions will be made to improvements to junction 17 of the M6 motorway and the junctions on the A534 Old Mill Road corridor.*
- d. *Provision for improved access off Old Mill Road and a new bridge across the Brook.*
- e. *Contributions to education and health infrastructure*
- f. *Development should consider the 'Cheshire East Green Space Strategy 2011' and include the creation of improved access to green corridors whilst protecting and enhancing the Site of Biological Importance, watercourse and wildlife corridor already on site.*
- g. *Provision for future widening of the A534 Old Mill Road Corridor adjacent to the development site.*
- h. *A desk based archaeological assessment will be required for this site.*
- i. *The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*

In total 300 dwellings have already been approved on Strategic Site CS24 (permissions 12/4874C and 12/3948C) in recent years, which therefore already exceeds the amount in the emerging local plan. Therefore, there is conflict with the emerging local plan in terms of the numbers of dwellings proposed.

The residential element of planning permission 12/3948C will provide the improved access (enhanced roundabout) from Old Mill Road into the Strategic Site at a cost of approximately £1.5m. However, an additional significant piece of infrastructure is required to allow access to the remainder of the site, in the form of a bridge across the Brook within the wildlife corridor.

This bridge has been initially costed at £2,280,000 and therefore the funding of this is a significant issue that needs to be addressed in order to provide the necessary access for all of the 20 hectares of employment land proposed in the emerging local plan.

The applicant has agreed to provide a significant financial contribution to enable the construction of the bridge, in accordance with Strategic Site policy CS24 of the emerging plan, albeit by providing additional housing to that identified within this policy. The viability of the proposal is such that it would mean a reduction in affordable housing. Whilst an initial costing

of the bridge has been undertaken, the applicant has requested a full detailed costing of the bridge prior to committing to contribute the required amount. The bridge would be located on third party land, and the costing exercise needs the cooperation of the landowner, the applicant and the Council. Before this work is undertaken the applicant is keen to establish if the Committee are satisfied with the principle of the development, and are seeking the comfort of a resolution to approve, with the amount of contribution and the % of affordable housing to be agreed at a later date.

### **Sandbach Neighbourhood Development Plan (SNDP)**

The SNDP finished its consultation period in accordance with regulation 16 of the Town and Country Planning, England – Neighbourhood Planning (General) Regulations 2012 on 2 November 2015.

Policy PG6 (Spatial Distribution of Development) of the Cheshire East Local Plan Strategy submission version (2014) indicated that Sandbach should provide in the order of 2,200 new dwellings up to 2030. Following the Objectively Assessed Need (OAN) review by Cheshire East Council (July 2015), the number was increased by a further 25% to 2,750 dwellings. During the period 2010 to March 2015, 2,754 dwellings had already been approved. The emerging local plan requirement has therefore already been met. The SNDP notes that this rapid rate of unplanned growth is not sustainable and does not meet the needs of the local population. Consequently the Neighbourhood Plan seeks to promote further housing growth in a more incremental way, and Policy H1 states that future housing proposals will be delivered on small scale sites of up to 30 houses within the policy boundary for Sandbach.

Other policies relevant to the current proposal include:

Policy PC2a of the proposed SNDP applies similar restrictions to development in the countryside to the Congleton Borough Local plan.

Policies PC3 and PC5 seeks to protect and enhance areas of high ecological value and wildlife corridors.

Policy PC6 states that proposals which lead to the loss, diversion or degradation of any public right of way will not be permitted other than in very special circumstances focussing on clear and demonstrable benefits to the wider community.

Policy H2 requires all new developments to meet high standards of design that:

- a) Are in keeping with, the unique character of Sandbach and surrounding countryside
- b) Provide sufficient off street parking in accordance with national & local guidelines

Policies H3, H4 and H5 seek to ensure that all housing is designed to meet the identified needs of the community in terms of type and need, it meets the needs of an ageing population, and it is in a preferred location.

Where there is a reasonable prospect of a site being used for employment purposes policy JLE1 states:

- a) Sites will be retained for employment uses only
- b) The inclusion of housing or care related uses will not be permitted.

Policy IFT1 seeks to ensure that all new development is safe and accessible by a range of transport options.

Policy CW3 requires new residential developments to address the provision of appropriate medical provision as part of the development proposal.

Policy CC1 states that new development proposals must demonstrate how design, construction, landform, layout, flood prevention methods, orientation and operation minimises the use of energy and clean water.

With specific regard to the application site and strategic site CS24, the SNDP notes that:

*The area identified as CS24 in the most relevant, recent and up to date Development Plan Document held by Cheshire East Council (and known locally as the “Capricorn” site), is located adjacent to the M6 motorway J17 and is currently proposed as a strategic site for mixed use. However, the local community feels that the remaining uncommitted area (May 2015) of this site (situated on the south side of the wildlife corridor), is at risk of change to solely housing if employment take-up is slow. This has been demonstrated recently by a developer who successfully maintained that housing was necessary in order to subsidise development of business premises.*

The justification for policy JLE1 states that, *“The total of 300 house approvals already exceeds the number originally proposed. Evidence demonstrates that further applications are coming forward for housing only on this site, with no provision for long term employment.”*

As a development of over 144 dwellings in the open countryside, the proposal conflicts with the emerging SNDP.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework (the Framework) 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 (NPPG) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

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

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

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal, despite the target for Sandbach and specifically Strategic Site CS24 in the emerging local plan having been met.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

The site lies within the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment update 2013. This showed a need of 94 affordable homes per annum for the period 2013/14 – 2017/18. This can be broken down to a requirement for 18x 1bd, 33x 2bd, 18x 3bd, 9x 4+bd general needs units and 11x 1bd and 5x 2bd older persons accommodation.

In addition to this information from Cheshire Homechoice, shows there are currently (September 2015) 280 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 114x 1bd, 103x 2bd, 43x 3bd and 12x 4+bd units. 8 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The proposal offers 43 units as affordable housing. The application proposes a 65% rented and 35% intermediate tenure split. This will be provided as 21x 2bd units for rent and 7x 3bd units for rent and 2x 2bd intermediate units and 13x 3bd intermediate units. The unit types and tenures proposed meet the housing need identified for Sandbach.

Persimmon set out in their Affordable Housing Statement that they will not occupy more than 30 open market units until 50% of the affordable units are transferred to a registered provider and that not to occupy more than 80 open market units until 100% of the affordable units are transferred to a registered provider. This works out that half of the affordable units will be available when 29% of the open market units are occupied and all of the affordable units will be available when 78% of the market units are occupied. The IPS states that where in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%. The phasing proposed is acceptable in principle. The applicant has provided a housing layout which identifies the affordable units, which shows an acceptable degree of pepper-potting.

As noted above, the affordable housing proposal is however affected by the level of contribution to the bridge.

#### **Open Space**

The Congleton Borough Council Interim Policy Note on “*POS Provision for New Residential Development*” 2008 requires adequate provision of (1) amenity greenspace (AGS) and (2) children’s play provision. Other land typologies such as woodland/orchards, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements however, they can be considered beneficial for the ecology, diversity, aesthetics and openness of the site.

### Amenity Greenspace (AGS)

Having regard to the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 144 new dwellings will generate a need for 4680sqm new AGS. An amount of AGS is to be provided on site, however few details including size of area or landscaping are available as it is proposed that landscaping be approved by way of a pre commencement condition. However the site layout does provide areas of open space well in excess of the amount required.

It should be noted however that it is not the Council’s policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore any areas of this type should be outside any suggested adoptable area for the Council and if necessary consideration should be made for the open space to be transferred to a residents’ management company or other competent body.

There are hedgerows along the boundaries including some mature oak trees, with a further street tree planting running in and around throughout the site. These areas including any additional buffer or enhancement planting should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications a residents’ Management Company or other competent body would be required.

### Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development and the developer is offering on site provision which is most welcomed. ANSA confirms that as the development is over 75 dwellings then in accordance with policy, one NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable, but this could be delivered in conjunction with the open space provision on the adjacent 50 unit scheme. Open space provision and management will be dealt with via the s106 agreement.

### **Education**

The proposed development of 138 dwellings is expected to generate:

25 primary children (138 x 0.19 – 1 SEN)

20 secondary children (138 x 0.15 – 1 SEN)



2 SEN children ( $138 \times 0.51 \times 0.03\%$ )

The development is forecast to increase an existing shortfall predicted for 2016 and beyond for secondary provision and 2018 and beyond for primary provision, in the immediate locality. Forecasts show that local primary schools would be able to accommodate 6 pupils, therefore creating a partial claim for contributions.

To alleviate forecast pressures in secondary schools within 3 miles of the development and primary schools within 2 miles, the following contributions would be required:

$19 \times £11,919 \times 0.91 = £206,079.51$  (primary)  
 $20 \times £17,959 \times 0.91 = £326,853.80$  (secondary)  
 $2 \times £50,000 \times 0.91 = £91,000$  (SEN)

Total education contribution: £623,933.31

Without a secured contribution of £623,933.31, Children's Services would raise an objection to this application. The objection would be on the grounds that the proposed development would have a detrimental impact upon local education provision. No objections are raised if the financial mitigation measure is agreed.

## ENVIRONMENTAL SUSTAINABILITY

### Residential Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

### Air Quality

The development lies in the vicinity of the Sandbach (J17, M6) Air Quality Management Area, which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>).

There is concern that the cumulative impacts of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure. An Air Quality Impact Assessment (AQIA) has been submitted with the application and the Environmental Statement includes a chapter on air quality.

The submission considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements, and changes to local traffic flows. The model predicts that the proposed residential development will all be below the air quality objectives. This is accepted by Environmental Health.

Regarding existing receptor impact, it is highlighted that there is likely to be increased exposure to airborne pollution at all five receptors modelled. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedance of an air quality objective or the designation of an AQMA.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact of 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 traffic associated with the development.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

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

Conditions relating to electric vehicle charging, travel planning and dust control are therefore recommended.

### **Noise**

The applicant submitted further information in response to concerns raised by Environmental Health relating to the impact of traffic noise from the M6 and Old Mill Road upon the living conditions of future residents. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by traffic noise from the M6 and the A534.

The detailed mitigation measures were acceptable, but were specific to a previous version of the site plan, which has been amended through the course of the application. As such it will need to be updated to reflect the current layout.

In summary the mitigation measures include:

- Protection of specified residential gardens by 1.8 metre-high close boarded fence.
- Trickle ventilation in bedrooms for specified properties
- Standard double glazing to be applied to all properties for all rooms unless specified otherwise.

### **Public Rights of Way**

The Public Rights of Way Unit initially objected to the proposal on the grounds that from inspection of the definitive map it appears that Public Footpath Sandbach No. 14 may be affected by the proposed development. A new estate road is created on the line of the existing right of way. The applicant's intention was initially to divert the right of way along the new highway within the development. However, public rights of way cannot be diverted onto adopted highways; it would need to be an extinguishment rather than a diversion.

The applicants have since held discussions with the Council's Rights of Way officers regarding the most appropriate way to proceed in terms of the public right of way, and the conclusion is that an extinguishment order for part of FP14 Sandbach is the way forward. The following process would be followed:

- The footpath would be closed on a temporary basis when works on site begin.
- The developer will provide an alternative temporary path (to be agreed).
- The developer can begin the process of applying for the Extinguishment Order but must NOT build on or otherwise permanently obstruct the
- Once the estate road is adopted the Extinguishment Order can come into operation.
- The developer is aware that there is no guarantee that an Extinguishment Order will be successful, if the Council receive objections then the Order will be sent to the Planning Inspectorate for determination.

Using an estate road as an alternative to an extinguished path is not the preferred option. Ideally it a suitable diversion for the path though a landscaped area would be sought. Indeed the Rights of Way Circular (1/09) states:

*"In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."*

However a diversion through a landscaped area is not readily achievable in this case, and given the relatively short length of extinguishment required, an estate road is considered to be acceptable in this case. The Rights of Way Unit raises no objection to the proposal provided the developer is agreeable to the above points and makes an application for an extinguishment order and provides a suitable temporary diversion.

The application documents refer to footpath connections from the site onto Daisybank Drive and Wright's Lane. The legal status of the proposed footpaths and footpath/cycleway within the site will require agreement with the Council as the Highway Authority. The developer will need to include the maintenance of these routes within the arrangements for the open space of the site. Appropriate signage will also be required both on and off-site for these new routes. The developer should also inform prospective residents with information about walking and cycling route options for both leisure and transport purposes as part of a travel plan.

### **Highways**

Policy GR18 of the Local Plan states that proposals will only be permitted where, in the opinion of the Local Planning Authority, the scale of traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level.

The application is supported by a Transport Assessment in accordance with guidelines and this document complies with the structured approach required within the Department for Transport document: 'Guidance on Transport Assessments'.

Cheshire East Highway Authority have developed a micro-simulation traffic model for the A534 corridor through Sandbach and it was considered necessary for the developer's highway

consultant to run the traffic generation figures for this development through the VISSIM traffic model in order to produce an accurate traffic impact figure against the model.

This is an industry recognised method for assessment of traffic impact and the results showed that there would be a significant local impact at the traffic signal junction of the A534 and The Hill and High Street. As a result of this assessment the developer's highway consultant has identified an improvement at this junction which will mitigate for the related traffic impact and has produced an estimate for the improvement which is offered to the Authority via a S.106 Agreement.

### Transport Assessment and traffic generation.

The local highway network has been appropriately classified against guidance in the Design Manual for Roads and Bridges and this has identified that in terms of running capacity the local network has capacity to accept traffic generation from this development.

Visibility splays from the permitted development junction onto Hawthorne Drive are in accordance with Manual for Streets and this development proposal would issue traffic via this junction. Vehicle tracking for a refuse vehicle has also been identified and demonstrated to work for the site.

Sustainable links via new footpaths and a footpath/cycleway are offered to link to Daisybank Drive towards the town centre and the wider strategic site and back to the A534. This will offer good sustainable links to the local network and the surrounding infrastructure which leads back to the town centre.

The Head of Strategic Infrastructure is seeking contributions towards the improvement of local bus stops. The reasoning or justification of this is not clear, particularly given the proximity of the site to the town centre. Consequently, and particularly given the viability issues surrounding the development, such a contribution is not justified in this case.

The TA provides a TRICS assessment which demonstrates acceptable trip rates of 0.592 and 0.66 in the morning and evening peak traffic flow hours respectively. These trip rates have been used to determine the traffic generation from the site which is at its highest in the evening peak hour (17.00 – 18.00), showing 99 vehicles either leaving or entering the site throughout this hour. A multi-modal TRICS assessment has also been produced which shows the likely trips to and from the site via other more sustainable modes than the car and this will be supported by the provision of the new footpath links and cycleway mentioned earlier.

The site has sustainable credentials in terms of its proximity to local facilities.

The site is within walking distance of Sandbach Town Centre, which lies approximately 800 metres to the west of the site. This centre offers a wide range of essential facilities, and means that occupiers of the development will not be reliant on the private car.

### Junction Improvements

The TA recognises the Highway Authority's junction improvement proposals on the 534/A533 corridor and tests the signal junction improvements within the TA assessment. This junction is confirmed for treatment from this development through the VISSIM micro simulation model mentioned earlier in this report.

### Local Junction Capacity

Junction analysis has been undertaken using the PICADY software package on an agreed list of local junctions and this demonstrates that the traffic generation from the site distributed via assessment under national census travel to work data will not place a burden on any of the local junctions such that there is a material increase in queuing.

The impact at local junctions is in fact negligible when tested via industry recognised methods and the only impact where mitigation has been identified to be necessary through the Highway Authority VISSIM model is at the signal junction at The Hill/A534.

### Signal Junction at The Hill/A534/High Street Improvement

The TA examines the existing traffic conditions at this junction and with the development traffic impact at year of opening and the future year of 2021. In addition the TA examines this junction with the proposed junction improvement in place which shows that the improvement more than mitigates for the development impact.

This improvement will be funded by this development proposal should a permission be granted.

### Conclusion on traffic impact

The identified traffic impact from this development is shown to have an acceptable level of impact on the local infrastructure except for the signal junction on the A534. Once traffic has been distributed through more than one junction on the major road network the impact from the development is diluted to the point where there is not a material impact.

The Head of Strategic Infrastructure accepts the identified mitigation from this development proposal in providing funding for the proposed signal junction improvement at the signals at the A534 junction with The Hill. This funding will be secured by a S106 agreement should a permission be granted.

### Parking

Concern was initially raised by the Head of Strategic Infrastructure regarding the proposed level of parking provision. Both the TA and the application form state that there will be 200% parking provision however this fails to meet the recent 2013 parking standards for Cheshire East which are now attached to the emerging Local Plan. Revised plans have therefore been submitted to bring the proposal into line with the parking standards within the emerging local plan.

The Head of Strategic Infrastructure has raised some concern regarding the layout as originally proposed not adhering to Manual for Streets principles. Commentary on the proposed layout is provided in the layout and design section of the report.

### Conclusion on parking and traffic impact

The traffic impact from this development, with the offered mitigation via the funding for the junction improvement is accepted by the Head of Strategic Infrastructure and the parking provision complies with the parking standards in the emerging local plan, subject to the receipt of an amended plan.

### **Trees / landscape**

#### Landscape

The site consists of agricultural land located along the north eastern part of Sandbach, just to the north of Hawthorne Drive. The application site is located to the north of existing residential properties on Hawthorne Drive and to the rear of residential properties to the east along Heath Road. A public right of way (Footpath 14 Sandbach) traverses the site from Hawthorne Drive and crosses part of the site in a north easterly alignment, both sides of the footpath are fenced.

To the north of the application site is Offley Wood, forming a strong visual feature, which screens the application site from the A534, there are a number of sections of hedgerow around the site, including a 1.6m high hawthorn hedgerow along the eastern boundary, the hedgerow along the southern boundary is less complete and has been replaced with fencing in places.

As part of the application a Landscape and Visual Assessment has been submitted. The assessment identifies the National Character area, as well as the local landscape character type as identified in the Cheshire Landscape Character Assessment 2009, this identifies that the LFW2 Brereton Heath Character Area is a gently undulating landscape of a medium scale, that is predominantly medium scale agricultural land, but with woodlands that provide an important visual characteristic in the landscape. The landscape and visual assessment is accepted.

Although the application includes a planning layout that shows existing trees and woodland to be retained, it only shows indicative landscape proposals. Provided that the mitigation shown on the Site Layout Plan is retained within the scheme, and appropriately landscaped, the impacts can be mitigated. Landscaping conditions are therefore recommended.

### **Trees**

There is a significant belt of woodland to the west of the site and some mature trees on the site boundaries. The Congleton Borough Council (Sandbach Heath) TPO 1989 protects a number of individual trees on/adjacent to the site. There are two established hedgerows on field boundaries running NW to SE and some lengths of vegetation on the boundaries with existing residential properties to the south west.

A number of amendments have been made to address issues raised by the Forestry Officer, particularly in relation to conflict of the development with root protection areas of trees and hedges. The Forestry Officer does still raise some concern regarding the proximity of plots 105, 106 and 107 to the protected tree to the south. However, the edge of the canopy of the tree is 9 metres from the rear elevations of these properties at its closest point, which is considered to be an acceptable separation distance, given the specific relationships. The proposed layout also retains the main lengths of hedgerow within and bordering the site.

Conditions requiring an arboricultural method statement and a construction management plan are recommended. Additional levels details can also be secured by condition.

### **Ecology**

#### Sandbach Wildlife Corridor

The proposed development site is located adjacent to the Sandbach Wildlife Corridor as shown in the Congleton Borough Local Plan. One area of the wildlife corridor is located within the application boundary, this being a rectangular block of woodland in the northern corner of the site.

The submitted indicative layout plan shows the majority of the interface between the proposed development and wildlife corridor to be open space. In addition no development is shown within that part of the site which is within the wildlife corridor, however some houses are proposed adjacent to the boundary of the corridor in this location. An access road is proposed between the dwellings and the wildlife corridor, which is considered to provide an adequate buffer to the wildlife corridor from the presence of the housing (dumping of garden waste, introduction of non-native species etc.)

### Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. It is likely that the proposed development would result in the loss of a number of hedgerow sections. However there are likely to be a number of opportunities to incorporate suitable replacement hedgerows into the open space area, which can be dealt with through landscape conditions.

### Badgers

No evidence of badgers was recorded during the submitted survey however badgers are known to occur in this broad locality. An updated survey was carried out in April 2014. The survey was carried out during a period when badgers are active; therefore signs of activity should be apparent. The main limitation to the survey was the dense nature of some small patches of bramble however it should be noted that no mammal tracks were observed going into these areas.

The survey found no setts or holes consistent with badgers on, or within 30m, of the site. No dung pits, latrines, hairs or tracks, were observed. No evidence of badgers was recorded; therefore there badgers do not present a constraint upon the proposed development.

### Marshy Grassland

Two areas of marshy grassland are present on this site. These are likely to be of some localised nature conservation value. The loss of these habitats could be compensated for through the SUDS scheme associated with the proposed development.

### General nature conservation value / offsetting

With the exception of the woodland, hedgerows and marshy grassland the habitats on site are of low value. However, the development of this site may potentially lead to an overall loss of biodiversity. For a development to be sustainable it is considered that there should not be a net loss of biodiversity.

It was recommended by the nature conservation officer that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology to quantify the net loss of biodiversity in an objective way. However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

The developed area of the site is approximately 3.3ha, and therefore the following calculation applies:

- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (3.3ha x £17,298 cost per ha) = £57,083.40 (Source RICS rural land market survey H1 2010)

- Cost of creation of Lowland Grassland 3.3ha x £4,946 (cost per ha) = £16,321.80  
(Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £73,405.20.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost on site is species poor and so the impacts of this loss of obviously less. The nature conservation officer suggests that a third of this figure would be appropriate. Therefore a sum of £24,500 has been agreed with the applicant. This would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology.

Conditions to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds as part of the proposed development are also recommended.

### Non-native invasive species

Himalayan Balsam a non-native invasive plant species has been recorded on site. If planning consent is granted the nature conservation officer recommends that a condition be attached requiring the applicant to submit a method statement for the eradication of Himalayan Balsam from the site.

### **Layout & Design**

Hawthorne Drive is characterised by bungalows and dormer bungalows, which share the southern boundary of the application site. Heath Road also comprises some bungalows but also a wide range of terraced, semi-detached and detached two-storey properties. Wrights Lane also has a mix of bungalows and two-storey dwellings.

The proposed dwellings are all either 2 or 2.5 storeys high. There are examples within the local area of two-storey properties sitting alongside bungalows or dormer bungalows as would be the case with the proposed two storey properties to the rear of the existing bungalows on Wrights Lane. This arrangement would not therefore be out of keeping with the character of the area.

Similarly, whilst the specific design and detailing of the individual housing is relatively generic, it has to be noted that the surrounding area does not provide strong design lead, and as such the design of the properties cannot be considered to be unduly out of keeping or harmful to the character of the area.

The site will have a single means of access serving the proposed development and the approved 50 dwelling scheme. However in addition to this there will be a pedestrian link to the north to the remainder of Strategic site CS24 (in the emerging local plan), together with the option of a vehicular access through to this adjacent site. FP14 Sandbach will provide pedestrian access through to Hawthorn Drive, and an additional path will connect through to Daisybank Drive (and towards the town centre). The proposal will sit comfortably with and connect to the approved 50 unit scheme.

The proposal provides a large area of open space and children's play facilities. The location of the site close to Sandbach Town Centre will give residents good access to a range of facilities and services, including public transport.



Policy SC4 of the emerging local plan states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In this case, the proposal provides a variety of tenures and designs ranging from 1 to 4 bed properties.

The development retains a central hedge line for the most part, with a single break in the hedge only to allow access through. Aspects of the layout are interesting and offer opportunity in relation to creating distinctive interrelationships between spaces and buildings. At the western side of the application site the semi-circular arrangement toward the green space could be a very distinctive area of the site.

There are areas where the distinctiveness does weaken slightly, such as the long street to the north of the site. However, this can be enhanced with appropriate landscaping, which breaks down the impact of the frontage parking, and maximises the potential for terminating views of the woodland to west. Although tree planting is shown in parts, this could be further reinforced both with additional trees and other landscaping, not least hedging, to create smaller/landscaped groups of parallel parking.

Subject to appropriate landscaping and materials, the proposal is considered to comply with the objectives of policies GR1, GR2 and GR3 of the Congleton Borough Local Plan.

### **Flooding**

The site lies predominately within Flood Zone 1; however, a small section of the north-western boundary is shown to be located in Flood Zone 3 and Flood Zone 2. It is acknowledged that no built development is proposed within this area of the site.

The Environment Agency has no objection in principle to the proposed development but they note that the discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such they recommend conditions relating to a scheme to limit surface water runoff to be submitted and a scheme to manage the risk of flooding from overland flow of surface water to be submitted.

In addition, the Environment Agency recommends conditions relating to contaminated land in order to prevent the pollution of controlled waters from potential contamination on site.

### **Archaeology**

The application is supported by an archaeological desk-based assessment which has been produced by the York Archaeological Trust on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history and archaeological potential. It concludes that this potential is limited and restricted to the site of a former farmstead, which is depicted on the Tithe Map at SJ7666 6079, and a number of boundaries depicted on the historic mapping.

The Council's Archaeologist advises that this limited archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement

for any further predetermination work. It would, however, be reasonable to secure some further mitigation on the features described above, with the work secured by condition. This is accepted in Section 7.3 of the desk-based assessment and should take the form of a strip and record exercise on the site of the farmstead and extending to an area measuring c 30m by 30m. In addition, the historic boundaries should be investigated by means four 10m long machine-cut trenches, in order to gather information on the date and form of the boundaries. A report on the work will need to be produced and the mitigation may be secured by condition.

### **Contaminated land**

A condition is recommended requiring a further phase II contaminated land investigation for the following reasons:

- The application area has a history of landfill and agricultural use and therefore the land may be contaminated.
- This site located upon a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted Phase I Preliminary Risk Assessment and Phase II Site Investigation reports for contaminated land. Although the site investigation report shows no putrescible waste present in the on site landfill, further work including confirmatory gas monitoring is required.

## **ECONOMIC SUSTAINABILITY**

### **Agricultural Land**

The Framework states that:

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

The site comprises mainly grade 2 (very good quality) and grade 3a (good quality) agricultural land, with smaller areas of grade 4 (poor quality)

This land has been allocated for development within the emerging local plan documents and is identified as a future development site for this part of the Borough in the Local Plan Strategy Submission Version. Having regard to this, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

This land quality grade is relatively high on the land quality spectrum; however other sites within the Sandbach Heath area have a higher proportion of the best and most versatile agricultural land compared to the application site. The site is relatively small and there will be a negligible effect on agriculture from the loss of this isolated piece of good quality agricultural land. For these reasons the loss of agricultural land is considered to be acceptable in this case.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of £206,079.51 (primary), £326,853.8043,196.49 (secondary) and £91,000 (SEN)

- Financial contribution towards infrastructure (bridge) on Strategic Site CS24 to enable the delivery of employment uses.
- Open space provision and management arrangements.
- Financial contribution of £100,000 for highways improvements
- Provision and phasing of affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
- The payment of £24,500 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The provision of affordable housing, public open space provision, financial contribution towards highways improvements and financial contribution to offset the loss of biodiversity is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary schools within the catchment area which are cumulatively over subscribed. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

Similarly, the contribution towards infrastructure is considered to be necessary, fair and reasonable as it enables the delivery of employment uses on the remaining part of Strategic Site CS24 in accordance with the objectives of the emerging local plan.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

### **PLANNING BALANCE**

The site is within the Open Countryside where, under policies H6 and PS8 there is a presumption against new residential development. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide a public open space facility for proposed and existing residents.
- The development would provide significant contributions towards infrastructure to enable the delivery of employment uses on adjacent land.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

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 and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

It is recognised that this proposal conflicts with the Sandbach Neighbourhood Plan. However, the acceptance of this housing scheme enables the delivery of the 20 hectares of employment land by providing funding to establish the link across the wildlife corridor. This aligns with the specific principles of Policy CS24 and as such achieves the overall aims for the strategic site and is not just providing more housing in Sandbach. The weight therefore tips in favour of the strategic objective.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly their order to allow further costing and negotiation over the bridge / affordable housing provision it is recommended that the application is delegated back to the Head of Planning (Regulation) in consultation with the Chairman to approve subject to conditions and the Heads of Terms listed.

The Secretary of State has received a request to intervene with this application, which, now the agenda has been published, can be considered. The recommendation is therefore subject to the outcome of this process.

## **RECOMMENDATION**

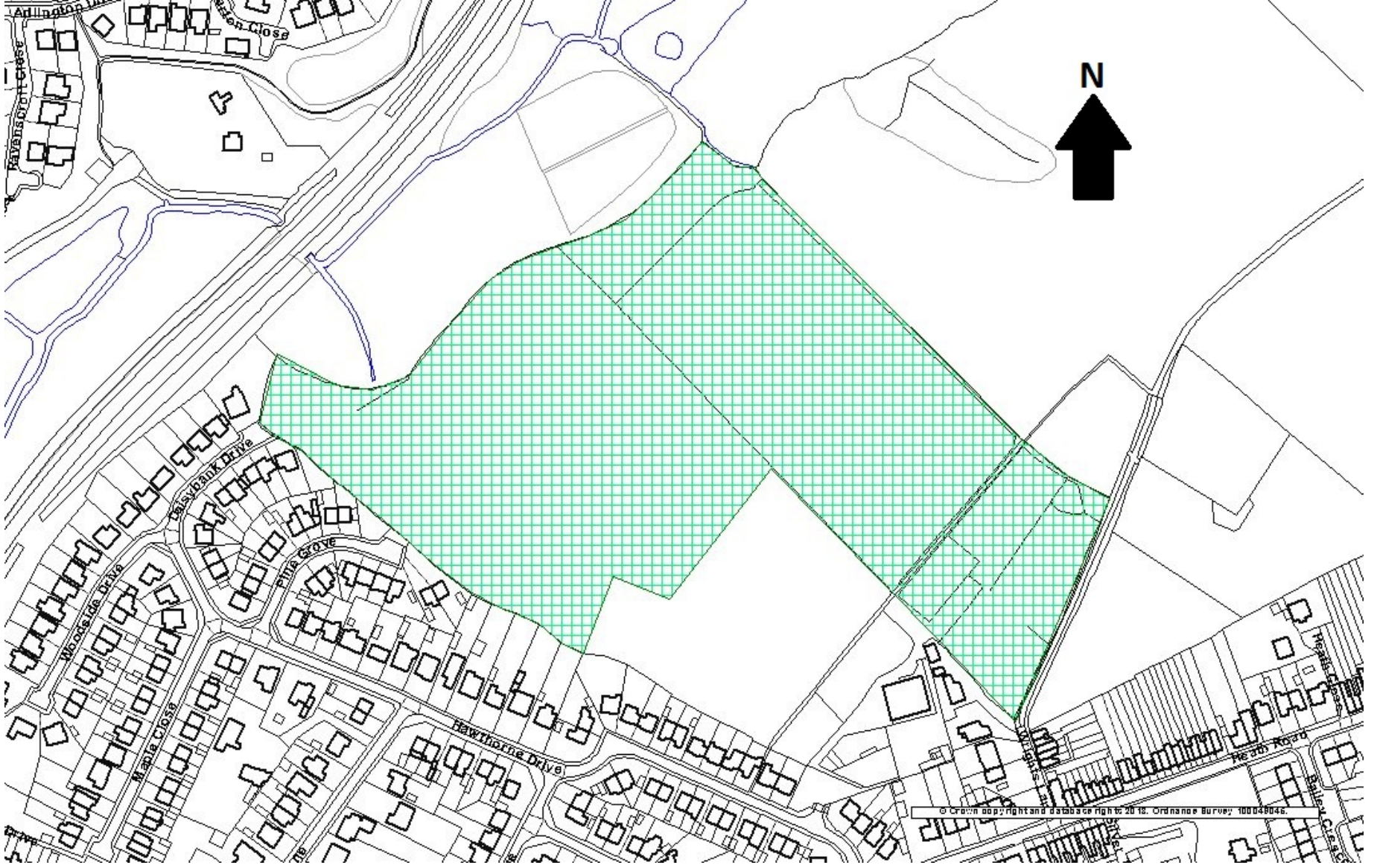
**Delegate to the Head of Planning (Regulation) in consultation with the Chairman to approve subject to conditions and the Heads of Terms listed.**

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

### Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Pile Driving details to be submitted
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Environmental Management Plan to be submitted
7. Travel plan to be submitted
8. Electric vehicle charging points to be provided
9. Phase II investigation including gas monitoring and assessment to be submitted
10. Noise mitigation scheme to be submitted
11. Detailed suite of design and construction plans for the internal road infrastructure to be submitted
12. Arboricultural method statement to be submitted
13. Construction management plan (trees) to be submitted
14. Method statement for the eradication of Himalayan Balsam
15. Provision for roosting bats and breeding birds to be submitted
16. Foul and surface water drainage details to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
18. Written scheme of archaeological investigation to be submitted



Application No: 15/2010M

Location: Land Southwest Of, MOSS LANE, MACCLESFIELD

Proposal: Full planning application for the demolition of existing buildings and the erection of 150 no. dwellings with associated car parking, access, internal roads and landscaped open space.

Applicant: BDW Trading Ltd (Barratt Homes M'cr)

Expiry Date: 04-Aug-2015

## **SUMMARY**

The site is located within a Proposed Employment Area where under policy E1 of the local plan, only uses within classes B1, B2 and B8 will be allowed. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The proposal would however accord with the principles of the emerging policy and site allocation CS8.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision (10%) and would help in the Councils delivery of 5 year housing land supply.
- Whilst comments are awaited from ANSA regarding the specific open space requirements for this site, the development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The existing waste processing use would be removed from the site, which is a significant benefit to this predominantly residential area.
- The development would provide a small contribution towards a new school on the wider strategic site

The development would have a neutral impact upon protected species/ecology, drainage, trees, residential amenity, noise, air quality, highways, landscape and contaminated land.

The adverse impacts of the development would be:

- The loss of proposed employment land.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Whilst several of the planning obligations fall short of the policy required standards for viability reasons, the proposal still brings identifiable benefits when considered against the harm of the scheme. Applying the tests within paragraph 14 it is therefore considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions and a s106 agreement.



## **PROPOSAL**

The application seeks full planning permission for the demolition of existing buildings and the erection of 150 no. dwellings with associated car parking, access, internal roads and landscaped open space.

## **SITE DESCRIPTION**

The application site comprises approximately 4.39 hectares of land and is located on the edge of a predominantly residential area. There are a range of commercial uses currently taking place on the site. The majority of the site is in use as a waste transfer station. Other existing operators on the site include Moss Lane Commercials (vehicle servicing), Silk FM (radio station) and Moss Lane Garage; all of which are located in the south eastern part of the site.

The majority of the site is currently laid out as hard-standing, which is used for vehicle parking and open storage. The site also contains a number of existing warehouses and buildings, which are generally located within the central part of the site. The northern and southern boundaries of the site are partially delineated by mature trees; with high hedges providing screening from the residential properties to the north. The site is identified as a proposed employment area in the Macclesfield Borough Local Plan, and a blanket TPO covers the site.

## **RELEVANT HISTORY**

There is a range of planning history related to the current commercial uses, but none specifically relevant to the current proposal.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

### **Development Plan**

#### **Macclesfield Borough Local Plan Policy**

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

The relevant Saved Policies are: -

## Built Environment

### BE1– Design Guidance

## Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC18 – Sustainable Urban Drainage to Reduce Flood Risk

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

## Employment

E1 – Retention of existing and proposed employment areas

E4 – General Industrial Development

E6 – New Employment Land Allocations - Macclesfield

## Transport

T2 – Integrated Transport Policy

T10 – Distributor Road

## Environment

NE2 – Protection of Local Landscapes

NE3 – Protection of Local Landscapes

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

## Housing

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing

H8 – Provision of Affordable Housing

H9 – Occupation of Affordable Housing

H13 – Protecting Residential Areas

## Recreation and Tourism

RT5 – Open Space

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

RT15 – Visitor Accommodation

## Shopping

S1 – Shopping Developments

S2 – New Shopping, Leisure and Entertainment Development

S3 – Congleton Road Development Site

## Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

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

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

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

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
CO 4 Travel Plans and Transport Assessments  
CS 8 South Macclesfield Development Area  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity  
EG5 Town Centres First

## **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

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

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

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

**Environment Agency** – No objections subject to conditions relating to discharge of surface water and contaminated land.

**United Utilities** - No objection subject to condition requiring the site being drained on a separate system.

**Natural England** – No objections

**Sport England** – No comments

**Flood Risk Manager** – No objections subject to drainage conditions

**Environmental Health** – No objections subject to conditions relating to noise mitigation, dust control, submission of an environmental management plan, hours of construction, travel planning, electric vehicle infrastructure and contaminated land.

**Public Rights of Way** – No objection

**Head of Strategic Infrastructure** – No objections subject to junction improvement at Moss Lane/Congleton Road

**Housing Strategy & Needs Manager** – Comments awaited

**ANSA (open space)** – Comments awaited

**Archaeology** – No objections

**Education** – No objection subject to financial contributions

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

Macclesfield Town Council – No comments received

### **OTHER REPRESENTATIONS**

3 letters of representation have been received raising concern about the proposal on the following grounds:

- Already significant issues due to the traffic passing through Star Lane to access Moss Lane, an increase in that traffic would make it extremely difficult and dangerous.
- An additional 150-300 cars through this road each day is simply unacceptable.
- Further loss of green space in this semi rural area is unnecessary given the other brownfield land available for development around Macclesfield. Loss of mature trees also compounds this issue.
- Impact on amenity of neighbouring property.

6 letters of representation have been received supporting the proposal and making the following comments:

- Existing development disrupts living conditions by not being able to enjoy garden. Unable to open windows. Unable to invite guests on the days and hours of operation.
- Macclesfield is short of newer homes, the housing stock of the town is very old. Opportunities for downsizing will increase.
- Ideal site for new housing development
- Proposal will greatly improve the immediate environment and remove the heavy goods vehicles off Moss Lane, which is primarily a residential area.
- Improvements to the Moss Lane / Congleton Road junction should be made.

2 letters make the following general observations:

- Missed opportunity for the applicant and Cheshire East Council to work together to create a "joined up" approach to the development to the South of Macclesfield that can create jobs and much needed housing whilst improving the environment for existing households on Moss Lane and providing a much needed link Road between Congleton Road and London Road at Lyme Green.
- This development should only be served from a new road linking to Congleton Road.
- The application fails to recognise the needs of local cyclists.
- The impact of the additional traffic on the residents of Moss Lane is not particularly appealing.
- The plans submitted do not show all the registered land owners affected by the proposals. There is one parcel of land fronting Moss Lane that is not owned by either the applicant or Henshaws and yet this is still shown for development. This needs correcting on the submitted plans.
- Two traditional T-junctions are wholly inappropriate for the volumes of traffic predicted. Roundabouts are needed.
- The volume of traffic generated will cause major problems at the Moss Lane/Congleton Road junction.
- The application does not appear to address the issues of the many historic drains and ditches that cross the site and contribute to the flora and fauna that is abundant in the area.
- The design does nothing to enhance the current streetscape on Moss Lane.

### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an ecology assessment, a contaminated land report, a transport assessment, a planning statement, a design and access statement, an arboricultural implications report, a statement of community involvement, a landscape strategy and a flood risk assessment.

The planning statement outlines the following benefits of the proposal:

- Creation of a high quality residential environment which respects the character of the area
- The development will mitigate and can adapt to future climate change through sustainable design and a commitment to deliver high quality, energy efficient and low carbon homes.

- The proposed development will provide a balanced mix of dwellings, providing a choice of type and size.
- Provision of new public open space
- The retention of existing trees and hedgerows
- landscaping strategy for the site will allow for ecological enhancement and will result in a net benefit to biodiversity.
- The development is within easy reach of a range of local shops and services which will reduce reliance on the private car.
- The development will support the creation of employment opportunities during the construction period and the occupation of the proposed development will generate local expenditure
- Increased Council Tax revenue and receipt of New Homes Bonus payments
- Removal of an existing use which detracts from the quality of the residential environment.

### **APPRAISAL**

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

#### **Principle of Development**

The application site forms part of a wider area of land to the west of Lyme Green Business Park which is identified as a 'Proposed Employment Area' in the Macclesfield Borough Local Plan. Saved Policy E1 confirms that sites within such areas will normally be retained for employment purposes (uses within Class B1, B2 and B8).

The proposed development is not an employment use and would therefore be contrary to policy E1 of the Local Plan. Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

#### **Emerging Policy**

In terms of the emerging local plan the application site forms part of strategic site CS8 (South Macclesfield Development Area) located adjacent to the southern urban edge of Macclesfield and extends across from railway line in the east, to Congleton Road in the west. The emerging policy notes that this site has been allocated for a mix of uses including employment and shopping purposes since 1997, but has not come forward for development due to a combination of site conditions, market demand and competition pressures from other employment locations within the Borough.

The policy considers that a mixed use allocation including a number of higher-value land uses including residential and Class A1 convenience retail is crucial to enabling this site to come forward for development within the plan period.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of around 1,050 dwellings;
2. Provision of:
  - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;
  - ii. Class A3 / A4 Public house and restaurant;
  - iii. Class A3 / A5 drive-through restaurant or hot food takeaway
  - iv. Class D2 Health club / gym facility;
3. Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floorspace should be dedicated for convenience goods;
4. Provision of up to 5 hectares employment land and employment related uses;
5. Provision of a new primary school;
6. Potential relocation of Macclesfield Town Football Club;
7. Incorporation of Green Infrastructure;
8. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
9. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.

The delivery of Link Road between Congleton Road and London Road is one of the specific principles of development in the emerging policy for this strategic site. And the north / north-east portion of the site is identified as most suitable for residential development.

220 dwellings received a resolution to approve by the SPB in October 2015 (application 14/0282M), which would account for a small percentage of the proposed housing allocation for this site. The proposed 150 dwellings located to the north of the wider strategic site would be in accordance with the emerging policy, which weighs in favour of the proposal.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework (the Framework) 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 (NPPG) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

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

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

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

### **SOCIAL SUSTAINABILITY**

#### **Viability**

The brownfield nature of the site and its existing uses creates a significant additional cost for the development of the site. Site clearance, buildings to be removed from the site and appropriate mitigation of the existing ground conditions to enable development will cost close to £2m. This clearly has an impact on the overall viability of the site to deliver housing and contribute to the normal infrastructure requirements. The initial submissions indicated that it would not be viable to deliver any such contributions, however Officers have sought uplift in appropriate contributions where possible as detailed below.

#### **Affordable Housing**

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted and provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting).

There is an identified need for affordable housing in Macclesfield. As originally submitted the proposal did not propose providing any affordable housing for viability reasons. However, this has now been increased to 10% (15 two and three bedroom houses) to be provided by way of discounted open market sale at a 20% discount to market value.

Comments from Housing are awaited and will be provided in an update.

#### **Open Space**

Policy DC40 of the Local Plan and the SPG on Planning Obligations requires informal play provision to be provided as follows:



- (i) at the rate of 12.5 sq metres per family dwelling (i.e. two bedrooms or more)
- (ii) either separately located or by combining the informal play provision with other local open space
- (iii) either separately located or by combining with some formal play provision
- (iv) in a location which avoids hazard for children.

Formal play provision (equipment provided) should be provided at the rate of 7.5 sq metres per family dwelling subject to the following:

- (i) 25% of the provision should be for younger children (up to the age of 6 years) and 75% of the provision should be for older children (7 years upwards)
- (ii) a minimum provision of 100 sq metres for younger children and 400 sq metres for older children
- (iii) the play area should be within easy and safe reach for the intended users and should be at intervals of not more than half a mile
- (iv) the site should be safe, comfortable and intrinsically interesting for the user and be subject to informal surveillance
- (v) formal play provision for older children shall not be located in close proximity to dwellings where this would create a nuisance for the occupiers

Amenity open space should be provided at the rate of about 20 sq metres per dwelling and should incorporate natural features of interest where possible.

These requirements are to ensure the provision of adequate open space for formal and informal children's play activity, that is safe, conveniently located and safeguards existing residential amenities and to ensure provision of amenity open space.

Therefore using the above formulae, the following should be provided:

Informal play –  $150 \times 12.5 = 1,875$  sqm

Formal play –  $150 \times 7.5 = 1,125$  sqm

Amenity open space –  $150 \times 20 = 3,000$  sqm

In lieu of on site provision the SPG on Planning Obligations allows for financial contributions to be made towards off-site provision at a rate of £3,000 per family dwelling.

In addition to this, the SPG requires a financial contribution towards recreation and outdoor sports provision at a rate of £1,000 per family dwelling or £500 per two bed space apartment. This would equate to a contribution of £149,500.

The open space proposed includes an area of approximately 1,000 sqm in the centre of the site, and no financial contributions towards off site provision. This is a significant shortfall from the policy requirement. Comments from ANSA are awaited.

### Education

The Council's pupil yield which is used to estimate the number of pupils which a development can be expected to generate is under constant review and in February 2015 it was updated to reflect information made available through the 2011 national census. This work resulted in a pupil yield of 19 primary and 15 secondary aged pupils per 100 dwellings.

Based on these yields, SMDA is a proposed strategic site for up to 1,050 dwellings where the Council is anticipating demand for school places from 200 primary aged children and 158 secondary aged children. Due to the number of pupils which the site is expected to generate the Council identified the need for a new school at an early stage and Education Officers maintain that the cost of this school is shared between the landowners / developers promoting land which forms the overall site. This methodology of proportionately sharing the cost of building a new school is applied by many Local Authorities and if a piecemeal approach was taken then the Council may not have the funds to deliver a new school which a development of this scale would support.

Whilst it is acknowledged that there is an element of cumulative surplus capacity in schools across Macclesfield at the present time, this surplus is forecast to decrease year on year. It has always been considered that an overall development of this scale warrants the need for a new primary school and that each site pays its proportionate share of the land and build costs.

A new 1FE primary school will cost £3,200,000 therefore the proportionate share of a new primary school required is £448,000 plus an equalisation agreement with other landowners forming the SMDA site. This contribution is calculated as:

$$150 / 1050 \times 100 = 14\%$$

$$14\% \times £3,200,000 = £448,000$$

There is no contribution required towards secondary provision.

As noted above, the applicants have submitted a viability report, which they maintain demonstrates that the development cannot support all policy compliant s106 obligations.

The applicants have sought to provide evidence to demonstrate that there is a surplus of school places within the local area which is sufficient to address the educational needs generated by development on the application site. As such, the applicant maintains that there is no justification for the payment of a contribution towards education provision. Furthermore the applicants note that the policy for the SMDA in the emerging local plan does not require that each site contributes to a new school, simply that the scale of development will necessitate the provision of one.

The applicants are however eager to take matters forward promptly in order to deliver much needed new housing as soon as possible on an otherwise contaminated brownfield site which is allocated for housing development. To this end, they have proposed a compromise offer which could form the basis of a S106 agreement.

This offer is a contribution of £200,000 towards the development of a primary school within the South Macclesfield Development Area payable as 25% upon occupation of each of the 30th, 60th, 90th and 120th dwelling.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

Policy DC38 of the Local Plan includes guidelines for separation distances between dwellings. New residential developments should generally achieve a distance of between

21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

### **Air Quality**

Following concerns raised by Environmental Health, the applicant has submitted additional air quality information. The proposal is considered to be significant in that it is highly likely to change traffic patterns and congestion in the area. In particular, the development has the potential to impact upon the A523 London Road Air Quality Management Area (AQMA), declared as a result of breaches of the European Standard for nitrogen dioxide.

The submitted report considers the change in road traffic emissions brought about by the change in use. The report concludes that there will be a reduction in emissions associated with HGV movements as a result of the changes to traffic composition on the local network surrounding the site. It is acknowledged that removing HGV's off the network will reduce emissions associated with the application site. However, increasing car based journeys associated with the proposal will lead to a deterioration of local air quality.

Due to the location of the site, Environmental Health considers that there will be a negative impact on local air quality within the AQMA. Any increase in concentrations within an AQMA is significant as it is directly contrary to local air quality objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

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 recommended that mitigation is provided in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality.

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

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

Conditions relating to electric vehicle charging, travel planning and dust control are therefore recommended.

### **Noise**

The applicant submitted further information in response to concerns raised by Environmental Health relating to the noise issues associated with the development. The site lies close to Moss Lane, Macclesfield and as such future occupants could be adversely affected by road traffic noise. In addition, some commercial uses will remain at the perimeter of the site.

Paragraph 123 of the Framework states that *“Planning policies and decisions should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

In relation to the identified noise sources an acoustic report has assessed the impact of both road traffic and commercial noise on the future occupants. The report concludes that mitigation is required in the form of acoustic glazing / ventilation systems on some properties, and acoustic boundary treatments to protect external amenity areas.

As such conditions are recommended requiring full details of the noise mitigation scheme to be submitted.

### **Highways**

The Head of Strategic Infrastructure (HSI) has provided the following comments on the proposal:

Given that the site has a number of existing commercial uses, the site has an existing level of traffic movements going to and from the site; therefore only the net traffic impact of the proposal needs to be considered.

#### Traffic Impact

The applicant has undertaken a traffic survey of the current trips of the waste processing operation to calculate the peak hour traffic generation. As the site is currently operating under its full capacity the potential generation of the site has been calculated using the Trics database. The traffic generation of the other commercial uses has also been estimated using Trics and added to the waste traffic generation, and the resultant total peak hours existing trips are approximately 105 in the AM and PM peak.

The proposed traffic generation has also been predicted using Trics. The information presented is that the 150 units would have 81 AM trips and 83 PM trips. The HSI considers that the submitted trip generation rates to be on the low side. CEC trip rates would bring the traffic generation up to 100 peak hour trips.

At the time of submission of the planning application the SMDA development (14/0282M) had not be approved although the applicant has included this development in their capacity junction assessments. The SMDA application does now have a resolution to approve.

In order to assess the traffic impact of the development, a number of local junctions have been tested for capacity; these are ones that will be directly impacted by the development. The junctions assessed are:

- Site Access
- London Road/ Moss Lane
- London Road/Star Lane
- Congleton Road/Moss Lane
- Moss Lane/Star Lane

The results of the junction capacity tests show that most junctions operate within capacity but the junction at Moss Lane/Congleton Road is shown to have long queues in the assessment year of 2020. The capacity of this junction is affected by general traffic growth as well as the SMDA traffic. However, the SMDA is now committed and any subsequent developments have to take this development in account. The proposed development will have an impact on the Moss Lane/Congleton Road junction as the majority of the traffic from the site is distributed north passing through the junction.

### Accessibility

Moss Lane has existing footways on both sides of the road that connect to the site, and there are also a number of pedestrian refuges along Moss Lane that act as crossing points. There are existing bus services that run on the A534 Congleton Road and Parkgate Road that can be accessed by pedestrians but are approximately 800m from the site.

The site is within walking distance of shops on Moss Lane, Thornton Square and all services and facilities within Macclesfield Town Centre.

### Access and Layout

The main access to site conforms with highway standards and provides sufficient visibility in both directions, the width of the principal access road is 5.5m and has a footways on both sides. One access point is sufficient to serve the 150 units proposed. The internal layout has a long tree lined main access through the site; this is a requirement of the development as a future link to the west of site is planned.

The road layout is acceptable in highways terms and is suitable for adoption by the Highway Authority. The parking provision for each of the units accords with the Council parking standards.

### Highways Conclusions

The current site usage has a level of traffic generation, although there is potential for the site to be more intensively used it's current operation produces less traffic generation than is proposed in the residential scheme. Therefore, there is a net increase in traffic as a result of this application and this will need to be dealt with in terms of mitigation. A number of junctions were assessed in regards to capacity with this development in place including committed schemes, the main concern in regard to queues and congestion is the Moss lane/Congleton Road junction which will also be mostly used by traffic from this development proposal. A mitigation scheme is therefore required and the introduction of ghost island right

turn lane at this junction would provide mitigation for the traffic generated by the residential scheme.

It is intended that a new strategic road link is provided between London Road and Congleton Road as part of the SMDA, and there is an opportunity to provide a link from this site to the SMDA site and thereby provide a reduction in traffic flows using Moss Lane in the future. To enable a future link to the site to be provided the spine road should be extended to the western boundary of the site and this provision needs to be secured in the S106 agreement for the development.

There are no highway concerns regarding the use of the existing access point on Moss Lane and the internal layout of the site is acceptable.

In summary, subject to a Grampian condition to secure the right turn lane at Moss Lane/ Congleton Road and also the extension of the spine road to the western boundary of the site no highways objections are raised. Conditions requiring a construction management plan and wheel wash facilities are recommended.

### **Trees / landscape**

#### Trees

The application is supported by a Tree Quality Survey and Arboricultural Method Statement. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Site Layout Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees. The submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The whole of the site is covered by the Macclesfield Borough Council (Macclesfield – Western Park Nursing Home / Moss Lane Farm, Moss Lane) Tree Preservation Order 1998. The Order was served under an Area designation, which has resulted in a significant numbers of trees which were present when the Order was made benefiting from formal protection but which are clearly not worthy of such a designation.

The site has experienced historic heavy commercial usage, which has affected some trees in terms of their vigour and vitality, with ground associated with individual and collective Root Protection Areas (RPA) compromised by compaction.

The majority of the proposed development site including the internal core is devoid of any tree cover as a result of past and existing activities. The trees that are the subject of the supporting arboricultural report are categorised as groups located around the periphery of the site.

Subject to a practical involvement in the thinning of G6, the Arboricultural Officer is satisfied with the arboricultural implications of the proposed development. The retained trees can be protected in accordance with current best practice taking into account existing ground conditions and suitable method statements

In landscape terms, the site is a previously developed site with existing commercial uses in operation. The site sits immediately adjacent to existing residential areas, and through the retention of some boundary planting together with additional planting, the proposal is considered to sit comfortably in the landscape.

Within the site, further details will be required regarding the swale depths/profiles, driveway and footpath construction (with culverts), inlet/ outfall pipes and any headwall structures etc. to ensure these structures are as attractive as possible given the proximity to dwellings. This can be dealt with by condition.

In terms of boundary treatments, the existing unsightly wall along the Moss Lane frontage will be demolished and replaced with 1000mm native species hedge, which is a positive aspect of the proposal. The 2 metre high concrete retaining wall to the rear of plots 58 - 75 will be faced with brick and lowered where possible. The applicant has confirmed that the strip of trees above the wall and the sloping land to the rear of plots 46 – 49 which appear rather inaccessible will be managed by a management company, along with all areas of Public Open Space.

A revised boundary treatment plan has been submitted, which removes the low brick wall around the southern verge, between the site entrance and plot 115. This area would be better left open and the proposed wall foundations may be located within the RPA of the mature boundary trees. In addition the low walls on plots 50, 139 and 120 which were considered to be too close to the high garden boundary walls have also been removed.

Clarification is still required on what boundary treatments are proposed for all perimeter boundaries, which can be dealt with by condition. Additional conditions relating to a landscaping scheme and implementation and a landscape management plan are recommended.

### **Ecology**

The nature conservation officer has provided the following comments on the application:

#### Danes Moss SSSI

The proposed development is located 750m from Danes Moss SSSI. Whilst the submitted ecological assessment states that the application site is unlikely to have a hydrological links with the SSSI, the site does fall within Natural England's SSSI Impact Risk Zone for developments of this scale. As such there is a requirement to consult Natural England on the proposed development.

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and 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 Danes Moss SSSI has been notified. They advise that this SSSI does not represent a constraint in determining this application.

### Bats

The two existing dwellings on site have been identified as having the potential to support roosting bats. In order to establish the presence/absence of roosting bats at these buildings the submitted report recommends that these buildings be subject to further more detailed bat activity surveys.

Additional surveys have been carried out, which indicate that no evidence of roosting bats was identified in either building during the dusk emergence surveys. The nature conservation officer notes that the bat surveys were constrained by only continuing for one hour after dusk, but on balance he is satisfied that roosting bats are unlikely to be present or affected by the proposed development.

### Habitats

The broader South Macclesfield Development Area located adjacent to the application site supports habitats which are of regional and local value. In terms of the application site, most of the habitats present are of negligible nature conservation value.

A narrow slither of priority Lowland Raised Bog habitat however appears on the national inventory located on the sites north western boundary. Based upon the submitted ecological appraisal this part of the site appears to be currently consist of scattered and dense scrub. The nature conservation officer advises that this small area of habitat is not considered to be priority habitat.

There is a second area of the site located around the existing mast which is also on the Lowland Raised Bog habitat national inventory. On checking through his records the nature conservation officer confirms that this land was cleared in about 2011. So whilst this area of habitat must still be regarded as former raised bog, the bog habitats are now very degraded and the grassland habitats present are those that have recolonised the site since it was cleared.

Finally, the south western and south eastern boundaries of the application site, which are former ditches, are identified on the national priority habitat inventory as being Coastal and Flood plain grazing marsh. These habitats exhibit few of the characteristics which define this priority habitat. The loss of these former ditches is therefore unlikely to have a significant impact upon nature conservation interests.

### Existing Tree Screening Belt

The nature conservation officer advised that the existing trees which form part of a screening belt along the boundary of Moss lane should be retained as part of the proposed development. However, no reason has been provided for this. The trees are relatively low value in arboricultural and visual terms and are highlighted for removal. New native tree planting and hedgerows will replace the existing trees to this north eastern site boundary. However, the existing stand of densely naturalised screening vegetation to the south will be thinned but retained as a green frontage, which is considered to be acceptable.

## **Layout & Design**



The area around Moss Lane is characterised by a variety of house types. The proposed dwellings are all either 2, 2.5 or 3 storeys high, and there are existing examples of each of these in the local area. Similarly, whilst the specific design and detailing of the individual housing is relatively generic, it has to be noted that the surrounding area does not provide strong design lead, and as such the design of the properties cannot be considered to be unduly out of keeping or harmful to the character of the area.

The main tree-lined avenue / primary route through the development runs east-west across the central part of the site. It extends to the western boundary, creating the opportunity for providing a link to possible future development on adjoining land. The avenue curves through the site, providing a series of unfolding views with buildings positioned at different orientations. This will also help to limit vehicle speeds. Streets extend off the main avenue serving development parcels to the north and south. A series of shared-surface type lanes are proposed along the southern boundary, connecting the principal streets and creating permeability through the site. An urban square is proposed at the intersection the avenue and the main north-south street extending northwards towards the site boundary. The square takes the form of a shared surface street with on-street parking and is flanked with townhouses on either side. Pedestrian movement through the site is provided for along the streets and lanes, either on pavements or along a shared surface. Informal pedestrian routes are provided through the main open space and a dedicated footpath in the north-east corner connects the site with Moss Lane.

The main area of greenspace takes the form of an open area close to the site entrance and with frontage onto the central avenue. Being immediately visible on entry into the site, the open space forms a gateway feature and is surrounded on all three sides by housing, promoting safety and security.

It is proposed that 150 homes can be accommodated on this site at a net average density of around 41 homes per hectare. Density is spread relatively evenly across the development the site. Most of the properties will be Mews style homes or townhouses although the mix also includes a small number of detached and semi-detached dwellings, which is in keeping with the local area.

The layout also provides for four different character areas throughout the site: the Moss Lane streetscene; the tree lined avenue (the main route through the site); the urban square, and: the Lanes / Mews, all of will add variety to the proposal but with a coherent blend of materials.

Policy SC4 of the emerging local plan states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In this case, the proposal provides a variety of house types ranging from 2 to 4 bed properties.

Subject to appropriate landscaping and materials, the proposal is considered to comply with the objectives of policies BE1 and DC1 of the Macclesfield Borough Local Plan.

### **Flooding**

The site is located in flood zone 1 and the Environment Agency has not raised any flood risk concerns. However, the Council's Flood Risk Management team noted that at the time of their site visit a number of ditches/watercourses within and surrounding the site were

identified. These watercourses were, in places, heavily overgrown and partially blocked which creates the potential to exacerbate flood risk at the site. The submitted Flood Risk Assessment states that it is proposed to discharge surface water into this ditch system following development; therefore it will be essential that riparian responsibilities are adhered to and appropriate maintenance is undertaken to clear these watercourses. In addition, they are designated as 'ordinary watercourses' therefore any works that are likely to affect the flow would be subject to formal Land Drainage Consent under Section 23 of the Land Drainage Act 1991. The Flood Risk Management team would support a 30% reduction in surface water flows following development along with the use of SuDS within the site. A detailed maintenance plan for any SuDS must be provided by the applicant at the detailed design stage for the lifetime of development.

Areas of the existing site are at risk of flooding from surface water according to the EA surface water flood map; therefore appropriate measures must be implemented to mitigate this risk. Appropriate conditions are therefore recommended.

### **Archaeology**

The Council's archaeologist has noted that an examination of the 19th-century mapping shows that at this time the land was divided up into long, thin, ditched fields which extended south into the moss and originated as individual 'moss rooms' where people enjoyed the right to cut peat for fuel. The early maps also show a building on the site of the present farm and this is likely to have been established as part of the process of unofficial settlement on the fringes of the moss.

This pattern survived into the 20th-century and is clear on aerial photographs of the 1940s but, within the application area, was destroyed by the establishment of the depot in the 1970s. This has removed the earlier field pattern and, although a building still occupies the site of the original welling, it appears to be entirely modern in origin.

In these circumstances it is advised that further archaeological work would be difficult to justify and no further mitigation is recommended.

### **Contaminated Land**

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

Further site investigation works have been undertaken and a Preliminary Findings Report has been submitted. Although monitoring is still ongoing, the further works have better characterised the site and give a fuller understanding of the gas risk present. Whilst concentrations in one location are still presenting a NHBC red classification, information from the surrounding boreholes and a cross section indicate that this may be localised. Upon completion of the monitoring a remedial strategy is to be produced to identify the most appropriate remedial action(s) to address the identified gas risk and enable the site to be safely developed. It is expected that this may include boundary treatment works as the source appears to be cross boundary.

Further site investigation works are recommended during the enabling phase to investigate areas of the site not previously accessible and to assess the potential thorium risk. A proposal for this should be submitted, and appropriate conditions are recommended.

In addition to this, the Environment Agency (EA) have reviewed the submitted Phase 1 and 2 Ground Investigation report to understand and assess possible risks to controlled waters from the current and future condition of the site. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

The EA considers the site to be in an environmentally sensitive location being immediately above a Secondary A Aquifer and Principal Aquifer and has a number of surface watercourses around the site. They consider these to be controlled waters.

Their assessment of the site is that the historical land uses and method employed to raise the land levels to create a platform for industrial uses has led to the introduction of elevated concentrations of contamination in the made ground on site which, in turn, has led to elevated concentrations of contamination in the groundwaters.

Based on the information presented in the submitted reports, the EA is unsure of which groundwater body has been sampled but have taken the view that the groundwater that was sampled is more likely to be the shallow Secondary Aquifer rather than the potentially deeper Principal Aquifer. They also do not consider one round of groundwater sampling to be sufficient to characterise the groundwaters beneath the site.

The EA have therefore adopted the position that the shallow groundwaters are highly likely to be in hydraulic connectivity with the surrounding surface watercourses. Therefore the risk of significant pollutant linkages is present and will require at least additional investigation and assessment but may well extend to the requirement for remediation in order to address adverse pollutant linkages. The EA recommend a series of conditions to address this matter and raise no objections to planning permission being granted on this basis.

The future submissions should include the following information:

- Clarification of the groundwaters which are sampled
- A plan showing the location of all monitoring locations including boreholes, trial pits and surface water sampling points
- Additional ground and surface water sampling to confirm the hydrological environment on site
- All boreholes levelled in to a common datum as per the relevant British Standards for site investigation

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

### **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of £200,000 (primary)
- Open space provision and management arrangements.
- Provision, tenure and phasing of 10% affordable housing
- Vehicular Access permissions to be provided through to land to the west

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The provision of affordable housing, access provision to wider site and public open space provision is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development forms part of a wider allocation in the emerging local plan, which would see the creation of 1050 new dwellings. Such an allocation would result in a requirement for a new primary school. It is considered to be fair and reasonable that the cost of this school is shared between the landowners / developers promoting land which forms the overall site.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

### **PLANNING BALANCE**

The site is located within a Proposed Employment Area where under policy E1, only uses within classes B1, B2 and B8 will be allowed. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The proposal would however accord with the principles of the emerging policy and site allocation CS8.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision (10%) and would help in the Councils delivery of 5 year housing land supply.
- Whilst comments are awaited from ANSA regarding the specific open space requirements for this site, the development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

- The existing waste processing use would be removed from the site, which is a significant benefit to this predominantly residential area.
- The development would provide a small contribution towards a new school on the wider strategic site

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.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the proposed mitigation.

The adverse impacts of the development would be:

- The loss of proposed employment land.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Whilst several of the planning obligations fall short of the policy required standards for viability reasons, the proposal still brings identifiable benefits when considered against the harm of the scheme. Applying the tests within paragraph 14 it is therefore considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions and the Heads of Terms listed.

### **RECOMMENDATION**

The application is recommended for approval subject to the prior completion of a s106 agreement and conditions.

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

### Application for Full Planning

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

1. Development in accord with approved plans
2. Submission of samples of building materials
3. Commencement of development (3 years)
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Tree retention
8. Tree protection Arboricultural method statement
9. Submission of construction method statement
10. Contamination enabling and remediation strategy to be submitted
11. Verification report for remediation strategy to be submitted
12. Piling or other foundation designs using penetrative methods shall not be permitted
13. Scheme to dispose of surface water drainage to be submitted
14. Noise mitigation scheme to be submitted
15. Scheme to minimise dust emissions to be submitted
16. Environmental Management Plan to be submitted
17. Electric Vehicle Infrastructure to be provided
18. Travel plan to be implemented
19. Assessment of the potential for disposing of surface water by means of a sustainable drainage scheme to be carried out
20. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted
21. Site to be drained on a total separate system
22. Landscape management plan to be submitted
23. Right turn lane at Moss Lane / Congleton Road to be provided
24. Wheelwash facilities to be provided



**This page is intentionally left blank**



Application No: 15/3386N

Location: LAND SOUTH OF NEWCASTLE ROAD, SHAVINGTON, CREWE, CHESHIRE

Proposal: Removal of condition 30 (Number of dwellings) on previous permission 12/3114N; Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 22-Oct-2015

## SUMMARY

The applicant seeks to remove condition 30 from planning permission 12/3114N which restricted the number of dwellings on site to 360 units. In turn a revised maximum limit of 456 units is proposed.

Conditions, in order to be acceptable need to adhere the 6 tests for planning conditions within the NPPF/NPPG. These tests are whether the conditions are; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

As condition 30 was imposed for design reasons, and the Council's Urban Design Officer has subsequently advised that further dwellings could be accommodated on the site in light of the density of development approved as phase 1, amongst other reasons, it is not considered that this condition is 'necessary' in that form.

It is however, considered that the alternative proposed maximum figure of 456 units would not be acceptable on design grounds. As such, an alternative maximum figure of 415 dwellings is proposed and this should be secured by condition. This alternative figure would fall within the parameters of the density plan put forward as part of the original application and would also adhere with the design principles of the emerging Cheshire East Council Design Guide.

Given the Council's Housing Land Supply situation and because the removal of this condition would create no new issues other than design, upon those considered to be acceptable as part of application 12/3114N, it is considered that the application would adhere with the relevant Local and National Planning Policies.

As such, it is considered that the removal of Condition 30 be approved, subject to a variation to the S106 Agreement and conditions.

**RECOMMENDATION**

**APPROVE subject to a variation to the S106 Agreement and conditions**

**PROPOSAL:**

A variation of condition application is sought to remove Condition 30 from approved Planning Permission 12/3114N. That application sought:

*'Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works.'*

This application was approved subject to conditions, including Condition 30 below, which the applicant seeks to remove. This condition reads as follows;

Condition 30

*'Notwithstanding the details included within the submitted application, the maximum number of dwellings constructed within the site shall be 360.'*

The applicant proposes a revised maximum number of dwellings of 456 dwellings, an additional 96 dwellings upon those already permitted. This was clarified during the application process and a re-consultation exercise was undertaken for the purposes of clarity.

**SITE DESCRIPTION:**

The application site falls within the Open Countryside and relates to a large (17.38 ha) triangular parcel of land that is bound on 2 sides by residential development (Stock Lane and Dig Lane) and by Newcastle Road on the other.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees which have been identified and which can be retained.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level.

Outline Planning Permission was granted on the 23<sup>rd</sup> January 2014 for the erection of up to 360 dwellings.

An application (ref: 14/1160N) to vary this permission and a number of conditions was approved by Strategic Planning Board in August 2014, subject to conditions and a variation to the S106 Agreement. This variation to the legal agreement has not yet been finalised and therefore a decision has not been issued. 2 further non-material amendments have also been approved on the Reserved Matters application.

## RELEVANT HISTORY:

**15/4953N** - Non-material amendment (changes to highways, footpaths and plot positions) to approved applicaiton 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 24<sup>th</sup> November 2015

**15/3329N** - Non material amendment to approved development 14/3039N: realignment of fence to plots 12, 29, 42; minor repositioning of plot 50; plots 28, 32, 57, 121, 178 are to be handed – Approved 10<sup>th</sup> August 2015

**14/3039N** - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 11<sup>th</sup> December 2014

**14/1161N** - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Withdrawn 18<sup>th</sup> August 2014

**14/1160N** - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Resolution to approve – Awaiting Deed of Variation to S106

**12/3114N** - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23<sup>rd</sup> January 2014

## Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The relevant Saved Policies are: -

NE.2 - Open countryside, NE.5 - Nature Conservation and Habitats, NE.9 - Protected Species, NE.20 - Flood Prevention, NE.21 - Land Fill Sites, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, RES.5 - Housing In The Open Countryside, RT3 – Provision of Recreational Open Space and Children's Play Space in New Housing Developments, RT.6 - Recreational Uses on the Open Countryside, TRAN.3 – Pedestrians and TRAN.5 – Cycling

## National Policy

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

Of particular relevance to this application are paragraphs 17 - Core planning principles, 28 – Supporting a prosperous economy, 47-55 – Delivering a wide choice of quality homes, 56-68 - Good design, 94 and 99-104 - Flood risk

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

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

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

**Head of Strategic Infrastructure (HSI)** – No objections, subject to all highways contributions required as part of the outline application being provided

**Environmental Protection** – No objections

**United Utilities** – No objections, subject to any revisions of drainage strategies being re-submitted for approval

**Flood Risk Manager (Cheshire East Council)** - No objections, subject to the inclusion of a condition seeking the prior approval of a surface water drainage scheme

**Housing (Cheshire East Council)** – No objections, subject to the provision of a 30% affordable housing provision with a 65% and 35% split between social housing and intermediate tenure

**Education (Cheshire East Council)** - No objections, subject to an increase in the financial contribution to reflect the higher number of dwellings and amendments being made to the to where the agreed monies are to be spent

**Public Rights of Way (PROW)** – No objections, subject to the approved diversion of Public Footpath 11 in the Parish of Shavington cum Gresty and Footpath No.21 (part) in the Parishes of Wybunbury and Shavington cum Gresty not changing from that approved

**Environment Agency** – No objections, subject to a number of conditions including; Limiting the surface water run-off; that the finished floor levels are set no lower than, the relevant 1 in 100 years plus climate change plus 600mm freeboard level; the prior submission of scheme to manage the risk of flooding from overland flow of surface water; the prior

submission of a buffer zone management plan and the submission of a water course corridor management scheme.

**ANSA** - Comments as per original application (12/3114N)

**Natural England** – ‘No comment’

**Wybunbury Parish Council** – Object to the proposal on the following grounds;

- Impact upon drainage and flooding
- Design – increase in density, inevitable change in house types
- Open Space – Knock-on impact?
- Original facilities proposed – Knock-on impact - Shop, allotments?

**Shavington Parish Council** - Object to the proposed development on the following grounds;

- Same reasons as objecting to the original application
- No justification for increase in numbers

### **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. A re-consultation exercise was also undertaken at a later date to clarify that the application seeks an uplift in the maximum number of dwellings sought to 456 units. In response, overall, 31 letters of consultation were received. The main areas of objection raised include;

- Principle of the increase in numbers
- Lack of sufficient justification for proposal
- Highway safety
- Flooding and drainage
- Impact upon public facilities – schools, doctors and police
- Loss of proposed open space
- Amenity – air pollution
- Lack of affordable housing
- Ecology – loss of habitat, impact upon wildlife corridor
- Design – density, house types, impact upon local character
- Application inaccuracies

### **APPLICANT’S SUPPORTING INFORMATION:**

Supporting statement  
Hydraulic modelling report  
Arboricultural survey  
Flood Risk Assessment (FRA)  
Cover letter  
Design Quality Statement

## OFFICER APPRAISAL

### Principle of development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 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.

As such, the development would be considered to be contrary to the Local Plan.

However, this application site has been allocated for housing within the Cheshire East Local Plan Strategy – Submission Version under Policy CS6. Policy CS6 advises that the development of The Shavington / Wybunbury Triangle over the Local Plan Strategy period will be achieved through the delivery of 350 houses. Planning permission has been granted on the site for 360 houses (ref: 12/3114N).

As such, the principle of residential development on this site has already been agreed.

This assessment shall consider whether a condition which restricts the number of dwellings on the site to 360 units meets the 6 tests for planning conditions within the NPPF/NPPG and whether the provision of a revised figure of 456 units is acceptable, an uplift of 96 units. These tests are whether the conditions are; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### Meeting the conditions tests

Condition 30 was imposed on application 12/3114N because of design reasons. Within the Officer's committee report it states that;

*'... the Council's Design Officer has concerns that when it comes to the Reserved Matters stage, the 400 unit maximum figure [the number of dwellings originally sought on this site] could lead to a more cramped scheme than is suggested by the information in the D & A statement, or may impinge upon strategic design objectives set out in the statement. It is therefore suggested that a reduction in the maximum number should be considered to ensure that the character of the development is in tune with its surroundings (a reduction in the region of 10% is considered appropriate). This could be secured by condition'*

In response, the applicant has submitted plans and documentation to demonstrate that this restriction is not 'necessary', and indeed a further 96 units could be added to the site. Necessity is one of the conditions tests that all conditions need to adhere to in order to be acceptable.

The information produced on behalf of the applicant identifies 3 testing scenarios based on a grid density analysis, the baseline of which was a grid analysis of the existing settlement, which shows the site as being largely between 5 and 10 dph with large tracts of green infrastructure. This is not surprising given its greenfield, rural character. It also shows the

blocks immediately to the north of Newcastle Road as being the highest density, in excess of 20dph and this extending northward into the village centre.

The 3 studies for the development of the site comprise: Option 1 - 360 units (approved), Option 2 - 450 units and Option 3 - in excess of 470 units.

With each density diagram, a Parameters masterplan has been drawn up, with the densities of particular densities and yield for individual parcels. It is assumed that the densities identified on all of these parameter Masterplans reflect the already permitted density for the Persimmons development (phase 1) that is currently under construction.

The Council's Urban Design Officer has advised that; *'I would agree with the suggestion that restricting the development to 360 units will now create an imbalance in the site. This is, in no small part, as a consequence of the phase 1 development, where in retrospect, the densities and yield are too high and should have been reduced commensurately as a consequence of the limiting condition attached to the outline. This in itself would have resulted in a more even distribution of density whilst still allowing variation in character within the site.'*

As a result of the above reasons, it is recommended that Condition 30 should be removed as it is not 'necessary' to restrict the number of units to 360, and therefore does not adhere to the conditions tests which all planning conditions should adhere to in order to be acceptable.

## Consideration of the revised maximum numbers of units sought (456)

Shavington Triangle (south of Newcastle Road) Density Assessment			
DH 15-1-16			
<b>Outline Approval (360 dwellings)</b>		<b>Gross density</b>	<b>Net density</b>
a) Gross site area (from application form)	17.38ha	20.7dph	
b) Open space/landscape (DAS p54)	3.97ha		
c) Local centre (DAS p54)	0.51ha		
d) Net developable area (DAS p54 13.11ha)	12.9ha (a-b&c)		28dph

<b>Phase 1 Persimmon (200 dwgs)</b>			<b>Net density</b>
e) Net developable area (Persimmon layout drawing)	4.86ha		41.2dph

<b>Density comparison for remainder of site (Phase 2)</b>			<b>Net density</b>
f) Balance of net site area	8.04ha (d-e)		
274 (474 total)			34.1dph
256 (456 applied for)			31.9dph
230 (430 total)			28.6dph

200 (400 total)			24.9 dph
160 (360 total)			19.9 dph

The information above highlights that option 3 of 274 units (474 in total), would result in a net density for the remaining part of the site that, according to the Council's Urban Design Officer, would be circa 34dph, which, based on the outline density parameters in the DAS [Design and Access Statement] (p 55), where much of the remaining developable area was identified as being of low density of 20-32dph, would exceed levels considered appropriate for this site, especially as it is not village centre and was until recently set within countryside. The Council's Urban Design Officer has advised that *'The inherent character of the site and its surroundings, would be compromised and harmed by development of this number of dwellings and at these densities.'*

Option 2 (the option proposed as part of this application), is just 20 units below that for Option 3, and as stated above, much of this remaining area is located in the low density zone, as set out in the outline DAS. Around the edges of the site, the development parcels range from 30 dph in the north eastern and southern corners through to 35 dph along the western and parts of the south eastern boundary.

Having regard to the character of the site, formerly as farmland and the density of the housing on the edges of the site, the Council's Urban Design Officer has advised that *'this figure seems high in successfully integrating with the surrounding area and reflecting the site's character'*. The Council's Urban Design Officer has stated that he *'...would also argue this is at odds with creating a diminishing density within the southern part of the site as indicated in the density parameter drawing in the DAS (the 35dph parcels exceed the density range advocated for low density in the DAS).'*

Pages 8 and 9 of the Cheshire East Council Draft Design Guide consider the issue of residential amenity and pay particular regard to the issue of relationship between existing and new development, advocating lower density, larger and more generous gardens and enhanced separation distances and the provision of buffer planting. The Council's Urban Design Officer has advised that this would be difficult to achieve at densities of 35dph, which affects most of the site boundary with existing housing.

In addition to reducing density in relation to boundaries, previously it was identified that, as part of creating a development with varied character, there was the opportunity to reduce density in proximity to areas of open space within the site. This is particularly the case around the village green and the southern linear park in the south western part of the site. It was also identified that a more varied housing mix could be achieved by providing areas of lower density, larger housing that would prove attractive in Shavington.

The upshot of all this is that the figure of 256 units (456 in total) leads to higher density along the south eastern and western parcels of the site, areas that were identified for low density in the outline parameters. For this reason, the Council's Urban Design Officer believes the 456 number being sought is overly optimistic and would also lead to a form of development that would not relate positively to neighbouring properties and the general character of the area, that after all was previously farmland/countryside. It is further advised that this would also lead to a density that does not sufficiently fade toward the rural edge to the south. For these



reasons, the Council's Urban Design Officer does not feel this number of dwellings is

Shavington East - Outline approval		Gross density	Net density
a) Gross site area (application form)	12.02ha	22.9dph	
b) Open space / landscape (DAS p54)	2.99ha		
d) Net Developable Area (DAS p54)	9.03ha (a-b)		30.45dph

appropriate.

The table above identifies housing numbers and respective densities between the approved remaining figure of 160 units and the number being applied for, 256 units. These, in the view of the Council's Urban Design Officer, give a more realistic density of development that would help to address the issues identified in the preceding paragraphs.

As a comparison, the below compares an approved residential development at Shavington East, approved around the same time and which recently benefitted from approval of reserved matters. The sites are similar in that they were both rural/farmland prior to being developed and are on the edges of the settlement, albeit Shavington East has a more direct relationship to the wider countryside.

Land South of Newcasetle Road - Outline approval (360 dwellings)		Gross density	Net density
a) Gross site area (application form)	17.38ha	20.7dph	
b) Open space / landscape (DAS p54)	3.37ha		
c) Local Centre (DAS p54)	0.51ha		
d) Net Developable Area (DAS p54)	12.9ha (a-b&c)		28dph

Bearing in mind the higher net density for Shavington East, if that were to be applied to the entire net developable area for Shavington Triangle, it would result in a total development of circa. 393 units. If that figure were to be applied to the remaining developable area (i.e. the site excluding phase 1) then the number of units on the remaining land would be 245 (445 in total).

The Council's Urban Design Officer has advised that this assessment illustrates that option 3 is not appropriate to the character of the site or its surroundings and would lead to an excessive and inappropriate form of development in this edge of village context. However, the analysis also identifies that, as a consequence of the excessive density of phase 1, the restriction to 360 would lead to an imbalanced development with too great a contrast between phase 1 and the remainder of the site. The Council's Urban Design Officer has advised that this would not properly exploit the opportunities presented by the site and would lead to distinctive issues that would affect the success of the development in design terms (too low a density could highlight the issues around phase 1 and lead to street scenes with too much space between buildings in certain parts of the site).

The Council's Urban Design Officer has advised that *'However, the assessment also highlights the issues presented by the proposed upper number of 256 units, not least that the conceptual masterplan does not properly reflect the relationship to existing properties or to achieve greater fading of density within the southern part of the site, or in conjunction with key area of open space and landscape within the body of the site. In this respect it does not adequately reflect the edge of village character of the site. For these reasons the maximum figure of 256 units (456 in total) would depart from principles of the emerging design guide and therefore could not be supported.'*

Having had regard to the comparable site of Shavington East, The Council's Urban Design Officer has advised that *'...there is design justification to increase the overall yield of the site to similar gross and net densities, which would take the development beyond 400 units. The first table above identifies a number between 400 and 430 (total) based on net densities for the remainder of the site between 24.9 and 28.6 dph. This sits mid-range within the density range for the lower density area on the outline density parameter plan (p 55 of the DAS), which the remainder of the site largely occupies.'*

Notwithstanding a maximum number being specified, the Council's Urban Design Officer would expect the final number to be determined by the detailed layout design at ARM and this should be made clear by a note on the decision. There should also be a requirement for a detailed design code to be prepared to ensure that the quality of development is delivered and to address the issues highlighted above.

As a result of the above reasons, the alternative number of dwellings sought which is a maximum of 456 units would not be acceptable.

Following further conversations with the Council's Urban Design Officer, he has advised that a revised maximum figure of 415 dwellings, which would result in a density of 26.5dph, would be more appropriate. This figure of 415 would fall within the parameters of the density plan put forwards as part of the original application and would also adhere with the design principles of the emerging Cheshire East Council Design Guide.

As such, the principle of the removal of Condition 30 from 12/3114N is accepted, subject to the imposition of a further condition that the maximum number of dwellings that are permitted on the site are limited to 415 dwellings.

### **Other material considerations**

Notwithstanding the above, consideration needs to be given to other matters that need to be considered if this condition were to be removed and a revised number of dwellings approved.

#### 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.

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.

This is a material consideration in support of the removal of this condition and an uplift in the number of dwellings sought by 96 units.

### Flooding and Drainage

As part of application 12/3114N, a Flood Risk Assessment (FRA) was received.

The findings of the report can be summarised as follows:

- The proposed residential development on Land South of Newcastle Road, Shavington and Wybunbury has been assessed with regards to flood risk.
- Hydraulic modelling has indicated the flood plain resulting from the 1 in 100 year + cc and 1 in 1000 year rainfall events.
- It has been illustrated that the development will not increase flood risk elsewhere.
- The measures proposed to deal with the effects and risks are appropriate.
- The exception test is not required for this assessment as the majority of the development site is located within Flood Zone 1. A small area adjacent to the water course is located within Flood Zone 2, and the development has a vulnerability classification of “more vulnerable”. Areas within Flood Zone 3 are not proposed for development.
- Other origins of flooding have also been assessed and it has been found that there will be no increase in risk of flooding from land, groundwater or sewers as a result of this development.
- There are no anticipated negative impacts associated with the proposed development. Positive social, economic and environmental impacts will result from the proposed development provided mitigation measures outlined in Section 5 are adhered to.
- The Environment Agency have provided approval in principle to this report.
- The proposed on site drainage system will be suitable to attenuate flows up to and including the 1 in 100 year + 30% rainfall event.

- Space has been created within the development concept to provide areas for the storage and treatment of surface water.
- The discharge rates through the existing outfall culvert will not be increased by the proposals.
- The onsite sewers will be offered to United Utilities for adoption under a Section 104 agreement.

In response to this assessment, United Utilities and the Environment Agency considered the report and raised no objections subject to the imposition of appropriate planning conditions.

As part of this application, the Environment Agency and United Utilities have once again raised no objections, subject to conditions. The Council's Floor Risk Manager has advised that they have no objections in principle subject to it being conditioned that;

*'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 by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.'*

This matter is largely covered by the proposed Condition 5. As such, it is proposed that the wording of this condition be amended to reflect the above should the application be approved.

### Public Open Space (POS)

As part of application 12/3114N, it was concluded that there would be a requirement for the provision of 6,000sqm of shared recreational open space and 8,000sqm of shared children's play space (14,000sqm total). In addition, there was a requirement to provide a Neighbourhood Equipped Area for Play (NEAP), a Multi Use Games Area (MUGA), an outdoor gym, an area of allotments and 2 areas of community woodland. It was also agreed that the management of the green spaces would be secured via a management company.

All of the above, including the detail, was secured via a S106 Agreement.

As part of the first reserved matters application received (ref: 14/3039N), an area of Public Open Space of 16.74 acres (67,644sqm) was secured.

It was advised as part of this reserved matters application that the NEAP, x2 MUGA's, allotment, 2 community orchards and the location of the outdoor gym would fall outside of the red edge of this first reserved matters application.

As such, a variation of the S106 to ensure that the outstanding POS requirements are secured will be required.

### Affordable Housing

As part of the original outline application, it was agreed that the applicant would provide a 30% on-site housing provision with a 35-65% split between intermediate tenure and rented dwellings. This was secured via the associated S106 Agreement. Therefore, irrespective of

the actual site unit numbers, 30% of the overall new houses on site will be affordable, as defined by the legal agreement

As part of the first Reserved Matters application covering part of the site only, 60 affordable houses were secured for a scheme of 200 units (30%).

As a 30% requirement remains in place, secured by the S106 for all future phases / Reserved Matters which come forward, no objections are raised.

### Amenity

The siting of the proposed additional dwellings would not come any closer to neighbouring properties than the parameters agreed at outline stage. The applicant intends to basically provide smaller units and / or smaller plots on site to accommodate a greater number. As such, it is not considered that the proposal would create any new amenity issues in relation to loss of privacy, light or visual intrusion.

The Council's Environmental Protection team have also raised no new objections.

### Public Rights of Way

The development site includes the alignment of Public Footpath No. 11 in the Parish of Shavington cum Gresty / Hough Public Footpath No. 21 (part) in the Parishes of Wybunbury and Shavington cum Gresty, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

A Diversion Order was made on 30<sup>th</sup> October 2014 in relation to these Public Footpaths in order to reflect the layout for which planning permission was granted.

The Council's PROW Officer has advised that the proposed Variation of Condition must therefore not affect the diverted line of the Public Footpaths, as described and shown in the Order "*Town and Country Planning Act 1990 s257, The Cheshire East Borough Council (Hough Public Footpath No. 21 (Part) (in the Parishes of Wybunbury and Shavington cum Gresty and public Footpath no. 11 Parish of Shavington cum Gresty) Public Path Diversion Order 2014*".

As advised, the general block layout of the overall site remains unchanged from the 2012 application. As such, the Public Footpath arrangements remain unaffected by the proposed application.

### Ecology

As part of the original outline application the Council's Nature Conservation Officer advised that the potential residual adverse impacts associated with the scheme included the loss of; hedgerows, semi-improved grassland, common toad terrestrial habitat, breeding bird and potential barn owl foraging habitat.

It was concluded that these impacts would be off-set by means of a commuted sum secured by means of a section 106 agreement. The commuted sum would be used to deliver habitat

creations within the Meres and Mosses Natural Improvement Area (NIA) which is located to the immediately to the south of the proposed development site.

The applicant offered an appropriate commuted sum and consequently any proposed impacts were considered to be mitigated against.

The proposed application does not alter this position subject to the S106 Agreement being amended to reflect the updated position.

### Highway Safety

In the original outline application 12/3114N the Transport Assessment (TA) submitted with the application assessed a development of 450 dwellings.

The highway comments submitted on the outline application concluded that there were no objections to the development subject to a number of financial contributions to improve the local infrastructure that the site traffic would impact upon.

Given that the development impact has been previously assessed and the proposed revised maximum increase in the dwellings now sought would be just 6 more, the Council's Head of Strategic Infrastructure (HSI) has advised that there is no reason to object to the removal of Condition 30 subject to all of the highway contributions required on the outline application being provided.

The S106 Agreement will need to be updated to reflect the proposed changes.

### Trees and Hedgerows

Concerns were raised in the Forestry Comments on the previous application as to whether the number of dwellings would be achievable on this site. The Council's Tree Officer has advised that given the previous application (12/3114N) was assessed for a development of 450 dwellings, he has no significant concerns from an Arboricultural perspective.

The previous outline approval included conditions for the retention of Important Hedgerows and the submission of a Tree Protection Plan.

Given the layout may be subject to amendments at Reserved Matters stage and that existing trees and hedgerows may be affected, the Council's Tree Officer has advised that he would seek a condition that for each of the subsequent phases of development that come forward, the Reserved Matters application should be accompanied by a detailed Arboricultural Implication Study. This is to ensure that consideration be given to the appropriate design of the development to ensure the sustainable long term retention of trees.

It is advised that subsequent Reserved matters applications shall be supported by an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement in accordance with Sections 5 and 6 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

In addition, the original conditions shall be re-attached.

### Education

As part of the Outline Planning Permission 12/3114N, a financial agreement to offset the impact of 360 dwellings upon the local education capacity was agreed.

No specific figure was quoted within the S106 agreement. The sums were to be calculated and provided on the occupation of the 101<sup>st</sup> dwelling or within 1 year of the first occupation of any dwelling comprised within the development.

None of these triggers have yet been met and as such, to date no provision provided.

Once the trigger points are reached, the Council will seek the sum based on a set formula, the calculation of which will be determined following the relevant Reserved Matters application.

Using the latest formula, for 415 dwellings, the overall revised Education provision required would be £855,229.96.

The Council's Education Officer also seeks to amend where the proposed monies are to be spent. This will be secured as an update to the S106 Agreement subject to the alternative destination being CIL compliant.

### **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 no change to the agreed requirements of the S106 Agreement. More specifically, there will remain;

- A 30% on-site affordable housing provision
- An education provision based on a defined formula per unit of development
- A bus stop contribution and strategic transport contributions are fixed to; £215,000, £85,000 and £230,000 respectively
- A fixed off-site ecology sum of £50,000

It is considered that these contributions are fair and reasonable to the development.

### **Planning Balance**

The applicant seeks to remove condition 30 from planning permission 12/3114N which restricted the number of dwellings on site to 360 units. In turn a revised maximum limit of 456 units is proposed.

Conditions, in order to be acceptable need to adhere the 6 tests for planning conditions within the NPPF/NPPG. These tests are whether the conditions are; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

As condition 30 was imposed for design reasons, and the Council's Urban Design Officer has subsequently advised that further dwellings could be accommodated on the site in light of the density of development approved as phase 1, amongst other reasons, it is no longer considered that this condition is 'necessary'.

It is however, considered that the alternative proposed maximum figure of 456 units would not be acceptable on design grounds. As such, an alternative maximum figure of 415 dwellings is proposed and this should be secured by condition. This alternative figure would fall within the parameters of the density plan put forwards as part of the original application and would also adhere with the design principles of the emerging Cheshire East Council Design Guide.

Given the Council's Housing Land Supply situation and because the removal of this condition would create no new issues other than design, upon those considered to be acceptable as part of application 12/3114N, it is considered that the application would adhere with the relevant Local and National Planning Policies.

As such, it is considered that the removal of Condition 30 be approved, subject to a variation to the S106 Agreement and conditions.

### **RECOMMENDATION**

**APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement on application 12/3114N to secure;**

1. Changes to reflect the latest relevant plans, revised application number and any other relevant minor changes to the text.
2. Changes to the Education provision

### **And conditions;**

1. Submission of Reserved Matters for each phase
2. Next Reserved Matters (Phase 2) by 23<sup>rd</sup> January 2017 and remainder of all Reserved Matters applications within 10 years of this date
3. Plans
4. No approval for indicative layout
5. Submission / approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the mitigation measures detailed within the FRA unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
7. Submission / approval and implementation of a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them



measured from top of bank unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application

8. The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
- Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such as way as to positively contribute to the nature conservation, landscape and amenity value of the site
  - Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.
  - This undeveloped buffer zone shall be a minimum of 5 metres wide measured from bank top. This zone shall be without structure and domestic gardens
  - Details of planting schemes
  - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term

Unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application

9. Reserved matters to make provision for houses to face waterfronts and footpaths of Cherry Brook corridor and the footpath between Newcastle Road and Stock Lane across the site unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
10. The site shall be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system
11. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS) unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
12. The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
13. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
14. Submission approval and implementation of a piling method statement unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
15. Submission / approval and implementation of details of location, height, design, and luminance of any proposed lighting unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
16. Noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property
17. Submission / approval and implementation of noise mitigation measures for properties adversely affected by road traffic noise from Newcastle Road to provide for;
- the internal noise levels defined within the “good” standard within BS8233:1999.
  - provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

Unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application

18. Submission / approval and implementation of dust mitigation during development unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
19. Submission / approval of revised Air Quality assessment to take into consideration Nantwich Road and mitigation against any impact unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
20. Submission / approval of updated archaeological report unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
21. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
22. Provision / approval of sustainable design strategy / plan with reserved matters unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
23. Submission / approval of construction details for access / roads unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
24. Provision of access / roads
25. Provision of visibility splays of 2.0m x 43m in both directions at each of the access points
26. Submission / approval and implementation of parking detail unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
27. Submission / approval of updated contaminated land report unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
28. Development to be in accordance with principles set out in Design and Access Statement
29. Submission of Statement Design principles with reserved matters to take into account, the Master Plan, the Parameters Plan and Phasing Plan and to include the principles for:
  - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
  - determining the hierarchy for roads and public spaces;
  - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
  - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
  - the design and layout of street furniture and level of external illumination;
  - the laying out of the green infrastructure including the access, location and general arrangements of the multi use games area, the children's play areas and allotments;
  - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
  - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.

Unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application

30. Submission / approval and implementation of boundary treatment unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
31. Submission / approval and implementation of materials unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
32. Submission / approval of landscaping unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
33. Implementation of landscaping
34. Important hedgerows and trees to be retained and to be incorporated within reserved matters layouts unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
35. Submission / approval of tree and hedgerow protection measures unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
36. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the Approved Protection Scheme.
37. Replacement hedge / tree planting unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
38. Reserved Matters to include details of bin storage unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
39. Breeding Bird Survey for works in nesting season unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
40. Provision of bird and bat boxes unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
41. Retention and enhancement of the on-site ponds
42. Submission / approval and implementation of Construction management plan unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
43. Retention of no.90 Stock Lane
44. Any future reserved matters application to be supported by a survey and mitigation proposals
45. Provision and implementation of Travel Plan unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
46. Provision of new footway to Newcastle Road prior to first occupation
47. No 3-storey development
48. No development shall commence until a drainage scheme for the land at rear of Dig Lane has been submitted to and approved in writing by the LPA unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
49. The Reserved Matters shall make provision for a wildlife corridor connecting 2 existing ponds and creating 2 more ponds and coppice at rear of Dig Lane planted with native trees and shrubs. Area fenced off with Cheshire Railings running full length of Dig Lane with 2 access

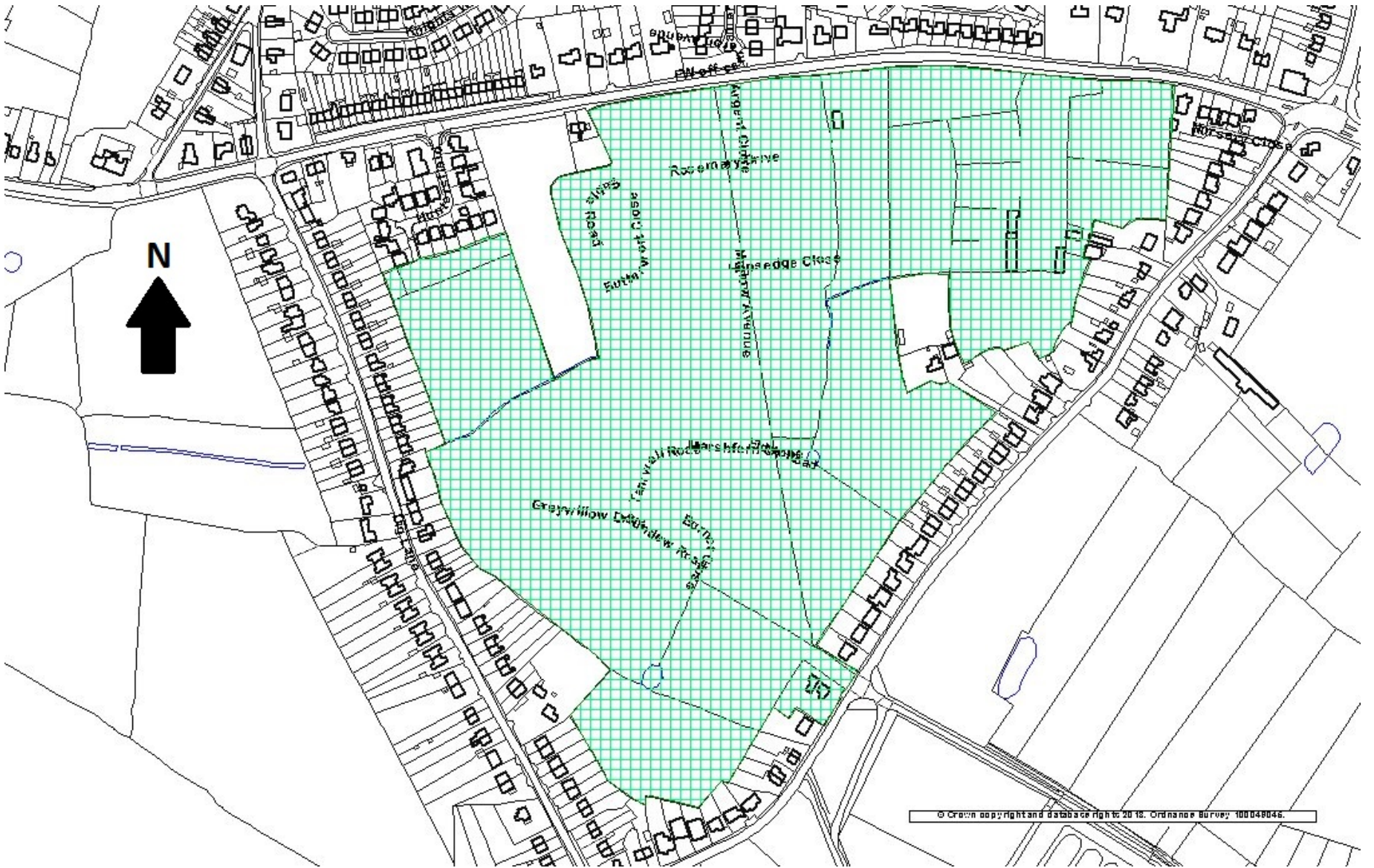
gates for maintenance unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application

50. The Reserved Matters shall make provision for bungalows backing on to the existing bungalows in Stock Lane Unless such details have already been approved in writing in respect of the relevant part of the site pursuant to a formal discharge of conditions application
51. Each of the subsequent phases of development that come forward, the Reserved Matters application should be accompanied by a detailed Arboricultural Implication Study
52. Each subsequent Reserved matters applications shall be supported by an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement in accordance with Sections 5 and 6 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.
53. Maximum number of dwellings permitted is 415

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

Should this application be the subject of an appeal, authority shall be delegated to the Head of Planning (Regulation), in consultation with the Chairman of the Strategic Planning Board, to enter into a deed of variation of the agreed and signed S106 Agreement to secure:-

1. Relevant changes to reflect the latest relevant plans, revised application number and any other relevant minor changes to the text.
2. Changes to Education provision



**This page is intentionally left blank**

Application No: 15/5141M

Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP

Proposal: Variation of Condition 1,25,31,32,37,39,42 on 12/3240W An application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of Danes Moss Landfill Facility to 31 December 2014 with final restoration by 31 December 2015 by applying to vary Condition 47 of planning permission 09/0761W.

Applicant: Alan Bulpin, 3C Waste Limited

Expiry Date: 10-Feb-2016

#### **SUMMARY**

**This section 73 application seeks to vary conditions covering the completion date of the restoration of the site and the end date for the final restoration of the site.**

**The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP.**

**The key issues for consideration relate to the prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impact upon residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control can be mitigated by site management practice and controls which would be continued (from application 5/04/0131). The approved bird control programme, and restoration and aftercare scheme approved under application 09/0761W would remain, the legal agreement would need to be varied.**

**It is not considered that the proposed development, subject to appropriate conditions and a variation to the existing legal agreement for the extended management of the site and the adjacent SSSI, would have an unacceptable impact on any other material planning considerations. As such, planning permission should be granted.**

#### **RECOMMENDATION:**

**Approve subject to an amended legal agreement and conditions**

**(1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**

**(2) Planning permission should be granted subject to conditions covering in particular:-**

- All the conditions attached to permissions 12/3240W and 09/0761W unless amended by those set out in the Recommendation Section of this report**
- Extension of time to 31st December 2019 with full restoration of the site within 12 months or no later than 31st December 2020**

## **PROPOSAL**

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the restoration deadline at Danes Moss Landfill to 31 December 2019 with final restoration of the site by 31 December 2020.

The site is no longer being utilised for imported waste. However the applicants have experienced difficulties in sourcing suitable, available restoration material. The majority of the site has been restored however some areas in the central and northern parts of the site have yet to be restored.

As of October 2015, approximately 70,000 cubic metres of restoration material was still to be imported to enable the approved restoration profile to be achieved. Based on current projections, an additional period of four years will be required to enabling sourcing of the necessary restoration material. In addition, an additional one year will be required to allow for the complete restoration of the site. The application seeks to vary conditions 1, 25, 31, 32, 37,39 and 42 on application number 12/3240W and condition 47 of application number 09/0761W. The relevant conditions are set out below:

### **13/3240W**

1. The development hereby approved shall only be carried out in accordance with the following documents, except where these may be modified by the conditions below:

Planning Application Form dated 14th August 2012

Drawing No. 1220-01-01 (Statutory Plan)

Drawing No. 1220-01-02 (Proposed pre-settlement contours and cross sections)

Drawing No. 1220-01-03 (Approved Restoration)

Drawing No. 837-01-02 (Proposed Phasing of Consent 09/0761W)

25. With reference to the Schematic Phasing in Drawing No. 837-01-02 (Proposed Phasing), cells shall be progressively tipped and restored in sequence, C2, C2A/C3A, with no tipping in Cell C3A taking place until Cell C2 has been restored, unless otherwise agreed with the Waste Planning Authority. The access route shown on the drawing will form part of the final tipping and restoration phase. Restoration and spreading of subsoil and/or topsoil to final levels within each cell should occur within 12 months of cessation of tipping waste within that cell unless otherwise agreed with the Local Planning Authority. Tipping in each cell shall accord with final tipping levels as specified under condition 33.



31. The site shall be restored to nature conservation and amenity use specifically a mixture of amenity woodland, heathland, acid grassland and general amenity grassland, as indicated on approved drawing No. 1220-01-03 (Proposed Restoration), and the scheme approved by condition 42 below, to provide an appropriate mix of wetland species.

32. Restoration shall be progressive, and in accordance with the detail shown in drawing No. 1220-01-02 (Proposed Pre-Settlement Contours) and 1220-01-03 (Approved Restoration). Any grass seeding which is due to take place shall be undertaken within 12 months of the spreading of the final soil layer. Any tree and/or shrub planting shall be undertaken within 24 months of the spreading of the final soil layer unless otherwise agreed in writing with the Waste Planning Authority.

37. The scheme of restoration and landscaping management approved under condition 44 of consent 09/0761W shall be implemented in full during the first planting season after the cessation of waste tipping at the site. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

39. Aside from the provisions of condition 40 and 41, within 12 months of tipping being completed to final levels, or no later than 31 December 2015, whichever is the sooner, all plant, machinery, debris, and site buildings shall be removed from the site; all haul roads, access roads and areas of hardstanding shall be broken up and removed from the site, and the site shall be restored in accordance with Drawing No. 1220-01-03.

42. The tipping of waste material authorized by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2015 in accordance with the consented levels.

### **09/0761W**

47. The tipping of waste material authorized by this permission shall cease by 31 December 2012 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2013 in accordance with the consented levels.

### **SITE DESCRIPTION**

The application site, which covers an area of some 68 hectares is an existing landfill known as Danes Moss Landfill. It is located within the Green Belt, approximately 2km to the south west of the centre of Macclesfield. The site lies between the A536 on the west, and the railway between Stockport and Newcastle-under-Lyme to the east. To the north, a belt of undeveloped land and playing field lie between Danes Moss Landfill site and the edge of Macclesfield. To the south of the site is a mixture of agricultural land and the adjacent Danes Moss Site of Special Scientific Interest (SSSI), designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance. Access to the site is off the A536 Congleton Road.

In the immediate vicinity of the site, the landscape rises to the west and falls to the Bollin Valley in the east. On a larger scale, the area lies between the lower land of the Cheshire

Plain to the west (varying approximately between 70-120m AOD), and gently undulating higher ground of the western edge of the Pennines (varying between 200m-400m AOD in the vicinity of Gawsorth Common and Croker Hill further east).

The application site can be divided into three sections. The northern third of the Danes Moss Landfill Site contains a Household Waste Recycling Centre (HWRC) adjacent to the site entrance, a leachate treatment plant, various site buildings and ancillary stores, a landfill gas utilisation plant, and an area of previously restored landfill. Site buildings are concentrated in the north-western corner of the site and comprise of office accommodation and administration buildings, a Nissan hut, a garage and a laboratory.

Landfilling has been completed and the area substantially restored in much of the site. The northern slopes of this area have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored.

### RELEVANT HISTORY

There is a long and complicated history of peat extraction and waste disposal at Danes Moss: both activities have been undertaken since the early 20th Century. During the early part of the site's life, a considerable amount of extraction and disposal activities occurred. In the 1930's, waste tipping took place in the oldest part of the site, in the vicinity of the existing site office, Household Waste Recycling Centre (HWRC) and neighbouring playing fields. Landfilling operations were permitted to continue under an 'established use' right until 1967.

In 1967, planning permission was granted for an extension to the already permitted area, extending the site towards the south and east onto the peat moss. Since then there has been a number of planning consents issued for this site:

- In 1980, planning permission was granted for a further extension to the south and east of the landfill (5/20412);
- In 1993 a further planning application was submitted for the disposal of waste and extraction of peat on the site but this was subsequently withdrawn (5/70956);
- In 1996 planning permission was granted for development, operation and restoration of the existing landfill site at Danes Moss (5/74369) to resolve inconsistencies between the provisions of the 1967 and 1980 permissions;
- Planning permission was granted in 2004 (5/04/0131) to extend the operational life of the landfill site for an additional 4.5 years to enable remaining void to be utilised. This permission also consented the re-profiling of the southern slope
- Planning permission 5/74369 was subsequently revoked by the Secretary of State in September 2006 and 5/04/0131 remains the extant planning permission to which this section 73 application seeks to vary.
- Planning permission 09/0761W sought to extend the life of the landfill to 31 December 2012 with restoration continuing until 31 December 2013.
- Planning permission 12/3240W sought to extend the operational life of the landfill site until 31 December 2015.

In addition to the above waste disposal permissions, a number of ancillary planning permissions have been granted on the site to provide for ancillary buildings; leachate treatment, storage and facilities; recycling; composting; energy recovery and bulking:

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and
- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This permission was never implemented and has since lapsed.
- 12/1280W – Approval for proposed Leachate Treatment Plant.
- 14/0683W – Approval for temporary waste transfer pad and ancillary works

### **NATIONAL & LOCAL POLICY**

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MLP).

The relevant development policies are;

#### **Local Plan Policy**

##### **Cheshire Replacement Waste Local Plan (CRWLP)**

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 9: Preferred Sites for Non-Hazardous Landfill/Landraise Sites
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk Policy 20: Public Rights of Way
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust Policy 25: Litter
- Policy 26: Odour
- Policy 28: Highways
- Policy 29: Hours of Operation Policy 32: Reclamation

##### **Macclesfield Borough Council Local Plan (2004)**

NE11: Nature Conservation

NE12: SSSI's, SBI's and Nature Reserves

GC2: Green Belt – 'Other operations and Change of Use' GC3: Visual Amenity of Green Belt

DC3: Amenity

DC8: Design and Amenity – Landscaping DC13: Noise

### **Other Material Considerations**

#### **National Planning Policy and Guidance**

National Planning Policy Framework (2012)

National Planning Policy for Waste (October 2014)

#### **CONSULTATIONS:**

##### **Head of Strategic Infrastructure:**

No objection.

##### **The Council's Forestry Officer:**

There are no Arboricultural implications in terms of extending the period for restoration of the landfill site. In terms of the proposed amendments to the final restoration scheme

##### **The Council's Nature Conservation Officer:**

Based upon the revised restoration plans it is not anticipated that there would be any significant ecological impacts associated with the proposed extension of life for Danes Moss Landfill.

As the active life of the landfill will be extended, if consent is granted a revision to the section 106 will also be required to ensure that the operator's commitment to undertake management of the adjacent SSSI continues for the extended lifetime of the landfill.

The ecological monitoring programme previously agreed in respect of the area of SSSI managed by the operator may now need to be revised. A revision to the section 106 may also provide an opportunity to revise the agreed ecological monitoring programme at the same time.

##### **Natural England:**

No objection.

##### **The Canal and River Trust:**

No objection.

##### **Environmental Protection:**

There are committed developments to the north of this site since the previous permission was granted. Whilst it is not expected that the time extension would cause significant adverse impacts it is recommended that the measures re-asserted in the planning statement and part of the site's permit conditions should be adequate as to control dust emissions.

Should any complaints relating to dust emission arise then the dust control measures at the site shall be reviewed and agreed with the LPA. Any agreed measures shall be implemented throughout the lifetime of the restoration phase.

**Environment Agency:**

No objection. The applicant is required under Environmental Permit to submit restoration plan to the Environment Agency for approval.

**Public Rights of Way Unit:**

No objection.

**Manchester Airport's Safeguarding Officer:**

No objection.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Gawsworth Parish Council:**

No objection.

**Sutton Parish Council:**

No objection.

**Macclesfield Town Council:**

No objection subject to a reasonable deadline for works to be completed.

**OTHER REPRESENTATIONS**

None received at the time of report writing.

**APPLICANT'S SUPPORTING INFORMATION**

Planning Application Supporting Statement.

**APPRAISAL**

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

**Principle of Development**

This application seeks a variation of time for the restoration of the site by 4 years from 31 December 2015 to 31 December 2019, with final site restoration by 31 December 2020. The principle of the development has previously been approved by virtue of the extant planning permissions 09/0761W and 12/3240W and the previous planning permissions outlined above. As such, the main issue for consideration of the application is the extension to time, and whether it would result in any significant detrimental impacts.

The application seeks variations to conditions 1, 25, 31, 32, 37, 39 and 42 of planning permission 12/3240W and condition 47 of planning permission 09/0761W. The principle of the development has already been established under these and previous permissions and this application seeks only to vary the length of time in which the restoration of the site

should be completed. The principle of the development of the site has therefore been established. The proposal is therefore acceptable in principle.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Transportation and Traffic**

The Transport Statement has adequately demonstrated that the proposal will result in no material highways traffic impact, there have been no recorded traffic accidents associated with the site access in the last 5 years, and that the existing access is acceptable. The Head of Strategic Infrastructure therefore has no objection to the application. As such the proposal is considered to be acceptable in relation to transportation and traffic.

### **Landscape and Visual Assessment**

The existing leachate lagoons, whilst shown on the approved drawings to be restored to levels in line with the surrounding landform, are not shown on the restoration scheme. Therefore condition 1 would be varied in order to substitute the drawing for the approved restoration scheme. The drawing references in conditions 31 and 32 would also require amending.

Under planning permission reference 14/0683W a waste transfer pad was permitted and a specific restoration scheme formed part of that permission. This differs slightly from the restoration plan approved under application number 12/3240W therefore the variation to conditions 1, 31 and 32 would ensure that there is a single restoration scheme for the entire site.

Conditions 25, 37, 39 and 42 of planning permission 12/3240W and condition 47 of planning permission 09/0761W all refer to the approved plans and the original timescales for restoration and the variation of these conditions is considered to be acceptable.

The proposals have been assessed by the Council's Principal Landscape Architect who considers that the proposals are acceptable in landscape terms subject to compliance with the scheme of restoration for the site.

### **Ecology and Nature Conservation**

The Council's Principal Nature Conservation Officer does not anticipate there being any significant ecological impacts associated with the proposed extension of restoration for Danes Moss Landfill. There is however a minor inconsistency between the currently proposed restoration scheme and the consented scheme agreed in respect of 14/0683W.

The ecological monitoring programme previously agreed in respect of the area of SSSI managed by the operator may now need to be revised. A revision to the section 106 may also provide an opportunity to revise the agreed ecological monitoring programme at the same time.

As the proposed development is adjacent to Danes Moss SSSI Natural England have been consulted. They have no objection to the proposal, but do point out that the Section 106 Agreement stipulates that the SSSI Management Plan shall be reviewed by the developer and re-submitted to the Council every 5 years, as well as provision for an annual meeting to review progress with Natural England and the Council.

### **Noise**

Condition 12 of planning permission 12/3240W relates to noise levels. The restoration activities would continue as currently permitted and that condition will remain in place. There are therefore no issues in relation to noise.

### **Air Quality, Odour and Dust**

As stated above, the landfill operations at the site have now ceased and this application relates solely to the restoration of the site. As such the main consideration with this application is the matter of dust. Environmental Protection have been consulted on the proposal and do not anticipate that the time extension would cause significant adverse

impacts and advise that the measures re-asserted in the planning statement and part of the site's permit conditions should be adequate as to control dust emissions.

Noise, odour and dust are controlled by conditions 13, 14 and 15 of the previous application and these would be carried forward to this application.

### **Bird Control**

Bird control is not considered to be a noticeable problem at Danes Moss landfill, with a low number of complaints received. Bird control is addressed in condition 18 of the previous approval and would be carried forward to this one.

The current proposal does not include any alterations to the approved watercourses on the site, and the site is currently regularly monitored by Manchester Airport under the condition attached to application 09/0761W. Manchester Airport have stated that they have no objection to the current proposals and as the landfill operation has now ceased, the proposal is considered to be acceptable in these terms.

### **Hydrology and Flood Risk**

The application does not propose any changes to the existing surface water management scheme and the proposed development would not generate any unacceptable impacts by way of surface waters.

## **ECONOMIC SUSTAINABILITY**

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

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development will allow the applicant to ensure satisfactory restoration of the site within manageable timescales that do not put an unreasonable strain on the business.

## **SOCIAL SUSTAINABILITY**

The satisfactory restoration of the site will help create a pleasant environment for the future, thus satisfying the social aspects of sustainability.

### **Conclusion – The Planning Balance**

This section 73 application seeks to vary conditions covering the completion date of the restoration of the site and the end date for the final restoration of the site.



The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP.

The key issues for consideration relate to the prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impact upon residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control can be mitigated by site management practice and controls which would be continued (from application 5/04/0131). The approved bird control programme, and restoration and aftercare scheme approved under application 09/0761W would remain, the legal agreement would need to be varied.

It is not considered that the proposed development, subject to appropriate conditions and a variation to the existing legal agreement for the extended management of the site and the adjacent SSSI, would have an unacceptable impact on any other material planning considerations. As such, planning permission should be granted.

## **RECOMMENDATION**

### **THAT:**

**(1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**

**(2) Planning permission should be granted subject to conditions covering in particular:-**

**- All the conditions attached to permissions 12/3240W and 09/0761W unless amended by those below**

**- Extension of time to 31st December 2019 with full restoration of the site within 12 months or no later than 31st December 2020**

### **13/3240W**

**1. The development hereby approved shall only be carried out in accordance with the following documents, except where these may be modified by the conditions below:**

**Planning Application Form dated 11<sup>th</sup> November 2015**

**Drawing No 1779-01-01 (Statutory Plan)**

**Drawing No. 1220-01-02 (Proposed pre-settlement contours and cross sections)**

**Drawing No. 1779-01-02 Rev A (Approved Restoration)**

**Drawing No. 837-01-02 (Proposed Phasing of Consent 09/0761W)**

**25. With reference to the Schematic Phasing in Drawing No. 837-01-02 (Proposed Phasing), cells shall be progressively tipped and restored in sequence, C2, C2A/C3A, with no tipping in Cell C3A taking place until Cell C2 has been restored, unless**

otherwise agreed with the Waste Planning Authority. The access route shown on the drawing will form part of the final tipping and restoration phase. Restoration and spreading of subsoil and/or topsoil to final levels within each cell should occur by no later than 31<sup>st</sup> December 2019 unless otherwise agreed with the Local Planning Authority. Tipping in each cell shall accord with final tipping levels as specified under condition 33.

31. The site shall be restored to nature conservation and amenity use specifically a mixture of amenity woodland, heathland, acid grassland and general amenity grassland, as indicated on approved drawing No. 1779-01-02 Rev A (Proposed Restoration), and the scheme approved by condition 42 below, to provide an appropriate mix of wetland species.

32. Restoration shall be progressive, and in accordance with the detail shown in drawing No. 1220-01-02 (Proposed Pre-Settlement Contours) and 1779-01-02 Rev A (Approved Restoration). Any grass seeding which is due to take place shall be undertaken within 12 months of the spreading of the final soil layer. Any tree and/or shrub planting shall be undertaken within 24 months of the spreading of the final soil layer unless otherwise agreed in writing with the Waste Planning Authority.

37. The scheme of restoration and landscaping management approved under condition 44 of consent 09/0761W or as updated by Drawing No. 837-01-03 shall be implemented by not later than 31<sup>st</sup> December 2020. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

39. Aside from the provisions of condition 40 and 41, within 12 months of tipping being completed to final levels, or no later than 31 December 2020, whichever is the sooner, all plant, machinery, debris, and site buildings shall be removed from the site; all haul roads, access roads and areas of hardstanding shall be broken up and removed from the site, and the site shall be restored in accordance with Drawing No. 1779-01-02 Rev A.

42. The tipping of waste material authorised by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2020 in accordance with the consented levels.

09/0761W

47. The tipping of waste material authorized by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2020 in accordance with the consented levels.

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/Vice Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**



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

Application No: 15/0184N

Location: 138, SYDNEY ROAD, CREWE, CW1 5NF

Proposal: Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access.

Applicant: C Muller, Muller Property Group

Expiry Date: 17-Apr-2015

**SUMMARY:**

The proposal is contrary to development plan policies NE2 (Open Countryside) and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

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

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

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

Turning to access issues, although amended plans showing the precise arrangement of the Maw Green Lane access, the design of the junction with Sydney Road is considered to be acceptable. In terms of traffic generation and congestion the impact on Sydney Road bridge and Crewe Green roundabout is acknowledged and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, other developments within the area have been deemed to be sustainably located by both the Council and Inspectors at Appeal. Furthermore, Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land. Balanced against these benefits must be the failure to demonstrate that the proposal would not have a detrimental impact upon the conservation status of protected species or habitats.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the ecological concerns outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal Against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

### **SUMMARY RECOMMENDATION:**

**MINDED to REFUSE**

### **DESCRIPTION OF DEVELOPMENT**

The planning application seeks outline planning permission for up to 275 dwellings, public open space and associated works. The scheme constitutes phase 2 of development at this location. The Phase 1 application was resolved to be granted in December 2013. This application sought approval for up to 240 dwellings and a new access off Sydney Road, Crewe.

The Phase 1 scheme envisages the demolition of no.138 Sydney Road, the construction of a new simple priority junction off Sydney Road and the construction of a carriageway on a north – south alignment. This phase 2 application will utilise the approved access point from Sydney Road. However the junction will need to be amended. Given the additional dwellings proposed, the approved site access for Phase 1 will be upgraded to provide a ghost island right turn lane.

## **SITE DESCRIPTION:**

The site comprises of a rectangular shaped parcel of land situated to the north-east of Sydney Road and to the south-east of the Crewe-Manchester railway line. The site is approximately 9.78ha (24.2 acres) in area.

The site is currently set to pasture. The site is relatively flat with a slight fall towards the northern boundary. Hedges form defensible boundaries on all sides. The site adjoins the settlement boundary of Crewe and is bound by approved Phase 1 residential development to the west. Maw Green Road lies to the north and land to the south has been allocated for residential development in the emerging local plan (Site CS5), beyond which lies residential development. The site is bound to the east by open countryside.

The site is bound by hedgerows on all sides. The trees and hedgerows that form the main arboricultural features are situated predominantly within the existing hedge lines and are typical of this type of agricultural landscape. Most of the significant trees have been incorporated into the design and layout of the site and the hedgerows will be retained and reinforced with additional planting along the eastern boundary of the site.

The application site is bound to the west by the recently approved residential development (Phase 1). Further residential properties are located off Maw Green Road to the north and Herbert Street to the south of the application site. The surrounding properties predominantly comprise of 2 storey residential accommodation with some bungalows located along Sydney Road. There are also 2.5 and 3 storey properties located off Herbert Street and Foxholme Court (to the south east of the site).

## **RELEVANT HISTORY:**

There are no relevant previous decisions.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

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

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

### **Policies in the Local Plan**

NE.2 (Open countryside)

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

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
North West Sustainability Checklist  
Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010.

### **Cheshire East Local Plan Strategy – Submission Version**

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

PG2 – Settlement Hierarchy  
PG3 – Proposed Green Belt  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC3 – Health and Wellbeing  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE9 –Energy Efficient Development  
IN1 - Infrastructure  
IN2 – Developer Contributions



## **CONSULTATIONS:**

### **Brine Board**

- The Board has considered the above application and information in the Board's possession indicates that this site is in an area which has previously been heavily affected by brine subsidence, and the possibility of future ground movements cannot be completely discounted.
- Large-scale geological mapping clearly shows a subsidence hollow and a major fault crossing the proposed development area and our records indicate that the Board have recommended raft foundations for all newbuild on adjacent sites.
- The Engineer's report submitted with the application has flagged up the risk of potential settlement but has indicated that "subject to further consultations with the Brine Board, allowance should be made for reinforced foundations comprising ring beams or rafts".
- Therefore recommend that the following condition is included, should outline permission be granted:
- In consideration of the significant impact of historical brine pumping, the Cheshire Brine Subsidence Compensation Board require structural precautions to be utilised in all infrastructure such as:
- Foundations
  - use reinforced foundations and floor slabs e.g. strip acting as a ring beam, or raft foundations
  - strengthen pad foundations and reinforce floor slabs in commercial buildings
- Services
  - use flexible materials in service runs
  - maximise gradients of drainage systems
  - provide flexible joints where services penetrate floor slabs and walls
  - avoid creating concentrated infiltration/soakaway points
- Superstructure
  - incorporate flexibility wherever possible (e.g. flexible couplings within portal frames in commercial buildings)
  - maximise use of movement joints

### **Public Open Space**

- Would like to see on-site provision of open space in line with the Local Plan.
- A children's play area should be provided within the development, plus a contribution for off-site improvements (say £20,000) specifically for the children's play area on Lansdowne Road.

### **Education**

- 275 dwellings are expected to generate 52 primary ( $275 \times 0.19$ ) 41 secondary ( $275 \times 0.15$ ) and 4 SEN children ( $275 \times 0.51 \times 0.03\%$ )
- Forecasts show that the development will impact primary and SEN education within the immediate vicinity, but not secondary.
- Therefore a contribution for primary and SEN is required to mitigate the impact.

- $52 \times £11,919 \times 0.91 = £564,007.08$  (primary)
- $4 \times £50,000 \times 0.91 = £182,000$  (SEN)
- Total education contribution (£746,007.08)

## United Utilities

No objection subject to the following conditions:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

## Archaeology

This application is supported by an archaeological desk-based assessment which has been prepared by Museum of London Archaeology. This report is based on a consideration of data held in the Cheshire Historic Environment Record and an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that the archaeological potential of the site is limited and the main point of interest is the extensive pattern of ridge and furrow which is visible on the aerial photographs dating from 1946. Sadly, this evidence for past agricultural use has been much reduced by recent ploughing and only limited remains survive today. In these circumstances it is concluded that further archaeological work would be difficult to justify and no further mitigation is advised.

The one possible area of interest lies in the south-west corner of the site, which is currently occupied by Thorney Field Farm. The arrangement of agricultural buildings has changed over the years but the farmhouse is depicted on the Tithe Map of 1840, although it is absent from Burdett's map of 1777. This matter is, however, more relevant to the historic built environment and, if this does raise any issues, it has been agreed that these will be addressed by colleagues in Heritage and Design.

## Environmental Health

No objection subject to the following conditions:

- Submission / approval and implementation of a Construction Environmental Management Plan
- Limit on hours of construction.
- Details of Lighting to be submitted and agreed
- The detail of the glazing, ventilation and roof design for the final proposed layout should be submitted and agreed in the reserved matters application.
- Implementation of Noise Mitigation Measures.
- Travel Plan
- Electric Vehicle Charging Points
- Dust Control Measures

- Contaminated Land

## Rights of Way

- The development, if granted consent, would affect Crewe Public Footpath No.4, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.
- Although the indicative site layout plan is annotated to read 'green corridor along footpath', it appears from the plan that the Definitive alignment of the Public Footpath would be obstructed by the development; the Definitive Map alignment of the Public Footpath does not run tight to the site boundary at all times. The developer is urged to ensure that they depict the Definitive alignment of the Public Footpath on all plans. Without a commitment to the realignment of either the proposed housing or highways, Rights of Way would be obliged to object to any Reserved Matters application on the basis of the depiction in the indicative site layout plan.
- It should be noted that *"any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic"* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8). Further, Public Rights of Way and other paths should be afforded natural surveillance and designed using Crime Prevention through Environmental Design principles.
- The Public Rights of Way team would seek a number of conditions to be applied to any planning consent granted, with on-site and off-site improvements to the existing footpaths.

## Highways

The principle of residential development has been agreed in a previous application, this application is a further extension of the site. The road infrastructure access is proposed to be upgraded to provide access to the further development, the main access design that is proposed as a ghost island right turn facility that would increase capacity in order to accommodate the further development proposed and the already committed developments using Sydney Road.

There is a significant capacity problem at Crewe Green roundabout and Sydney Road Bridge and without mitigation this development would have a material impact at these junctions and is a reason to refuse the application. As there are major improvements planned at this junction a contribution of £1.6m on the basis of the amount of contribution secured on 13/2055N is required for this application.

Therefore, subject to a financial contribution being secured the Strategic Highways Manager does not raise objections to the application.

## Crewe Town Council

Object to this proposal on following grounds:

1. The "Phase 2" site is within the area allocated as Green Gap in both the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011

(“saved” policy NE4), and the Submission Version of the Cheshire East Local Plan (Site CS5 Proposals Map). The purpose of this Green Gap is to maintain the definition and separation between Crewe and Haslington. The Town Council supports this approach, and is therefore objects to the proposed development for this reason.

2. Combined with phase 1, this would create an estate of up to 515 houses, and in the interests of traffic circulation and emergency access an estate of this size should have more than one entrance and egress. Substantial improvement to Maw Green Road would be required to create a safe second access.

### **REPRESENTATIONS:**

2 representations have been received making the following points:

- The proposed size of the development is deeply unsuitable to its location. Not only is it to be built on the Green Gap, it is also totally the wrong side of Crewe to access any of the local amenities, jobs or local transport hubs. Access to the existing road structure would be onto two already over burdened roads.
- The proposed large development on green gap land offers literally nothing to local residents apart from more traffic and deteriorating quality of life. It provides no provision for local community shops, schools, transport; just a burden of existing infrastructure.
- The proposed access onto Sydney road is already deeply unsuitable for an existing application (13/2055N), never mind a proposed extra 275 dwellings. Furthermore some of the houses face Maw Green Road - which is already an overburdened country lane prone to traffic, flooding and a single lane blind dogleg bridge. Extra traffic, parking and deliveries down this road for a site of this size would be horrendous. Furthermore there is no pavement and little street lighting down the Lane making it deeply dangerous for pedestrians and cyclists even with existing traffic levels.
- Proposed development is to be built on land designated as the Green Gap between Crewe and Haslington. It is home to veteran oaks, birds of prey, bats, newts and the character of Cheshire countryside.
- It will have a huge impact on the area as a result of extra traffic, noise, loss of farmland and natural habitat etc.
- The proposal will result in a loss of privacy for neighbouring occupiers
- Neighbours have looked over green belt land for over 30 years and find the prospect of looking daily at roof tops and gable ends and people in neighbouring gardens total unacceptable
- What will be proposed to stop this invasion of privacy?
- On the two sides of the external boundaries against the rail and Thorneyfields Farm a large planting buffer is proposed. Why is this not proposed around existing neighbouring properties?
- People do not want to be looking at piles of bricks and concrete during construction.
- The land is in daily use for animal grazing.
- There are already hedges and fence but there needs to be extra cover put in place on the site by the developer to form a more natural outlook for everybody.

### **APPRAISAL:**

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

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

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

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

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

### **Social Sustainability**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

### ***Housing Land Supply***

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

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

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.

This is a material consideration in support of the scheme.

### ***Affordable Housing***

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 15 dwellings or more or larger than 0.4 hectares in size.

The 2013 SHMA Update shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units.

Using information taken from Cheshire Homechoice there are currently 966 applicants on our housing register applying for social rented housing who have selected Crewe as their first choice, these applicants require 369 x 1 beds, 364 x 2 beds, 160 x 3 beds and 22 x 4+ beds (48 applicants haven't specified how many bedrooms they need).

This information evidences that there is a clear need for affordable housing in Crewe. Any development should include a number of 1 and 2 bed units as reflected in the information taken from Cheshire Homechoice, although there is also a need for 3 bed properties and elder people's accommodation.

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable. This equates to up to 75 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (49 units) and 35% intermediate tenure (26 units). The application submitted shows all 75 units are to be offered as social rent however this would need to be changed.

### ***Public Open Space***

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan 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 4125sqm of shared recreational open space and 5500sqm of shared children's play space. This totals 9,625 sq.m or 0.96 ha (2.4 acres) based on up to 275 family homes (2-4 bed units). The amount of open space provided exceeds the policy requirement by 0.32 ha.

The Greenspaces Officer has stated that the proposal should provide an equipped children's play area. This can be secured through the Section 106 Agreement. He has also requested a

financial contribution towards off-site improvements. However, it is not considered that the latter would be CIL Regulations compliant given that the open space requirements of the development could be met, and would be exceeded on site.

### ***Infrastructure***

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that 275 dwellings are expected to generate 52 primary, 41 secondary and 4 Special Educational Needs (SEN) children. Forecasts show that the development will impact primary and SEN education within the immediate vicinity, but not secondary. Therefore a contribution of £564,007.08 for primary and £182,000 SEN is required to mitigate the impact.

### **Environmental Sustainability** ***Green Gap***

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

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

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

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

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy / and or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v))

open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case (see Appendix 15) who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

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

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

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

### **Landscape**

This is an outline application for up to 275 residential dwellings on land to the east of Maw Green Road and to the north of Sydney Road, Crewe. The application site is located on the northern boundary of Crewe and is currently agricultural land that covers a number of fields, extending to an area of 9.78ha. the application site has a network of hedgerows and a number of hedgerow trees. The Crewe to Manchester railway line is located a short distance to the west; to the north is the wider rural landscape. To the south is an already consented residential site. Footpath 4 Crewe follows the southern boundary of the application site.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for Landscape and Visual Impact Assessment’ 3<sup>rd</sup> Edition. The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Wimboldsley Character Area: ELP5.

The assessment identifies that the application site is located within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.



Since the submitted assessment also identifies that there will be both adverse landscape and visual impacts, it appears that the proposals are contrary to policy NE.4 Green Gap.

### ***Amenity***

In terms of the surrounding residential properties, there are a number of existing properties on Sydney Road adjoining the access road. However, given that this part of the site already benefits from planning approval no additional amenity concerns are raised. Whilst there are a small number of dwelling adjoining the northern part of the site on Maw Green Road it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

In order to protect the amenity of neighbouring occupiers during the construction period Environmental Health have recommended conditions requiring the submission, approval and implementation of a Construction Environmental Management Plan as well as limits on the hours of construction.

### ***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 agricultural 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 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.
- Reports submitted in support of the application recommend a Phase II ground investigation be undertaken in order to further assess identified potential contaminant linkages.

As such, and in accordance with the NPPF, Contaminated Land recommends that the standard conditions, reasons and notes be attached should planning permission be granted.

### ***Odour***

The proposed site is located near the active Maw Green Landfill site and there is some potential for adverse impacts. The assessment considers the likelihood of odour impacts. Essentially this would require the coincidence of the failure of the site Odour Management Plan (an integral part of its Environmental Permit) and unfavourable weather conditions. The likelihood of this occurring is not considered significant based on complaints history however the recommended mitigation measures of phasing and planting should be adopted and addressed in the reserved matters application.

## **Noise and Vibration**

The vibration assessment considers impacts on proposed residential dwellings from the railway. The assessment shows that adverse impacts are not likely.

Noise impacts from the roads and railway are assessed and are such that noise mitigation design is required for proposed units closest to these noise sources. The detail of the glazing, ventilation and roof design for the final proposed layout should be submitted and agreed in the reserved matters application.

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 road vehicles and train movements.

The mitigation levels recommended in this report shall be detailed in the reserved matter application to meet the following criteria:

For facades facing Maw Green Road and the rail way line the following strategy has been recommended:

- 42dB Dne,w acoustic ventilation unit and 40dB Rw double glazed window units are required to facades overlooking Maw Green Road to meet 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

For facades with line of sight of Maw Green Road and the rail line

- 39dB Dne,w acoustic ventilation unit and 34dB Rw double glazed window units are required to facades overlooking Maw Green Road to meet 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

For all other facades the following strategy has been recommended:

- 31dB Dne,w trickle ventilation unit and 31dB Rw double glazed window units are required for facades with no direct line of Maw Green Road and rail line for a 'desirable' internal noise levels in habitable spaces during the daytime (07.00hrs – 23.00hrs) and night-time (23.00hrs – 07.00hrs) period.

This can be secured by condition along with

## **Air Quality**

Whilst this scheme itself is of a relatively small air quality impact, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. For the protection of human health, it is the significance of these cumulative impacts that we must take into to consideration when recommending mitigation measures and not the impacts of each individual proposal.

The guidance associated with assessing the significance of impacts of the developments has been revised since the air quality assessment was completed. There is greater emphasis on the cumulative impacts of developments in an area and best practice of mitigation measures. Using the updated methodology the cumulative impacts of this development and others in the area in the worst case receptors (in the Earle Street AQMA) could be classified as 'moderate' rather than 'negligible' as given in the report. It is therefore considered essential that air quality mitigation measures are incorporated as part of any planning permission.

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

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

It is therefore recommended that conditions are attached to any approval requiring submission, approval and implementation of travel plans and electric vehicle infrastructure.

### ***Ecology***

#### Statutory Designated Sites

The application site falls within Natural England's SSSI Risk Zone for new residential developments. The Council's Ecologist has advised that Natural England must be consulted on this application to advise on the potential impacts of the proposed development upon statutory nature conservation sites. This consultation was being undertaken at the time of report preparation and an update on this matter will be provided to Members.

#### Lesser Silver Diving Beetle and Mud snail

This two priority/protected species have been recorded from numerous ponds and ditches on the north western outskirts of Crewe. The Council's Ecologist has advised that the on-site pond is unlikely to be suitable for these species. There is however a section of seasonally wet ditch on site that could potentially support these species.

The Council's Ecologist has advised that a survey of this ditch for these two species should be undertaken and a report submitted to the LPA prior to the determination of the application. The survey should be undertaken by a suitable licensed ecologist with experience of these species.

#### Great Crested Newts

The submitted Phase One Habitat report has identified a pond 20m from the application site boundary which has potential to support breeding great crested newts and recommends that a full great crested newt survey be undertaken.

The Council's Ecologist has advised that to enable the Council to make an assessment of the potential impacts of the proposed development upon this European protected species a report of the recommended surveys together with any mitigation and compensation proposals required should be submitted to the LPA prior to determination.

### Bats and Barn Owls

A number of buildings and trees have been identified on site that have the potential to support roosting bats and barn owls. As with great crested newts the Council's Ecologist has advised that to enable the Council to make an assessment of the potential impacts of the proposed development upon these protected species a report of the recommended surveys together with any mitigation and compensation proposals required should be submitted to the LPA.

### Grassland habitats

The submitted phase one habitat report has identified the grassland habitats on site as being 'Improved' and of low nature conservation value. The photographs incorporated into the report tend to support this assessment, however no botanical survey data has been provided to substantiate this determination.

The Council's Ecologist has advised that the phase one habitat report be amended to include a botanical species list with DAFOR rating for the grassland habitats associated with the application site.

### ***Flood Risk and Drainage***

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

### ***Urban Design***

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows a one point of access from Sydney Road via the approved phase 1, blocks of development with an area of Public Open space and landscape buffer to the open countryside to the north.

Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this cul-de-sac form of development is appropriate and will reflect the character of the existing suburban development to the south and east of the site.

However, no testing layouts have been provided, and therefore, the applicant has not demonstrated that the maximum number of dwellings proposed (275) can be accommodated on the site in addition to public open space requirements, whilst maintaining an adequate standard of residential amenity for existing and proposed occupiers and a layout of sufficiently high quality in urban design terms.

However, there is no requirement to provide this level of information at the outline stage, and it can be addressed as part the reserved matters. However, it may be necessary to reduce the total number of units on the site below 275, in the final layout in order to produce a scheme of suitable quality.

To turn to the elevational detail, the surrounding development comprises predominantly modern bungalows arranged in a ribbon development along Sydney Road. To the south is a large estate accessed via Rochester Crescent and Lansdown Road, which is made up of 1960, 70's and 80's 2 storey detached and semi-detached houses and bungalows. To the east of the site is Mayfair Drive, which comprises 2 and three storey properties built within the last 10 to 15 years. .

Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

### **Access to facilities**

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

Category	Facility	Sydney Road
<b>Open Space:</b>	Amenity Open Space (500m)	295m
	Children's Play Space (500m)	953m
	Outdoor Sports Facility (500m)	723m
<b>Local Amenities:</b>	Convenience Store (500m)	1050m
	Supermarket* (1000m)	2018m
	Post box (500m)	1596m
	Playground / amenity area (500m)	953m
	Post office (1000m)	1596m

	Bank or cash machine (1000m)	1639m
	Pharmacy (1000m)	1694m
	Primary school (1000m)	1400m
	Secondary School* (1000m)	1409m
	Medical Centre (1000m)	1694m
	Leisure facilities (leisure centre or library) (1000m)	1409m
	Local meeting place / community centre (1000m)	2217m
	Public house (1000m)	623m
	Public park or village green (larger, publicly accessible open space) (1000m)	953m
	Child care facility (nursery or creche) (1000m)	427m
	Bus stop (500m)	581m
<b>Transport Facilities:</b>	Railway station (2000m where geographically possible)	2501m
	Public Right of Way (500m)	87m
	Any transport node (300m in town centre / 400m in urban area)	87m

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

It is considered that the proposal does not meet the minimum standards of accessibility in respect of 16 of the facilities listed, of which 10 are significant failures. The site only meets the required distances against 6 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in Core Strategy where can be expected development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site. However, in recent Appeal decisions, such as at Broughton Road, Crewe, Inspectors have determined that similar sites are locationally sustainable.

Furthermore, accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is

not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability. Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Crewe, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Crewe and are accessible to the proposed development on foot, by bus or bike and therefore it is not considered that a refusal on locational sustainability grounds could be sustained. Furthermore, it is possible to improve the non-car mode accessibility through suitable Section 106 contributions towards the upgrading of the local footpath and cycle network (discussed in more detail below).

### ***Renewable Energy***

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

### ***Highways***

#### Planning History

There is extant consent for residential development of up to 240 dwellings on land fronting this site, access was determined at the outline stage with a priority junction access being agreed to serve the 240 units.

#### Site description and current application proposal

This application for 250 dwellings is in outline with all matters reserved except for access, the main access to the site is taken from Sydney Road and as the submitted plan is indicative no comments are made on the internal residential road layout. There is a separate application that deals with an upgraded access from Sydney Road to serve this proposed development. (Application 14/5842N refers)

The proposal as submitted shows a secondary access into the site from Maw Green Lane.

#### Analysis of Transport Submissions

In order to serve the additional development proposed in addition to the existing approved scheme, it is necessary to improve the standard of access and this is dealt with in application

14/5842N. There is also a further access to the site at the north of the site off Maw Green Road, the junction proposed is a normal priority junction.

With regard to the traffic impact, the location of the site lies off the Sydney Road that has a number of capacity constraints, Sydney Road Bridge is close to the site and is currently operating one-way working under signal control and also to west is Crewe Green Roundabout that operates well in excess of capacity. There is no capacity assessments submitted in the Transport Assessment either on Sydney Road Bridge or on Crewe Roundabout as part of this submission. As there are already agreed scheme for improvement that will significantly increase the capacity on Sydney Road Bridge there is no need for an assessment to be undertaken. The applicant has accepted that there are capacity problems at Crewe Green roundabout and indicated that a contribution to improvement works would be provided as part of the application.

The accessibility of the site fronting this site was considered on application 13/2055N and although this site is located further away from Sydney Road it is proposed to be linked to Sydney Road by a footway/cycleway and there are a number of bus services that run along Sydney Road to the town centre. Overall, the site is reasonably accessible and the Strategic Highways Manager would conclude that sustainability is not a reason to reject the application.

### Conclusion and Recommendations.

The principle of residential development has been agreed in a previous application, this application is a further extension of the site. The road infrastructure access is proposed to be upgraded to provide access to the further development, the main access design that is proposed as a ghost island right turn facility that would increase capacity in order to accommodate the further development proposed and the already committed developments using Sydney Road.

There is a significant capacity problem at Crewe Green roundabout and Sydney Road Bridge and without mitigation this development would have a material impact at these junctions and is a reason to refuse the application. As there are major improvements planned at this junction a contribution of £1.6m on the basis of the amount of contribution secured on 13/2055N is required for this application.

Therefore, subject to a financial contribution being secure the Strategic Highways Manager does not raise objections to the application.

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

The Rights of Way team have commented that the development would affect Crewe Public Footpath No.4. Although the indicative site layout plan is annotated to read 'green corridor along footpath', it appears that the route of the path is not accurately plotted and that the Definitive alignment of the Public Footpath would be obstructed by the development. However, as this is an outline application and the layout plan is only indicative, it is considered that this matter could be adequately addressed at the reserved matters stage.

The Rights of Way team have also requested a number of conditions to protect the footpaths during and after development including details of a scheme of management, details of



surfacing, widths, gradients, landscaping and structures which could be added to any approval. Given the increase in use of the footpath network, in particular Crewe Public Footpath No. 4 they have also recommended upgrading of this right of way. This could also be secured through condition.

In addition they have recommended conditions relating to the design and construction of cycle routes signposting of key routes and provision of cycle storage facilities all of which are considered to be acceptable. They have also provision of new residents with information about local walking and cycling routes for both leisure and travel purposes. This could be secured through the travel plan condition.

The Transport Assessment recognises the value of Public Footpath Nos. 3 and 36, which run between Sydney Road and Hungerford Road and act as a route towards the town centre and railway station, for pedestrians (para 5.6) and potentially also cyclists (para. 5.9). Whilst the 'Phase 1' development s106 includes a contribution to improve such routes, the contribution secured would only be sufficient to improve a short section of the whole route. The Rights of Way Team are therefore seeking further contributions from this proposed development within any s106 agreement for the further improvement of this route, and its onward connections, in order to accommodate the increased usage arising as a result of the proposed development.

A precise figure for this contribution was being sought from the relevant team at the time of report preparation and a further update will be provided prior to the Board meeting.

### ***Trees & Hedges***

The application is supported by two Arboricultural Implication Assessment (Ref AIA/SRC/03/13) dated 16<sup>th</sup> March 2013 and (Ref AIA/SRC/11/14 Rev A) dated 26<sup>th</sup> November 2014 and 14<sup>th</sup> December 2014 by Shields Arboricultural Consultancy. The reports indicate that the assessments have been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The reports have been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

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

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The site at present is open agricultural pasture land bordered by hedgerows and individual trees with a limited number of individual and groups of trees within the central aspect of the fields. Access into the site is primarily reflective of a previously approved application, and a secondary access off Maw Green Road. No significant trees require removal to facilitate implementation as presented. The AIA (7.4) identifies none of the hedgerows as being species rich comprising mainly of Hawthorn this negates the 1997 Hedgerow Regulations irrespective of any other considerations.

The indicative site layout plan has been amended from the original submission, with 23 significant and moderate value trees to be incorporated into an acceptable site layout. All the prominent and appropriate trees where possible have been recognised for retention, with only category C low value and un-classified trees identified for removal.

It is imperative should the site proceed to a reserved matters application the advice contained within an updated AIA is adhered to in terms of a definitive layout to ensure issues of infrastructure and social proximity are addressed in accordance with current best practice BS5837:2012.

### **Economic Sustainability**

#### ***Supporting Jobs and Enterprise***

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

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.*

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

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

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

### **Agricultural land**

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

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

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

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

The applicant has undertaken a survey which confirms that the entire site has been defined as Grade 3b agricultural land. This is not the best and most versatile land and therefore there is no conflict with Policy NE12 or the NPPF in this regard.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. Similarly the affordable housing is a policy requirement.

The footpath contribution is necessary to improve the sustainability of the site and to cater for increased usage of the Rights of Way Network. The highway and education contributions referred to above are also necessary to mitigate the impacts of the scheme. On this basis the footpaths highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

As stated above, the financial contribution towards off-site open spaces improvements is not considered that the latter would be CIL Regulations compliant given that the open space requirements of the development could be met, and would be exceeded on site.

### **Planning Balance and Conclusion**

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

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

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

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

Turning to access issues, although amended plans showing the precise arrangement of the Maw Green Lane access, the design of the junction with Sydney Road is considered to be acceptable. In terms of traffic generation and congestion the impact on Sydney Road bridge and Crewe Green roundabout is acknowledged and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, other developments within the area have been deemed to be sustainably located by both the Council and Inspectors at Appeal. Furthermore, Section 106 contributions can be secured towards the upgrading of the local footpath and cycle network. Therefore it is not considered that a refusal on locational sustainability grounds could be sustained.

The proposal would not result in the loss of any best and most versatile agricultural land. Balanced against these benefits must be the failure to demonstrate that the proposal would not have a detrimental impact upon the conservation status of protected species or habitats.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the ecological concerns outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal Against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

## **RECOMMENDATION**

### **MINDED to REFUSE for the following reasons**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. 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 Crewe and Haslington and would adversely affect the visual character of the**

landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

3. In the absence of surveys for Lesser Silver Diving Beetle, Mud Snail, Great Crested Newts Roosting Bats and Barn Owls and a botanical species list with DAFOR rating for the grassland habitats associated with the application site, the applicant has failed to demonstrate that the proposal will protect and enhance the natural conservation resource including protected species and habitats. The proposal is therefore contrary to Policy NE5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE3 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

**RESOLVE** to enter into a Section 106 to secure the following:

- **Affordable housing:**
  - 30% of the total dwellings to be provided as affordable housing
  - 65% of the affordable dwellings to be provided as either social rent or affordable rent
  - 35% of the affordable dwellings to be provided as intermediate tenure
  - Affordable housing to be provided on site
  - Affordable rented or Social rented dwellings to be transferred to a Registered Provider
  - The affordable dwellings to be provided as a range of property types to be agreed with Housing
  - Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
  - The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.
  - Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.
- Equipped children's play area.
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- **Education Contribution:**
  - $52 \times £11,919 \times 0.91 = £564,007.08$  (primary)
  - $4 \times £50,000 \times 0.91 = £182,000$  (SEN)
  - Total education contribution (£746,007.08)
- Highways Contribution of £ 1.6m towards the costs of improvements at Sydney Road Bridge and / or Crewe Green Roundabout.
- Rights of Way contribution of £TBC



