

Strategic Planning Board

Agenda

Date: Wednesday, 21st September, 2016
Time: 10.30 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

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

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

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

1. Apologies for Absence

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 - 8)

To approve the minutes of the meeting held on 24th August 2016 as a correct record.

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

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

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

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/1046N - Land off Crewe Road, Haslington, Cheshire CW1 5RT: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 for Mr C Conlon, Bovis Homes Ltd (Pages 9 - 24)**

To consider the above application.

6. **15/5222C - Former Manchester Metropolitan University Alsager Campus, Hassall Road, Alsager, Cheshire, ST7 2HL: Demolition of all buildings & erection of 426 dwellings with associated parking, laying out of new grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road for Barratt/David Wilson Homes and Manchester Metropolitan University (Pages 25 - 62)**

To consider the above application.

7. **15/5676M - Barracks Mill, Black Lane, Macclesfield, Cheshire: Outline planning application with all matters reserved except for access for the demolition of existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres GIA) plus external sales area; one food retail unit (Class A1) including mezzanine (c1,200 square metres GIA); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works for Cedar Invest Limited (Pages 63 - 94)**

To consider the above application.

8. **16/0514C - Land at Back Lane, Congleton: Outline application for demolition of some existing buildings and the development of a residential scheme composing up to 140 dwellings, open space, landscape, access and associated infrastructure for Russell Homes (UK) Limited (Pages 95 - 122)**

To consider the above application.

9. **16/3064W - Dingle Bank Quarry, Holmes Chapel Road, Lower Withington SK11 9DR: Variation of Conditions 2, 4 and 5 of permission 10/3080W for Miss Maria Cotton, Sibelco (Pages 123 - 142)**

To consider the above application.

10. **16/3062W - Dingle Bank Quarry, Holmes Chapel Road, Lower Withington SK11 9DR: Variation of Conditions 2, 4 and 5 of permission 10/3078W for Miss Maria Cotton, Sibelco (Pages 143 - 162)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 24th August, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D Brown, B Burkhill, E Brooks (Substitute), D Hough, J Jackson,
S Pochin, B Roberts (Substitute), M Sewart and J Wray

OFFICERS

James Baggaley (Nature Conservation Officer)
Nicky Folan (Planning Solicitor)
Paul Hurdus (Highways Development Manager)
David Malcolm (Head of Planning (Regulations))
Sue Orrell (Principal Planning Officer)
Natalie Wise-Ford (Principal Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

34 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Macrae, S McGrory and
D Newton.

35 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 16/1353M Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust and RSPB who were consultees on the application, but had not made any comments in respect of the application nor taken part in any discussions. With regard to application 16/1353M Councillor Hammond also declared that he had received an email from Mr Woodhead which had also been sent to all Members of the Board.

In the interest of openness in respect of application 16/1046N Councillor J Hammond declared that he was a Director of ANSA Environmental Services Limited and a member of Haslington Parish Council who had been consultees on the application but had not made any comments in respect of the application nor taken part in any discussions. With regard to application 16/1046N Councillor Hammond also declared that he had received an email from Haslington Action Group which had also been sent to all Members of the Board.

In the interest of openness in respect of application 16/1353M Councillor S Pochin declared that she was a Director of Cheshire East Skills and

Growth Company who were consultees on the application, but that she had not made any comments or taken part in any meetings relating to this application.

In the interests of openness Councillor Hough declared that he was a Director of TSS who were responsible for the administration of bus stops and some of the applications made reference to the provision of bus stops, but that he had not discussed this with anyone at TSS.

36 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That subject to the following amendments, the minutes of the meeting held on 27th July 2016 be approved as a correct record and signed by the Chairman:

Declarations of Interests

Councillor Findlow's declaration of interest should read:

"In the interest of openness in respect of applications 15/4286M, 15/4287M and 15/4285M Councillor Findlow declared that he was the Ward Member for Prestbury, a current Council-nominated Governor, a former pupil at the Kings School and a governor of Fallibroome High School."

37 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

38 16/1353M-DELIVERY OF WATERSPORTS AND OUTDOOR ACTIVITY CENTRE ON THE NORTH AND SOUTH LAKES OF THE FORMER MERE FARM QUARRY, INCLUDING NEW VEHICULAR ACCESS, CAR PARKING AND MULTI USE BUILDING, FORMER MERE FARM QUARRY, CHELFORD ROAD/ALDERLEY ROAD, NETHER ALDERLEY FOR CHESHIRE LAKES CIC

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

(Councillor G Walton (Ward Member), Councillor D Wilson (on behalf of Chelford Parish Council), Dr A Gildon (Objector), Mr M Waters (Supporter) and Mr T Woodhead (Applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That contrary to the Planning Officer's recommendation for refusal, the application 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:

- the completion of a Section 106 legal agreement to secure a bird management plan

and conditions, including, but not limited to, the following:

1. Time limit
 2. Approved plans
 3. Hours of operations (separated for both lakes)
 4. Bird mitigation (in consultation with Manchester Airport)
 5. Noise mitigation
 6. Material details
 7. Hard and soft landscaping
 8. Landscaping implementation
 9. Boundary treatments
 10. Footpath diversion arrangements
 11. Ecology conditions (of which there are a number)
 12. Highways conditions including access details
- Amendment of the existing Section 106 agreement for the restoration plan to reflect the new site boundary
 - Discussion with Highways regarding the change in speed limit along Alderley Road.

The Chairman exercised his right to use his casting vote in respect of the application.

During consideration of this application Councillor Brown arrived to the meeting and did not take part in the discussion or voting on this application.

**FACILITY AND ASSOCIATED WORKS FOLLOWING APPROVED
OUTLINE APPLICATION (13/4301N) APP/R0660/A/14/2213304, LAND
OFF CREWE ROAD, HASLINGTON FOR MR CHRISTOPHER CONLON,
BOVIS HOMES LTD**

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

(Mr K Froggatt (Objector) and Mr B Herrod (on behalf of Mr C Conlon (Applicant) who had registered to speak but was unable to attend) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be DEFERRED for the following:

- a committee site visit
- to allow neighbours to consider the revisions and make representations up until the consultation deadline of 26th August 2016
- ecology update

Following consideration of this application, the meeting adjourned for lunch from 12.55 pm to 13.45 pm

**40 16/2706C-ERECTION OF NEW SINGLE STOREY RESEARCH AND
ADMINISTRATION BUILDING AND ASSOCIATED LANDSCAPE, CAR
PARKING AND ROAD WORKS, JODRELL BANK OBSERVATORY,
MACCLESFIELD ROAD, LOWER WITHINGTON FOR UNIVERSITY OF
MANCHESTER**

The Board considered a report regarding the above application.

(Mr O Kampshoff (on behalf of Mr R Duxbury (Agent) who had registered to speak but was unable to attend) attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Time Limit
2. Approved Plans
3. Materials as details in application
4. Details of boundary treatments
5. Drainage strategy/design
6. Management of surface water drainage scheme

7. Sustainable drainage management plan to be submitted
8. Tree retention
9. Tree protection
10. Method statement/construction specification (footpath from car park to SKA building)
11. Method statement/construction specification (widening of access roads adjacent to retained trees)
12. Method statement/construction specification (car parking adjacent to Oak T25)
13. Landscaping submission of detail
14. Landscaping implementation
15. Landscaping A11LS
16. Development in accordance with Great Crested Newt habitat plan
17. Development in accordance with recommendations in Badger Survey
18. Lighting Scheme to be agreed
19. Nesting birds
20. Foul and surface water shall be drained on separate systems.
21. Pile foundations
22. Dust control
23. Floor floating (polishing large surface wet concrete floors)

Following consideration of this application, Councillor Burkhill left the meeting and did not return.

Prior to consideration of the next application, the meeting adjourned for a 5 minute break.

- 41 **14/5671N-PROPOSED HOUSING DEVELOPMENT (APPROXIMATELY 900 NEW DWELLINGS), TOGETHER WITH ASSOCIATED NEW EMPLOYMENT DEVELOPMENT, A NEW PRIMARY SCHOOL, INDOOR AND OUTDOOR RECREATION FACILITIES, SUPPORTING RETAIL DEVELOPMENT AND THE LAYOUT OF SIGNIFICANT AREAS OF NEW LANDSCAPED OPEN SPACE TO COMPLEMENT BOTH THE NEW DEVELOPMENT AND THE EXISTING GORSTYHILL COUNTRY PARK, FORMER GORSTYHILL GOLF CLUB, ABBEY PARK WAY, WESTON FOR HADDON PROPERTY DEVELOPMENTS LIMITED**

The Board considered a report regarding the above application.

(Councillor S Edgar (read out a statement on behalf of the Ward Member, Councillor J Clowes), Councillor J Cornell (on behalf of Weston and Basford Parish Council), Mr A Bailey (Objector) and Mr M Bassett (Agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the Board be MINDED TO REFUSE the application for the following reasons:

1. The proposed residential development is unacceptable 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 – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. 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, by virtue of the proposed density, layout, distribution of uses and lack of connectivity would be detrimental to the character and appearance of the countryside. The proposal fails to deliver an environmentally sustainable scheme which would significantly and demonstrably outweigh the economic and social benefits of the scheme notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 Policy MP1 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance contained within the NPPF The Cheshire East Borough Design Guide (Consultation Draft) January 2016.
3. Insufficient information has been provided that demonstrates that the proposal provides adequate levels of open space and appropriate children's play space for future residential development of the scale proposed contrary to policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011
4. Insufficient information has been provided that demonstrates that the existing level of barn owl activity on site can be safeguarded contrary to NE5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011
5. The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.

For the purposes of the appeal, 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
- 1-5 bed units to be provided
- 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 and to comprise a mix of 1-4 bedroomed properties
 - Provision of minimum 29,750 sq m of shared recreational open space and children's play space to include -
 - MUGA x2 located with the NEAP
 - Children's formal play provision
 - NEAP – located to provide a focus for the new community and alongside other new and existing community facilities
 - LEAPS and LAPS – a minimum of 2 LEAPS and 4 LAPS, final numbers, contents and location to be agreed at submission of reserved matters but to ensure formal play provision is easily accessible and within FiT recommended guidelines
 - Teen skate / BMX
 - Areas for social play and informal recreation
 - Playing Fields
 - Changing facilities
 - Accessible hard surfaced routes across the site with consideration to lighting key routes
 - An area for allotments or community gardens
 - Seating and activity / event areas
 - Interpretation and public art
 - Future management and maintenance opportunities
 - Reflect the adopted Green Space Strategy and national best practice on POS provision
 - All to be in accordance with an Open Space and Green Infrastructure strategy to be agreed prior to the submission of any reserved matters and to identify all maintenance and management options to all green infrastructure

- Private residents management company to maintain all on-site open space, including footpaths and habitat creation areas in perpetuity
- Education Contribution:
 - £2,496,000 (primary)
 - £653,708 (secondary taking into account proportionate share of SEN pupils)
 - £637,000 (SEN)

And a level, fully serviced, accessible and uncontaminated site suitable for a 2 form entry primary school in accordance with the Department for Education Area guidelines for mainstream schools document Building Bulletin 103)

- Highways Contribution of £1,850,000 as a contribution to the dualling of A500 link road
- The direct provision of an hourly bus service Monday to Saturday (08.00 to 18.00 hrs) for 5 years from 1st occupation of the 200th unit on site
- Travel Plan monitoring fee of £10000 (£1000 per annum for 10 years)

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

The meeting commenced at 10.30 am and concluded at 3.10 pm

Councillor H Davenport (Chairman)

Application No: 16/1046N

Location: LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT

Proposal: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 31-May-2016

Summary

The principle of development of this site for 250 dwellings has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity and complies with the privacy distance standards in adopted policy, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral having already been addressed at outline stage.

In terms of the Public Open Space and the 12 piece LEAP provision required by the outline permission can be provided

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation and subject to confirmation from the Council ecologist that the favourable conservation status of the Great Crested Newt is maintained

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site. Further, the layout is in general conformity with the approved landscape masterplan conditioned as part of the outline permission.

The proposed access point and the traffic generation impact of this development has already been accepted together with contributions for off-site highway works as part of the outline planning permission on the site.

The internal design of the highway layout/parking provision is considered to be acceptable.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site, together with the construction benefits to the construction supply chain.

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

RECOMMENDATION

Approve subject to conditions

DEFERRAL

This application was deferred on 24 August to allow for a Committee site visit, for neighbour consultation to elapse and for more ecological information about newt mitigation.

PROPOSAL:

This is a reserved matters application for 245 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved outline scheme on Crewe Road.

The development would consist of 1 to 5 bedroom units. 73 of the units are affordable units dispersed within the development and of the same design style of the market units. The majority of the units would be 2 storeys in height, however, there are 3 bungalows and 6 units would be detached townhouses of 2.5 storeys. Heights range from 7.6m to 10.4m.

The development is split into six character areas and follows the parameters as approved within the outline scheme

The development would consist of the following mix:

- 12 no. 1 bed flats (2 storey)
- 3 no. 2 bed bungalows
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 33 no. 3 bed detached units
- 2 no. 4 bed semi detached units
- 61 no. 4 bed detached units

41 no. 5 bed detached units

Public Open Space circumvents the application site with a LEAP comprising 12 pieces of located to the southern area of POS. Emergency vehicle access is provided via Park Lane. The area for the medical centre is left undeveloped and a small portion of the site between plots 189 and 211 is undeveloped as part of these reserved matters.

The proposal has been amended during the consideration of the application to address Officer concerns with regard to the mix of units. This resulted in the introduction of additional smaller housing variants for market sale (2 beds) and the introduction of 6 no two and a half storey 4 bed units, 2 of which have been introduced to the Ashley Meadows side of the site. Other housetypes to the Ashley Meadows elevation have been amended.

To fully comply with the quantum of development allowed by the appeal on this site, a further 5 dwellings could be accommodated. An area suitable for the provision of 5 such units has been removed from this application as part of the revision within the heart of the application site.

SITE DESCRIPTION:

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares.

The application site is currently an area of agricultural land covering three large fields, with a network of hedgerows. The northern boundary is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. There are a number of mature trees along the northern boundary and along the northern part of the site where it projects to the Crewe Road boundary.

The western boundary also abuts the built edge of Haslington, with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside.

RELEVANT HISTORY:

There are numerous historic applications on this site but the most relevant is -

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Conditional planning permission granted on appeal 14/8/2014

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

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

CONSULTATIONS:

Environment Agency: No comments to make. Refer to internal Flood Risk Manager

Natural England : Development will not affect Statutory site

ANSA (Public Open Space): The play equipment offered is somewhat out dated and could be bettered

CEC Flood Risk Manager: No objection subject to condition

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

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Environment Management Plan, Phase ii contamination report and electric vehicle infrastructure.

CEC Head of Strategic Infrastructure: No objection.

CEC Strategic Housing Manager: No objection.

VIEWS OF THE PARISH/TOWN COUNCIL: Haslington Parish Council:

1. This application appears to cover a site where Cheshire East as the planning authority refused to grant outline approval for development. A subsequent appeal detailed fundamental requirements to be resolved regarding access before development would be approved. Access is still unresolved, so this application appears to be premature.
2. The proposed layout for the field has a dense cluster of properties that do not relate to the adjoining street scene. The nine proposed properties in the field next to Crewe Road be deleted from the proposals, and the area left as green open space - this would provide the benefits of retaining the existing break in the frontage of properties on Crewe Road, not damaging the existing gradual transition from open rural landscape to denser urban development. This would minimise the visual impact of the development as residents and visitors travel along Crewe Road into Haslington village from the neighbouring community of Winterley.

3. The application documents provide various “typical street scenes”, these highlight the fact that the development appears to have a very limited range of building heights, no effort has been made to introduce a range of building heights or silhouettes within the development. The application shows little attempt to blend into the existing rural - urban boundary, this site is in a very prominent location when viewed from the surrounding open countryside, with its many public footpaths. If one approaches the village on the public footpath from Haslington Hall, the existing developed horizon shows buildings of many shapes and sizes, between the mature trees.
4. The affordable homes are in large blocks within the development, Cheshire East policy requires that affordable homes are pepper potted throughout the development to demonstrate a tenure blind community. The affordable homes need to be split up throughout the development.
5. The public open space between the development and the existing properties on Ashley Meadow will allow the public to look directly into the back gardens and windows of the existing properties. The existing properties were designed with the expectation of them continuing to overlook open farmland not a public area. Perhaps this area could be designated a wildlife corridor, with only restricted access to allow maintenance of the existing stream, rather than full public access.
6. No details of the design of the proposed medical centre have been submitted, can the provision of the medical centre be made a condition for development?

REPRESENTATIONS:

From circa 81 addresses in the locality there have been 108 individual representations, raising objection to the application as originally submitted on the following grounds :

Principal of development

- The development does not take into account the emerging Haslington Neighbourhood Plan
- Local Authority has a 5 year plan so houses not needed
- Loss of green and agricultural land
- The site is not sustainably located
- No evidence to demonstrate that the housing numbers meet any local need
- Loss of open countryside
- Plenty of empty houses in Crewe
- There should be retirement bungalows and starter homes included so that existing residents will be able to stay in the village
- Revised layout has 3 storey houses to Ashley Meadows boundary. Inspector required bungalows to this boundary

Highways

- Inadequate car parking provision
- Traffic congestion
- Traffic impact

Green Issues

- Landscape impact
- Impact upon biodiversity
- Impact upon protected species
- Flooding
- Ponds to the rear of 202 Crewe Rd are ecologically important and should not be utilised as part of drainage strategy of site

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

Other matters

- Development should not be allowed before the visibility splay issue on Crewe Road is resolved (Condition 19 on outline)
- Application is premature due to access condition
- Property values and existing residents not being able to sell their own properties

Further to the additional neighbour consultation in respect of the revised plans, circa 50 representations from 38 different addresses and Haslington Action Group

- The application has significant and material differences to the Masterplan provided at appeal APP/R0660/A/14/2213304.
- The access in its current form does not provide adequate splays.
- Additional ecological information not available in the outline planning application seriously questions the scale of the development.
- The urban grain is too dense.
- There are numerous errors and inconsistencies in the application, which makes it impossible to even know what is actually being asked for.
- The scheme does not comply with the privacy distances indicated within the outline appeal Design and Access Statement to Ashley Meadows.
- No bungalows to Ashley Meadows elevation as indicated in outline design and access statement
- The separation distance to Ashley Meadows has reduced from the indicative masterplan
- There is no planting of trees or shrubs to the rear of the fenceline
- Reorientation now creates direct overlooking
- No garages to the rear, all are now at the side.
- The plans have changed from previous
- Bungalows removed and introduction of 3 storey (2 ½ in developer speak) buildings
- 21m Offset to rear building line not maintained
- Scheme does not comply with Cheshire East design Officer comment on outline scheme
- The changes in house types will result in greater footfall
- The cumulative impact of further allowed developments in Winterley and Haslington after this site was granted permission will have and this access should be re-assessed on that basis

- Loss of hedgerows and ponds on the site, therefore ignoring previous advice and submissions in relation to wildlife and environmental matters, including flooding risk of neighbours.
- Highways impact
- Schools, Doctors surgeries, dentists and hospitals and many other basic amenities are all overcrowded in the area

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/4301N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Housing Mix

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

This proposal provides for the following mix:

- 12 no. 1 bed flats (2 storey)
- 3 no. 2 bed bungalows
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 33 no. 3 bed detached units
- 2 no. 4 bed semi detached units
- 61 no. 4 bed detached units
- 41 no. 5 bed detached units

This residential mix is acceptable as it sits entirely in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The scheme has been revised to increase the numbers of smaller family homes as part of the scheme. The mix of sizes, both for market sale and affordable units are considered acceptable.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

This is a proposed development of 245 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 73 dwellings to be provided as affordable dwellings. 48 units should be provided as Affordable rent and 25 units as Intermediate tenure

The site is located in Haslington which is in the Haslington and Englesea sub-area for the SHMA Update 2013, and identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings. Information from Cheshire Homechoice shows that there are 50 applicants who have selected Haslington as their first area of choice. Those applicants require 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed dwellings.

Strategic Housing were involved in pre-application discussions with the applicant and have confirmed that the mix of units supplied by the development is acceptable and broadly reflects the level of housing need in the area.

The external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable. The distribution (pepper- potting) of the affordable units within the site is considered to be acceptable by the Strategic Housing Manager.

Highways Implications

Matters pertaining to the highways impact of 250 dwellings on the wider highways network, together with the site access were considered as part of the outline application. This application does not afford any ability to re-visit these issues.

Conditions attached to the to outline scheme remain and the Applicant is required to satisfy all condition precedents, Grampian and other conditions attached to the outline permission as part of the discharge of conditions or the implementation of the permission.

Accordingly, condition 19 attached to the outline is extant, and states;

‘No development shall take place on site until the proposed new junction with Crewe Road, including the visibility splays as specified, has first been constructed in accordance with the details shown on Figure 6.1, Rev.B: “Proposed Site Access Junction with Pedestrian Crossing”

The visibility splay is a matter of dispute as to its ownership and was also disputed during the outline appeal, when the Inspector referred to the ownership dispute as part of his decision. Such matters are legal matters, as previously determined by the Inspector, and not relevant to the determination of a planning application for reserved matters such as this. This reserved matters application does not seek to alter condition 19 and remains as part of the outline permission.

The internal road layout of this site, the carriageway widths proposed are a mix of formal highway 5.5m with two 2.0m footways and 4.8m roads with either a single footway or two footways. There are also a number of shared surface roads proposed within the site, these are low speed areas that will operate as vehicle/pedestrian areas.

The car parking provision for the units proposed is in accordance with current CEC standards and the level of off street parking is considered acceptable.

Overall, the road layout is one that meets the necessary highway standards and is suitable for adoption. The Strategic Highways Manager has therefore confirmed that the proposal is acceptable.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

This site shares boundaries with properties on Ashley Meadows, Church Farm on Park Lane, 180-204 Crewe Rd. The rear elevation of plots 226 and 345 would back on to the rear of existing dwellings on Ashley Drive and at Church Farm.

Properties that adjoin the site within Ashley Meadows have a land level approximately 2m lower than the application site. To this boundary an avenue of dwellings is to be created, interspersed by a linear part of the POS that is a landscape buffer between the site and the neighbouring units on Ashley Meadows.

Two of the proposed units within this street are 2.5 storey height with a velux window in the rear roof slope, whilst the others are 2 storeys in height. The separation distance with the adjoining neighbours on Ashley Meadows is 38 metres. Even allowing for the bedroom velux window in the roof space of plots 231 and 232, and the differences in land levels between the site and the neighbouring houses, this relationship exceeds the separation distance standard required by adopted planning policy by some margin. The only other boundary of the site where there are existing properties is to the Crewe Road frontage where the relationship is also acceptable.

The separation distances between the proposed dwellings are also considered to be acceptable.

Trees and Hedgerows

This application identifies the removal of two TPO trees (identified as Sycamores T37 and T38) located on the Crewe Road frontage and an unprotected Cherry (T41) and Beech (T42) to facilitate the proposed access as approved under the outline permission. Provision for replacement/mitigation of these losses are included within the proposed areas of public open space.

The proposed layout provides for the retention of the High (A) category and Moderate (B) category trees (both TPO'd and not TPO'd) within areas of Public Open Space, with some minor low (C) category losses internally within the site.

Overall the Arborist raises no objection subject to conditions.

Landscape

A landscaping scheme including a landscape and POS management schedule has been submitted with this application and this has been considered by the Councils Landscape Architect.

The Landscape architect has stated that the proposed landscaping scheme is acceptable.

Design

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

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

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

The positive and externally orientated perimeter houses are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of dwellings per hectare is appropriate due to the urban fringe location of the site and the development framework is as indicated within the information submitted within the design and access statement submitted at outline stage.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the materials and their scale is considered to be acceptable and would not detract from this part of Haslington, bearing in mind that the outline permission allows up to 250 units being developed on the site.

The Urban Design Officer has considered the scheme and advises that it conforms with the master planning principles indicated at outline stage and complies with the principles of the emerging Urban Design Guide.

Ecology

The current application is supported by an Ecological Mitigation strategy, which refers to the potential presence of amphibians including great crested newts, but which does not include specific mitigation and compensation proposals for this species. GCN mitigation proposals have been included with the submitted great crested newt survey report.

Whilst much of the habitat lost to the footprints of the proposed houses is of limited value to great crested newts, there are some quite severe impacts on the high quality habitat located in close proximity to the breeding ponds.

Consequently, there is concern that the impacts of the proposed development will be adequately mitigated or compensated for and that the favourable conservation status is maintained. The application was previously deferred for more information about the extent of the newt mitigation area and to allow for the Ecologist to advise upon the impacts that this will have for the favourable

conservation status of the European Protected Species. This is still awaited at the time of this report being written and will be subject of an update report.

Public Open Space

The amount of open space required as part of this development is circa 4900 m sq and the proposed development includes 33939m2 POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision. This is maintained by Private residents Management Company in accordance with the S106 attached to the outline permission

The Unilateral Undertaking attached to the outline permission also secures the provision of a 12 piece LEAP and this would be provided within the proposed POS.

The Leisure Services Manager considers that the range of equipment could be improved, subject to condition; this is considered to be acceptable. A condition will be required.

Education

The issue of education capacity for 250 units was dealt with as part of the outline application. Education mitigation payments of £448,089 and £539,309 in respect of primary and secondary education via the S106 Agreement attached to the outline permission. This application can not now revisit this issue.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted which includes an outline surface water drainage strategy that deals with the increased surface water flows offsite generated by the increase in impermeable area. This involves restricting the flows off site to the original greenfield runoff rate by using ponds to store the excess volumes.

The FRA includes site specific hydraulic modelling to determine if any of the development lies outside Flood Zone 1. A small area lies within Flood Zone 2 and 3 and the proposed finished floor levels will be set 600mm above the appropriate flood level in this area. The modelling confirms anecdotal evidence from public consultation about historical flooding. Because the drainage strategy intends to mimic existing conditions there will be no betterment of the flood risk to the surrounding area. Flooding offsite will still occur and it will be no better or worse than before. The requirement to manage the risk from overland flow of surface water from the site is a condition on the outline permission.

In this case the Councils Flood Risk Manager has considered the flood risk implications from this development. Conditions managing the risk from overland flow of surface water from the site are already placed upon the outline permission and there is no need to repeat drainage conditions for this reserved matters application.

The provision of foul drainage will be by gravity to a pumping station where it will be pumped to the nearest existing sewer. It is anticipated that the foul drainage system including the pumping station will be adopted by United Utilities. The pumping station will require emergency storage and connections to allow the contents to be drawn off into a tanker.

Overall the proposal flood risk and drainage strategy is considered to be acceptable in terms of the flood risk and drainage.

OTHER MATTERS

Much neighbour comment is raised in representations in this case concerning the access condition 19 attached to the outline permission. As detailed previously in this report, condition 19 is a condition, which the developer, in implementing their planning permission, will have to comply with. Issues of ownership/boundary disputes are not material planning issues and are not relevant to this determination of the matters reserved by the outline planning permission, the layout, appearance, landscaping of the scheme.

Neighbours have raised objection to the revisions of the scheme on the basis that they are at variance with the outline design and access statement and other statements submitted by Richborough Estates in the outline application.

Members are advised that such information is indicative at outline stage and can only be required to follow through to the reserved matters if a condition is attached to that outline permission. In this case there are 3 plans attached to the outline permission via conditions which need to be complied with; these are the access visibility splay as required by condition 19; the landscape masterplan and the location plan. There is no condition attached to the outline permission requiring compliance with the indicative masterplan or any statement submitted in support of the outline scheme. The detailed plans submitted in this case comply with the landscape masterplan and the location plan.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it 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 impact upon infrastructure would be neutral, subject to the mitigation previously required at outline stage.

In terms of the POS and LEAP provision this is considered to be acceptable, subject to revision of the types of equipment.

Environmental Sustainability

The layout of the residential area is in line with the parameters set at outline stage and the layout is considered to result in a satisfactory housing layout for existing and future residents. Details of the proposed landscaping are considered to be acceptable. Impacts on trees are acceptable

With regard to ecological impacts, the development would have a neutral impact subject to mitigation with regard to birds/bats/reptiles. Further information is expected with regard to newts.

The drainage/flood risk implications for this proposed development are considered to be acceptable. Conditions already apply to the outline permission and do not need to be repeated.

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site. Residents will spend in the local economy

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

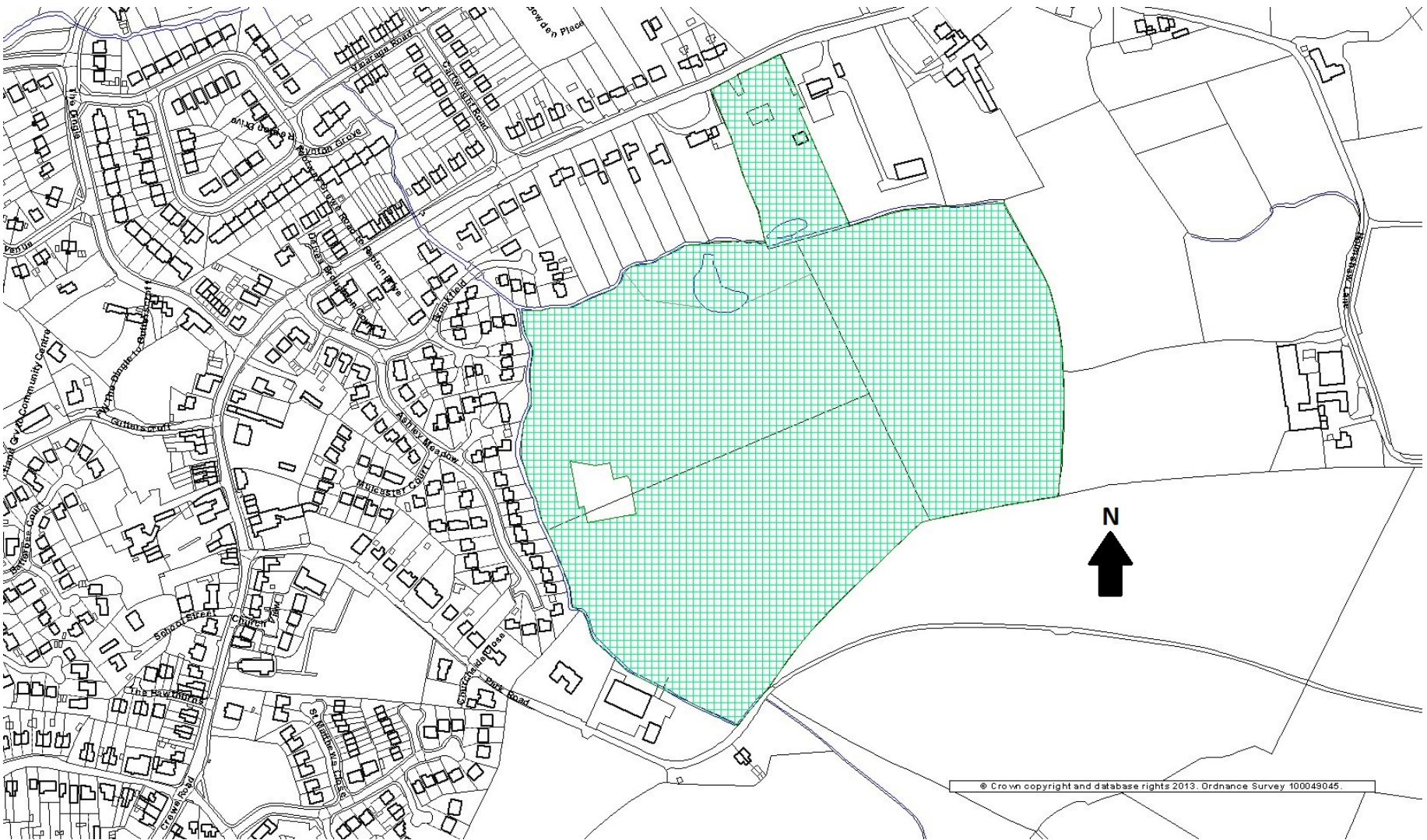
RECOMMENDATION:

Approve subject to the following conditions

1. **Approved Plans**
2. **Implementation of the approved landscape scheme**
3. **Materials as submitted**
4. **Levels**
5. **Boundary treatments**
6. **Notwithstanding submitted LEAP plans and specifications, scheme of 12 pieces to be submitted and approved. Implementation**
7. **Development to be undertaken in accordance with FRA. Properties to have FFL 600mm above flood level 59.76m AOD for the area of the development in Flood Zone 2**
8. **The development shall be carried out in strict accordance with the submitted Tree Protection, Retention and Removal Plan (Drawing 03-081 Rev B dated 1/1/2016).**
9. **Electric Vehicle Infrastructure details to be submitted for approval**
10. **Updated badger survey**
11. **Scheme to be undertaken in accordance in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy**
12. **Bat and bird boxes**
13. **PD removal – no wall front of building line/ open plan estate**
14. **PD removal for Classes A-E (selected smaller plots)**
15. **Parking spaces to be laid out prior to occupation of dwelling to which it relates**
16. **Garages to be retained and not converted into habitable accommodation**
17. **Phase II contamination report to be submitted and remediation recommendations implemented prior to occupation**

18. Notwithstanding any detail of the play equipment within the POS submitted, revised plans shall be submitted to and approved providing for a range of play equipment

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



Application No: 15/5222C

Location: Former Manchester Metropolitan University Alsager Campus, Hassall Road, Alsager, Cheshire, ST7 2HL

Proposal: Demolition of all buildings & erection of 426 dwellings with associated parking, laying out of new grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road

Applicant: Barratt/David Wilson Homes and Mancheste

Expiry Date: 19-Feb-2016

REASON FOR DEFERRAL

The application was deferred from the Strategic Planning Board on 27 July 2016 *"in order to give further consideration to affordable housing and education provision"*.

AMENDMENTS TO PROPOSAL SINCE DEFERRAL

The proposal has been amended to include 19 one-bedroom dwellings (8 apartments and 11 mews houses). These open market units will be available at a price below £100,000, and DWH are willing to accept an obligation (in the S106) to market these units to local people first in advance of general sale.

The introduction of the one-bedroom dwellings has resulted in an increase in the total number of dwellings from 407 units to 426 units.

REPRESENTATIONS SINCE DEFERRAL

Revised plans have been received and all parties have been re-consulted. The last date for comments is 20 September 2016. Therefore any further comments will be reported as an update.

To date, 3 letters of representation have been received objecting to the proposal on the following grounds:

- Land designated as "protected" in the current Local Plan appears to have been given to the developer in order to maximize building and profits. This is clearly against the spirit and the requirement of the Local Plan consultation process.
- Infrastructure is already operating at over capacity
- The education consultation process is significantly out of date. Siblings are already being turned away.
- Traffic predictions are ludicrous.
- This part of Alsager has reached saturation point before the "protected" land was given away for houses

- Alsager continues to bear the brunt of Cheshire East's housing problems without any investment.
- The NPPF clearly links the permission to build issue with that of investment and infrastructure support. On this alone this application fails.
- Acoustic fencing will have a direct impact upon neighbour's hedgerow.

1 letter has also been received seeking clarification that the planting between Hassall Road and the development would be retained, which it will.

To date, 48 letters of support have been received making the following comments:

- Proposal has full backing of Fiona Bruce MP and Sport England
- Need for the sports facilities
- Football and hockey clubs have strong emphasis on junior development
- Facilities will be available for use by the school – contribution to education provision
- Enhancements to ALC also benefit the school
- Other housing permissions in Alsager go a long way to addressing need for affordable housing / education, but provide no community benefit
- This application redresses the imbalance in favour of the community
- Triton Hockey Club is one of the fastest growing Clubs in the North West
- Deliver high quality coaching in a safe and secure environment
- Pitches required to fulfil league commitments - No MMU pitch would equate to no junior hockey matches
- Benefits to health and development of children
- Triton Hockey Club has 120 junior players, of which 40 junior progressed to county level, and 15 representing the North West of England and one that is now playing for Wales U18
- Sport is a big part of Alsager's heritage and identity
- Alsager has few enough facilities for young people
- Once in a lifetime opportunity to invest in the future health and wellbeing of the town may be missed
- Team sport is vital for a community to thrive, it brings together varying age groups and the social benefits of this cannot be underestimated.
- The health, social and community benefits are very clear
- Regular participation in sport reduces childhood obesity
- Anyone involved in sport gains lasting friendships and more importantly than winning any medals is the feeling of well being and self-belief
- Advantageous to the town at no cost
- Lack of affordable housing is offset by the benefit to the community of an accessible sports hub.
- No other developments offer such sports provision
- The next GB Hockey gold medalist might just have started playing their sport in Alsager
- Site is easily accessible

CONSULTATION RESPONSES SINCE DEFERRAL

Natural England – No objections

Alsager Town Council – Minutes of recent Town Council meeting endorsed the following views of members of the public:

- Impact on highway infrastructure underestimated in planning officer report
- Continue to support social / affordable housing
- Continue to support protection of land off Dunnocksfold Road
- Recreation proposals do not meet the requirements of all members of the Community
- Lack of infrastructure / education contributions
- Increasing population of Alsager will have a meaningful impact on the health service provision in Alsager.

Applicant's submission since deferral

MMU and DWH submitted the comments below following the deferral from the previous meeting:

Sport

The proposal includes a significant investment in both indoor (at the Alsager Leisure Centre) and outdoor sports facilities for grass roots sports, including football and hockey for the local community. These will cost in the region of £5m. The provision of these facilities is based on evidence of need and demand required by Sport England and CEC. This level of provision is fixed by local and national policy requirements. It is not possible to reduce these facilities in favour of affordable housing or education provision, as to do so would result in an objection from Sport England and the local sports groups and the application would have to be refused.

Viability

The cost of these new facilities, along with the abnormal costs associated with the development of this brownfield site mean that there are significant adverse viability issues and this development cannot provide additional contributions in the form of affordable housing and education provision.

The Viability Assessment (assessed by the Council's own experts) currently shows a deficit of over £2m below what CEC's consultants have accepted would be reasonable. This shows that MMU are willing to accept a much reduced land value to allow this scheme to come forward. The fact that MMU are still bringing the scheme forward for development under these circumstances shows their unquestionable commitment to delivering the sports facilities and reinvesting the proceeds into tertiary education.

The abnormal costs associated with construction were anticipated but are termed 'abnormal' as they are over and above what would normally be expected for an undeveloped greenfield site. The rough costs, and a more detailed explanation of such, are as follows:

Drainage – circa £2million above standard greenfield costs. This includes significant surface water attenuation – oversized pipes and tanks. The surface water drainage system has to be upgraded to adoptable standards which requires the northernmost part of the site to be raised and a substantial length of offsite sewer to be re-laid through 3rd party land. The topography of the site is such that a foul pumping station is required to remove the sewerage from the site. The re-development also requires a significant number of utility diversions including the re-configuration of the HV network and diversion of fibre optic cables, both of which have significant lead times and substantial costs.

Foundations - circa £3million in excess of standard strip foundations. This is for driven and vibro-piling foundations. There is a layer of made ground across a large proportion of the site,

which varies from a few hundred millimetres across the sports pitches to 4 metres in the infilled pond/Marl pits. The natural strata below the made ground is highly variable which when combined with a shallow water tables creates difficult conditions to found new structures. The foundation solution is predominately driven pile, a technique which both deals with the variable strata and high water table, and works well with the required level raising (for drainage and clean cover system). In the south-eastern corner of the site steel tube piles are required to deal with differential settlement caused by a fault in the bedrock between a sandstone and a halite mud stone. The remainder of the site can be founded using Vibro compaction techniques to increase bearing capacity of the wet granular subsoils. Remediation and demolition works – circa £2million.

Affordable Housing

We have listened to comments made by Members regarding the lack of affordable housing and have amended the scheme to include 19 one-bedroom dwellings (8 apartments and 11 mews houses). These open market units will be available at a price below £100,000, and DWH are willing to accept an obligation (in the S106) to market these units to local people first in advance of general sale.

The introduction of the one-bedroom dwellings has resulted in an increase in the total number of dwellings from 407 units to 426 units. This has no impact on the highways issues. A revised layout plan has been submitted.

Education

The viability appraisal has been accepted by the Authority and, given the above explanation, no education contribution can be supported. In addition, our own calculations suggest that an education payment is not justified but no evidence or supporting information has been provided by CEC.

There are huge educational benefits in this scheme. MMU is a tertiary education establishment that for years has invested millions of pounds into Cheshire East. Proceeds from the sale of this land will be reinvested into the University enterprises, again ensuring that there is a huge educational benefit for school children nearing University age, as a result of this development.

Education is about much more than books and classrooms. The fabulous sporting facilities, both the grass and Astroturf pitches and the additional Leisure Centre facilities, will be available for the local schools to use to promote and educate youngsters towards sporting excellence. The facilities will be used by local schools as part of curriculum activities. This will provide greater potential for school sports representation both locally and nationally. Participation in sport and access to sport is part of formal education.

This is the only development in Alsager that can deliver the scale of provision required and it is unique because the outdoor facilities can be linked to the Leisure Centre (ALC) to create a new sports hub. The ALC is physically linked to the Alsager School and this will be improved, thus enhancing its viability. The proposed sports facilities offer a tangible link to education.

The sports facilities will be provided upfront, with work on the construction of the facilities starting once demolition has been completed. This, in effect, pump primes the sports facilities at a cost of millions of pounds worth of investment at a very early stage of the development. In addition, the funds for the ALC improvements will be provided early in the process to allow

for these improvements to be made by the Council. The details will be agreed in the phasing plan with the Council as part of any approval. If the scheme is not approved, the opportunity to deliver these sporting facilities for Alsager will be lost.

Key Issues

The applicant has confirmed again that the development cannot provide additional contributions in the form of affordable housing and education provision. The viability appraisal submitted on behalf of the applicant has been independently appraised by a national consultancy with experience in financial viability in planning, working on behalf of the Council. The interrogation of the applicants' viability report includes an assessment of the gross development value of the scheme, commentary on the local residential market, and a thorough assessment of all of the construction costs and abnormal costs by a Quantity Surveyor. As stated in the original report the conclusions from the Council's independent assessment are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the applicants' viability report.

However, the applicants have sought to address Members concerns, as far as they are able to, by introducing 19 x 1bed units into the scheme, which can be offered to local people first in advance of general sale. This could be secured through the s106 agreement. Given the circumstances of the proposal, this is a further benefit of the scheme, which increases the housing mix and provides more accommodation at the lower end of the housing market.

The increase in housing numbers (from 407 to 426) does not have any significant impact upon any of the matters public interest covered in the original report.

Conclusion on reason for deferral

The application was deferred from the Strategic Planning Board on 27 July 2016 "in order to give further consideration to affordable housing and education provision".

Despite further consideration and discussion regarding affordable housing and education provision having taken place, the position remains that no affordable housing and no education contributions can be provided as part of the scheme. However, the amendments to the proposal to include 1 bed units are a positive step, and will make the development available to a wider range of people.

In lieu of the affordable housing and education contributions, the outdoor sports hub for the local community will be provided as well as improvements to Alsager Leisure Centre. This is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

The application is therefore recommended for approval subject to a s106 agreement securing the Heads of Terms listed later in this report and conditions.

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ORIGINAL REPORT (from 19 August 2016)

Amended 12 September 2016 to incorporate previous updates reported to SPB, and proposed Heads of Terms and Conditions

SUMMARY

The replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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 residential amenity, noise, air quality 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 existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

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

Approve subject to conditions and a s106 agreement

PROPOSAL

The application seeks full planning permission for the demolition of all buildings & erection of 407 dwellings with associated parking, the laying out of new grass sports pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road. The application is a joint application between Barratt / David Wilson Homes and Manchester Metropolitan University.

SITE DESCRIPTION

The application site comprises buildings, car parking and sports pitches associated with the former use of the site by Manchester Metropolitan University (MMU). The site is located within the Settlement Zone for Alsager and is allocated for mixed use development in the Congleton Borough Local Plan. A blanket tree preservation order covers the site.

RELEVANT HISTORY

10/3831M - Demolition of Existing Buildings, Site Clearance & Redevelopment of The Application Site For a Mixed-Use Development To Include Housing, Employment (B1) Small Scale Neighbourhood Retail, Community Uses & Formal & Informal Open Space – Not determined

There have also been a number of applications relating to the previous educational and sports uses of the site. None are particularly 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

Congleton Borough Local Plan

DP3 (Mixed Use Sites)

DP3A (Alsager Campus)

DP7 (Development Requirements)

DP8 (Supplementary Planning Guidance)

DP9 (Requirement for Transport Assessment)

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)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

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)
H13 (Affordable Housing and Low Cost Housing)
RC1 (New Recreation and Community Facilities)
RC10 (Outdoor Formal Recreational and Amenity Open Space Facilities)

Cheshire East Local Plan Strategy – Proposed Changes 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
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 CS13 – Former Manchester Metropolitan University Campus

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance (NPPG)
Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief (2008)
Public Open Space Provision for New Residential Development (SPG)
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

CONSULTATIONS (External to Planning)

United Utilities – No objections subject to conditions relating to foul and surface water drainage.

Natural England – No objection

Sport England - Holding objection further information is required to assess the application.

Newcastle-under-Lyme Borough Council – No objection

Environment Agency – No objections

Public Rights of Way – No objections, improvements for pedestrians should be provided

Strategic Housing – Object on grounds of lack of affordable housing. If viability assessment is independently verified and it be proven that there is no ability for the site to deliver affordable housing then objection is withdrawn (Viability has been independently verified).

Strategic Infrastructure Manager – No objections subject to a condition requiring a footway along the northern boundary of the site on Dunnocksfold Road that links to Hassall Road, and a contribution of £70,000 towards a formal pedestrian crossing on Hassall Road.

Environmental Protection – No objections subject to conditions relating to contaminated land, noise mitigation, environmental management plan, hours of use of sports pitches, lighting details, a low emission strategy, travel plan, dust control, and electric vehicle infrastructure.

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

ANSA – No objections subject to provision and management of on site open space and financial contribution for improvements to Hassall Road play area.

Corporate Commissioning Manager (Leisure) – Supports the application subject to acceptable replacement sports provision (indoor and outdoor) and adequate management and maintenance arrangements.

Education – No objections subject to financial contributions towards primary and secondary provision.

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council - Welcomes the development on the former site of Manchester Metropolitan University now a brown field site and a major development site in Alsager. They have the following comments, concerns and requests for provision.

- Additional dwellings above local plan allocation adds to the cumulative effect of over capacity on the existing highway network.
- Requests the provision of an element of affordable housing on this site.
- Should be broader sports provision to include rugby pitch and athletes track.
- Design and use of floodlighting should seek to minimise nuisance to local residents.

- Proposed changing accommodation and associated parking provision is inadequate.
- Request provision of additional footpath to Dunnocksfold Road to the frontage of both the sports pitches and new residential properties.
- Supports the protection of the existing sports provision off Dunnocksfold Road as given “protected status” in the local plan and requests mitigation measures in the loss of amenity value to existing residents on Sunnyside.
- Concerns are raised regarding the capacity of local schools.
- Request additional contributions for the improvement of existing footpaths in Alsager including the provision and upgrading of cycle ways on the network.
- Scheme should be in compliance with adopted design and parking standards.
- Request a construction management plan for the development due to its size and duration of construction (8years) in the interest of public safety and minimization of nuisance to the local community.
- Impact of the phased development on the existing sewerage network.
- Request a wildlife management plan during the development of the site.
- Request postal facilities on the site and all dwellings to be provided with charging points for electric vehicles

OTHER REPRESENTATIONS

27 letters of representation were received during the original consultation period objecting to the proposal on the following grounds:

- Impact on schools, medical services, etc.
- Increased traffic – local roads cannot cope
- Trees along Hassall Road should remain
- Asbestos must be removed safely
- Only brownfield footprint of site should be developed
- Loss of Gymnasium, Sports Hall, Dance Studio and pool
- Field off Dunnocksfold Road(Daisybank) is protected in Cheshire East Local Plan
- No safety audit carried out for the Dunnocksfold site, or others
- Traffic survey was not done for any of the Hassall road sites.
- No bungalows / provision for elderly/disabled
- Impact on Alsager as a service centre from all the new housing – increased numbers not supported by services
- Access too close to another junction on Hassall Road
- Air pollution
- Fails to provide a mixed use
- More houses proposed than are allocated in local plan.
- Sports provision is the minimum required
- Service road to Daisybank sports pitches should not be used as a thoroughfare
- Retention strip to rear of property on Sunnyside
- Loss of sunlight / overshadowing / loss of outlook
- Loss of privacy
- Not very much informal play space
- Roads cannot cope with more than 150 dwellings on MMU site (as stated by Congleton Local Plan Inspector)
- Impact on wildlife

- What measures will be put in place to prevent balls damaging adjacent properties?
- Car parking appears to be inadequate
- Existing boundary to Dunnocksfold Road is a pleasant natural boundary.
- Dunnocksfold Road access is dangerous
- Not clear whether access road to manor farm will be blocked up.
- Landscape impact
- Sustainable travel needs to be enhanced
- More community consultation should be carried out.
- No clear programme for the delivery of the Sports Hub within the overall phasing plan
- Changing facilities are inadequate for the number of pitches and teams using them at peak times
- No provision within the club house design for secure kit storage which is badly needed
- Strongly object to the SNA's assertion that Alsager only needs one hockey pitch

Following the receipt of revised plans, further consultation has been undertaken. 23 letters have been received raising the following additional points:

- Ideal site for a technical college
- Light spillage onto neighbouring properties
- S106 obligations only providing sports facilities
- Hedgerows should be retained
- No affordable housing being provided
- There should be no parking on access road to Manor Farm & Cottages
- Too many houses being built in Alsager
- Residents of Sunnyside enjoy prescriptive right of way to and from Sunnyside onto Manor Farm (the road)
- Is Sunnyside acceptable as an access road (refuse vehicles etc.) due to Manor Farm (the road) being blocked up?
- Visual impact of acoustic fence
- Inadequate fencing close to hockey pitch and youth pitch
- Number of car journeys suggested by applicant is disputed
- No need for fence to rear of properties on Hassall Road
- Fence will block view from Houses on Hassall Road / affect quality of life
- Noise impact not sufficiently disruptive to have 2.5m high acoustic fence
- Fence will have detrimental visual impact
- Allow facilities to be utilized before requiring fence to be constructed.
- Distance of new dwellings to no.82 Hassall Road queried.

Two letters makes general observations in favour of the proposal, querying:

- Impact on house values
- Deed states land is for educational purposes only
- Consultation with local community should have been better

37 letters of support have been received noting that:

- Sport facilities will be great for the town
- Facilities will benefit community
- AFC Alsager will not have to travel outside of the area to play football
- Lasting legacy for generations to come

- Increased sporting opportunities
- Health and wellbeing benefits
- Will help progression of AFC Alsager
- Will attract more young players
- Retains area of greenspace

APPRAISAL

The key issues to be considered in the determination of the application will be:

- Whether the development of the sports pitches is acceptable
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016, and the public consultation expired on 15 April 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

Principle of development

Policy DP3A of the Congleton Borough Local Plan First Review 2005 allocates the entire site for a mixed use development. The policy lists a number of criteria including limiting new built development to the footprint of the existing built development; the retention of the existing indoor and outdoor sports facilities and allowing for the residential use of the site (not exceeding 150 dwellings in the plan period).

A supplementary planning document (SPD) also applies to the site, *Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief* (October 2008). The SPD provides for 150 dwellings to be provided on the site up to 2011 (the plan period). Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. The residential development should consist of a range of housing types including an element of affordable housing. Other potential uses highlighted in the SPD for the mixed use of the site include employment, small scale retail and leisure, medical uses, extra care housing and formal and informal public open space.

The site is also allocated as Strategic Site CS13: Former Manchester Metropolitan University Campus, Alsager, within the Cheshire East Local Plan Strategy – Proposed Changes. This policy states the development of the Former Manchester Metropolitan University Campus over the Local Plan Strategy period will be achieved through:

1. The delivery 400 new homes (at approximately 30 dwellings per hectare);
2. Creation of a wider sports and leisure hub, linked to the adjacent Cheshire East Council leisure centre facilities;

3. Development of this site could also include:
 - i. An extra care development providing housing for the older population;
 - ii. Appropriate retail provision to meet local needs;
 - iii. Community facility / place of worship;
 - iv. Public house / take away / restaurant;
 - v. Commercial sport and health related facilities, potentially including small scale sports science and sports therapy related development;
4. The incorporation of Green Infrastructure and creation of strong boundaries around the site; and
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities.

The policy includes the following site specific principles of development:

- a. Contributions to improvements to the town centre street scene.
- b. Retention of existing hedges and trees, particularly those shielding the sports pitches at the junction of Hassall Road and Dunnocksfold Road.
- c. Contributions towards or delivery of improvements to B5077 Crewe Road / Hassall Road junctions, and B5078 Sandbach Road North Junction Improvements, Hassall Road / Church Road / Dunnocksfold Road Junctions Improvements.
- d. Contributions to education and health infrastructure.
- e. Recording of the surviving WWII buildings on site and the archaeological investigation of the former site of Daisybank Farm.
- f. Affordable housing in line with the policy requirements
- g. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- h. No adverse impact on the Midland Meres and Mosses Phase 2 Ramsar and Oakhanger Moss SSSI.
- i. A proposal needs to be put forward and agreed with Sport England that replaces the playing fields to an equivalent or better quantity and quality in a suitable location.
- j. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out.
- k. The protected trees shall be retained and incorporated into any development.

Paragraph 111 of the Framework states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed. Each of the policy documents referred to above reflects this approach and confirms the acceptability of the redevelopment of the application site.

Each of the policy documents refers to a mix of uses, and all refer to residential uses and the provision of sports facilities. The Congleton Local Plan (policy DP3A) does not specify an appropriate mix of uses on the site; it simply lists those uses that would be considered appropriate. In this policy, the residential element should not exceed 150 dwellings during the plan period. The plan period ran until June 2011, we are now well past this date and therefore the policy is not considered to be up to date.

The SPD for site also does not specify an acceptable mix of uses, but does acknowledge that the site clearly has capacity for additional housing development whilst still providing a mixed use development. This Development Brief, therefore, provides for 150 dwellings to be

provided on the site up to 2011. Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. We are now well past the dates referred to in the SPD, and this policy is also out of date as a housing land supply policy.

In terms of the site's allocation in the emerging local plan, and the site specific principles of development for the site, it is considered that this can be given only limited weight having regard to the stage of the local plan process. A number of letters of representation have referred to the southern end of the site being allocated as protected open space in the emerging local plan. This is acknowledged, and the majority of the southern end of the site is retained for the sports facilities, and as such would be protected open space. The southern end of the separate parcel of land (known as Daisybank) is not retained as open space. As an existing playing field, the loss of this area must be assessed against paragraph 74 of the Framework. This is considered further below.

Overall, as the development is comprising a mix of dwellings and sports facilities, there is not considered to be any significant conflict with any up to date policies in the local plan or the SPD relating to the principle of the development.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Alsager sub area within the Strategic Housing Market Assessment Update 2013, which identified a need for 54 affordable homes per annum over the period 2013/14 – 2017/18. Broken down this requirement equates to 38x 2bd, 15x 3bd, 2x 4/5bd general needs units and 5x 1bd older persons accommodation.

In addition, information from Cheshire Homechoice, identified 169 live applicants who have selected one of the Alsager lettings areas as their first choice. The breakdown of the size of housing needed for these applicants are 56 x 1 bed, 63 x 2 bed, 38 x 3 bed and 10 x 4 bed.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Proposed Changes Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all 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.

However, the NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 30,147sqm and the proposed floorspace is 42,651sqm, an increase of 12,503sqm or 29.3% of the total proposed floorspace. To put that as numbers of dwellings - 29.3% of 407 dwellings is 119 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 119 dwellings. 30% of 119 is 36 dwellings, which would be the requirement for this site. This equates to 8.8% of the total number of dwellings.

This application is for full planning permission for a development including 407 dwellings. There is therefore an affordable requirement, albeit much lower than the normal 30%, at 8.8%. However, in this case no affordable housing is provided as part of the proposal for viability reasons, which is explained further below.

Sports Provision

Prior to its closure, the former MMU site offered the following sports facilities:

- 6 senior grass football pitches (one floodlit for training purposes)
- 2 senior grass rugby pitches
- 1 full-size floodlit sand based Artificial Grass Pitch (AGP)
- Cricket square
- 8 tarmac tennis courts (5 netball courts)
- 4-court sports hall, plus 2 x performance studios, 18 station fitness suite, gym and ancillary provision
- Swimming pool

Paragraph 74 of the Framework sets out the policy approach for building on existing open space and sports pitches / facilities. It states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

In terms of identifying needs, paragraph 73 states:

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

The land is not a protected area of open space within the Congleton Borough Local Plan; therefore there are no local plan policies relevant to the loss of open space in addition to the paragraphs from the Framework above. Policy RC1 provides general requirements for new

recreation and community facilities, and policy RC10 provides general requirements for outdoor playing facilities.

A Sports Needs Assessment (SNA) has been submitted by the applicants which outlines the current demand and summarises the adequacy of supply to meet demand, providing an overview of the facilities required. The assessment was completed in consultation with Council officers (leisure and planning), Sport England, National Governing Bodies of Sport (NGBs) and local sports clubs.

Indoor Sports Provision

The indoor facilities at MMU are now closed. The swimming pool closed in 2010 and the sports hall in 2012. Both facilities were provided as a facility for MMU students. MMU sports provision, as well as the students, has now moved from Alsager to Crewe as part of their rationalisation programme. In 2010 a new 8-court sports hall, 50 station fitness suite and three quarter size 3G artificial grass pitch (AGP) was developed at the Crewe campus, alongside new exercise and sports science provision. The Council has of course also developed a new 8-lane swimming pool, with 17m training pool in Crewe, at the Lifestyle Centre. All these developments will have significant and positive community sporting impact and help to offset the losses at Alsager.

The submitted Sports Needs Assessment (SNA) notes that when utilising the Sport England Sports Facility Calculator (SFC) there is evidence of need for 2.39 lanes of a pool in Alsager, rising to 2.88 when the implication of various population growth scenarios are built in. The Alsager Leisure Centre site is currently a 5-lane pool, which would therefore meet swimming pool needs. In terms of the standard in the CEC Local Infrastructure Plan of providing 13sqm of water per thousand population, this would equate to a need for 191.49sqm for the future population of Alsager. The Alsager Leisure Centre (ALC) pool provides significantly more water space than this.

In terms of the MMU sports hall, there is also over provision of sports halls in the Alsager and wider catchment area. The Sport England Sports Facility Calculator for the current Alsager population suggests the need for 3.28 courts, rising to 3.95 when the implication of population growth is built in. The Alsager Leisure Centre site is currently a 6 court sports hall which would therefore meet sports hall needs. There is therefore no need for two large sports halls, 10-courts in total (6 at ALC and 4 at MMU), in such close proximity to meet current and future sports hall needs in Alsager.

There is however scope to increase general health and fitness provision for the town based on the supply and demand analysis in the SNA, particularly owing to the loss of the health suite at MMU and the flexible studio spaces. It would appear sensible for this to form part of any redevelopment of ALC, to develop an indoor hub and help lift the quality of ALC. The replacement of a facility at this site would address the shortfall left by the loss of MMU (20 fitness stations) and studio space and would also increase the quality and attractiveness at ALC and limit the reliance on commercial centres to fulfil a community function.

Overall, Alsager does not need the duplication of indoor provision at both ALC and MMU, therefore the indoor provision at MMU is surplus to requirements in line with paragraph 74 of the Framework and does not need to be protected or re-provided, other than the fitness suite and studio space.

A financial contribution has therefore been agreed for the additional health and fitness stations and studio space to be provided at ALC. These works have been costed by the applicant and by the Council. Sport England has also independently costed these works, and the final figure, which will be an accurate reflection of the amount required to cover the necessary works, will be secured within the s106 agreement.

Outdoor Sports Provision

MMU Football, rugby and hockey teams have historically been based at the MMU site in Alsager. Reflecting the move of the university to Crewe, these teams have all relocated from this site, and the playing fields in Alsager are no longer required for university sport. University teams have been relocated as follows:

- Hockey – now play at the Crewe Vagrants Hockey Club. University teams play at the site outside of peak hockey times and there is no impact on the overall capacity of the facility.
- Rugby – the rugby teams have also relocated to the Crewe Vagrants site linking with Crewe and Nantwich RUFC. There are no residual rugby requirements in Alsager for the university.
- Football – the MMU football teams have moved to Sandbach United FC and have developed a partnership with the club. The university teams use facilities outside of peak time hours and therefore do not impact upon the ability of community teams to use facilities during peak hours although they do add weekly wear and tear. The university are also using in the Cumberland Arena in Crewe.

All university teams have therefore been successfully relocated through a combination of upgrades and new facility provision and there are no further requirements for university related teams to access outdoor sports facilities in Alsager. The remaining demand for sports facilities in Alsager is therefore from the community.

COMMUNITY FOOTBALL

The Council's own data collated as part of the preparation for its Playing Pitch Strategy (PPS) indicates that:

- There are a total of 30 teams based in the town
- There are six adult teams. Five of these currently require pitches in Alsager – this equates to 2.5 match equivalents per week. The remaining team (Scholar Green FC) travel outside to Clough Hall in Stoke.
- There are 10 youth teams (aged U13 – U16) based in Alsager and demand therefore equates to 5 match equivalents per week. Of these, 6 (3 match equivalents) currently travel outside of the town to play. Most of these teams are based at AFC Alsager and they travel outside the town due to a perceived lack of appropriate facilities within Alsager.
- There are 6 teams playing 9v9 football, all within the South Cheshire Youth League – three of these currently travel outside of the town to play. Demand therefore equates to a total of 3 match equivalents (1.5 of which are currently accommodated within the town)
- There are 5 teams playing 7v7 (2.5 match equivalents) and 3 playing 5v5 football (1.5 match equivalents). All of these teams play in the Crewe Alex Soccer Centre League which is a central venue league. These teams therefore travel outside of the town to play.

There are 18 football pitches in total in Alsager. Three of these pitches are currently situated at the MMU site and there is scope to mark out more pitches. Nine of the pitches are located at school sites and all but two are available to the community. With the exception of pitches at Alsager Academy (two), all others are at primary schools and are therefore 7v7 or 5v5 pitches.

The Sports Needs Assessment identifies that to meet current and future demand for competitive fixtures only, the following pitches are required at the MMU site as a minimum:

- **1 senior football pitch**
Meet demand for 1 current match equivalent (Sat PM / Sun AM) and meet additional demand generated from population growth 1 match equivalent
- **2 youth football pitches**
Linking with 3G Artificial Grass Pitch, which will also function as youth pitch
Meet current demand for 3.5 match equivalents per week (all at peak time, but matches played consecutively).
Linking with 3G, meet demand for additional 1.5 match equivalent arising from population growth
Capacity for additional 1 match equivalents from further club development (2 teams)
- **Two 9 v 9 pitches**
Meet existing demand for 3 match equivalents per week
Meet future demand for additional 1 match equivalent per week (2 teams)
- **3G AGP**
Meet current / future demand for 1.5 match equivalents (junior)
Offer Spare capacity for at least 0.5 match equivalents at peak time (Sun AM)
Offer spare capacity for adult football (Sat PM)
Offer spare capacity for junior / 9v9 girls football – Sun PM
Capacity to accommodate club growth
Additional capacity not required to meet current or projected future demand, but to future proof the site in case of further club growth.
The site should be future proofed by ensuring that there is scope for the development of an additional 3G AGP in future years (by ensuring that one of the pitches provided has sufficient space at the perimeter to be replaced by an AGP, linking with FA policy to increase the proportion of junior / youth play that takes place on AGPs.

All the above pitches are provided as part of the proposals.

COMMUNITY CRICKET

Alsager Cricket Club is the only cricket club in the local area. They have their own cricket ground and have historically used overspill facilities at Alsager School and the MMU campus as well as their own site.

The SNA concludes that the projected population increase alone would create additional teams which would create the need for additional strips. No further teams can play on a Saturday within the current pitch infrastructure at Alsager CC. However until the point that additional teams are created, it is likely that any additional pitch required would be used irregularly as an overspill facility only. No facilities are therefore required as part of the current proposal.

COMMUNITY HOCKEY

Triton Hockey Club are one of the leading hockey clubs in Cheshire the Club currently runs 6 senior teams playing on a Saturday afternoon, 4 men's teams and 2 Ladies' teams. The Club has an under 13s Beavers mixed and an under 15s Badgers boys' team plus a girls' junior team. Senior training takes place at Alsager Leisure Centre. Previously senior training was at the former MMU campus but was switched to Alsager Leisure Centre as access could not be guaranteed for the whole season by the MMU.

There are currently two sand based pitches in Alsager. One at ALC and one at MMU, although access to the current MMU pitch is restricted and there is very little if any use, as a consequence all hockey use is now focussed at the ALC pitch. Both pitches have been identified as not 'fit for purpose' for hockey. A key part of any SNA is meeting the needs of sport, through consultation with clubs and NGBs, in the case of hockey this has been with Triton Hockey and England Hockey respectively.

Based on the SNA it is largely accepted that hockey does not require two-sand based pitches going forward but one high quality, full-size, floodlit sand dressed pitch focussing on hockey use with access to changing and ancillary provision on the same site to encourage development and growth. This pitch is the preferred surface for competitive hockey and is also suitable for football training (England Hockey are happy to see this to help sustainability) so also delivers some flexibility. Neither the existing MMU site nor the ALC site in Alsager currently has the future potential to deliver this for hockey.

The needs assessment, supply and demand analysis and consultation with clubs demonstrates that there is also a strong requirement for 3G training facilities for football, as well as space to accommodate match play and that training needs place significant demand and wear and tear on the grass pitches. Based on the Playing Pitch Strategy analysis and the need to accommodate training and match play and in-line with FA policy, in addition there is a need for a full-size floodlit long pile (55-60mm) 3G surface for football. This is less flexible and is not suitable for hockey, the FA do not permit other uses than football on sanctioned match pitches.

The two AGPs match the current provision in Alsager however where there are currently two sand based pitches the future need is for one new 3G pitch and one 'fit for purpose' sand dressed pitch for hockey.

Through analysis and consultation with the Council, the Leisure Trust, clubs and NGBs there would appear to be general agreement in terms of the above scale of provision and the desire, particularly from the sports clubs is to have both new AGP pitches located on the MMU site to form a multi-sport hub and support club development and sustainability.

In this context the future of the school pitch will have to be considered moving forward but it is likely that this will be focussed on purely school / curriculum use. The Sports Needs Assessment states that the school want to have a 40mm pile 3G pitch for curriculum use, and that it is not the intention to open it up for community use. Indeed the surface is not supported either by England Hockey or the Football Association. Therefore it will have no real value in meeting the needs for these sports in the community and therefore the pitch has little or no impact in terms of supply and demand.

COMMUNITY RUGBY

Prior to vacating the Alsager site in 2010, the rugby pitches were used only for university rugby teams with no regular use by external clubs or other parties. Since moving to Crewe the University have entered into a partnership with Crewe and Nantwich Rugby Club based at the Crewe Vagrants playing fields near Shavington. All of the university rugby provision has been based here since the 2012-13 academic year.

The University have also invested £75,000 in upgrading the pitch facilities at the club, this has included the installation of drainage and irrigation to the main playing areas to help support the greater number of games played on these pitches and improve the standards of the playing surfaces and ensure capacity was not impacted upon. The University also pay an annual maintenance fee to the club to support the additional upkeep of the pitches and supporting facilities (£1,500 per annum).

There is no pitch within Alsager (although there was formerly a pitch at Alsager School) and no evidence of unmet demand. Based upon demand within the Alsager area, there is no evidence of a requirement for the former pitches at the MMU site and on this basis the MMU pitches can be deemed surplus to requirements. The demand that was placed upon these pitches has now been added to the Crewe & Nantwich RUFC site (as MMU teams have transferred to play at this facility).

The SNA does demonstrate that at Crewe Vagrants, there is insufficient capacity to meet local need without the use of pitches at Malbank and Brine Leas, as well as the new pitch being provided at Reaseheath College. With these facilities there are however sufficient facilities for the club (Crewe & Nantwich RUFC). Added to this, improvement to the quality of pitches (to ensure that each pitch can sustain three games per week) would further add to the adequacy of provision and ensure that the current and future needs of the club can be met. As a result it is recommended that to compensate for the loss at MMU, funding is directed to Crewe Vagrants to ensure that both current and future needs can be met.

The RFU has identified a piece of machinery that would help to achieve the objective of increasing the capacity of the pitches at Crewe and Nantwich RUFC. The proportion of the MMU usage of the Crewe Vagrants site is 11.47%, and therefore the applicants have agreed to contribute this % of the total cost of the machinery required. This is a figure of £14,888 as being the sum required to enhance the (training and playing) capacity of the playing pitches at the Crewe Vagrants site. This will be secured as part of the s106 agreement.

Sports provision summary

The submitted sports needs assessment identifies those elements of the existing sports facilities at the MMU site that are surplus to requirements. Where there is a loss arising from the proposed development, the application proposals make provision for equivalent or better provision in terms of quantity or quality in a suitable location, either through the redevelopment of the site or financial contributions in lieu of on site provision. Accordingly, the proposal is considered to comply with paragraphs 73 and 74 of the Framework.

Management & Maintenance

A key part of the replacement sports facilities will be the requirement for ongoing management and maintenance of the site, to ensure that there is a sustainable facility that

can benefit the local community for years to come. Indeed Sport England need to be satisfied that this can be provided before supporting the proposal, and withdrawing their holding objection. In this regard, it is proposed that ownership of the sports facilities is transferred to the Council, and Everybody Sport & Leisure has been asked to take on the day to day management of the facility. Everybody Sport & Leisure is considered to be the most appropriate body to manage the site given their expertise and very local presence across the road at the Leisure Centre. Sport England require written confirmation from the Leisure Trust that they will take on the management, and written confirmation from the Council that it will take ownership of the site before removing their holding objection. The Leisure Trust has confirmed that it will take on the management of the proposed outdoor sports facilities. Confirmation from the Council regarding ownership is awaited.

Open Space

The applicant has clarified that there is no financial contribution to improve the Hassall Road play area accounted for in their viability appraisal. They have stated that the layout is self-sufficient and therefore policy compliant in this regard. In addition to the 6.75ha of sports pitches, the proposal comprises 1.23ha of amenity greenspace and a children's play area of 0.58ha. Residents will also benefit from the use of the Hassall Road play area.

Education

The development of 407 dwellings is expected to generate:

75 primary children (407×0.19) + 2 SEN

60 secondary children (408×0.15) + 1 SEN

5 SEN children ($407 \times 0.51 \times 0.023\%$)

The development is forecast to create a shortfall predicted for primary provision in the immediate locality. Negotiated contributions are factored into forecasts and an increase of capacity at a local primary school has been considered in the equations, however a shortfall still remains even when taking into account pupils resident in a different authority. The development is forecast to create a shortfall predicted for secondary provision in the immediate locality, either based on existing forecasts or as a result of pupils being pushed back to make way for pupils expected from the MMU development.

Special Education provision currently has an existing shortfall within the borough with over 47% of pupils currently being educated outside of Cheshire East. The Service acknowledges that this is an existing concern, however the 5 children expected from the Former MMU application will exacerbate the shortfall. The 3 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 2 SEN children are expected to be 1 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$75 \times £11,919 \times 0.91 = £813,471.75$ (primary)

$60 \times £17,959 \times 0.91 = £980,561.40$ (secondary)

$5 \times £50,000 \times 0.91 = £227,500$ (SEN)

Total education contribution: £2,021,533.15

Without a secured contribution of £2,021,533.15 Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 76 primary children, 60 secondary children and 5 SEN children would not have a school place in the locality.

The forecasts produced by the Education department provide a planning tool that helps them in its attempts to cope with the uncertainty around the future need for school places and taking into account approved new housing development, which may or may not yield pupils during the forecasting period. These forecasts do include consideration of actual numbers on roll in October and admission patterns, which can change from year to year. The applicant disagrees with the conclusions of the education department due to the forecasts being based on figures that include out of County children. Due to the proximity of Alsager to the Stoke-on Trent and Staffordshire borders, there are many children attending the Alsager High School from these other authorities. The applicant maintains that an allowance should be made for these out of County children thereby reducing the number of school places required.

There is clear disagreement between the applicant and the education department on the correct approach to forecasting capacity in local schools. The applicant has submitted appeal decisions which they state supports their position, and where future pupil could be accommodated in other nearby schools rather than the school for which the contributions are being sought.

In any event, as is explained further below, for viability reasons no education contributions can be made.

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, or in some cases site circumstances (such as intervening vegetation) justify a marginally lesser distance. Within the site, there are some separation distances that fall marginally below the identified standards, as is the case with one or two of the approved Jones Homes plots to the west of the application site. However, any shortfall of distance standards is considered to be minimal and is not considered to have such a significantly adverse impact upon the living conditions of existing or future occupiers to justify a refusal of planning permission. The distances are also consistent with those approved on neighbouring sites. Overall, adequate standards of space, light and privacy will be provided.

Lighting

Some of the existing pitches to the south of the site are floodlit. The existing floodlighting comprises five masts of around 15m height orientated in a westerly direction.

The proposed hockey pitch and the 3G football pitch will be floodlit. The lighting equipment will be positioned on 15m high lighting masts. The total number of masts is twelve. The proposed hockey pitch and 3G football pitch share a long edge so the floodlighting masts are in three rows. Each mast has a minimum of two floodlights. However the central row of masts between the two pitches has either four or five floodlights mounted on each mast. There will therefore be an increase in the amount of floodlighting compared to the existing situation.

The Institution of Lighting Professionals document *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* notes that the given light intrusion levels for an area such as the application site are as follows:

- 5 lux (pre-curfew)
- 1 lux (post curfew)

A default curfew time of 2300 is suggested by GN01.

The Sport England Design Guidance Note *Artificial Sports Lighting (2012)* also refers to these standards.

In the case of the proposed application some properties with boundaries adjacent to Dunnocksfold Road will be most affected by the floodlights. However, given that the lights will not be operational post-curfew (after 2300hrs), the light spillage diagram indicates that whilst parts of the garden areas of these properties will exceed the 5 lux pre-curfew standard. The light levels at the buildings themselves will be below the 5 lux level. The impact of the lighting upon neighbouring properties is therefore considered to be acceptable.

Noise

An acoustic report has been submitted with the application to consider the potential for noise and disturbance. The difficulty with assessing and predicting potential noise impacts is the lack of adequate guidance for assessing such noise. In particular, the noise from shouting, whistles, balls hitting netting etc. There is also a potential for the use of the proposed car parking area to cause noise impact through vehicle arriving and leaving, doors slamming and people talking, etc.

All such noise sources are intrusive in character and without adequate mitigation likely to result in an unacceptable impact on health and quality of life. However, the acoustic report recommends mitigation in the form of acoustic fencing around the pitches to provide some protection to existing and new residents.

Even with the fencing in place, Environmental Health advises that allowing uncontrolled use of the facilities up to 22:00 would give rise to an unacceptable noise impact. However, the information submitted with the application notes that the peak use will be during the winter months (September to April) when people are less likely to have windows open, or be in garden areas enjoying external amenity.

As such, it is considered to be necessary to condition the hours that the pitches can be used, and it is proposed to have restrictions based on winter and summer hours. With the use of the pitches restricted to 21:00hrs in the winter and 20:00hrs in the summer.

Some of the letters of representation question the need for the acoustic fencing and its impact in terms of visual and residential amenity. The exact position of the fence will need to be

agreed, and therefore a condition relating to the specific position of the acoustic fencing (allowing for appropriate landscaping) is recommended.

Subject to the above, no significant amenity issues are raised, and the proposal is considered to comply with the requirements of policy GR6 of the local plan.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the planning application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The report concludes that there will be a negligible increase in pollutant concentrations at all receptors modelled. Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse. As a result of a worsening of air quality, the report recommends the following mitigation measures be implemented:

- Minimise reliance upon motor vehicle use through a Framework Travel Plan
- Promote alternative transport options
- Implement a bus strategy to introduce new and enhanced services; and,
- Inclusion of pedestrian and cycle routes into the surrounding environments.

The mitigation measures described form the basis of a low emission strategy for the development. Appropriate conditions are therefore recommended.

Trees

Trees within the application site are protected by the Congleton Borough Council (Manchester Metropolitan University, Alsager Campus) Interim TPO 2008 (Area A1) and is a material planning consideration. The Order protects those trees of whatever species identified as an Area designation on the TPO map. An area designation only protects those trees that were present when the Order was made.

An Arboricultural Impact Assessment (AIA) has been submitted in support of the application, which identifies 24 individual trees, 67 groups of trees and 11 hedges within the application site.

In terms of the quality and value of those trees highlighted for removal there are 4 High (A) quality individual trees, and 8 individual moderate (B) quality trees and 19 moderate (B) quality groups proposed for removal. The remaining low (C) quality trees for removal comprise of 3 individuals and 19 groups.

Whilst it is evident that there are a number of high and moderate category trees proposed to be removed to accommodate development, a high proportion of trees and groups are internal to the site and present only a limited contribution to the wider amenity of the area or are located close to existing built infrastructure such that their successful retention would not be feasible due to requirements for adequate working space for demolition.

An updated Arboricultural Impact Assessment has now been received to address layout changes and previous comments from Forestry Officer. The Forestry Officer raises no objections subject to conditions.

Landscape

The MMU campus site is bounded to the west by open countryside, to the north by a new housing development and to the east by Hassall Road, beyond which is a school, leisure centre and associated recreational land set within a predominantly residential area. To the south, beyond Dunnocksfold Road, is an area of residential properties.

The application site covers an area of approximately 22 hectares and is generally flat. There are a significant number of trees across the site which provide a mature landscape setting, along with a belt of mixed species of trees along the western side of Hassall Road, which forms a prominent landscape feature; mature hedgerows with hedgerow trees delineate several of the other boundaries. Whilst there are playing fields to the north, west and south, the built up parts of the site can be viewed from surrounding vantage points.

The Planning Statement identifies that the Landscape Masterplan identifies retained trees, and that the housing layout seeks to ensure that mature trees are located at an appropriate separation distance from houses, and that new planting is proposed throughout the site using appropriate streetscene trees, chosen for their impact in an urban setting.

The Planning Statement identifies that the landscape philosophy has been key to the design response for the site and that the high quality natural boundaries and features within the site have created significant landscape opportunities, this appears to rely on the existing mature vegetation across the site. The site offers opportunities to complement and enhance the existing mature vegetation, but to achieve this it will be important to ensure that any proposed tree and shrub planting is appropriate in terms of size, species and scale of planting, if the quality of the development and distinctive character areas are to be successful in the longer term. The applicant has submitted a planting strategy for the site, which outlines planting proposals for the site, and which the landscape officer is happy with subject to landscaping conditions.

Ecology

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

Designated Sites

The proposed development is located within 2km of Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required. Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken, and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required. Natural England have also advised that the proposals are unlikely to affect Oakhanger Moss SSSI.

Natural England have also advised that the proposals are unlikely to affect Oakhanger Moss SSSI.

Badgers

Evidence of badger activity was recorded throughout the site with two minor setts being present on the boundary of the application site. In order to avoid the risk of badgers being injured or disturbed by the construction activities on site the applicant's consultant has proposed that the setts be closed under the terms of a Natural England license prior to any construction works taking place within 30m of the setts or any pile driving taking place within 100m. The nature conservation officer advises that this approach is acceptable to reduce the potential risks posed to badgers by the proposed development. An appropriate condition is recommended.

Bats

A series of bat surveys have been undertaken of the buildings on site. A bat potentially emerged from one building during the earlier round of surveys, however follow up surveys did not record any conclusive evidence of roosting bats being present. None of the buildings on site are of High value for roosting bats, but the number of buildings present means that there is a slight risk of roosting by single or small number of bats being undetected. On balance however, the nature conservation officer advises that the demolition of the existing buildings on site is unlikely to affect roosting bats.

A number of trees and groups of trees have been identified as having potential to support roosting bats. Based on the submitted Phase One habitat plan and proposed layout plan it appears feasible for a number of these trees to be retained as part of the proposed development.

There are a number of trees on site with bat roosting potential that would be lost as a result of the proposed development. These trees are identified by the following target notes on the Phase One Habitat plan: 3, 14, 15, 19, 22, 23, 26, 27. These trees have been subject to a specific bat survey. No evidence of roosting bats was present at any of the trees and the nature conservation officer advises that roosting bats are unlikely to be present or affected by the proposed development. A condition is recommended relating to the felling of any trees identified as having potential to support roosting bats.

Hedgerows

There will be some loss of hedgerow associated with the proposed development. Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted suitable compensatory hedgerow planting should be incorporated into the landscape scheme for the site, which can be dealt with by condition.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition is therefore recommended to require the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing.

Barn Owls

There was no evidence of barn owl presence identified during the bat surveys of the various buildings on site. The trees on the site have been assessed for Barn Owl potential and none

of them contained suitable features for use by Barn owls. No incidental recordings of barn owls were noted during the numerous visits to the site.

Nesting birds

If planning consent is granted a condition will be required to safeguard nesting birds.

Highways

The Strategic Infrastructure Manager (SIM) has made the following comments on the application:

Traffic Impact

The site has an existing use as an education and sports facility, and the applicant has submitted figures to indicate that these uses could generate up to 340 trips in the am peak hour. In addition, the applicant has provided a Transport Assessment that has assessed a number of junctions within Alsager and includes other committed residential schemes in this assessment. The SIM considers that the submitted traffic generation figures for the proposed new residential development (230 trips) are rather low in comparison with local trip rates determined by CEC. However, using CEC rates they would only increase the submitted 230 trips by another 40 trips overall and will not materially affect the capacity assessments undertaken.

As part of the traffic impact of the development, all of the site access points have been assessed in terms of capacity and none of the junctions have a capacity problem. There has been a wider assessment undertaken on the principal junctions on Crewe Road in Alsager and the applicant has submitted capacity results that indicate relatively low queues at the junctions. The assessments do include some of the mitigation measures already agreed as part of other developments such as traffic signals at Hassall Road/Crewe Road junction and changes to the signals at Crewe Road/Lawton Road junction.

Given the large number of residential applications submitted in Alsager, the Council has undertaken its own traffic study of all the major junctions in Alsager to understand the current position as regards the capacities of the Crewe Road junctions. The CEC results are somewhat different to those results submitted by the applicant, there are longer queues predicted at the principal junctions such as Crewe Rd / Sandbach Road / Lawton road and at Hassall Road / Crewe Road.

To summarise the traffic impact of the MMU proposal, there is a fallback position in regards to the level of traffic that an educational use on this site would generate but as a result of this application there is a net increase in traffic on the road network. Whilst there will be an increase it is not at a level, or increase congestion to such a degree, that would require mitigation to be provided.

Access Points

There are four separate access points proposed, there are two accesses from Hassall Road serving the main residential development and a separate access to the residential scheme of Dunnocksfold Road. A new access to the car park serving the sport pitches is proposed off Dunnocksfold Road. All of the accesses are 5.5m with footways with the exception of the southern access on Hassall Road which has a wider carriageway at 7.0m and 2.0m footways.

All of the proposed access points are of a suitable highway standard to serve the level of development proposed and visibility is achievable.

Internal Layout and Parking

The internal road layout submitted is a suitable design that does promote lower traffic speeds and there are informal roads/areas that are in keeping with a Manual for Streets design. The residential parking provision is consistent across the site with CEC parking standards and as such the residential parking is acceptable. There are a number of sport pitches proposed as part of this application and to support these facilities there are 105 car parking spaces provided, plus two mini bus parking spaces. CEC standards recommend an individual assessment on multiple sport pitches. Clearly, there is potential for considerable parking demand from these pitches, however the 105 spaces and minibus parking is considered to be adequate in this case.

The SIM has highlighted that the Manor Farm access is only single track and is not suitable to serve as an access for the sport pitches. There is a new access junction created to serve the car park from Dunnocksfold Road but there also is a separate car park on the opposite side of the Manor Farm drive and it is likely that users of this car park would use the Manor Farm drive as an access route.

The applicants will need to either provide measures to ensure that the Manor Farm drive is not intensified by vehicle movements or increase the width of the Manor Farm drive to provide suitable access to the car parks.

In addition, the revised proposals indicate that a boundary fence is to be erected around the sport pitches, notably along Dunnocksfold Road and this may interfere with the visibility splays at the new car park access. The applicant has been asked for a plan to show the positioning of the fence to the rear of the visibility splays.

Accessibility

In terms of pedestrian accessibility, the residential site can be accessed from Hassall Road as both access points are connected to the footway network. However, there is no footway on the north side of Dunnocksfold Road and no pedestrian access exists to the sport pitches and the residential development on the development side of the road. The SIM has recommended that a footway is provided along the north side of Dunnocksfold Road.

Revised plans have been received that provide a footpath within the site along the boundary with Dunnocksfold Road, provides adequate visibility splays and proposes signage within the car park to restrict use of the Manor farm access drive.

In addition, to provide safe pedestrian access from the site to the nearby school, leisure centre and bus stops, a contribution of £70,000 for a formal pedestrian crossing to be provided on Hassall Road is recommended. A financial contribution will therefore be secured through the s106 agreement.

The MMU site has a range of facilities that are within a reasonable walking distance of the site and there are existing bus services that are available on Hassall Road. Overall, it is considered that the accessibility of the site is good but the pedestrian access needs to be improved in accordance with the revised layout.

Layout & Design

The former university site is relatively substantial in size and clearly makes a significant contribution to the character of the wider area. Other than the application site, and the neighbouring High School and Leisure Centre, the area is residential to the south and east and rural to the north and west. The residential areas are characterised by a variety of house types. The buildings within the application site are not of any significant architectural merit. Whilst the proposed buildings will extend into areas of the site not currently occupied by buildings, given the surrounding land uses, this expansion of the built form will not have an unduly harmful effect upon the local area.

The proposed changing room building will be a single-storey structure, with the residential development comprising a range of 2, 2.5 and a small number of 3-storey properties, all of which are considered to be acceptable having regard to the scale of existing buildings within the site and local character. A mix of detached, semi-detached and terraced properties is proposed across the site, which will form varied street scenes, and roads are designed to reduce traffic speeds.

Character areas will be used to provide legibility within the development and to create a more diverse and attractive environment. These include an Entrance Circus, the Green Core, the Woodland Frontage, Hassall Road Play and Mews Street / Open Frontage. The on site open space is centrally located to maximise its accessibility and prominence within the development.

Importantly the mature tree screening to Hassall Road is retained, which is a significant feature of the area. The tree belt along the north western boundaries is also retained, which will help to assimilate the development into the open countryside landscape beyond

Subject to appropriate landscaping and materials, the scheme has the potential to make a positive contribution to the local area, and the proposal is considered to comply with the objectives of policies GR2, GR3 and GR5 of the Congleton Borough Local Plan.

Contaminated land

A combined Phase I and Phase II report and a Remedial Strategy have been submitted in support of the application. The Contaminated Land team has no objection to the application but note that the site has former uses and there is an infilled pond on site which may pose localised contamination and ground gas issues and 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.

Further investigation works are required upon demolition of the buildings on site, further gas monitoring is required and further delineation of the backfilled pond and associated gas risks are required. Remedial works are also required on site, and the proposed additional investigation works may further inform the remedial strategy.

Accordingly, a condition is recommended requiring further phase II investigation works.

Archaeology

The Council's Archaeologist has noted that the surviving 1940s block that provided accommodation for workers at the nearby Radway Green Royal Ordnance Factory should be recorded prior to its demolition, in accordance with Historic England recording level 2 (as proposed in section 4.4.2 of the Archaeological Desk-Based Assessment, WSP August 2015). The Desk-Based Assessment also indicated that the former site of "Daisybank Farm" depicted on the 1840 Tithe Map lay in the very south-western corner of the site. The proposals indicate that this area will now be used for housing and the level of damage or destruction to any surviving below-ground remains is likely to be considerable. Although the site is of only local significance it is considered worthy of preservation by record, i.e. archaeological excavation and recording. Proposed mitigation in the form of the stripping of the footprint of the two buildings depicted on the Tithe and Ordnance Survey mapping of the site, and the subsequent appropriate level of excavation and recording of any surviving remains, is considered to be an appropriate means of dealing with the site. Such works would however be limited to the area of building plots 488-500 as shown on drawing number MMU/PL01, revision P6, date 06-07-15, 1:1000 Planning Layout.

Consequently should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that such works (building recording and below-ground archaeological investigation) be secured by means of a condition.

Flood Risk

The site is located in flood zone 1; however, there is also high surface water risk in an area in the eastern part of the proposed development from topographical low spots indicated on the Environmental Agency's mapping system. The risk of flooding from this source will need to be appropriately mitigated and assessed then shown in the appropriate submitted documents before development can commence on site.

Neither the Environment Agency nor the Flood Risk Manager raise any objections to the proposal subject to drainage conditions.

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 and sports facilities 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:

- Financial contribution of £70,000 towards a pedestrian crossing on Hassall Road.
- Financial contribution towards provision of fitness stations and studio space at Alsager Leisure Centre.
- Financial contribution of £14,888 to enable capacity improvements to be made to Crewe Vagrants facilities.
- Provision and Management of on site open space
- Detailed specification and construction phasing programme of sports facilities.

- Phased transfer of land to CEC upon completion to be agreed, with the AGP's, changing facility and parking areas to be constructed and handed over first, in advance of the grassed pitches.
- Detailed management plan for the sports pitch area to be agreed with Management body (Everybody Sport & Leisure) prior to commencement of works.
- Land to be retained as sports area in perpetuity.
- Cascade criteria for 1 bed units

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 public open space, sports pitches and management arrangements, financial contributions towards indoor sports facilities and towards increasing capacity at Crewe Vagrants, and a formal pedestrian crossing at Hassall Road is all 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.

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 replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.

- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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 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 existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

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, the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a s106 agreement.

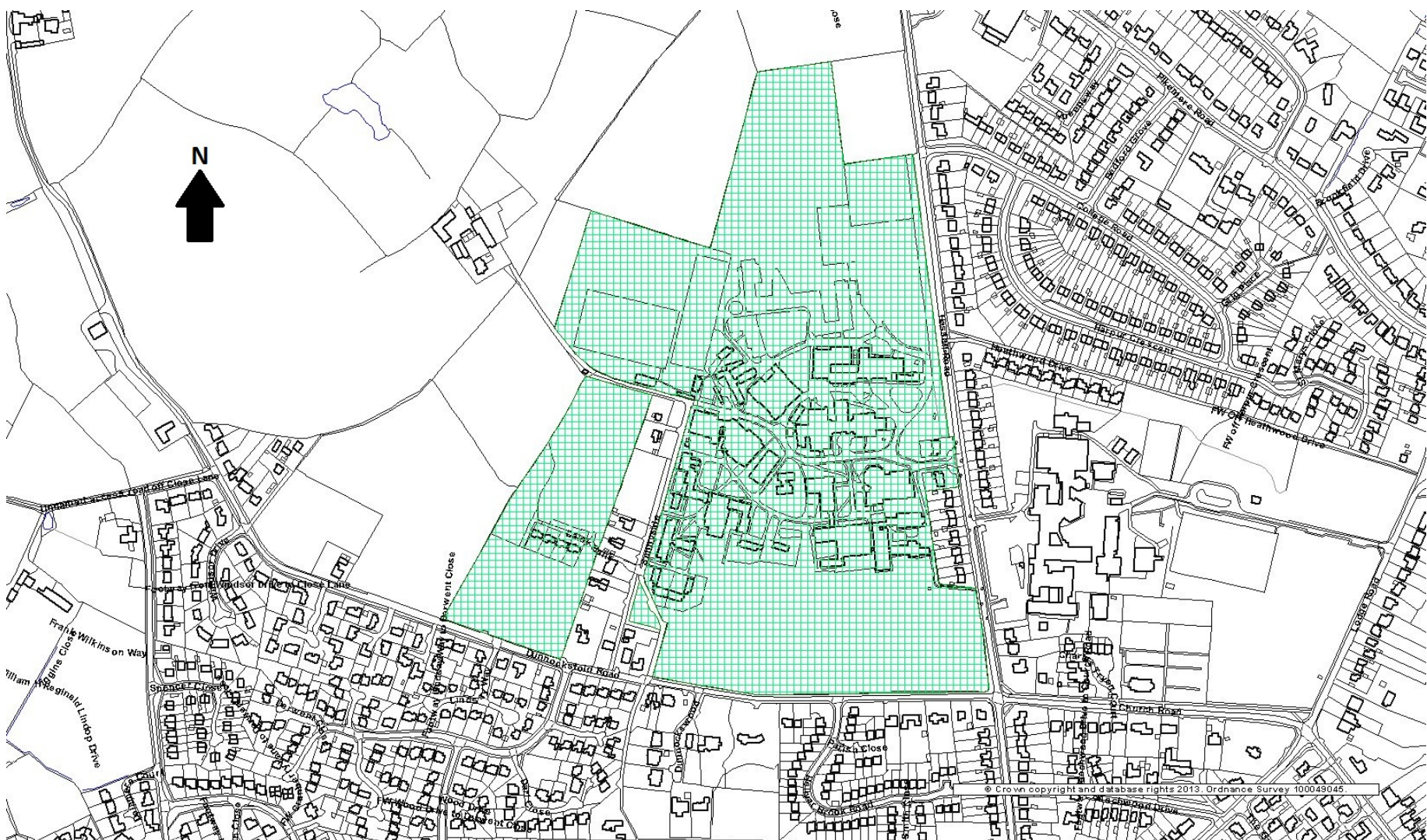
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation 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. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement
9. Tree pruning / felling specification
10. Service / drainage layout
11. Obscure glazing requirement
12. Landscaping to include details of boundary treatment
13. Written scheme of archaeological investigation to be submitted and implemented as approved
14. Detailed proposals (including specific position on site) for acoustic fencing to be submitted
15. Sports Pitches Hours of Use (Summer / Winter
16. Environmental Management Plan to be submitted
17. Lighting details to be submitted

18. Low emission strategy to be submitted (air quality)
19. Travel plan to be submitted
20. Dust mitigation measures outlined in the submitted Air Quality Assessment to be implemented
21. Additional Phase II investigations to be carried out / submitted (contaminated land)
22. Development to be carried out in accordance with the approved Flood Risk Assessment
23. Surface water drainage details to be submitted
24. Foul and surface water shall be drained on separate systems
25. Development to proceed in accordance with the recommendations of the submitted Badger Survey
26. Incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.
27. Nesting bird survey to be submitted
28. 10 year Woodland Management Plan for the Woodland identified as W1 on the submitted Tree Survey Drawing (P.424.14.01 Revision c) to be submitted
29. Details of signage to be provided within car park to prevent sports traffic utilising Manor Farm access drive.
30. Visibility splays to be provided
31. Drainage solution for the drain outlet in the south west corner of the development site to be submitted



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Application No: 15/5676M

Location: BARRACKS MILL, BLACK LANE, MACCLESFIELD, CHESHIRE

Proposal: Outline planning application with all matters reserved except for access for the demolition of existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres GIA) plus external sales area; one food retail unit (Class A1) including mezzanine (c1,200 square metres GIA); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works

Applicant: Cedar Invest Limited

Expiry Date: 15-Mar-2016

SUMMARY:

This proposal would bring economic benefits through the delivery of new retail jobs, investment in the area and by bringing a vacant brownfield site into viable use on one of the key gateways to Macclesfield, which is one of the principal growth areas of the Borough where national, local and emerging plan policies supports sustainable development.

The proposal to redevelop the site for uses other than industrial or conventional employment uses is contrary to policy. However, it has been accepted that this site is unlikely to contribute towards existing employment land in the borough. The Council's own evidence weighs against any argument for retention of this site for employment land and this is supported by the fact that the site is assessed as being a suitable brownfield site for housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been acknowledged.

The NPPF indicates that planning applications for out of town centre retail development that is not in accordance with an up to date development plan should be refused permission where they fail to satisfy the sequential approach or are likely to result in a significant adverse impact.

The applicant has demonstrated that there are no sequentially preferable sites for this out of centre retail proposal. The Council's retail advisors have identified that whilst there is an above average number of vacant units within the town centre, the impact of the proposed scheme will not be 'significantly adverse.' The analysis has also considered the impact upon the identified investment schemes within Macclesfield town centre but have concluded that there are qualitative differences between them and with the right conditions attached to a consent, the scheme will not attract retailers that would otherwise have been attracted to the

town centre and that the planned investments within Macclesfield town centre will enhance and improve the overall vitality and viability of the centre.

Therefore it is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the worst case cumulative impact scenario.

With examples of the likely 'out-of-centre' retailers that could occupy the proposed units, the Council has a better understanding of the proposal and its likely impact on the town centre. The adverse impact has to be balanced against the benefits of the proposal such as regeneration of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the value of developing the site for potential alternatives would make the scheme less attractive to the developer / landowner and would potentially risk the regeneration of the site. The proposed retail scheme would be able to generate a positive value that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site. In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case.

In terms of landscaping and trees, the treatment of boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed. Some of the trees on the site will require removal to facilitate the development; however, they are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily mitigated by new landscaping within the site.

The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only. There are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a 'severe' impact refusal can be supported and does not raise objections to the application. The scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to a scheme for pedestrian signage to promote links with the town centre.

The proposal is compatible with the surrounding development and the indicative design, scale and form of the buildings would not appear incongruous within its context subject to the submission of appropriate reserved matters. The impact of the proposal on environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Macclesfield Borough Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

RECOMMENDATION: APPROVE with Conditions

PROPOSAL:

This application seeks outline planning permission with details of access for the demolition of the existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres gross internal floor area) plus external sales area; one food retail unit (Class A1) including mezzanine (c1200 square metres gross internal floor area); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works. Matters relating to appearance, landscaping, layout and scale are reserved for approval at a later stage.

The proposed units would be distributed as follows:

Unit 1 – Potential end user ‘The Range’ - 6,504 square metres gross floorspace
Unit 2 – Potential end user ‘Dunelm’ - 3,345 square metres gross floorspace
Unit 3 – Potential end user ‘Sports Direct’ - 1,862 square metres gross floorspace
Unit 4 – Potential end user (end user not specified - convenience store (without the mezzanine) or open A1 use)) 1,170 square metres gross floorspace
A3 Coffee Pod – 167 Sq.m
Fast Food Drive through – 279 Sq.m

SITE DESCRIPTION:

This application relates to the site known as ‘Barracks Mill’, located to the east of The Silk Road (A523) directly to the north of the existing Tesco Store and car park which lies on the opposite side of the River Bollin and Middlewood Way, Macclesfield.

The site covers an area of 2.74 hectares in size and is located outside of the boundary of Macclesfield Town Centre which is located to the west. The site falls within an Existing Employment Area as defined in the Macclesfield Borough Local Plan.

With reference to the Framework, and guidance which supports it, the status of the site is defined as ‘out of centre’ being approximately 650 metres walking distance from the town centre’s Prime Shopping area. It is also separated off from it by the topography of the land, major highway and other environmental barriers.

The site consists of a former factory, which was damaged by a fire in 2004. There are still a number of buildings and structures in a derelict state. The site occupies a prominent position and is an important gateway location to the town (from the north). The site is presently accessed via Black Lane and Withyfold Drive. There are some residential properties on Black Lane and Withyfold Drive, to the east of the site. Alongside the River Bollin runs the Middlewood Way, which is used by walkers, cyclists and horse riders.

RELEVANT HISTORY:

08/0409P - DEMOLITION OF EXISTING FACTORIES AND ERECTION OF A RETAIL DEVELOPMENT – Finally Disposed of 02-Jun-2011

79925P - CHANGE OF USE OF PART OF FACTORY TO RETAIL SHOP – Approved 18-Jan-1995

97/1157P - DEMOLITION OF VACANT BUILDINGS & ERECTION OF CLASS A1 RETAIL PARK DEVELOPMENT & ASSOCIATED ALTERATIONS TO BLACK LANE – Note determined

12/0112M - Part detailed/part outline application for a replacement Tesco superstore and the erection of retail warehouse units. Detailed permission is sought for the demolition of buildings on the former Barracks Mill site to facilitate the development of a Tesco superstore of 14,325 sq. m gross internal area and a roundabout on the Silk Road, vehicles and pedestrian bridges over the River Bollin, a petrol filling station and associated internal road, car parking areas, servicing and landscaping. Outline permission is sought for a retail warehouse building and associated parking and servicing on the site of the existing Tesco store. Approval of details is sought for means of access, with all other matters reserved – Withdrawn 05-Dec-2013

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 9, 14, 17, 18, 19, 21, 26, 27, 28, 56, 61, 65, 109, 111 and 118.

Development Plan:

The Development Plan for this area is the adopted Macclesfield Borough Local Plan. The relevant Saved Policies are:-

Macclesfield Borough Local Plan Policy

Environment

NE9 Protection of River Corridors

NE10 Conservation of River Bollin

NE11 Nature Conservation

NE15 Create or enhance habitats in reclamation schemes, public open spaces, education land and other land held by LPA's

BE1 Design Guidance

BE21-BE24 Archaeology

Recreation & Tourism

- RT5 Minimum standards for open space
- RT7 Cycleways, bridleways and footpaths

Housing

- H13 Protecting Residential Areas

Employment

- E1 Retention of Employment Land
- E2 Retail Development on Employment Land
- E4 Mixed use areas

Transport

- T1 General transportation policy
- T2 Public transport
- T3 Improve conditions for pedestrians
- T4 Provision for people with restricted mobility
- T5 Provision for cyclists

Shopping

- S1 Town centre shopping development
- S2 New shopping, Leisure and Entertainment Developments
- S3 Congleton Road Development Site
- S4 Local Shopping Centres
- S5 Class A1 Shops
- S7 New Local Shops

Implementation

- IMP1 Development sites
- IMP2 Transport Measures

Development Control

- DC1 Design – New Build
- DC3 Amenity
- DC5 Measures to improve natural surveillance and reduce crime
- DC6 Circulation & Access
- DC8 Landscaping
- DC9 Tree Protection
- DC13-DC14 Noise
- DC15-DC16 Provision of facilities
- DC17 Water resources
- DC18 Sustainable urban drainage systems
- DC20 Contamination
- DC50 Shop Canopies, Awnings etc
- DC54 Restaurants, Cafes and Hot Food Takeaways
- DC63 Contamination

Cheshire East Local Plan Strategy Submission Version:

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

Other Material Considerations:

- The Cheshire East Economic Development Strategy (June 2011);
- The Local Plan Strategy Employment Background Paper (March 2014);
- The Planning Practice Guidance (March 2014)
- EC Habitats Directive and the Conservation (Natural Habitats etc.) Regulations 2010
- Cheshire Retail Study Update 2011
- Macclesfield Town Centre Economic Masterplan 2010
- Macclesfield Town Vision 2012
- WYG update 2016
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- Ministerial Statement of 23 March 2011 on "Planning for Growth"
- Relevant legislation also includes the EC Habitats Directive and the
- Conservation (Natural Habitats etc.) Regulations 2010.

CONSULTATIONS:

Cheshire Archaeology Planning Advisory Service Cheshire Shared Services: No objection subject to a condition securing a programme of archaeological work in accordance with a written scheme of investigation.

Highways: No objection subject to Grampian condition to provide the site access works and also the road improvement works on the Silk Road.

Environmental Protection: No objection, subject to conditions / informatives requiring submission of a Construction Environmental Management Plan, a restriction on hours of use, submission of details of external lighting, submission of details of noise mitigation for fixed plant etc, submission of a travel plan, submission of a low emission strategy, travel plan, dust control strategy, electric vehicle charging points and a further contaminated land survey.

Environment Agency: No objection subject to conditions for remediation of unsuspected contamination and surface water drainage.

Flood Risk Officer: No objection subject to submission of a surface water drainage scheme.

National Grid: No objection but note there is a pylon apparatus within the site.

United Utilities: No objection subject to drainage conditions. It is also noted that there is a public sewer that crosses the site. A modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

MACCLESFIELD TOWN COUNCIL:

Object on the following grounds:

That this committee objects to the application on the due to the expected negative economic and social impact on the town centre, its vitality and viability, serious highways concerns and the potential negative impact on the amenity of residents based on the following grounds:

- i. Macclesfield Borough Local Plan Policy S2 1 – need for development away from the town centre is unproven
- ii. Macclesfield Borough Local Plan Policy S2 2 – there are available units within the town centre for the suggested business types as well as existing representation of the proposed businesses.
- iii. Macclesfield Borough Local Plan Policy S2 2(i) – there is deep concern relating to the potential damage, identified in the application, such a development will have on the vitality and vitality of the town centre.
- iv. Macclesfield Borough Local Plan Policy S2 2(ii) – the proposal will effectively be only accessible by car
- v. Macclesfield Borough Local Plan Policy S2 2(iii) – Existing properties' amenity will be adversely impacted in the form of additional heavy goods vehicles on small back road access (Black Lane), which was deemed unfit for busses; and the screening of residential properties.
- vi. Macclesfield Borough Local Plan Policy S2 3(i) – inadequate studies carried out to provide appropriate information on which to base a decision.

- vii. Macclesfield Borough Local Plan Policy S2 3(ii) – inadequate studies carried out to provide appropriate information on which to base a decision.
- viii. Macclesfield Borough Local Plan Policy S2 4 – the proposals do not restrict the range of goods to be sold, such that the anticipated occupancy will have a direct negative impact on existing businesses and town centre vitality and viability.
- ix. Macclesfield Borough Local Plan Policy DC1 – the proposal is not sympathetic to the character of the surrounding street scene
- x. Macclesfield Borough Local Plan Policy DC3 – the proposals will significantly injure the amenity of the nearby residential properties in terms of delivery access by heavy goods vehicles via Black Lane, which is unsuitable for such an access.
- xi. Macclesfield Borough Local Plan Policy DC3 4 and 5 – the proposals will significantly injure the amenity of the nearby residential properties in terms of additional pollution, noise, vibration and fumes from cars and delivery vehicles.
- xii. Macclesfield Borough Local Plan Policy DC5 – the proposals will result in anti-social behaviour on the car park
- xiii. Macclesfield Borough Local Plan Policy DC6 1, 2, 3, 4 and 5 – the proposals do not appropriately account for safe access, particularly on Black Lane and the potential impact on the A523 with slowing and emerging traffic. Buses stopped using Black Lane due to access and safety concerns. Black Lane is too small for two way traffic involving heavy goods vehicles for the delivery access as proposed (this would result in HGV's reversing). Access via Black Lane could result in the hindrance of emergency vehicle access.
- xiv. Macclesfield Borough Local Plan Policy DC8 – the proposals do not adequately address the landscaping policies of the local plan.
- xv. That such a development is likely to negatively impact on the ability for the town centre to attract inward investment, thereby adversely affecting the vitality and viability of the town centre.

REPRESENTATIONS:

Representations have been received from over 24 addresses objecting to this application. This includes submissions made by Macclesfield Civic Society, Cheshire East Council's Regeneration Section, Cllr Dooley and Savills acting on behalf of the Eskmuir Securities Limited who operate the Grosvenor Shopping Centre. The grounds for objection are summarised as follows:

- Impact on the vitality and viability of Macclesfield Town Centre#
- Breaches the 'Town Centre First' approach
- There is no quantitative or qualitative retail need
- Inadequacies in submitted retail information
- Diversion of trade from the town centre

- Proposal will provide uncertainty amongst existing traders
- Loss of employment land
- Size and scale of retail park too large
- Contrary to national, local and emerging policies
- Council confirmed development was not EIA
- Cumulative impact of this proposal with other out of centre retail proposals
- Impact on the local highway network and highway safety concerns
- Site should be developed for residential
- Impact on the Middlewood Way
- Contamination
- Will impact on town centre investment
- Account needs to be given to SMDA proposals
- Retail study is out of date
- Opportunities to enhance the landscape should be made
- Needs to be an archaeological assessment
- Viability case is not robust
- Design fails to respect the Town
- Outlook from neighbouring properties will be poor
- Anti social behaviour
- There is no clarity on type of retail being sought
- Pollution
- Need further opportunity to consider retail impact assessment and viability of the scheme
- Viability appraisal needs to be fully disclosed

A letter of support has been received from a neighbouring business on the grounds that it would bring a derelict sit into re-use with better access.

OFFICER APPRAISAL:

ECONOMIC SUSTAINABILITY

Principle of Development

This is an outline application for the demolition of a number existing buildings and the construction of four new retail units, all within a single building mass, plus the erection of a fast food outlet and coffee outlet. The application also includes the provision of a new access from the Silk Road and the provision of 324 car parking spaces.

Macclesfield is identified as a principal town in Cheshire East, a main shopping centre and an important employment centre. The Council has previously granted consent for a planning application (ref; 12/1212M), which seeks to improve the shopping and leisure provision via a seamless extension of the town centre. The scheme also includes a cinema and various leisure based facilities. Such town centre redevelopment is an important strategic development site and is considered key to achieving the sustained regeneration of Macclesfield town centre by providing a mix of retail, housing and leisure facilities and a new high quality public realm.

With regard to decision making, planning applications have to be determined in accordance with the development plan. The Framework (Annex 1) makes it clear that development plan policies drafted before the Framework was published that are consistent with the guidance are a material consideration. Therefore, Local Plan saved policies S1 to S7 (excluding S6) are a material consideration as they are consistent with the Framework

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework taken as a whole.

The proposals subject of this application relate to a major retail scheme of some 12,881 square metres floor space in an out of centre location which is allocated as part of a wider employment use. As such, the key issues to consider in relation to principle of the proposed development are:

- 1) Loss of an allocated employment site
- 2) Whether there is sufficient retail capacity within the catchment area to accommodate the development.
- 3) The availability of any other sequentially better sites?
- 4) The impact of the retail development upon the vitality and viability of the town centre?
- 5) Any other benefits to weigh in the balance

Loss of Employment

The Barracks Mill site is identified on the Local Plan Proposals Map as being within an 'Existing Employment Area', where policies E1 and E2 indicate that proposals for retail development will not be permitted. The site is vacant, but with a previous industrial use. It is also covered by Policy E4 in the Macclesfield Local Plan as an existing employment area. The site has no designation as yet in the emerging Local Plan – it may well do in the second stage site allocations - but it does not feature in the current evidence base.

Policies E1, E2 and EG3 seek to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan.

More specifically, Policy EG3 of the emerging Local Plan Strategy advises that existing employment sites will be protected for employment use unless the:

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or
- ii. The site is no longer suitable or viable for employment use; and
 - a. There is no potential for modernisation or alternative employment uses; and
 - b. No other occupiers can be found.

The policy also advises that *“all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme”*.

However, when the Council looked at a previous application for retail development on the site in 2012 (planning ref; 12/0112M), there was an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace meant that it was unlikely that office development on the site would come forward. The findings of the Macclesfield Economic Plan and Masterplan and the Annual Monitoring Report 2009 together with marketing exercises undertaken at other employment sites all supported this view.

Further, in 2012 the Council instructed that an Employment Land Review be carried out in November 2012 by Arup & Partners and identified the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs. This concluded that there was adequate Employment Land available across the District. This site was assessed as part of the review and forms part of the underpinnings for the allocation of employment land in the local plan. Within the Employment Land Review it was concluded that the site should be considered for non-employment uses in view of its various constraints. Consequently the site was not factored into the existing supply of employment land in Macclesfield.

Para 22 of the NPPF states that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.

In terms of the current position with regards to employment land, it is clear from the recent work undertaken as part the emerging local plan that the general position is that the Council needs additional employment land across the Borough (380ha additional). However, it has been accepted that this site is unlikely to contribute towards it. Hence, the Council's own evidence weighs against any argument for retention of this site for employment land. This is further emphasised by the fact that the site is assessed as being a suitable brownfield site for housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been factored in.

Further to this, whilst the latter part of policy EG3 of the emerging Local Plan Strategy references that opportunities to incorporate an element of employment development as part of a mixed use scheme should be explored, this is not a requirement of the framework and the policy is not yet formally adopted. Additionally, the footnote / explanatory text to the policy recommends that to demonstrate that no other occupiers can be found, the site should be marketed for a period of 2 years. Such marketing has not been carried out; however, this requirement does not feature in the framework or Macclesfield Local Plan either.

Viability

Added to the above employment considerations, the application has been supported by a financial viability appraisal which includes an assessment of the potential land uses for the

site comprising of employment uses (B1, B2 and B8) and redevelopment of the site for residential use. The appraisal considered the planning policy context, the constraints of the site, access issues and remediation of the site. This has been independently assessed by one of WYG's consultants.

It is accepted that the site is a derelict industrial site and that comprehensive clearance and remediation of the land will be required prior to the commencement of any regenerative scheme. The estimated costs for such works are calculated to be in the order of £2.2 million to £2.4 million which would translate to £545,000 per acre to £606,000 per acre.

With respect to the access, the current access arrangement is poor and not particularly suited to industrial employment uses. In order to facilitate the redevelopment of the site, a new access is proposed directly from the Silk Road and it is argued by the applicant that this is a *"prerequisite of attracting new commercial occupiers to the site, or the purchases of new residential dwellings"*. The financial cost of providing the proposed new access is between £1 million to £1.2 million, equating to a sum of £250,000 per acre to £300,000 per acre.

The submitted appraisal shows that the potential options of a) redeveloping the site for employment re-use and / or b) redeveloping the site for residential use would create a negative site value. There is the real prospect that if the developer does not yield a reasonable return from the site, then the development will not be capable of being delivered.

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the GDV of developing the site for potential alternatives would fall below the 17.5-20% which would make the scheme less attractive to the developer / landowner. The proposed retail scheme would be able to generate a positive GDV that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site.

The Council's financial consultant has undertaken his own modelling exercise based on the 2 commercial and 1 residential scenarios put forward by the applicant. His findings have led him to conclude that it is clear that the viability of the development for the alternative scheme is suffering due to the scale of abnormalities required to deliver development but also the market values for the commercial scheme in this location are insufficient to outweigh the BCIS cost base (the build cost) to deliver the scheme. The specific conclusions are as follows:

- Commercial Scenario 1 is unviable
- Commercial Scenario 2 is unviable.
- Residential:
 - A 30% affordable housing policy compliant scheme is unviable at either the base sales value
 - At 15% affordable housing the scheme is unviable unless evidence of a lower benchmark land value can be adopted (based on either a red book value or site deductibles equating to a lower benchmark). Neither of these requirements are known at this stage and therefore cannot be guaranteed.
 - If further S106 contributions are required, this will have to be at the expense of Affordable Housing.

In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case. This has been confirmed by the Head of Planning Strategy and the Council's independent consultant has confirmed that the viability of developing the site for alternative uses would also suffer. The consultant, however, has confirmed that a residential scheme with no planning obligations or affordable housing may be able to generate a better site value that would give a better return than presently modelled. However, this would be at the expense of sustainable development and therefore any positives of such a scheme would be reduced.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG1 of the Council's emerging Local Plan Strategy Submission Version. Taking into account the employment benefits and investment to the area that this scheme would bring, and that it would bring a redundant brownfield site into viable use, the scheme is found to be acceptable in this regard and material considerations therefore outweigh the conflict with the employment policies of the development plan.

Retail Development

Policy S2 of the Macclesfield Borough Local Plan deals with proposals for new retail development outside of existing centres. This policy includes that there should be a proven need for the proposal. However, the Framework supersedes this and does not require applicants to demonstrate the need for the development. The Framework does require that proposals demonstrate that they satisfy both the sequential test and the impact assessment tests. Paragraph 27 of the Framework is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts, it should be refused.

On this basis, the Council need to be satisfied that there are no more sequentially preferable sites available and that there would not be a significant adverse impact on investment in centres within the catchment of the proposal or on town centre vitality and viability. Following officers concern regarding the potential impact on Macclesfield Town Centre, the Council has sought specialist retail advice from two independent consultants on this matter. The instructed consultants were Martin Tonks (MT Town Planning) and then latterly WYG Planning Consultants. Both have provided detailed advice to assist the Council in assessing the retail impact that this scheme would have on Macclesfield Town Centre.

The applicant has advised that the scheme has been designed and configured in anticipation of the units being occupied by out of centre retailers such as The Range, Dunelm, Sports Direct and a convenience store (without the mezzanine) or open A1 use in Unit 4. However, it is important for Members to note that it cannot be guaranteed that these 3 retailers will be the exact occupiers of the proposed units if the scheme were to be approved and subsequently implemented. Nonetheless, these named operators aid the understanding of the proposal and the types of 'out-of-centre' retailers that the proposal is intended to accommodate and therefore its likely impact upon Macclesfield Town Centre.

Town centres comprise of individual shops and in numerous appeal decisions inspectors have raised the concern of store closures, increased vacancies and diminished diversity in

arriving at their conclusions. No development is going to compete with an entire shopping centre just elements of it and this approach helps our understanding of the impacts and can inform (or test) assumptions the trade diversions are based upon as NPPG advises *“As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector... Retail uses tend to compete with their most comparable competitive facilities.”*

The council has expressed concern regarding the scale of the proposal in relation to the town centre. In response, the applicant has stated that

“The proposed development represents less than 15% of total floorspace... The scale of the proposal is smaller than Lyme Green Retail Park.”

However, in terms of the comparison goods floorspace in the town centre with which the proposal will compete directly the 12,881 sq m represents 30% of the town centre comparison goods floorspace in the town centre recorded in the 2016 WYG Retail Study. It is therefore a significant development and as such its impact must be carefully considered, hence why the Council has tested the scheme with 2 retail consultants. In response, the applicant's retail consultant (ANA) has pointed out that much of the floorspace proposed is at mezzanine level which doesn't trade / turnover quite so well. In addition, the kind of target occupiers are discount orientated. Whilst this may be mainly the case the list of potential users does include Sports Direct who are present in the town and the use of unit 4 could include comparison goods such as clothing, footwear and fashion accessories.

ANA further advise it is because *“the application makes provision for the installation of mezzanine floors that increases the quantum of floorspace to the level proposed. End users may not require mezzanine space and therefore there is a prospect that mezzanine space throughout the whole development will not be provided.”* ANA therefore consider that the implementation of the mezzanine element is a 'worst case' scenario and the impact assessment has been undertaken on this basis. In addition they advise *“Sales areas at mezzanine level generally trade at a level below the average sales density typical of the retailer. However, within the Retail Assessment we have assumed that the sales densities apply to all floorspace and it does not distinguish between the ground floor sales area and mezzanine sales area.”*

The Council's Retail Consultants agree with this approach as it assesses impact on a worst case scenario.

The Sequential Approach to Site Selection

During previous discussions, the Council questioned whether there were any alternative out-of-centre sites that had superior accessibility to the application site and were therefore sequentially superior. Drawing upon the Council's Urban Capacity Study (UCS) that forms part of the evidence base for the emerging Local Plan, ANA conclude *“the application site is the only site of significant scale recognised to have the potential for development close to the town centre within the plan period”*. The applicant looked at three other large sites (over 1 hectare) in the UCS including the King's School (site ref 4302), BAS House (site ref 3115) and the Clowes Street (Gradus) site (ref 3090) but none of these sites are available for development of this type.

In relation to the sequential approach to development and noting recent Judgments and appeal precedent in respect of the application of the test, WYG are unaware of any site within the wider area which is available and suitable to accommodate the application proposal. Both of the Council's retail consultants have confirmed that the proposal accords with the requirements of the sequential test set out in Policy S2 of the Macclesfield Local Plan and paragraph 24 of the NPPF. It therefore appears that the sequential test is satisfied by the applicant.

Impact Methodology

In the 2016 Retail Study Update, WYG identify a much lower turnover for the town centre (£166.9m excluding inflow) than ANA (£237.87excluding inflow). Conversely WYG identify a much higher turnover for Lyme Green RP (£51.8m excluding inflow) than ANA (£11.93m excluding inflow). WYG have asked respondents where 'they last shopped' for the various goods in their household survey which they consider more accurate than the approach now adopted by ANA. ANA suggest that it doesn't matter *"If expenditure in a specific centre such as Macclesfield Town Centre is lower (for whatever reason), it must follow, in our methodology that trade diversion from that centre will be lower."*

Whilst ANA's household survey has a bigger sample in the study area (zones 1 and 2 of WYG's study area), the Council agrees with WYG's approach. The council also disagree with ANA's suggestion that trade diversion is proportional to market share. Whilst the market share is a factor to be taken into consideration in trade draw / diversion calculations there are other considerations such as the proximity of the nearest competing facilities to the proposal and the NPPG 'like affects like' principle. In addition, the turnover of the proposal is fixed and trade draw / diversions to it should be fairly rigid and not necessarily adjusted proportionally to any adjustments in market share. There are therefore two concerns with ANA's revised impact assessment:

1. That it continues to overstate the turnover of the town centre and understate the turnover of Lyme Green RP; and,
2. That trade diversions to the proposal can't simply be adjusted proportionally to adjustments in market shares.

Owing to this, the Councils Retail Consultants have undertaken some simple sensitivity testing of ANA's impact assessment to take the above into account and this is described later.

In addition to the Castle Street proposals ANA have now taken account of the SMDA Asda commitment, The Tesco Hibel Road mezzanine and the Handforth Dean Next proposals in their supplementary impact assessment. The 2011 WYG Study identifies two commitments at Silk Retail Park for mezzanine floorspace. ANA have made a greater allowance for turnover in the Tesco mezzanine than WYG and this offsets the omission of the two aforementioned commitments and this has been taken into account in the sensitivity described later.

Martin Tonks considers that the other commitments divert too little comparison goods trade from Macclesfield town centre (if this was proportional to market shares it should be around 32.6% for the two supermarket proposals). It is also noted that ANA base the trade draw for the Handforth Dean Next proposals on a number of sources including the 2011 WYG Study

and assume 65% of trade is drawn from outside their study area. However, in the 2016 WYG Study, it is assumed that c. 65% of trade will be drawn from their (wider) study area. Martin Tonks has therefore adjusted the trade diversion from Macclesfield town centre to Handforth Dean to 10% in the council's sensitivity assessment. Whilst there is no Next store in the town centre to divert trade from, the Handforth Dean proposal is a Next Home Store Format with a considerable amount of floorspace given over to soft furnishings and non-bulky household goods (homewares) which will compete directly with nearby shopping centres including Macclesfield.

NPPG Health Check

The 2016 WYG Study also contains a health check against which to assess the impact (including cumulative) of the proposal in the absence of a health check carried out by the applicant. The Study finds a worrying decrease in market share within the study area for the town centre which is partially accounted for by a significant increase in market share for Lyme Green RP. WYG don't identify any current capacity to support new comparison goods floorspace in Macclesfield although they consider that with a small increase in market share there will be future capacity. Conversely, WYG do find considerable current and future capacity for convenience goods floorspace arising mainly from overtrading in existing foodstores in the town.

In the health check, it is concluded that for Macclesfield Town Centre, *"The vacancy rate is well above the national average"* (contrary to ANA's observations) and *"rent levels remain low in the town centre and yields increasing suggesting a lack of confidence in the town."* WYG note the new retail and leisure schemes planned for the town centre and their concluding summary is that *"Overall, whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies if it is to continue to remain a vital and viable centre."* The Executive Summary goes on to state that:

"The health of Macclesfield town centre has also declined in recent years. The centre has a number of weaknesses, including a high vacancy rate and a lack of modern format units. Accordingly, we consider further retail and leisure development in a town centre location could assist in strengthening the position of the town centre."

The Council's retail consultant has tested three impact scenarios and in the worst case scenario the proposal had a solus impact of between 8.9% and 12.5% on the comparison goods turnover of the town centre and a cumulative impact of between 12.6% and 17.6%. In a weak centre these impact levels would probably be 'significant adverse' but the most recent retail study carried out by WYG has not concluded that Macclesfield is a weak centre. Given scenario 3 is unlikely to happen, it is considered that the adverse cumulative impacts of the other scenarios on the vitality and viability of the town centre are unlikely to be significant adverse.

Impact Assessment

Whilst there are some reservations about the convenience goods element of the proposal diverting too little trade from 'other shops' in Macclesfield town centre (if unit 4 is occupied by a foodstore), WYG do find considerable current and future capacity for convenience goods floorspace in the town in their 2016 Study which supports the view that unit 4 trading as a

convenience store would not have a significant adverse affect on the town centre. The remaining concern is therefore the comparison goods element, The Councils does have an indication of the likely named occupiers for all but unit 4 which gives the council a better understanding of the potential impacts that similar out of centre retailers may have on the town centre. As stated earlier, because of concerns about some of the assumptions in the ANA impact assessment, both of the Council's retail consultants have undertaken a sensitivity impact assessment.

Sensitivity Impact Assessment

The sensitivity impact assessment carried out by Martin Tonks has three scenarios and in each scenario, the solus and cumulative impact of the proposal is tested on the turnover of the town centre in 2020 as identified by ANA (c. £300m post Castle St development) and also a lower town centre turnover extracted from the 2016 WYG Study (c. £215m). As previously indicated the WYG approach is preferred to identifying market share based on a question that asks respondents which centre they last visited to purchase seven separate types of comparison goods. However, the ANA household survey had a bigger sample in the immediate Macclesfield catchment therefore should be more statistically reliable. The future turnover of Macclesfield town centre is therefore likely to be somewhere between the WYG (£215m) and ANA (£300m) assessments which can perhaps be regarded as a worst and best case scenario.

The first scenario is based upon ANA's £14.5m trade diversion from the town centre that results in a solus impact of between 4.8% and 6.8% on the town centre depending upon the overall turnover of the town centre that is used (ANA or WYG's). When the cumulative impact of the commitments is included the impact on the town centre increases to 7.9% (ANA) or 11.0% (WYG).

In the second scenario the trade diversion from the town centre to the proposal is increased to 70% to reflect the market share of the town centre in the most populated of ANA's zones South Macclesfield (zone 2). This increases the solus impact to between 6.1% (ANA) and 8.5% (WYG) on the town centre. When the cumulative impact of the commitments is included the impact on the town centre increases to 9.7% (ANA) or 13.6% (WYG).

Finally, in the third scenario the turnover of the proposal using ANA's worst case scenario of a sales density of £3,500 per sq m in all the comparison goods floorspace in the proposal is increased. Again, assuming trade diversion from the town centre is 70% this increases the solus impact to between 8.9% (ANA) and 12.5% (WYG) on the town centre. When the cumulative impact of the commitments is included the impact on the town centre increases to 12.6% (ANA) or 17.6% (WYG).

The third scenario is a worst case scenario as, given the conditions now offered, the proposal is unlikely to turnover at this level or divert 70% of its turnover from the town centre and not all the commitments are likely to be implemented. What this shows is that even in this worst case scenario the cumulative impact on the comparison goods turnover of the town centre is below 20% which has been regarded by PINS in recent appeals as the level of impact which vital and viable town centres such as Macclesfield can withstand before it is likely to be significant adverse.

In looking at this application specifically, WYG have undertaken a sensitivity analysis based on comparison goods impact is of primary relevance where as Martin Tonks includes convenience as well and also extends further than the primary area and for that reason, the trade diversion in the three scenarios run by Martin Tonks are significantly higher than that which would happen in practice. WYG instead have calculated that the cumulative impact arising at Macclesfield town centre when taking account of the commitments and the proposed development equates to a -11.4% trade diversion impact (£14.4m) which would be lower still if it was isolated to the Primary Shopping Area.

As a more realistic assessment, WYG consider that with conditions controlling goods for sale and a limit on retail floorspace, in practice the trade diversion of the cumulative impact on the town centre would be lower still at approximately 9.6%.

Impact on the Vitality and Viability of Macclesfield Town Centre

The 2016 WYG Retail Study contains a health check against which to assess the impact (including cumulative) of the proposal. As indicated earlier, the WYG Study finds a worrying decrease in market share within the study area for the town centre which is partially accounted for by a significant increase in market share for Lyme Green RP. WYG also found the vacancy rate is well above the national average contrary to ANA's observations. WYG's conclusion summary is that *"whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies if it is to be considered a vital and viable centre"*.

The proposal will result in an adverse impact on the trade and turnover of Macclesfield town centre. Whilst Martin Tonks and ANA conclude that the Town centre is vital and viable, WYG comment that the conclusions of the retail study are not as positive. The vacancy rate is above national average and the trade diversion impact is not modest as suggested. However, WYG do note that there is the potential for some of the vacant units to be occupied in the short to medium term as a direct result of the planned and committed investment in the town centre, which would also have the potential to increase the overall comparison offer of the centre.

The diversity of use analysis suggests that there has been a decrease in the amount of comparison goods floorspace and units in the town centre and an increase in vacant floorspace in the town centre, particularly when looking over the past ten years to 2006. In terms of the level of vacant floorspace and units, WYG understand from the Cheshire East Regeneration Team, that the proportion has risen further since the latest WYG survey. However, WYG identify that a number of the vacant units cited are on the very periphery of the town centre where footfall is lower and the units are less attractive to operators. There is also potential for shoppers to link their trips to Barracks Mill both via foot and by car. In terms of foot, the applicant has offered to improve signage (fingerposts) around the site to promote linkages with the town centre, which would be a benefit, albeit limited.

There has also been a concentration of vacant units in the Grosvenor Shopping Centre where the Castle Street scheme is proposed. WYG note that it is not uncommon for units to be vacant in the short to –medium term whilst leases expire prior to development being implemented.

However, WYG is satisfied that the proposed development is unlikely to have a significant adverse impact on the vitality and viability of Macclesfield town centre. Whilst they note that the cumulative impact identified in the WYG sensitivity test above appears to be high, WYG are of the view that due to the specific types of goods which will be restricted to be sold from the floorspace proposed at Barracks Mill, the figures represent a 'worst case scenario'. WYG are also of the view that the proposal will bring qualitatively different operators to Macclesfield, the type of retailers who would otherwise struggle to find suitable premises in the town centre, given the heritage and townscape constraints and the small floorplate dimensions. This is considered to be a welcome benefit.

In terms of the impact on choice and competition, based on the advice of agents Cheetham & Mortimer, ANA consider that the proposed development is likely to add to the attractiveness of Macclesfield as a retail destination by introducing retailers that are not presently represented in the town. The Council disagrees with ANA's interpretation of the Todmorden and Saffron Walden decisions where the Inspector was concerned about the overall choice and competition in those town centres post development and not the impact on individual town centre stores / proposals.

As already stated, WYG note that vacancy levels are relatively high in the centre and that the conclusions of the retail study was that there needed to be intervention within the centre to ensure that the vitality and viability does not fall further. However, they consider that any real potential for the proposed development to have a significant adverse impact on the identified investment schemes within Macclesfield town centre is unlikely. The schemes are qualitatively different and due to the nature of the conditions put forward by the applicant to control the proposed floorspace, it is not considered that the proposal would attract retailers which would have otherwise occupied the committed units at Castle Street, in particular. This is dependent on the proposed development not including the sale of clothing, footwear and fashion accessories as the Castle Street scheme in particular is aimed at encouraging such uses.

With respect to the Castle Street and Churchill Car Park schemes, WYG have advised that with signs of these schemes being implemented, it is considered that there is potential for the vitality and viability to improve over the medium term, which is the likely timeframe for this proposal to progress too. WYG therefore conclude that they do not consider that the proposal subject of this application will have a significant adverse impact on the vitality and viability of the town centre and that its health will improve irrespective of these proposals over the short to medium term, as long as there are sufficient restrictions attached to any consent.

The Council has a better understanding of the proposal and its likely impact upon Macclesfield town centre. There is unlikely to be an impact on investment in the town centre in terms of competition for the same occupiers as the kind of intended operators do not have town centre formats. This has been confirmed by both of the council's retail consultants.

Overall Retail Impact

The applicant has demonstrated that there are no sequentially preferable sites for the proposal. Overall, it is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the worst case cumulative impact scenario. This adverse impact has to be balanced against the benefits of

the proposal such as regeneration of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

Both of the Council's Retail Consultant have advised that the proposal should be suitably conditioned to restrict the sale of goods as offered by the applicant. Subject to this, it is considered that it would be very difficult to defend a refusal on retail grounds at appeal. It is accepted that the town centre has declining vitality and viability but as the WYG study advises this can be addressed by the proposed retail and leisure investments in the centre which the proposal should not impact upon. The original 2011 WYG study identified out-of-centre retail developments as a key threat to the future vitality and viability of Macclesfield town centre (and especially clothing stores and household goods stores) but the 2016 study does not retain this advice which probably reflects the increasing diversification of the retail warehouse sector which is another reason why it would be difficult to defend a refusal at appeal on retail grounds. Owing to this, it is considered that the proposal is acceptable in this regard.

With the imposition of conditions limiting the goods for sale, the council is better assured about the potential impact on the town centre as it is clear that the future occupiers will be those that operate on an out-of-centre retail format and are less likely to compete with the majority of goods sold within the town centre. To ensure that control can be exercised over the range of goods sold within the proposed units, thereby limiting the impact on the town centre, it is proposed that the range of goods sold are carefully restricted to limit trade diversion from the town centre. The detailed wording of the proposed condition would be as follows:

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, subject to the exceptions in part (B), the Class A1 (retail) floorspace hereby approved shall only be used for the sale of the following broad categories of goods:

- a. Carpets, floorcoverings, furniture, home furnishings;
- b. Electrical goods and domestic appliances; and
- c. DIY goods and materials, gardening goods and equipment.

The exceptions are that:

- a. **Unit 1** illustrated on indicative drawing no 2273 AA(4) 11 P0 may also be used for the sale of: fabrics, haberdashery and related products; homewares including glass and china goods; toys; craft and hobby materials and equipment; pet products; office equipment; stationary and supplies; sports clothing, footwear and equipment; goods for camping and caravanning; outdoor pursuits clothing, footwear and equipment; motor parts and accessories; bicycles, bicycle accessories and related products; boating accessories and related products; confectionary and food for consumption on the premises; other leisure goods; and seasonal products such as Christmas decorations.
- b. **Unit 2** illustrated on indicative drawing no 2273 AA(4) 11 P0 may also be used for the sale of: homewares including glass and china goods; fabrics, haberdashery and related products; craft and hobby materials and equipment; confectionary and food for consumption on the premises; and, seasonal products such as Christmas decorations.

- c. **Unit 3** illustrated on indicative drawing no 2273 AA(4) 11 P0 may also be used for the sale of: sports clothing, footwear and equipment; goods for camping and caravanning; motor parts and accessories; bicycles, bicycle accessories and related products; boating accessories and related products; clothing, footwear and equipment for outdoor pursuits; and other leisure goods.
- d. **Unit 4** illustrated on indicative drawing no 2273 AA(4) 11 P0 may also be used for the sale of convenience goods. In the event that this unit is used predominantly for the sale of convenience goods, no more than 20% of the net sales area may be used for the sale of ancillary comparison goods, but which shall not include the sale of clothing, footwear or fashion accessories.

For the avoidance of doubt, this permission does not imply or convey consent for the sale of everyday or fashion clothing or footwear, books, jewellery, watches, beauty or healthcare products.

The considerations in this assessment are clearly both crucial to the future health of the town centre but on balance it is considered that, subject to this condition, the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse.

ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

Design

The NPPF and local plan policies BE1 and SE1 emphasise the importance of securing high quality design appropriate to its context. NPPF paragraph 61 states that:

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

Whilst the application is in outline form, the application is supported by indicative plans which show how the development could be accommodated on the site. The maximum floorspace of 12,881 square metres would be distributed across 4 units which would be of typical portal construction with metal cladding to the facing elevations and glazed features denoting the main entrances to the units facing a car park.

There is a clear precedent for large industrial buildings on the adjacent Hurdsfield Industrial Estate and the site would also be read in the context of the existing Tesco store located to the southwest. Whilst there are smaller residential properties to the east on Withyfold Drive, the proposal would lower ground than the houses on Withyfold Drive which are positioned on higher ground.

The retail units, if constructed to the maximum scale allowed within the parameters set out in the application, would be higher than the two storey residential properties on Black Lane to

the east. However, having regard to the scale of the adjacent industrial buildings to the north, and the separation between the proposed retail units and adjacent properties, it is considered that the scale, mass and height of the proposed buildings would be relatively sympathetic to the surrounding buildings in this area which has a mixture of residential and commercial properties of varying styles, scales and designs.

Subject to further considerations relating to landscape and the use of high quality materials, the proposal complies with policies BE1 and SE1 (Design).

Landscaping and Trees

The application includes a Proposed Landscape Plan (Drawing No. 2273 AA(40)10 P2), however the Design and Access Statement indicates that any planting will be dependant on contamination tests and the lime stabilisation process.

It is clear from the application that the proposed floor level of the retail units and finished levels of the car parking area and service yard are yet to be formulated. This will have an impact on the height of the eastern boundary wall which is also the boundary of the private gardens along Withyfold Road. This proposed boundary feature is described as varying from gabion wall alongside unit 1 to either a sheet piled wall, or a criblock configuration along the more northerly part of the eastern boundary. The application also notes that there would be a substantial 2 metre high timber fence at the rear of the gardens. The changes in level will also have an impact on the western boundary alongside the River Bollin. It is considered these boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed.

Whilst the majority of the site is given over the built form and hard landscaping, there are a number of tree specimens located towards the north of the site and close to the boundaries. Some of the trees that will require removal to facilitate the development are multi-stemmed specimens with weak included forms, or are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

Land Contamination

The application area has a history of use as a textile mill and general industrial use and therefore there is the potential for contamination of the site. The reports submitted in support of the application recommend that a further post demolition investigation is carried out to determine the presence and extent of any contamination on site. As such, and in accordance with the NPPF, the Council's Environmental Protection Unit recommends that such updated reports and investigations can be secured by condition, should planning permission be granted. Subject to this, the considerations in respect of land contamination are acceptable.

Parking, Highway Safety and Traffic Generation

Vehicle and pedestrian access will be taken from The Silk Road. The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only.

The primary servicing of the site by HGV vehicles will take place from Black Lane. Information presented in the Transport Assessment indicates that the frequency of delivery to the retail units is one HGV per day. Given the location of the fast food unit and coffee pod, it would be expected that deliveries to these units would be made via the main site access off the Silk Road. Overall the parking provision on the site is 324 spaces.

The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that a new access is preferred from the A523 given the size of development proposed and likely levels of trip generation. In regards to the design of the access to the site, the detail is acceptable and there are no capacity problems with the left in/left out arrangement.

Impact on Local Highway Network

Although the site is currently served from Black Lane, the Council's Head of Strategic Infrastructure (HSI – Highways) has stated that the reuse of this access would be unacceptable as primary access to the proposal. Black Lane already serves as the exit to the nearby Tesco Extra store and capacity problems would arise should the traffic from this proposal be added to this road.

The main access being a left in/ left out on the Silk Road does not raise and capacity problems at the site access itself. The applicant has submitted a drawing showing the proposed access arrangements with a deceleration lane and merge lane onto the Silk Road.

The traffic generated by the proposal has been predicted using the TRICS database for the various use classes included in the scheme, adjustments have been made to the overall number of trips to take account of linked trips and pass-by trips. The assessment of the road network has been undertaken when the flows from the development are likely to be at their highest and coincide with peak traffic on the existing road network. The weekday evening peak has been tested along with a Saturday peak. The capacity assessments undertaken are in 2015 and 2020 with and without the development added to the network.

Although the applicant has undertaken a number of junction assessments the TA the main concern is the operation of the Hibel Road/A523 Silk Road roundabout as this would see not only increases in traffic but more right turning traffic as a result of the development. As part of the assessment of this junction, existing queue length surveys were undertaken to allow a comparison to be undertaken with the potential impact the development traffic would have on the queue lengths. Following this, the applicant has proposed some improvements to this junction as part of the application. These improvements would have some effect in reducing the predicted queue lengths but are not capable of bringing the junction back to within capacity levels. With the development in place there will be residual queues, primarily on the Silk Road on the north and south approach to the roundabout.

The proposed development access arrangements will increase the traffic levels and turning movements at the nearby Hibel Road/Silk Road roundabout and the level of impact that the scheme has at this junction is an important consideration. The applicant has proposed an improvement scheme for this junction that will reduce the level of impact that the development will have, although residual queues will remain on the Silk Road approaches. Clearly, an assessment has to be made whether the length of queues and delay represents a 'severe' impact as described in the NPPF and warrants a refusal. If the existing situation is considered

at the roundabout, the queue lengths will extend in the future through general traffic growth without the introduction of the development. The addition of the further development traffic and improvement scheme will extend the queues but not to such an extent that could be construed as having a 'severe' impact at the junction.

In summary, there are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a severe impact refusal can be supported and does not raise objections to the application. A Grampian condition is required to provide the site access works and also the road improvement works on the Silk Road.

Pedestrian Access

Given the site location, the predominate transport mode to the site will be by car. The site is capable of being accessed by foot using the existing pedestrian facilities on Black Lane and at Hurdsfield Road. There are no pedestrian facilities proposed on the Silk Road as part of the application.

In regards to accessibility to cycle and public transport, there are cycle tracks available in the vicinity of the site and bus services are available on Hurdsfield Road. Overall, whilst there are opportunities to use non car modes to access the site, by far the most dominate mode of travel to retail parks is by car.

To improve the sustainability of the proposal, and connectivity with the town centre to make it more accessible to the proposed development, it is recommended that the applicant be required to facilitate the provision of town centre which would contribute towards assisting the planned investment and regeneration of the town centre and offsetting some of the impacts to the retail function of the town centre. This would comprise of some finger post signs to direct pedestrians towards the town centre.

Car Parking

Adequate car parking is provided for within the proposed car park.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to further discussions regarding the provision of signage to promote pedestrian movement up to the town centre. The proposal therefore accords with Policy BE.3.

Ecology

Local Plan Policy NE11 seeks to protect nature conservation interests and indicates that where development would adversely affect such interests, permission should be refused.

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

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

In this case, the application is supported by a protected species survey undertaken by a suitably qualified and experienced ecologist and deals with the following species.

Reptiles

A single common lizard was recorded on site during ecological surveys undertaken at this site a few years ago. The submitted ecological assessment notes that there are also anecdotal records of this species being present on site. It is advised that a population of this species would be considered to be of County importance due to small number of known populations in Cheshire. Two subsequent rounds of reptile surveys have however failed to record any evidence of this species at the application site.

Whilst it is possible that this species may have been lost from the site, it is also a reasonable possibility that the species remains on site in low numbers, but was not detected during the survey, possibly as a result of the large number of existing refuges present on site. The proposed development would result in the loss of an area of habitat suitable for this species. The indicative layout does however retain a core of habitat under an existing pylon and links with the Silk Road verge and the offsite area of woodland both of which may also be suitable for this species. However, at present, reptiles also have an opportunity to access habitat associated with the Beech Lane playing fields by passing under the Silk Road through the pedestrian tunnel adjacent to the River Bollin. The proposed access road would sever this potential habitat connection. The Councils Nature Conservation Officer (NCO) recommends that a tunnel be provided under the proposed access road to facilitate the movement of animals under it. This is considered reasonable and necessary and therefore should be included in the detailed layout. Layout and supported by a reptile mitigation method statement with any future reserved matters application.

Common Toad

Small numbers of this priority species were recorded on site during the reptile surveys. It is unknown where this species may be breeding as no ponds are known in the vicinity. Similarly to common lizard, it is advised that the proposed development will have a localised adverse impact upon this species as a result of the loss of terrestrial habitat. A core of habitat and some site connectivity would however be retained. This species would however also benefit from a wildlife tunnel under the proposed access road.

Natural Grassland Habitats

A small area of natural grassland is present on site. Based on the submitted survey information this habitat may support sufficient species to meet Local Wildlife Selection Criteria for 'restorable grassland'. This being grassland that with positive management could reach Priority Habitat quality. The submitted ecological assessment states that 10% of this habitat would be lost as a result of the proposed development. The Council's NCO advises that if planning

consent is granted it must be ensured that the remainder of this habitat is safeguarded during the construction phase and enhanced through appropriate management.

Bats

A minor bat roost was recorded during the previous ecological surveys of this site. Whilst bats are active on the site no evidence of roosting bats was recorded during the latest survey. The buildings have been identified as having potential to support roosts of small numbers of bats but are unlikely to support a significant roost. It is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated bat survey. To avoid and adverse impacts resulting from excessive lighting, it is also recommended that a condition should be attached requiring any future reserved matters application to be supported by a lighting mitigation scheme.

Badgers

No evidence of badger activity was recorded during the latest survey. However, as the original survey was undertaken in January 2015 it was considered to be out of date. As evidence of badgers has previously been recorded on this site, officers requested updated surveys which have now been carried out. The updated survey addresses queries raised by the Council's Nature Conservation Officer (NCO) and includes an updated plan confirming inclusion of a wildlife tunnel. This would be secured by condition. Subject to this, the scheme is acceptable in terms of its impact interests of nature conservation.

Nesting Birds

The application site offers opportunities for nesting birds. The bird surveys undertaken of the site recorded evidence of breeding by a number of species including single breeding pairs of three species considered to be Priority species. It is advised that the proposed development will have a localised adverse impact on nesting birds. Accordingly, any future reserved matters application must be supported by proposals for the incorporation of features for roosting bats, house sparrow and kingfisher.

The submitted ecological assessment proposes the production of a Construction Method Statement and Ecological management plan. The Councils' NCO advises that any future reserved matters application must be supported by a Construction Method Statement informed by the recommendations made in paragraph 5.2 of the Ecological Assessment submitted in support of the outline planning application (Tyler Grange 14th December 2015) and also an Ecological Management plan informed by the recommendations of paragraph 5.3 of the same submitted report. Subject to this, the proposal is acceptable in terms of its impact on nesting birds at this stage.

Flooding and Drainage

The site is located in flood zone 1, with some parts of the site located within flood zone 2 due to the close proximity of a main River Bollin that runs close to part of the south eastern boundary. This watercourse flows in a north westerly direction. The risk of flooding from this source will need to be appropriately mitigated.

Owing to the size of the proposals and proximity to the River Bollin, a Flood Risk Assessment (FRA) has been undertaken. The Environment Agency and the Council's Flood Risk Team have assessed the FRA and are satisfied that subject to the recommendations within the FRA and conditions, the proposal would not give rise to flooding or drainage issues.

Residential Amenity

The nearest residential properties are located on Black Lane and Withyfold Drive and it is considered that the development will be compatible with appropriate conditions attached to protect the residents' amenity. The Council's Environmental Protection Unit (EPU) has assessed the application together with the submitted noise assessment and is satisfied that subject to conditions, the scheme would not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of noise or odours.

Although precise details of the layout and appearance are not for consideration as part of this application, the indicative scale parameters and separation distance (in excess of 40 metres) with the nearest neighbouring properties would ensure that no material harm by reason of loss of light, direct overlooking, visual intrusion or noise would be incurred. It is also important to note that the lawful use of the site and presence of existing built form across the site has the potential to harm neighbouring amenity to a greater degree than the proposed operations which can be further mitigated. This would be a benefit of the scheme. As such, the proposal complies with local plan policy DC3.

In the round, subject to further submission relating to trees, landscaping and ecology, the scheme is found to be environmentally and socially sustainable.

PLANNING BALANCE & CONCLUSIONS

This proposal would bring economic benefits through the delivery of new jobs, investment in the area and by bringing a vacant brownfield site into viable use on one of the key gateways to Macclesfield, which is one of the principal growth areas of the Borough where national, local and emerging plan policies support sustainable development.

The proposal to redevelop the site for uses other than industrial or conventional employment uses is contrary to policy. However, it has been accepted that this site is unlikely to contribute towards existing employment land in the borough. The Council's own evidence weighs against any argument for retention of this site for employment land and this is supported by the fact that the site is assessed as being a suitable brownfield site for housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been factored in.

The applicant has demonstrated that there are no sequentially preferable sites for this out of centre retail proposal. It is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the worst case cumulative impact scenario. With examples of the likely 'out-of-centre' retailers that could occupy the proposed units, the Council has a better understanding of the proposal and its likely impact on the town centre. Subject to conditions limiting the goods for sale, the adverse impact has to be balanced against the benefits of the proposal such as regeneration

of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the GDV of developing the site for potential alternatives would fall below the 17.5-20% that would make the scheme less attractive to the developer / landowner and would potentially risk the regeneration of the site. The proposed retail scheme would be able to generate a positive GDV that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site. In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case.

In terms of landscaping and trees, the treatment of boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed. Some of the trees on the site will require removal to facilitate the development; however, they are relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

Vehicle and pedestrian access will be taken from The Silk Road. The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only. There are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a severe impact refusal can be supported and does not raise objections to the application. The scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to a scheme for pedestrian signage to promote links with the town centre.

The proposal is compatible with the surrounding development and the indicative design, scale and form of the buildings would not appear incongruous within its context subject to the submission of appropriate reserved matters.. The impact of the proposal on environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits.

The proposal constitutes a "departure" from the plan where there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise". There would be benefits to

the economy which are considered to outweigh this conflict and as such the scheme is found to be sustainable. These material considerations are sufficient to outweigh the conflict with the development plan.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Macclesfield Borough Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval subject to the following:

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard outline time limit**
- 2. Submission of reserved matters**
- 3. Accordance with approved plans**
- 4. Development to be carried out in accordance with submitted noise impact assessment**
- 5. Sales of goods restricted**
- 6. No subdivision of units or additional mezzanine floorspace**
- 7. Further details of any fixed plant / noise generative equipment to be submitted and approved**
- 8. Submission of an Environmental Management Plan**
- 9. Submission of a low emission strategy**
- 10. Provision of electric vehicle charging points**
- 11. Submission of dust control strategy**
- 12. Additional contamination investigations and assessments to be submitted and approved**
- 13. Accesses constructed in accordance with submitted details prior to first use**
- 14. Development to be carried out in accordance with submitted ecological survey**
- 15. Survey for nesting birds if works carried out during nesting season**
- 16. Scheme to incorporate features suitable for breeding birds**
- 17. Development to be carried out in accordance with submitted Flood Risk Assessment**
- 18. Submission of a sustainable drainage management and maintenance plan scheme**
- 19. Details of foul water drainage to be submitted**
- 20. Surface water drainage strategy to be submitted**
- 21. Landscape scheme to be submitted with reserved matters**
- 22. Updated protected species to be submitted with reserved matters**
- 23. Submission of updated arboricultural report with reserved matters**
- 24. Hours of use restricted**
- 25. Travel plan to be submitted**
- 26. Reserved matters to include access for animals to be retained**
- 27. Details of external lighting to be submitted and approved**
- 28. Details of cycle parking to be submitted and approved**
- 29. Scheme of pedestrian signage to be implemented prior to first use**

Informative to include s184 agreement for works to the Silk Road.

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

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



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Application No: 16/0514C

Location: Land At, BACK LANE, CONGLETON

Proposal: Outline application for demolition of some existing buildings and the development of a residential scheme composing up to 140 dwellings, open space, landscape, access and associated infrastructure

Applicant: RUSSELL HOMES (UK) LIMITED,

Expiry Date: 23-May-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

The site also forms part of the CS44 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing development and is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has reached.

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

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

In this case, the development would provide positive planning benefits such as; the provision of market and affordable dwellings in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the moderate impact upon the operation of the Jodrell Bank Telescope

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a acceptable impact upon the social, economic and environmental conditions of the area.

In this instance, is considered that the benefits of the scheme would outweigh the adverse impacts.

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

RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement and subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

PROPOSAL

This is an outline proposal for up to 140 dwellings and associated open space, landscape, access and associated infrastructure. Only access is being formally applied for at this stage with all other matters being reserved for future assessment. An existing farmhouse is being retained and refurbished as part of these proposals. All other out buildings and stables on site are being demolished. A small number of parking spaces on Back Lane are also being provided opposite Back lane Playing fields for the use of the general public. Additionally, part of this red edge comprises the land that will comprise the access roundabout for Radnor Park.

SITE DESCRIPTION

The application site is located on the north western edge of the settlement of Congleton and is broadly flat and irregular in shape. The site is currently bounded by open fields to the north, east and west. To the south is a range of uses including the Radnor Park Industrial Estate, a dense area of existing residential development and a large area of playing fields. Access to the site is taken via Back Lane. Back Lane Playing Fields are opposite.

The site is 5.3 hectares in size, some of this area is to be used to facilitate the delivery of infrastructure associated with the new Congleton Link Road, including the widening of Back Lane within the application site.

The site comprises mainly greenfield land and accommodates a single 4 bed dwelling(to be retained and refurbished) with associated out-buildings and stables. The land is grazed by horses.

RELEVANT HISTORY

No previous planning applications of relevance on this site.

Permissions adjoining of relevance are:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. Permission granted 15 July 2016

The Planning Authority has other planning applications yet to be determined for the site immediately adjacent :

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure.(to be determined) – This comprises circa 29000 sq m of Class B1 floorspace and up to 270 dwellings and also forms part of the CS44 Allocation within the emerging Local Plan Strategy

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision

NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
CS44 - Back Lane/Radnor Park (Formerly SL6)
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Material considerations:

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to S106 requiring financial mitigation (index linked) of £638,695.34 to provide for the widening works to Back lane or the direct provision of those widening works by the developer as part of the implementation of this scheme. Also seeks to ensure land in the highway is dedicated to the Council via the S106 Agreement.

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; electric car charging points to be provided for all dwellings (not as suggested by the Applicant as upon request from future residents); the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision being secured via a S106 Agreement in a 65:35 split

ANSA Greenspaces (Cheshire East Council) – No objection subject to on site provision of POS and children's play space (min area 4460 m sq – of which 1000 m sq should be a NEAP) and the delivery of the NEAP. Considers residents management of the open and play space to be acceptable

Natural England: No objection. Satisfied that based upon the information provided there will be no adverse impact upon the River Dane SSI

Ecology: No objection subject to conditions

Education (Cheshire East Council) – This development of 140 dwellings is expected to generate:

26 primary children (140 x 0.19) – 1 SEN
20 secondary children (140 x 0.15) – 1 SEN
2 SEN children (140 x 0.51 x 0.023%)

This equates to the following number of places

15 x £11,919 x 0.91 = £162,694.35 (Primary)
20 x £17,959 x 0.91 = £326,853.80 (secondary)
2 x £50,000 x 0.91 = £91,000 (SEN)
Total education contribution: £580,818.15,

No Objection provided the mitigation required is provided

Congleton Town Council – Consider proposal to be premature before delivery of link road and express concern about highway safety on Back Lane

Somerford Parish Council - Objection on grounds that the proposal is premature before the link road is provided

Jodrell Bank: Oppose the development on grounds that it will have a moderate impact upon the operation of the telescope.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, site notices were erected and an advert placed in the local paper.

Approximately 31 letters/web based submissions have been received objecting to the proposal from nearby businesses, residents and another house builder. The main areas of objection are:

- Principle of development
- The application as proposed is premature in advance of the discussions on the Proposed Changes to the Local Plan. In particular Local Plan Strategy Site CS44 Back Lane/Radnor Park which according to that plan presents an opportunity to establish a high quality extension to Radnor Park Trading Estate alongside prominent and recreational uses. Key to this development will be the provision of the Congleton Link Road.
- The application is premature in advance of the finalisation of the North Congleton Masterplan which has been prepared to inform the allocation of the land to the north of the town and provide guidance on a number of sites including Back Lane/Radnor Park.
- Development of this site in isolation will undermine the final agreement of that masterplan, the distribution and relationship of the land uses to be accommodated and any final agreement with landowners and developers to contributions towards the delivery of the Congleton Link Road.
- An unplanned development on this site for residential development on what is 'green field land' if approved, will seriously prejudice the long term planned development of this area and could undermine the delivery of much needed employment land, the aims of the proposed changes to the Local Plan (para 15.227) 'to support the economic, physical and social regeneration of the town' and 'the opening up of new development sites in particular to improve access to Radnor Park Industrial Estate and Congleton Business Park.
- Part of the application site is clearly shown in Figure 15.26 in the Local Plan (February 2016) as employment land and includes a new access road to serve Radnor park. The application site does not make any provision for any employment land or an access road and is therefore contrary to the emerging plan.
- Paragraph 15.235a sets out clearly the Council's stated aims for the delivery of the sites north of Congleton that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan.
- Paragraph 15.240a indicates that the employment allocations in mixed use schemes will be phased in tandem with the housing allocations.
- The proposed application is also contrary to Policy EG3 in the Local Plan Proposed Changes in particular that part of the policy which states 'subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses to grow and to create new and retain existing jobs.
- Cheshire East Council is confident that the Proposed Changes to the Local Plan deliver a 5 year land supply for the Borough.

- Congleton Local Plan First Review 2005
- The site is shown as open countryside and is outside the settlement zone line on the inset map and is therefore contrary to Policy PS4 in that plan and Policy PS8 Open Countryside.
- National Planning Policy Framework
- The planning application is contrary to the advice contained in the NPPF in particular the following paragraphs:
- Para 18 where the Government is committed to securing economic growth in order to create jobs and prosperity and the planning system does everything it can to support sustainable economic growth. Approval of the application as submitted in the absence of any compliance with the North Congleton Masterplan and contributions to the link road will seriously prejudice the provision of future employment land in Congleton and quite possibly the long term viability of Radnor Park
- Lack of sustainability (access to public transport/linkages with surroundings)
- Need by-pass before any new housing
- Ecology – Impact on wildlife
- Brownfield development should be first
- Loss of valuable dog walking space
- Highway safety and congestion
- Impact upon schools and physical infrastructure
- No need for more housing / affordable housing in this location
- Impact on the PROW, Congleton FP20
- The proposal makes no allowance for access from Congleton's major industrial estate (Radnor Park) to the proposed link road – HGV traffic would have to negotiate at least one T-Junction (and up to three) plus three roundabouts to reach the link road.
- The aim should be for much improved access to the link road to alleviate and potentially remove the current problems for both residents and businesses.

All representations can be viewed on the web site.

APPRAISAL

The key issues are:

- The Policy Position
- Sustainability including the proposal's Environmental, Economic and Social role
- Housing land supply
- The acceptability of the indicative design and layout
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon ecology
- Drainage
- Jodrell Bank
- Planning Balance
- Other Material Considerations

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, 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. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the policy concerns. One of these material considerations is the allocation of the site within the emerging Plan.

Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (March 2016)

The application site is identified as part of a preferred site for housing and commercial development (site CS44 Back Lane / Radnor Park, Congleton (Former SL 6) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

The development of Strategic Location at Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 500 - 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;
3. The delivery of up to 7 - 10 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site a leisure hub of up to 10 hectares adjacent to Back Lane Village Green including new sports and leisure facilities;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of a new country park as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities
11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS; and

12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The design, layout and style of individual plots should be guided by appropriate master planning and design codes influenced by existing locational assets of the area and its surroundings. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The promotion provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A pre-determination desk based archaeological assessment will be required for any future application on this site for this strategic location.
- i. The site Strategic Location will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future masterplanning development should have reference to the River Dane Local Wildlife Site of Biological Importance and Ancient Woodland.
- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate in tandem with housing development will be assured.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities'
- o. Future development should provide an appropriate buffer with the Ancient Woodland along the River Dane Corridor

- p. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton. This should include a footbridge over the River Dane for pedestrian / cycle use.
- q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26
- r. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.
- s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030. This site is part of one of the sites that has been identified to contribute towards these future needs (CS44 in the Consultation Draft Version March 2016, previously known as SL6).

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order

to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Open Countryside Policy

In the absence of a 5-year housing land supply the Local Planning Authority cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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

In order to assess the impact upon the overall impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against

these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The 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”

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.

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

an 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;

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

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

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

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

- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

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

	Recommended	Actual
Any transport node	400m	630m – Chestnut Drive Bus Stop
Convenience store	500m	1300m – Tesco Express
Post box	500m	900m – Post Box
Playground	500m	1600m
Bus Stop	500m	630m – Chestnut Drive Bus Stop
Public right of way	500m	Adjacent to site
Amenity open space	500m	50m – Back Lane Playing Fields
Children's Play space	500m	On site
Post Office	1000m	1200m
Bank/cash point	1000m	1400m – Tesco Cash Machine
Supermarket	1000m	1400m – Aldi
Pharmacy	1000m	1400m – West Heath Pharmacy
Primary School	1000m	1300m - Black Firs Primary School
Secondary School	1000m	1700m – Congleton High School
Medical centre	1000m	2100m – Readesmoor Medical Centre
Leisure centre or library	1000m	2800m – Congleton Leisure Centre
Local meeting place /community centre	1000m	1600m - Danesford Community Centre
Public house	1000m	1,400m - The Unicorn
Public park/village green	1000m	50m - Back Lane Playing Fields
Child care facility	1000m	1,400m - Honeybear Nursery
Railway station	2000m	4000m - Congleton

Presently the proposal fails to meet the standards in the main, however, as is common in many suburban situations, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. The residential area near the site is served by public transport and the site will be served by footpaths linking it to the main road. It should also be recognised that the site has been determined to be sustainable as part of the development of the Local Plan Strategy and that this area is one where significant future development is going to occur and the facilities will become available as part of the normal pattern of growth on adjoining sites.

As such, whilst the site presently fails the checklist, the area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable. As the area develops it is also expected that facilities will also develop and proximity to every day services will improve.

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site CS44 Back Lane/Radnor Park Congleton) within the Local Plan Strategy Consultation Version March 2016.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

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 can be dealt with by condition in the interests of sustainable development.

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 140 new family homes, including a significant amount of affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location, and accessibility the development is relatively unsustainable. However, Inspectors have 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, which this proposal will help to do.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies PS8 of the Local Plan restrict new development within the Open Countryside, the site is a preferred option in the emerging Local Plan Strategy and whilst the weight afforded to emerging policies is limited this clearly represents

an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

COUNTRYSIDE AND LANDSCAPE IMPACT

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

The application site is located on the western edge of Congleton and covers an area of 5 hectares in a roughly triangular area of land.

The boundaries are characterised by hedgerows and mature trees.

Clearly, by virtue of the loss of an open field, the proposal will result in the loss of intrinsic countryside character, however, this has to be seen against the existing urban/commercial back drop of most viewpoints into the site. The scheme provides a central area of open space, which if appropriately landscaped, would minimise the impact. This could be ensured through appropriate conditions and the S106 agreement.

Trees

This site contains no trees located which are currently protected by a Tree Preservation Order.

The tree report submitted in support of the application identifies 6 individual trees, 7 Groups, part of Group G15 and part of a hedgerow H1) to be removed to facilitate the proposed Congleton Link Road and road widening improvements to Back Lane and roundabouts associated with it. A further four individual trees have been assessed as ‘U’ category (BS5837:2012) and are considered poor quality specimens which are not worthy of long term retention.

The Illustrative layout submitted in support of the application will require removal of one low (C) category early mature Oak (T16 of the assessment), two low category groups (G9 and G14) comprising of Pear, Apple and Hawthorn, a moderate category Hawthorn and Sycamore Hedge (H2), three trees within a low category group (Group G10 a remnant Hawthorn and Sycamore hedge), and one tree in a low category group (Group G12).

These removals are to facilitate the internal road layout and are not considered to present a significant impact upon the wider amenity and landscape character of the area.

The illustrative layout proposes the retention of a number of individual A and B category trees located within the vicinity of the existing Paddock Farm building (2 Sycamore) and low category trees along the eastern site boundary and a moderate category group will be incorporated within rear garden boundaries of proposed plots. At reserved matters stage the location of plots will need to be so designed as to provide for the successful retention of trees and adequate provision of private amenity space.

Two low/moderate category groups within the central section of the site will be retained within public open space. As part of any landscaping provision, these groups should be maintained and enhanced with additional planting to provide climate resilience/ additional canopy cover.

The largest tree loss is associated with the proposed Congleton Link Road and associated works including the widening and upgrading of Back Lane. The application proposes new planting along the new alignment of Back Lane as part of a landscape belt separating the residential development and internal access roads. Such planting must make provision for large canopy/ high forest trees to provide the maximum benefit to offset and mitigate the losses and contribute and enhance the landscape character of Back Lane.

The replacement tree planting to the Back Lane frontage submitted indicatively is welcomed by the tree officer, however, this is also considered within the design section given the cramped form of the indicative provision.

Design

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

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

This application is submitted in outline form and the supporting documentation submitted with the application does not provide any detailed information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The Urban Designer is not convinced that the indicative layout can accommodate 140 units and still provide for an appropriate layout of quality and the mix of units may need to be refined at reserved matters stage. This could be achieved by increasing the numbers of smaller units. It is important to note that the indicative layout is just that; indicative; and there is no in principal acceptance of the site layout as submitted.

Likewise the tree belt and associated landscaping as indicated in the submitted parameters is considered to be of insufficient depth and a minimum of 8m depth of the tree belt is required. This is not indicated on the illustrative layout.

Highway Safety and Congestion

Within the emerging Local Plan Strategy (LPS) – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road alongside the proposed sites to the north of Congleton, of which this site is one.

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The sites cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road.

In this case, the site can be accessed without requiring the Link road. However, if this site comes forward prior to the link road then the proposals as submitted within this application provide for the widening of Back Lane in a manner that satisfies the Strategic Highways Manager that the proposals will have an acceptable impact upon highway conditions locally.

Accordingly, the Strategic Highways Manager requires either the direct works of widening or a highways mitigation contribution of £638,695.34 (index linked) to be paid towards the widening and re-alignment of Back Lane in these circumstances. This is required as a direct consequence of the impact of this development.

Subject to S106 Agreement that provides for the developer to directly undertake the highway widening works or the highways mitigation payment the dedication of land to the Highway Authority and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan. Land is also provided within this site for the direct access to Radnor Park via a roundabout, in these circumstances the land needs to be dedicated to the Council. This matter can be resolved by S106 Agreement.

The Strategic Highways Manager, however, makes it clear that he is not commenting upon the internal indicative road layout in this case, which would be a matter for future reserved matters as part of the layout of the site.

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 desired target percentage for affordable housing for all allocated sites will be a **minimum of 30%**, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of up to 140 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 42 dwellings to be provided as affordable dwellings. Whilst the application form makes no reference to affordable housing

in terms of numbers the submitted Affordable Housing Statement confirms that there will be 30% provision of affordable housing. The Strategic Housing Manager would expect the tenure split of these units to be in line with the IPS.

The SHMA 2013 shows that the majority of the demand in Congleton is for 1 and 4 bedroom dwellings. However the majority of the demand on Cheshire Homechoice, which is a more up-to-date reflection of current housing need, is for 1 and 2 bedroom dwellings therefore the SHM would like to see a range of different property sizes which will include some 1 bed units. 27 units should be provided as Affordable rent and 15 units as Intermediate tenure to conform with the 65:35 split.

Flood Risk and Drainage

The application site is within Flood Risk Zone 1, however there are topographic low spots within this site as indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site and must ensure surface water flooding is not increased to existing developments .

The Council's Flood Risk Officer has reviewed the supporting information and advises that he has no objections, subject to conditions.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Most of the boundary hedgerows appear to be retained on site but there will be some losses to facilitate the site access points and some losses from the interior of the site.

Great Crested Newts

Great Crested newts are not located on this site

Bats

Evidence of bat activity in the form of a minor roosts of two relatively common bat species has been recorded within the barns on site. The usage of the building by bats is may be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year however it is suspected that there is a minor maternity roost of one species present. The loss of the roosts on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level. The submitted report recommends the installation of bat boxes on the nearby trees and a replacement 'bat loft' as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Nesting Birds

If planning consent is granted standard conditions will be required to safeguard nesting birds.

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrances. The Council's Nature Conservation Officer has recommended that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

The development proposals however will result in the loss of an area of marshy grassland which falls just short of supporting a sufficient diversity of species to qualify as a Local Wildlife site. Consequently the proposed development would still result in an overall loss of biodiversity.

A financial contribution is therefore required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. This needs to be calculated by the Applicant to be agreed with the Council's ecologist. An update will be provided to address the outstanding ecology matters.

Subject to satisfactorily resolving these issues, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

The proposed development would be of an acceptable form of development that would not create any significant issues in relation to; landscape, trees, highway safety, drainage or flooding and ecology subject to the suggested conditions and mitigation. As such, it is considered that the proposed development would be environmentally sustainable.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in the general area for the duration of the construction period, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would also be ongoing economic and social benefit by virtue of new residents spending money in the area and using local services after they start living in the up to 140 new houses proposed.

Other social considerations

Jodrell Bank

Jodrell Bank advise that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be moderate. This is a general direction in which there is already significant development close to the telescope.

Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. This is the case here. This is a very important material consideration to which moderate weight can be attached within the planning balance.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The social adverse impacts of the scheme would be the moderate impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope, which is of international significance. It should be noted that, should members approve the application, the Council would have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank Direction for a period of 21 days prior to the issuing of a Decision Notice.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of impact can be moderated by the use of electromagnetic screening measures with the development. It is considered that this impact should be given moderate weight against the scheme in the planning balance

Educational Impact

A development of 140 dwellings is expected to generate:

26 primary children (140 x 0.19) – 1 SEN

20 secondary children (140 x 0.15) – 1 SEN
2 SEN children (140 x 0.51 x 0.023%)

The development is expected to impact on primary, secondary and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions.

The analysis undertaken by the Education department in respect of this proposal has identified that should this development gain permission that 15 of the primary school pupils and all of the secondary aged pupils cannot be accommodated in local schools.

Special Education provision within Cheshire East Council currently has a shortage of places; at present over 47% of pupils are educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 2 children expected from the Land at Back Lane application will exasperate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting.

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

$15 \times £11,919 \times 0.91 = £162,694.35$ (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: £580,818.15.

The applicant has agreed this level of mitigation to be dealt with by S106 Agreement.

Amenity Greenspace

The Greenspace Manager advises that there would be a deficiency in the quantity of provision of Amenity Green Space as a result of 140 units

The amount of Public Open Space (POS) that would be expected in respect of the new population would equate to 3360, this is in accordance with Interim Policy Note on Public Open Space.

The indicative layout provides for this.

Children and Young Persons Play Provision

A NEAP standard play facility is required having a minimum area of 1000 sq m activity zone.

The NEAP should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. This should be in an open location and visible from

nearby dwellings. Ansa request that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards.

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Subject to this mitigation, it is considered that the proposal would be in compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan Strategy on the basis of a private management regime, which would need to be approved by the Council.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

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

The EPO has advised that due to the outline nature of the application and the proximity of this site to Radnor Park Industrial Estate, there is a need to protect the amenity of future residential properties with respect to noise

The Environmental Health Officer has considered the acoustic report submitted in support of the application which suggests that standard thermal glazing will be sufficient to provide adequate noise mitigation from the nearby industrial estate, and from the Congleton Link Road. It is however necessary to ensure that future occupants of the properties are able to enjoy trickle ventilation of bedrooms without compromising the acoustic performance of the glazing. As such acoustic trickle vents are specified for properties closest to the link road and Back Lane.

For garden areas the report estimates future noise levels in external main gardens (rear) and has confirmed that no additional mitigation is required over and above the 2.5m high fence that will be along the boundary of the proposed road.

The EHO advises that the advice is based on the indicative layout as submitted and if the layout is significantly altered it will be necessary to revisit the acoustic report and update as needed.

With regards to Air Quality the report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows in the area if this site becomes operational before the link road is built

There is potential for adverse air quality impacts to occur both on site and in the wider area due to;

- Construction phase of the development (Dust)
- On site impacts from nearby road traffic sources – Congleton Link Road
- Off site impacts due to extra vehicles on the road network due to the development.

An air quality impact assessment has been submitted considering the above. The assessment uses detailed dispersion modelling to predict the impact both on and off site of the development. The modelling used worst case assumptions for road traffic taking into account the cumulative impact of the emerging allocations from Strategic Location SL6 (emerging Local Plan) – now CS44 (this site)

The assessment concludes that there is no air quality basis for refusing the application, and the EHO concurs with this conclusion.

However there will inevitably be some negative impacts locally, particularly if this development is completed before the link road opens

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is considered therefore that operational mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. This can be controlled by condition.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition. It is considered that the social benefits of the scheme, through the provision of housing as part of a planned development and as part of an allocated mixed use site within an emerging plan to which significant weight can be attached, outweighs the moderate impact upon the Jodrell Bank telescope in the planning balance. It is therefore considered that the proposal would be socially sustainable.

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 education contribution is necessary having regard to the oversubscription of local primary and secondary schools and the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The highways contribution and dedication of land is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

The ecological contribution is necessary to off set the harm to marshy grassland on site which is of ecological value

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a mixed use allocation close to employment opportunities, the knock-on local economic benefits such a development would bring. The proposal also mitigates for its impact upon education provision locally by virtue of commuted sum payments for education, sustaining education provision locally.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the impact upon the operation of Jodrell Bank.

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, which allows for the planned release of a mixed use development associated with the link road,

to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme, particularly in the light of the allocation of the site would outweigh the adverse impacts in this case.

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

RECOMMENDATION

Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

Approve subject to conditions and the completion of a S106 Agreement to secure the following:

- 1. Detailed residential management agreement for the Open Space/Childrens play space be submitted and approved.**
- 2. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.**
- 3 Education contribution - £162,694.35 (Primary)**
- 4. Education contribution - £326,853.80 (secondary)**
- 5 Education contribution - £91,000 (SEN)**
- 6. Highways Dedication of land in accordance with plan**
- 7. Highways commuted sum for works to Back Lane of £638,695.34 to be paid upon commencement of development or the developer will directly undertake the highway widening as indicated on dwg SCP– 15116-FO2 Rev C**
- 8. Dedication of land on Back Lane to Highway Authority**
- 9. Biodiversity payment in lieu of loss of marshy grassland (amount to be confirmed)**

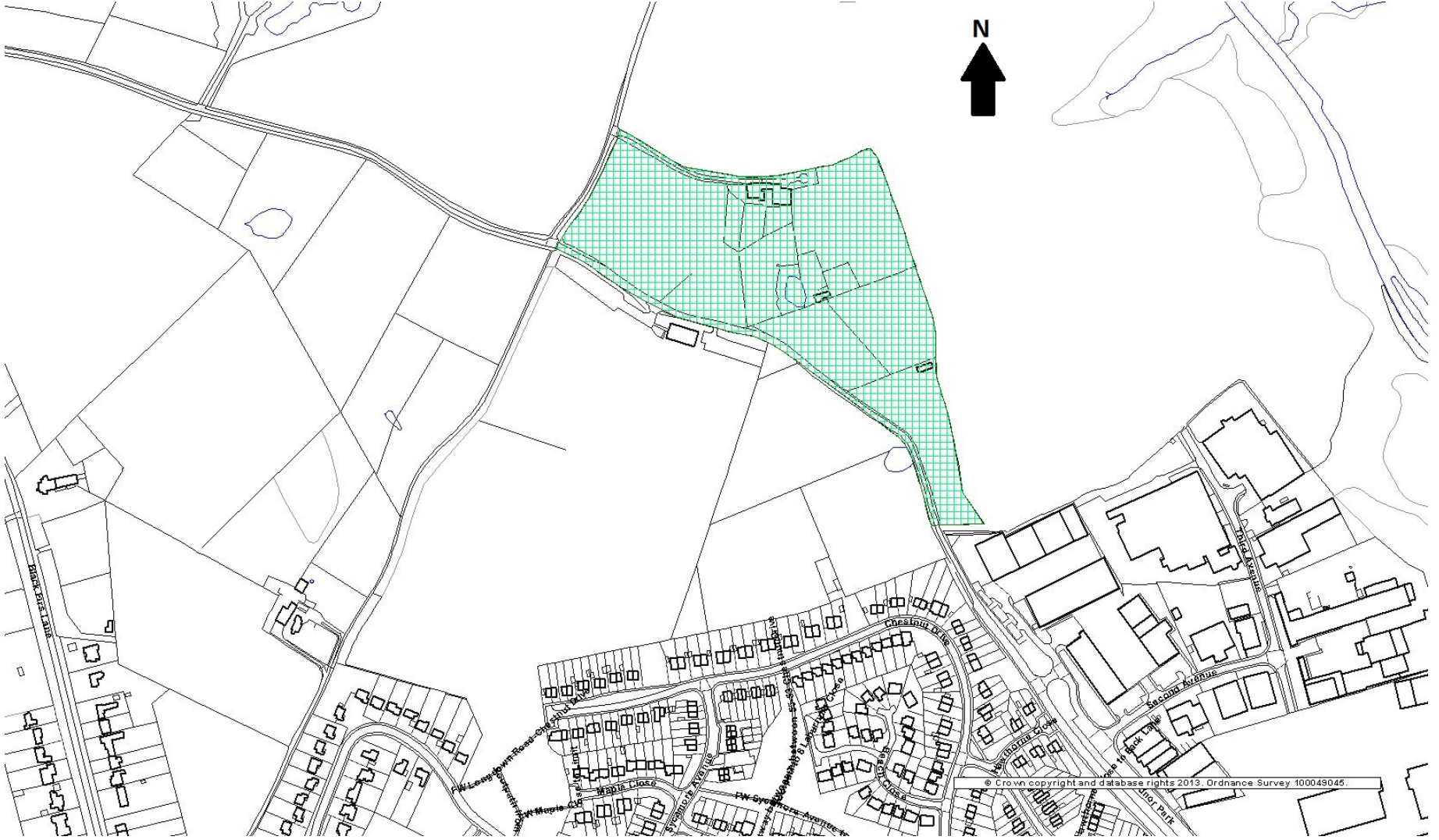
And conditions;

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans – inc parameters plan**
- 4. Reserved matters to incorporate a mix of units of all sizes for market sale including the provision of 1 and 2 bedroomed units and bungalows**
- 5. Design Coding to form part of reserved matters**
- 6. Reserved matters to include Arboricultural Impact Assessment**

7. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust
8. Reserved matters to include details of NEAP including 8 pieces of equipment for all ages and comprise minimum area of 4360 m sq – of which 1000 m sq shall be for NEAP
9. Public Rights of Way scheme of management shall be submitted to and approved
10. Bat mitigation strategy to be submitted as part of any reserved matters application
11. Illustrative master plan to be amended to show the retention of enhancement of the existing pond as part of the open space associated with the development.
12. Public Parking area to laid out and drained in accordance with scheme to be submitted and approved
13. Surface water drainage scheme – Prior submission/approval
14. Drainage strategy/design in accordance with the appropriate method of surface water drainage
15. Boundary treatments – Prior submission/approval
16. Breeding birds and roosting bat features – Prior submission/approval
17. Contaminated Land Phase I
18. Residential travel plan
19. Car charging for each dwelling
20. Tree and hedgerow Protection scheme – Prior submission/approval
21. Himalayan Balsam management strategy
22. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there 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 the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.



Application No: 16/3064W

Location: DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON, SK11 9DR

Proposal: Variation of Conditions 2, 4 & 5 of permission 10/3080W

Applicant: Miss Maria Cotton, Sibelco

Expiry Date: 13-Oct-2016

SUMMARY:

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

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves of a nationally significant mineral are fully utilised, contributing to the requirement for a landbank of silica sand. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation.

Subject to the comments of the Environment Agency as a result of the further details provided, and subject to securing appropriate planning conditions and s106 legal agreement, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

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

PROPOSAL

The application proposes the variation of conditions 2, 4 and 5 of permission 10/3080W to seek an extension of time to complete mineral extraction and restoration of the site.

Condition 4 states:

‘All mineral extraction shall cease by no later than 31st December 2016’

The applicant is seeking to extend the date of cessation of mineral extraction to 30th June 2019, providing a further two years and six months for mineral extraction.

Condition 5 states:

‘The extraction areas shall be restored as far as required by condition 38 within 24 months of the cessation of mineral extraction. The plant areas shall be restored within 36 months of the cessation of mineral extraction’

The applicant is seeking to revise this condition to allow for the completion of the restoration of the quarry and the plant areas by 31st December 2020.

Revised phasing plans have been submitted to reflect the extended timescales for mineral extraction and restoration proposed. A variation of condition 2 (development in accordance with approved plans) is therefore being sought.

The application relates solely to an extension of time for mineral workings and restoration with no other changes proposed to the scale, location or processing of mineral extraction; and no changes proposed to the approved site restoration.

A separate application has been made to extend the time for working at the Acre Nook extension on the south eastern edge of the quarry (reference 16/3062W), which is considered separately.

SITE DESCRIPTION

The 240 hectare application site is located to the south of Chelford, approximately 10km to the south west of Macclesfield and 10km north west of Congleton. Access to the quarry is from the A535 which runs from Holmes Chapel to Chelford. The site is located within a predominantly flat, rural area consisting of a mixture of farmland, hedges, small copses as well as restored and current operation land of the quarry. The site lies in the Green Belt in the Macclesfield Adopted Local Plan (MLBP).

Dingle Bank Quarry extracts white sand which is principally used for industrial purposes such as float glass and Gawsworth sand which overlies the white sand in many parts of the site and is used for construction and sports/horticulture uses. Sand is extracted by the front-end loader and transferred to the processing plant in the south west of the site by conveyor. The site comprises of current mineral extraction areas, plant and processing area, interim and restored land. Quarrying operations are taking place in the Lapwing Lane and Parkland areas, with additional reserves being worked in the Acre Nook (Capesthorpe) area which is subject to a separate planning permission. Approximately 30 hectares of the current site remain partially worked with all soils within the approved extraction limit having being

stripped. The area of interim and restored land is approximately 80 hectares and includes land which will eventually be underwater and has therefore been subject to interim restoration in advance of the rise in the water table which will occur once dewatering of the site ceases. Restoration is being carried out in a progressive manner.

Existing screen mounding and extensive tree planting ensures that the majority of active workings or site infrastructure is not visible from either the west (A535), Lapwing Lane or Congleton Lane to the east and an existing parcel of woodland to the south of Lapwing Hall also help to screen site activity from residents on Lapwing Lane.

The closest residential properties lie along Lapwing Lane and along Congleton Lane, most notably at Lapwing Cottage, Hackney Plat, Foden Bank Farm, Spotted Hall Farm, The Lodge, and Oakwood Farm.

Temporary diversions of public footpaths on the site and permissive Rights of Way have been provided as part of previous consents on the site and are still in place.

RELEVANT HISTORY

The quarry has a long planning history; the most relevant of which is as follows:

- Extension to area of mineral extraction granted in 1994 ref: 5/70745
- Time extension to permission 5/70745 granted in 2007 ref: 5/06/2558
- Time extension to permission 5/06/2558 granted in 2013 ref: 10/3080W
- Extension to area of mineral extraction into Acre Nook (Capesthorpe) granted 2007 ref: 5/05/0751.
- Time extension to permission 5/05/0751 granted in 2013 ref: 10/3078W
- Time extension to permission 5/06/2557 for retention of plant for processing of sand and soil until completion of quarrying operations.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals.

Development Plan:

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Macclesfield Borough Local Plan 2004 in which the site lies in the Green Belt.

The relevant Saved Policies are: -

Cheshire Replacement Minerals Local Plan (MLP)

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity
Policy 20: Archaeology
Policy 23: Nature Conservation
Policy 25: Ground Water/ Surface Water/ Flood Protection
Policy 26/27: Noise
Policy 28: Dust
Policy 29: Agricultural Land
Policy 31: Cumulative Impact
Policy 33: Public Right of Way
Policy 34: Highways
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 54: Future Silica Sand Extraction

Macclesfield Borough Local Plan (MBLP)
NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11 and NE14: Nature Conservation
GC 2: Green Belt
GC3: Visual Amenity
RT7: Cycleways, Bridleways and Footpaths
RT 8: Access to Countryside
DC3: Amenity
DC9: Tree Protection
DC11: Hedgerows
DC13 and DC14: Noise
DC17, DC19 and DC20: Water Resources

Cheshire 2016 Structure Plan Alteration

GEN5: Jodrell Bank Zone

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG3 – Green Belt
SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – Historic Environment
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations

National Planning Practice Guidance

Circular 6/2005

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

EC Habitats Directive

Conservation of habitats and species regulations 2010

CONSULTATIONS:

Environmental Protection: no objection

Manchester Airport: no objection

Landscape: While the variation of conditions would inevitably lead to a longer period of extraction, do not consider that the resulting impacts will be significant. No objection.

Public rights of way: the development affects Public Footpath No. Lower Withington FP 23 and Siddington FP 29, as recorded on the Definitive Map of Public Rights of Way. These footpaths are the subject of a temporary diversion Order under section 257 & 261 of the Town & Country Planning Act. Under the terms of the Order these paths are due to be restored to their original alignments by the 31st December 2018. As such a further Temporary diversion Order would be required.

Recommend planning condition requiring the applicant to apply for temporary diversion order not later than 10 months prior to the expiration of the current order (31.12.2018). Advisory notes provided in respect of developer obligations concerning the public right of way.

Strategic Infrastructure Manager: no objection

Heritage and Design: no objections

Nature Conservation: do not anticipate any significant ecological issues associated with proposal. Condition two of the previous consent (listing the approved documents) makes reference to a 2010 badger methodology. The current variation of conditions application is supported by an updated badger survey that records the existing levels of badger activity and recommends that an updated survey is undertaken prior to any operations taking place in close proximity to identified setts. Condition 2c should be updated to reflect this recommendation as follows:

‘Outline method statement for Badgers submitted in a letter to Cheshire East Council from Sibelco UK Ltd dated 1st December 2010; and informed by the badger survey results and recommendations made by the Updated Phase One Habitat Survey prepared by Crestwood Environmental Ltd dated 19th may 2016’.

Archaeology: All archaeological mitigation has been completed and any outstanding archaeological conditions can be discharged.

Jodrell Bank: no comments received

Environment Agency: No objection but raises the following matters.

After dewatering has ceased, a group of very large (horizontal) lakes would be established in place of the originally inclined natural water table in the sand aquifer between Snape Brook and Peover Eye.

This replacement of sand aquifer with open water will cause a preferential groundwater flow-path through the linear corridor of lakes; a permanent lowering of groundwater levels at the upstream end, and artificial raising of groundwater levels at the downstream end. Although the depletion of groundwater level at the upstream end will be less than that experienced during operational dewatering of the quarry, (and therefore unlikely to cause increased risk of resource derogation), the expected rise in groundwater level at the 'downstream' end of the staircase of groundwater dependent lakes may cause unintended consequence on third party interests.

A condition is recommended securing the submission of a Hydrological Impact Assessment which should provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'. This review shall take account of the existing (pre-restoration) water levels of Snape Brook, Peover eye and Farmwood Pool, and the anticipated water level in all of the proposed lakes on site, and the anticipated water level of Farmwood Pool after restoration and groundwater recovery have taken place. All levels to be related to Ordnance Datum.

In particular, the Hydrogeological Impact Assessment should address:

- the impact of groundwater rebound on the stability of the residual land barriers between the respective lakes, and particularly the land barriers beneath the A535 and the Main River of Peover Eye and Farmwood pool.
- the likely level of each lake and the seasonal range of expected water levels following groundwater recovery, and how the 'in-combination' effect of these lakes will affect the overall groundwater gradient between NGR SJ 836, 715 and Peover Eye at NGR SJ 806, 792.
- the time scale over which the groundwater level recovery will take place compared with the proposed time scale for restoration and aftercare, and
- the effect of water level variation and wave action on the required profile of the lake margins.

Although there is no objection in principle to an extended period of excavation, the Authority is advised to ensure that before grant of permission, an adequate assessment has been made of the viability and geotechnical stability of the proposed restoration scheme.

This needs to be completed before groundwater rebound has taken place in case engineered mitigation measures have to be constructed within the footprint of the proposed lakes.

The historical hydrostatic head difference in natural groundwater levels between Snape Brook near Blake House Farm and Peover Eye near Wood End Farm is expected to be well over 20 metres prior to commencement of quarrying.

The imposition of large horizontal lakes between these two end points will to some extent permanently reduce the overall head difference, but it will concentrate all of the residual head difference across the few remaining barriers of un-worked natural ground.

If those barriers of unworked ground comprise very permeable sandy soils with low cohesion, they may be destabilised by the application of a large difference in hydrostatic head either side, and if sufficiently permeable it may be difficult to achieve or maintain the anticipated water levels in the proposed lakes.

In the case of the unworked natural barrier between Farmwood Pool and the Peover Eye, this barrier may be narrow and of low elevation in places, rendering it vulnerable to over-topping or destabilisation if the induced rise in Farmwood Pool lake level is significant.

If the water level in Farmwood Pool is above the level of the watercourse, failure of the land barrier could cause uncontrolled release of a very large volume of water. Seasonal or longer term fluctuation in lake levels may also modify the marginal slope profiles and constrain the range and type of flora that can thrive in the restoration (although this is not a matter for the Environment Agency).

If the passive but artificial rise in water level to the west, caused by the recovery of groundwater levels in an open lake replacing the aquifer, is likely to destabilise or cause over-topping of the land barrier between Farmwood Pool and Peover Eye the developer will need to devise some mitigation measure that would restore and maintain separation of the two, or that would agreeably control the rate of discharge in a way that will prevent increased flood risk on the watercourse downstream. In the event that such work needs to be carried out on third party land it may necessitate co-operation of a third party landowner and requirement of a formal Section 106 Legal Agreement under the Town and Country Planning Act.

The integrity of the Main River banks of Peover Eye; sediment mobilisation risk; peak storm discharge rate, and the potential for instability of an unworked land barrier that holds back a very large volume of water in Farmwood Pool are all matters of direct concern to the Environment Agency, but are riparian responsibilities.

If the hydraulic head difference between water bodies either side of any remaining land barrier may cause seepage rates sufficient to destabilise the downstream embankment side, the developer must devise a mitigation measure to restore permanent stability, e.g. by reducing or controlling the flow of water through the barrier, or by engineered reinforcement of the barrier.

Advice

If wave action and variation in water levels (seasonal or otherwise) are likely to propagate a low angle 'beach' line at the water's edge, this should be accommodated into the designed slope profiles at the lake margins, rather than leaving banks to start poaching in an uncontrolled manner that may affect the long term stability of adjoining slopes.

If the currently proposed length of the main lake is problematic in respect of control of wave propagation, or to maintaining a 'staircase' of lake levels that more closely emulate the original overall groundwater gradient and so minimise instability of residual land barriers, it may be that mitigation can be designed by re-profiling the excavation to include low permeability land barriers to sub-divide the lake, suitable overburden or inter-burden materials.

Natural England: No comment

REPRESENTATIONS

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

One letter of objection has been received which can be viewed in full on the website. In summary it raises the following points:

- negative effect the quarry and processing plant will continue to have on the visual amenity and rural nature of Lower Withington
- impact on the character of the picturesque greenbelt location.
- important to draw operation to a conclusion at a pre-determined point. In nobody's interest to have the consent open ended and allow Sibelco to continue the operation indefinitely through continuous time extensions
- residents had been led to believe that the operations would cease several years ago and there seems no end in sight. The residents of Lower Withington should not be expected to endure another 6 years and 2 months of noisy, dusty operations that impact directly on the residential amenity and character of the area.
- it makes a mockery of the planning process to grant consent for a specific time period only for the applicant to continually vary the condition time after time.
- Council should make it clear that this is the last time any variation would be considered to give the residents certainty.

Applicants Supporting Information

The application is accompanied by planning drawings and an Environmental Statement (including non-technical summary) dated June 2016.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997. Schedule 1 of the EIA Regulations, identifies the types of development for which EIA is mandatory and this site falls within this category due to the size of the site and is considered to be EIA development under the EIA Regulations.

In May 2016 the Council issued a Scoping Opinion under the EIA Regulations which offered advice on the issues to be covered in the Environmental Statement (ES). The adequacy of the ES is addressed later under the Environment section. The ES addresses the following issues: landscape and visual, ecology, land classification, archaeology, groundwater control and hydrology, transport, noise, dust, socio economics and cumulative impacts.

APPRAISAL

The Council as Minerals Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (MLP) and the Macclesfield Borough Local Plan 2011 (MBLP) and the Cheshire 2016 Structure Plan Alteration.

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows planning permission to be given for development of the same description as development already permitted but subject to different conditions. The development, which the application seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date at the time the planning permission was granted. If permitted, the MPA is in effect granting a fresh permission and as such need to look at wider considerations affecting the original grant of permission.

Section 73 provides a different procedure for such applications from that applying to full applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.

The key issues are:

- Principle of further mineral extraction until June 2019 and restoration by December 2020
- Need and mineral sterilisation
- Development in green belt
- Traffic and highway impacts
- Landscape and visual impacts
- Pollution control
- Water resources and geotechnical stability
- Archaeology
- Nature conservation
- Impact on amenity
- Impact on radio telescope and Manchester Airport
- Public rights of way

ECONOMIC SUSTAINABILITY

Development that accords with an up to date development plan should be approved unless material considerations indicate otherwise. The policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

Need and mineral sterilisation

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

The proposal is for the continued extraction of industrial minerals - silica sand, which is a mineral of recognised national importance (NPPG para 221) and the British Geological Survey (BGS) identify that Cheshire is the most important source of silica sand in Britain. The NPPG identifies that industrial minerals are essential raw materials for a wide range of manufacturing industries and their economic importance therefore extends well beyond the sites from which they are extracted. Silica sand processing is of varying degrees of complexity and typically requires a high capital investment in plant, and within the UK, deposits of silica sand occur in only limited areas and quantities and the special characteristics of silica sand extraction means that the industry has a restricted distribution.

The National Planning Policy Framework (NPPF) states that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a stock (at least 10 years for individual silica sand sites) of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment (para.146). Equally policy 54 of MLP also confirms that the Council will seek to maintain a landbank of silica sand of at least 10 years at each production site throughout the plan period. The required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales (NPPG para.90).

The applicant states that sand has been extracted at Dingle Bank Quarry for over 80 years and for some 30 years the quarry was the main UK source of silica sand for float glass production. They state that the reason for the delay in completion of the development as currently approved has been the result of a slower rate of mineral extraction from the reserve than originally anticipated. This downturn has resulted in a re-evaluation of when permitted reserves of mineral are likely to be worked out on best estimate forward predictions. In recent years, the mineral extraction rate from the quarry has been in the region of 0.6 million tonnes per annum. The site off-take is likely to be nearer 0.5 million tonnes per annum going forward. There are in the region of 1.3million tonnes of reserve remaining. There is therefore a continued need for the reserves of this high quality industrial sand and to sterilise the remaining reserves through not working it would contradict national and development plan policy. The proposed time extension would also provide direct and indirect benefits to the local economy by providing a source of sand to UK industries and ensure the site is fully restored to an acceptable condition. The Council are therefore satisfied that there is a need to extend the time by which extraction can cease to assist in maintaining the landbank and avoid sterilisation of the mineral. The timescales proposed are also considered to be realistic and justified. Whilst the comments of the objector is noted, it is considered that the proposed timescale is justified and the Council is satisfied that, through progressive restoration which is being undertaken on site, the site will achieve a final satisfactory restoration within a reasonable timescale.

The proposed variation of conditions would therefore support the approach of the NPPF and MLP.

Development in the Green Belt

The application site is located in the Green Belt. NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Mineral development is not inappropriate in Green Belt provided it preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. MLP advises that mineral extraction need not be inappropriate within Green Belt provided that high environmental standards are maintained and the site well restored.

The principle of continued mineral development on this site has already been accepted and no changes to the approved development are proposed aside from an extension of time and minor amendments to the restoration scheme. As such, the 'appropriateness' of the development in the Green Belt has already been previously assessed and accepted. Whilst the development would prolong the period within which there would be an impact on the openness and visual amenity of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation and the advanced planting which assists in reducing the overall impacts associated with mineral operations. Furthermore the development provides for a good quality restoration scheme which ensures high environmental standards are achieved in the green belt. As such it is not considered that this development would conflict with the objectives for the use of land in the Green Belt and complies with the approach of the MLP and the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Paragraph 144 of NPPF sets out a number of points that should be considered when determining planning applications. They include:

- ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions, where necessary.

Traffic and Highway impacts

NPPF requires developments that generate a significant number of movements to be supported by a Transport Statement/Assessment. Mineral development should not have an unacceptable adverse impact on traffic (para. 143) and development should only being refused on transport grounds where residual cumulative transport impacts are severe (para. 32). The MLP policy 34 does not permit mineral development unless (amongst others) the traffic associated with the proposal can be accommodated within the existing highway

network; and the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety.

The impacts of the quarrying operations on traffic levels and the local transport network has been assessed in previous planning applications and deemed acceptable. This application proposes no change to the nature or volume of vehicles generated, nor the access arrangements on site. The Councils EIA Scoping Opinion for this application considered that a Transport Statement was required to compare the historic/existing traffic movements with those expected going forward, and provide a review of personal injury accidents on the highway network in the vicinity of the site. The applicant has provided this information and the Strategic Infrastructure Manager has no objection to the proposals.

On the basis of these points it is considered that the proposal will not adversely impact on the highway network and there would be no reasons for refusal on highway safety or capacity grounds. It is therefore considered that the proposal is in accordance with the MLP and NPPF.

Landscape and Visual Impacts

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (MLP policy 15 and 17) and should respect local landscape character (MBLP policy NE2). The NPPF requires that there are no unacceptable adverse impacts on the natural environment (taking into account any cumulative effects) and mineral development provides for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

The scheme proposes no amendments to the existing activities on site or final restoration scheme. Amendments are proposed to the approved phasing plans however this is to reflect the longer timescales for working and restoration and do not alter the overall approach to phasing established previously.

The landscape and visual impacts of mineral extraction and restoration have previously been considered acceptable in the grant of previous permissions, however the impacts of extended timescales of working and restoration need to be assessed. The Landscape and Visual Assessment of the Environmental Statement identifies that the mineral activities are largely unnoticed due to the landscape being dominated by hedgerows, trees and farmland, and the presence of areas of significant advanced planting established as part of the original mineral permissions. The ES identifies that significant areas of woodland and hedgerows have been retained through the mineral working and potential views into the site, particularly the west have been screened by the advanced planting which has been in place for circa. 20 years. The screen planting has also been undertaken around the closest properties on Lapwing Lane and also around properties to the south.

The ES identifies that with circa.30 hectares of the site currently partially worked and circa.80 hectares restored or partially restored, the visual and landscape impacts of the development will improve over time as more land is restored. Through the advanced landscaping works coupled with the progressive restoration the ES states that the visual effects of the site have been minimised. Whilst the visual impact of quarry activities would be prolonged, given the above the landscape officer does not consider that the resulting impacts would be significant

and such impacts would reduce over time as the restoration progresses. The final restoration scheme, and requirement for progressive restoration of the site is secured by planning condition, along with statutory aftercare arrangements which would all be replicated on any new consent. As such the scheme accords with policies 15 and 17 of MLP, MBLP policy NE2, the approach of the NPPF.

Pollution Control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy DC3 does not support development which would significantly injure the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

Noise

There are no changes proposed to the current working practices as part of this application and the impact of these activities has already been assessed and considered acceptable in the grant of the previous mineral permissions.

The NPPG sets a range of appropriate noise standards for normal mineral operations including normal activities not exceeding background noise levels by 10dB(A) during normal working hours; and total noise from operations not exceeding not exceeding 55dB(A) or 42dB(A) during night time. Conditions imposed on the existing planning permission set noise limits from the mineral activities at the nearest residential properties and maximum noise limits for soil stripping activities, along with a scheme of noise monitoring. The mitigation required on the previous permissions including the construction of screen bunding has also been established on site.

The EIA Scoping Opinion identified that as there are no changes to the physical areas of mineral working, a further noise assessment is not required to support this application. The ES identifies that detailed assessments of noise impacts from the mineral operations have been undertaken in support the previous applications which demonstrate compliance with the existing noise limits. The ES identifies that the predicted increase in noise at the nearest residential properties associated with the mineral activities on the site are within 5dB(A) of existing background levels which accords with NPPG.

The existing planning conditions for controlling noise impacts would be replicated on any consent and the Environmental Protection Officer notes that the site has operated a significant time without causing any adverse impacts and therefore raises no objection. As such no significant adverse noise impacts from the proposed time extension are anticipated.

Air Quality – Dust and emissions

The impacts of airborne sand from quarries in terms of impact on residential amenity (nuisance) and impact on health have previously been considered and deemed acceptable in the grant of the previous permissions. Given that there is no increase in the area of extraction

or change in the location of mineral working, the EIA Scoping Opinion did not identify the need for further assessment. The ES notes that the previous assessments submitted with the original planning applications identified that atmospheric dust levels are within recognised guidelines and concluded that there would not be an unacceptable impact from atmospheric dust and deposited dust during the working of the site. Additionally no changes are proposed to the methods of working and existing operational practices to control air pollution currently adopted on site. The current planning conditions requiring measure to be adopted to control dust on site, and the monitoring of dust would be replicated on any new consent. As such no adverse impacts from dust are anticipated with this proposal.

The transport statement submitted with the application shows a 17% reduction in HGV movements in the future compared to previous levels generated by the mineral workings. On this basis the Environmental Protection Officer does not raise any objection in terms of air quality impacts.

Land and water pollution

There are established practices adopted on site to control pollution to land and water which would continue to be employed and no concerns have been raised by the Environmental Protection Officer or Environment Agency over the potential for pollution or risks of contamination as a result of this proposal. A range of planning conditions are imposed on the existing permission to control methods of working to protect against pollution impacts which include control over drainage, handling of fuels and measure to prevent release of pollutants into watercourses, all of which would be replicated on any consent. Equally the regulatory controls imposed by other environmental legislation would remain in force. No adverse impacts from pollution to land or water are anticipated as a result of this proposal.

Water resources and geotechnical stability

The quarry extracts the sand dry by pumping groundwater from a sump into Dingle Brook (a process known as dewatering). In the area to the north west (known as Parklands) however there is an inclined borehole beneath the A535 to allow water to be pumped from the quarry to Farmwood pool on the western side of the A535. By this method groundwater seeping into the quarry from Farmwood Pool is pumped back to assist in maintaining the lake water level. This system is routinely monitored under a requirement of the Environment Agency and on the existing planning permission.

The ES identifies that the impacts on surface and groundwater was assessed as part of the original application and were deemed acceptable. For surface water the main streams are Dingle Brook and Snape Brook which flow into the Peover Eye. Historically a monitoring system was set up at the request of the National Rivers Authority (Now the Environment Agency). The monitoring ran for several years and demonstrated that there was no evidence that existing dewatering affects stream flows. As such the ES concludes that this proposed extension of time will not result in any additional effects on surface water.

For groundwater the ES identifies that previously, field investigations and groundwater modelling have been used to determine the impacts of the dewatering on groundwater and these results were used to design the landform and restoration programme. An extensive network of groundwater monitoring boreholes has also been in place for a number of years

which are routinely monitored and the ES identifies that there are no adverse effects on the local groundwater environment.

The Environment Agency, whilst not raising any objection have identified that the restoration proposals are for a group of large (horizontal) lakes in place of the originally inclined natural water table. There is concern that this will cause a permanent lowering of groundwater levels at the upstream end, and artificial raising of groundwater levels at the downstream end. In particular they are concerned over the impact on the stability of the residual land barrier between the lakes, especially beneath the A535 and Farmwood Pool, and Peover Eye. They are also concerned about the effects of this and the changes to groundwater on Farmwood Pool and the potential for potential flooding on third party land and on Peover Eye.

They recommend that an assessment of the viability and geotechnical stability of the proposed restoration scheme is provided prior to the determination of the application to enable engineered mitigation to be included in the proposed lakes where necessary; and a condition is recommended requiring a Hydrological Impact Assessment be submitted to provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'.

It is noted that a range of hydrological and geotechnical assessments considering the impacts of the mineral extraction and the feasibility of the proposed restoration on groundwater and land stability was submitted with the original applications. This was assessed by relevant technical bodies at that time and considered acceptable in the grant of planning permission. This application does not propose any change to the method of dewatering that has long been established on site, nor are any changes proposed to the approved restoration scheme. This restoration scheme was considered acceptable by relevant technical consultees at the time of granting the original consent. Additionally a scheme detailing groundwater control measures was required to be submitted by planning condition on the original consent and the submitted detail provides information on groundwater levels, dewatering of the site, bank stability, discharge and borehole data. It is also noted that there are planning conditions and requirements under the s106 legal agreement to control and monitor impacts on water resources from this development.

The applicant considers that the original technical assessments, and subsequent data provided to discharge planning conditions demonstrate that the concerns of the Environment Agency have already been adequately addressed in the original application. This detail has been provided to the Environment Agency who are currently reviewing the data and their views will be provided in an update report to Members. Subject to the Environment Agency being satisfied that the historical data demonstrates that these matters have been adequately addressed it is considered that the scheme would accord with planning policy. In such circumstances relevant planning conditions concerning control of water resources, and any as recommended by the Environment Agency in their revised comments would be imposed on any new consent.

Archaeology

The ES identifies that an assessment of the archaeological potential of the site was previously undertaken as part of the original applications which revealed little of potential archaeological interest; similarly continued operations at the site have not identified any archaeological finds.

The potential impacts on features of archaeological significance has been deemed acceptable in the grant of previous permissions and the Cheshire Archaeology Planning Advisory Service note that all archaeological mitigation has been completed on site. The existing permission includes a planning condition to address the potential for encountering unexpected archaeological remains during the course of the excavation which would be replicated on any consent and no additional conditions are requested by the Archaeologist. Given the above and given that no new areas of extraction are proposed, no adverse impacts on archaeology are anticipated.

Nature Conservation

Policy 23 of MLP requires mineral development to ensure the local network of nature conservation features are maintained and proposals which would adversely affect nature conservation interests will not normally be permitted (MBLP policy NE11).

The EIA Scoping Opinion identified the need for an extended phase one survey and desk study to be undertaken. The submitted surveys identified that there are two badger sets within the survey area and recommends that prior to any works within these areas an updated badger survey is undertaken, which can be secured by planning condition. There was no evidence of great crested newt or reptiles present in the survey area. Overall the majority of habitats at the site are assessed as being of low ecological value, but are considered to be suitable for foraging and commuting bats, and breeding birds. The assessment recommends that the woodland areas, scrub and trees not affected by the development are retained and protected during the development where possible.

There are not anticipated to be any interim or long term negative effects associated with the proposed time extension and on completion of the restoration proposals there are likely to be benefits associated with the establishment of new habitats. It is also noted that the existing permission includes the requirement for long term management of the wildlife habitats created around the now restored area of lapwing lake, and the management of an area of woodland in the centre of the site ('The Mosses'). These requirements would be imposed on any new consent. The Nature Conservation Officer considers that there are not anticipated to be any significant ecological issues associated with the proposals.

The continued imposition of planning conditions in line with the existing consent will enable the effective control and mitigation of ecological impacts and secure an acceptable restoration of the site. As such the scheme accords with MLP Policy 9, 22 and 23; MBLP Policies NE.11 and NE.14 and the approach of the NPPF.

SOCIAL

Impact on general amenity

No amendments are proposed to the working practices on the site, nor has any application been made to vary the planning condition relating to hours of operation. It is considered that

all general amenity issues have been assessed and mitigated through the existing consent, and are suitably controlled through planning conditions and other legislation. Controls over hours of operation for mineral extraction and plant maintenance are in place through the existing consent, with only processing operations being permitted to take place over a 24 hour period. Such controls would remain in place by replication of earlier planning conditions should planning permission be granted. It is considered that this would be sufficient to ensure compliance with planning policy including policies 9 and 37 of the CRMLP and policy DC3 of MBLP.

Impact on radio telescope

The site is located within the Jodrell Bank consultation zone. Policy GC14 of MBLP does not permit development which would impair the efficiency of the radio telescope. The impact on Jodrell Bank has previously been accepted in the grant of the previous permission and no changes are proposed to the method of working or areas of mineral working. Jodrell Bank were consulted on this application and no comments have been received; however in view of the nature of this application and given the above no adverse impacts on the radio telescope from extending the timescales for mineral working are anticipated.

Impact on Manchester Airport

Manchester Airport do not raise any aerodrome safeguarding concerns with the proposals. They note that should there be any modifications to the approved restorations schemes then detailed aerodrome safeguarding assessments would be required. As there are no proposed amendments to the approved restoration scheme, it is not considered that there are any adverse impacts in terms of aerodrome safeguarding.

Public rights of way

MLP policy encourages any restoration to, where appropriate, make a positive contribution to the public rights of way network; whilst Policy RT8 of MBLP states that encouragement will be given for the public to gain access to wider areas of the countryside for informal recreation. NPPF also states that planning policies should seek to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users. With regard to the restoration of mineral sites MLP policy 23 requires there to be a positive contribution to the physical environmental resources of the area.

Temporary diversions of footpaths crossing the site have been established as the mineral working has progressed and permissive footpaths have also been provided around Lapwing Lake as this area has been restored. The mineral working currently affects Public Footpath Lower Withington FP 23 and Siddington FP 29 and these are currently subject to a temporary diversion Order which are due to be restored to their original alignment by December 2018, reflecting the current permitted mineral restoration timescales. As such a further Temporary diversion Order would be required. The public rights of way team recommend that this is secured prior to the expiration of the current order by means of a planning condition.

It is considered that there are separate statutory procedures outside of the planning system under which this can be achieved and this would be unnecessary, and would not meet one of the six 'tests' as set out in the NPPF. There are also conditions in the current consent

requiring Footpath 17 to be kept open and securely fenced during the mineral workings, and any damage to Bridleway 8 caused by passing plant to be rectified to the satisfaction of the MPA. These requirements would be replicated on any consent and given the above it is considered that there are adequate provisions in place to ensure public rights of way are protected during the course of the development.

PLANNING BALANCE

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

The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local economy. This proposal enables the remaining permitted mineral reserve to be worked, avoiding the sterilisation of a nationally significant mineral. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard, and provides for an overall net gain for nature conservation. This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

RECOMMENDATION

Subject to comments from the Environment Agency confirming that there will be no significant adverse impacts that cannot be mitigated resulting from the proposed development

That the application be approved subject to prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures the implementation of the management plan referred to in the Agreement of 13th September 1994 and of the woodland management plan and hydrological monitoring referred to in the planning agreement of 12th September 1994 in respect of this site; as varied by the Deed of Variation dated 20th September 2013

AND

Subject to the imposition of the following conditions:

All the conditions attached to permission 10/3080W unless amended by those below;

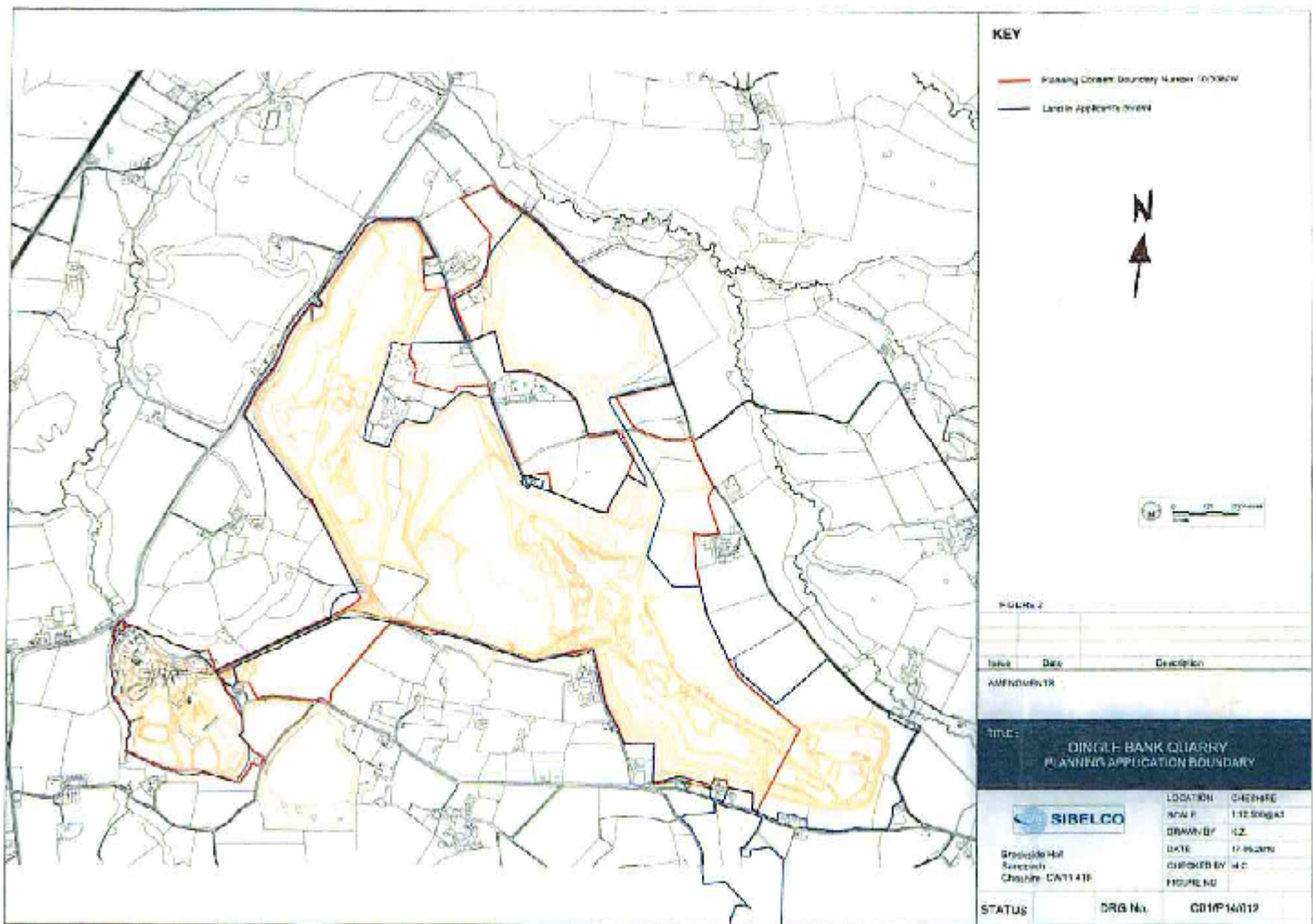
Revised phasing plan;

Extension of time for mineral extraction to 30th June 2019 with restoration completed by 31st December 2020

Updated badger survey

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

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



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Application No: 16/3062W

Location: DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON, SK11 9DR

Proposal: Variation of Conditions 2,4 & 5 of permission 10/3078W

Applicant: Miss Maria Cotton, Sibelco

Expiry Date: 13-Oct-2016

SUMMARY:

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

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves of a nationally significant mineral are fully utilised, contributing to the requirement for a landbank of silica sand. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation.

Subject to the comments of the Environment Agency as a result of the further details provided, and subject to securing appropriate planning conditions and s106 legal agreement, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

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

PROPOSAL

The application proposes the variation of conditions 2, 4 and 5 of permission 10/3078W to seek an extension of time to complete mineral extraction and restoration of the site.

Condition 4 states:

'The winning and working of sand authorised by this permission shall cease by no later than 31st December 2016. The Mineral Planning Authority shall be notified in writing within 7 days of the cessation of the mineral working'

The applicant is seeking to extend the date of cessation of mineral extraction to 30th June 2019, providing a further two years and six months for mineral extraction.

Condition 5 states:

'The site shall be restored as far as required by condition 40 by no later than 24 months of the cessation of mineral extraction as defined by condition 4'

The applicant is seeking to revise this condition to allow for the completion of the restoration of the quarry and the plant areas by 31st December 2020.

Revised phasing plans have been submitted to reflect the extended timescales for mineral extraction and restoration proposed. A variation of condition 2 (development in accordance with approved plans) is therefore being sought.

The application relates solely to an extension of time for mineral workings and restoration with no other changes proposed to the scale, location or processing of mineral extraction; and no changes proposed to the approved site restoration.

A separate application has been made to extend the time for working for the main area of the quarry site (reference 16/3064W), which is considered separately.

SITE DESCRIPTION

The application site is an area of circa.25 hectares which forms a south eastern site extension to Dingle Bank Quarry. It is situated between Congleton Lane and Whisterfield Lane. The quarry is located to the south of Chelford, approximately 10km to the south west of Macclesfield and 10km north west of Congleton. Access to the quarry is from the A535 which runs from Holmes Chapel to Chelford. The site is located within a predominantly flat, rural area consisting of a mixture of farmland, hedges, small copses as well as restored and current operation land of the quarry. The site lies in the Green Belt in the Macclesfield Adopted Local Plan (MBLP).

Dingle Bank Quarry extracts white sand which is principally used for industrial purposes such as float glass and Gawsworth sand which overlies the white sand in many parts of the site and is used for construction and sports/horticulture uses. Sand is extracted by the front-end loader and transferred to the processing plant in the south west of the site by conveyor. The overall quarry site comprises of current mineral extraction areas, plant and processing area,

interim and restored land. Quarrying operations are taking place in the Lapwing Lane and Parkland areas, with additional reserves being worked in the Acre Nook (Capesthorpe) area which is the subject of this planning application. In the Acre Nook area, all approved areas of extraction have now been stripped of soils and overburden, and within the application site area is land which will in the long term be underwater forming part of the lake in the final restoration proposals. Other land within the application boundary includes non-operational land or that used for associated mineral activities such as temporary overburden storage, mineral storage and conveyors. The site is located within a flat rural area consisting of a matrix of farmland, hedges, woodland and restored or operational quarry land.

The closest residential properties lie along Congleton Lane, Chelford Road, Whisterfield Lane, and Lapwing Lane.

RELEVANT HISTORY

The quarry has a long planning history; the most relevant of which is as follows:

- Extension to area of mineral extraction granted in 1994 ref: 5/70745
- Time extension to permission 5/70745 granted in 2007 ref: 5/06/2558
- Time extension to permission 5/06/2558 granted in 2013 ref: 10/3080W
- Extension to area of mineral extraction into Acre Nook (Capesthorpe) granted 2007 ref: 5/05/0751.
- Time extension to permission 5/05/0751 granted in 2013 ref: 10/3078W
- Time extension to permission 5/06/2557 for retention of plant for processing of sand and soil until completion of quarrying operations.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals.

Development Plan:

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Macclesfield Borough Local Plan 2004 in which the site lies in the Green Belt.

The relevant Saved Policies are: -

Cheshire Replacement Minerals Local Plan (MLP)

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology

Policy 23: Nature Conservation

Policy 25: Ground Water/ Surface Water/ Flood Protection
Policy 26/27: Noise
Policy 28: Dust
Policy 29: Agricultural Land
Policy 31: Cumulative Impact
Policy 33: Public Right of Way
Policy 34: Highways
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 54: Future Silica Sand Extraction

Macclesfield Borough Local Plan (MBLP)
NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11 and NE14: Nature Conservation
GC 2: Green Belt
GC3: Visual Amenity
RT7: Cycleways, Bridleways and Footpaths
RT 8: Access to Countryside
DC3: Amenity
DC9: Tree Protection
DC11: Hedgerows
DC13 and DC14: Noise
DC17, DC19 and DC20: Water Resources

Cheshire 2016 Structure Plan Alteration

GEN5: Jodrell Bank Zone

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG3 – Green Belt
SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – Historic Environment
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations

National Planning Practice Guidance

Circular 6/2005

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

EC Habitats Directive

Conservation of habitats and species regulations 2010

CONSULTATIONS:

Environmental Protection: no objection

Manchester Airport: no objection

Landscape: While the variation of conditions would inevitably lead to a longer period of extraction, do not consider that the resulting impacts will be significant. No objection.

Public rights of way: the development affects Public Footpath No. Lower Withington FP 23 and Siddington FP 29, as recorded on the Definitive Map of Public Rights of Way. These footpaths are the subject of a temporary diversion Order under section 257 & 261 of the Town & Country Planning Act. Under the terms of the Order these paths are due to be restored to their original alignments by the 31st December 2018. As such a further Temporary diversion Order would be required.

Recommend planning condition requiring the applicant to apply for temporary diversion order not later than 10 months prior to the expiration of the current order (31.12.2018). Advisory notes provided in respect of developer obligations concerning the public right of way.

Strategic Infrastructure Manager: no objection

Heritage and Design: no objections

Nature Conservation: do not anticipate any significant ecological issues associated with proposal. Condition two of the previous consent (listing the approved documents) makes reference to a 2010 badger methodology. The current variation of conditions application is supported by an updated badger survey that records the existing levels of badger activity and recommends that an updated survey is undertaken prior to any operations taking place in close proximity to identified setts. Condition 2c should be updated to reflect this recommendation as follows:

‘Outline method statement for Badgers submitted in a letter to Cheshire East Council from Silbelco UK Ltd dated 1st December 2010; and informed by the badger survey results and recommendations made by the Updated Phase One Habitat Survey prepared by Crestwood Environmental Ltd dated 19th may 2016’.

Archaeology: All archaeological mitigation has been completed and any outstanding archaeological conditions can be discharged.

Jodrell Bank: no comments received

Environment Agency: No objection but raises the following matters.

After dewatering has ceased, a group of very large (horizontal) lakes would be established in place of the originally inclined natural water table in the sand aquifer between Snape Brook and Peover Eye.

This replacement of sand aquifer with open water will cause a preferential groundwater flow-path through the linear corridor of lakes; a permanent lowering of groundwater levels at the upstream end, and artificial raising of groundwater levels at the downstream end. Although the depletion of groundwater level at the upstream end will be less than that experienced during operational dewatering of the quarry, (and therefore unlikely to cause increased risk of resource derogation), the expected rise in groundwater level at the 'downstream' end of the staircase of groundwater dependent lakes may cause unintended consequence on third party interests.

A condition is recommended securing the submission of a Hydrological Impact Assessment which should provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'. This review shall take account of the existing (pre-restoration) water levels of Snape Brook, Peover eye and Farmwood Pool, and the anticipated water level in all of the proposed lakes on site, and the anticipated water level of Farmwood Pool after restoration and groundwater recovery have taken place. All levels to be related to Ordnance Datum.

In particular, the Hydrogeological Impact Assessment should address:

- the impact of groundwater rebound on the stability of the residual land barriers between the respective lakes, and particularly the land barriers beneath the A535 and the Main River of Peover Eye and Farmwood pool.
- the likely level of each lake and the seasonal range of expected water levels following groundwater recovery, and how the 'in-combination' effect of these lakes will affect the overall groundwater gradient between NGR SJ 836, 715 and Peover Eye at NGR SJ 806, 792.
- the time scale over which the groundwater level recovery will take place compared with the proposed time scale for restoration and aftercare, and
- the effect of water level variation and wave action on the required profile of the lake margins.

Although there is no objection in principle to an extended period of excavation, the Authority is advised to ensure that before grant of permission, an adequate assessment has been made of the viability and geotechnical stability of the proposed restoration scheme.

This needs to be completed before groundwater rebound has taken place in case engineered mitigation measures have to be constructed within the footprint of the proposed lakes.

The historical hydrostatic head difference in natural groundwater levels between Snape Brook near Blake House Farm and Peover Eye near Wood End Farm is expected to be well over 20 metres prior to commencement of quarrying.

The imposition of large horizontal lakes between these two end points will to some extent permanently reduce the overall head difference, but it will concentrate all of the residual head difference across the few remaining barriers of un-worked natural ground.

If those barriers of unworked ground comprise very permeable sandy soils with low cohesion, they may be destabilised by the application of a large difference in hydrostatic head either side, and if sufficiently permeable it may be difficult to achieve or maintain the anticipated water levels in the proposed lakes.

In the case of the unworked natural barrier between Farmwood Pool and the Peover Eye, this barrier may be narrow and of low elevation in places, rendering it vulnerable to over-topping or destabilisation if the induced rise in Farmwood Pool lake level is significant.

If the water level in Farmwood Pool is above the level of the watercourse, failure of the land barrier could cause uncontrolled release of a very large volume of water. Seasonal or longer term fluctuation in lake levels may also modify the marginal slope profiles and constrain the range and type of flora that can thrive in the restoration (although this is not a matter for the Environment Agency).

If the passive but artificial rise in water level to the west, caused by the recovery of groundwater levels in an open lake replacing the aquifer, is likely to destabilise or cause over-topping of the land barrier between Farmwood Pool and Peover Eye the developer will need to devise some mitigation measure that would restore and maintain separation of the two, or that would agreeably control the rate of discharge in a way that will prevent increased flood risk on the watercourse downstream. In the event that such work needs to be carried out on third party land it may necessitate co-operation of a third party landowner and requirement of a formal Section 106 Legal Agreement under the Town and Country Planning Act.

The integrity of the Main River banks of Peover Eye; sediment mobilisation risk; peak storm discharge rate, and the potential for instability of an unworked land barrier that holds back a very large volume of water in Farmwood Pool are all matters of direct concern to the Environment Agency, but are riparian responsibilities.

If the hydraulic head difference between water bodies either side of any remaining land barrier may cause seepage rates sufficient to destabilise the downstream embankment side, the developer must devise a mitigation measure to restore permanent stability, eg by reducing or controlling the flow of water through the barrier, or by engineered reinforcement of the barrier.

Advice

If wave action and variation in water levels (seasonal or otherwise) are likely to propagate a low angle 'beach' line at the water's edge, this should be accommodated into the designed slope profiles at the lake margins, rather than leaving banks to start poaching in an uncontrolled manner that may affect the long term stability of adjoining slopes.

If the currently proposed length of the main lake is problematic in respect of control of wave propagation, or to maintaining a 'staircase' of lake levels that more closely emulate the original overall groundwater gradient and so minimise instability of residual land barriers, it may be that mitigation can be designed by re-profiling the excavation to include low

permeability land barriers to sub-divide the lake, suitable overburden or inter-burden materials.

Natural England: No comment

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. No letters of representation have been received.

Applicants Supporting Information

The application is accompanied by planning drawings and an Environmental Statement (including non-technical summary) dated June 2016.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997. Schedule 1 of the EIA Regulations, identifies the types of development for which EIA is mandatory and this site falls within this category due to the size of the site and is considered to be EIA development under the EIA Regulations.

In May 2016 the Council issued a Scoping Opinion under the EIA Regulations which offered advice on the issues to be covered in the Environmental Statement (ES). The adequacy of the ES is addressed later under the Environment section. The ES addresses the following issues: landscape and visual, ecology, land classification, archaeology, groundwater control and hydrology, transport, noise, dust, socio economics and cumulative impacts.

APPRAISAL:

The Council as Minerals Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (MLP) and the Macclesfield Borough Local Plan 2011 (MBLP) and the Cheshire 2016 Structure Plan Alteration.

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows planning permission to be given for development of the same description as development already permitted but subject to different conditions. The development, which the application seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date at the time the planning permission was granted. If permitted, the MPA is in effect granting a fresh permission and as such need to look at wider considerations affecting the original grant of permission.

Section 73 provides a different procedure for such applications from that applying to full applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though

in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.

The key issues are:

- Principle of further mineral extraction until June 2019 and restoration by December 2020
- Need and mineral sterilisation
- Development in green belt
- Traffic and highway impacts
- Landscape and visual impacts
- Pollution control
- Water resources and geotechnical stability
- Archaeology
- Nature conservation
- Impact on amenity
- Impact on radio telescope and Manchester Airport
- Public rights of way

ECONOMIC SUSTAINABILITY

Development that accords with an up to date development plan should be approved unless material considerations indicate otherwise. The policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

Need and mineral sterilisation

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

The proposal is for the continued extraction of industrial minerals - silica sand, which is a mineral of recognised national importance (NPPG para 221) and the British Geological Survey (BGS) identify that Cheshire is the most important source of silica sand in Britain. The NPPG identifies that industrial minerals are essential raw materials for a wide range of manufacturing industries and their economic importance therefore extends well beyond the sites from which they are extracted. Silica sand processing is of varying degrees of complexity and typically requires a high capital investment in plant, and within the UK, deposits of silica sand occur in only limited areas and quantities and the special characteristics of silica sand extraction means that the industry has a restricted distribution.

The National Planning Policy Framework (NPPF) states that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a stock (at least 10 years for individual silica sand sites) of permitted reserves to support the level of

actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment (para.146). Equally policy 54 of MLP also confirms that the Council will seek to maintain a landbank of silica sand of at least 10 years at each production site throughout the plan period. The required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales (NPPG para.90).

The applicant states that sand has been extracted at Dingle Bank Quarry for over 80 years and for some 30 years the quarry was the main UK source of silica sand for float glass production. They state that the reason for the delay in completion of the development as currently approved has been the result of a slower rate of mineral extraction from the reserve than originally anticipated. This downturn has resulted in a re-evaluation of when permitted reserves of mineral are likely to be worked out on best estimate forward predictions. In recent years, the mineral extraction rate from the quarry has been in the region of 0.6 million tonnes per annum. The site off-take is likely to be nearer 0.5 million tonnes per annum going forward. There are in the region of 1.3million tonnes of reserve remaining. There is therefore a continued need for the reserves of this high quality industrial sand and to sterilise the remaining reserves through not working it would contradict national and development plan policy. The proposed time extension would also provide direct and indirect benefits to the local economy by providing a source of sand to UK industries and ensure the site is fully restored to an acceptable condition. The Council are therefore satisfied that there is a need to extend the time by which extraction can cease to assist in maintaining the landbank and avoid sterilisation of the mineral. The timescales proposed are also considered to be realistic and justified and the Council is also satisfied that, through progressive restoration which is being undertaken on site, the site will achieve a final satisfactory restoration within a reasonable timescale.

The proposed variation of conditions would therefore support the approach of the NPPF and MLP.

Development in the Green Belt

The application site is located in the Green Belt. NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Mineral development is not inappropriate in Green Belt provided it preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. MLP advises that mineral extraction need not be inappropriate within Green Belt provided that high environmental standards are maintained and the site well restored.

The principle of continued mineral development on this site has already been accepted and no changes to the approved development are proposed aside from an extension of time and minor amendments to the restoration scheme. As such, the 'appropriateness' of the development in the Green Belt has already been previously assessed and accepted. Whilst the development would prolong the period within which there would be an impact on the openness and visual amenity of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation and the advanced planting which assists in reducing the overall impacts associated with mineral operations.

Furthermore the development provides for a good quality restoration scheme which ensures high environmental standards are achieved in the green belt. As such it is not considered that this development would conflict with the objectives for the use of land in the Green Belt and complies with the approach of the MLP and the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Paragraph 144 of NPPF sets out a number of points that should be considered when determining planning applications. They include:

- ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions, where necessary.

Traffic and Highway impacts

NPPF requires developments that generate a significant number of movements to be supported by a Transport Statement/Assessment. Mineral development should not have an unacceptable adverse impact on traffic (para. 143) and development should only being refused on transport grounds where residual cumulative transport impacts are severe (para. 32). The MLP policy 34 does not permit mineral development unless (amongst others) the traffic associated with the proposal can be accommodated within the existing highway network; and the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety.

The impacts of the quarrying operations on traffic levels and the local transport network has been assessed in previous planning applications and deemed acceptable. This application proposes no change to the nature or volume of vehicles generated, nor the access arrangements on site. The Councils EIA Scoping Opinion for this application considered that a Transport Statement was required to compare the historic/existing traffic movements with those expected going forward, and provide a review of personal injury accidents on the highway network in the vicinity of the site. The applicant has provided this information and the Strategic Infrastructure Manager has no objection to the proposals.

On the basis of these points it is considered that the proposal will not adversely impact on the highway network and there would be no reasons for refusal on highway safety or capacity grounds. It is therefore considered that the proposal is in accordance with the MLP and NPPF.

Landscape and Visual Impacts

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (MLP policy 15 and 17) and should respect local landscape character (MBLP policy NE2). The NPPF requires that there are no unacceptable adverse impacts on the natural environment (taking into account any cumulative effects) and mineral development provides for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

The scheme proposes no amendments to the existing activities on site or the final restoration scheme. Amendments are proposed to the approved phasing plans however this is to reflect the longer timescales for working and restoration and do not alter the overall approach to phasing established previously.

The landscape and visual impacts of mineral extraction and restoration have previously been considered acceptable in the grant of previous permissions, however the impacts of extended timescales of working and restoration need to be assessed. The Landscape and Visual Assessment of the Environmental Statement identifies that the site is largely screened from views of residential properties within the surrounding area by screening mounds. The current permission includes for a number of significant mitigation measures to reduce the visual impacts of quarrying which are or will be established on site as work progresses. This includes:

- Locating sand and overburden to the low lying base of the existing quarry;
- Advanced planting of hedgerows and trees to fill gaps in boundary screening;
- Soil stripping tied in with progressive restoration to limit the extent of visual impacts;
- Use of temporary amenity screen mounds to screen principal viewpoints such as residential properties and footpath 29.

The applicant considers that these measures control any potential impacts on landscape and visual impact and that the additional time required to complete mineral activities would enable the advanced planting and natural screening to become more established.

There are no amendments to the approved restoration proposals which will extend the lake created through the approved restoration on the main part of the quarry. Marshland and reedswamp will be established on the lake margins, with woodland, scrubland and wildflower meadow on the banks.

Whilst the visual impact of quarry activities would be prolonged, given the above the landscape officer does not consider that the resulting impacts would be significant and such impacts would reduce over time as the restoration progresses. The final restoration scheme and requirement for progressive restoration of the site is secured by planning condition, along with statutory aftercare arrangements which would all be replicated on any new consent. As such the scheme accords with policies 15 and 17 of MLP, MBLP policy NE2, the approach of the NPPF.

Pollution Control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy

DC3 does not support development which would significantly injury the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

Noise

There are no changes proposed to the current working practices as part of this application and the impact of these activities has already been assessed and considered acceptable in the grant of the previous mineral permissions.

The NPPG sets a range of appropriate noise standards for normal mineral operations including normal activities not exceeding background noise levels by 10dB(A) during normal working hours; and total noise from operations not exceeding 55dB(A) or 42dB(A) during night time. The EIA Scoping Opinion identified that as there are no changes to the physical areas of mineral working, a further noise assessment is not required to support this application.

The ES identifies that detailed assessments of noise impacts from the mineral operations have been undertaken in support the previous applications which demonstrate compliance with the existing noise limits. The ES identifies that the predicted increase in noise at the nearest residential properties associated with the mineral activities on the site are within 5dB(A) of existing background levels which accords with NPPG. Conditions imposed on the existing planning permission restrict the length of time for soil stripping by noise sensitive properties and implementation of best practical means to limit noise from plant and machinery. There is also a requirement for regular noise monitoring to be carried out to ensure compliance with noise levels. The existing planning conditions for controlling noise impacts would be replicated on any consent and the Environmental Protection Officer notes that the site has operated a significant time without causing any adverse impacts and therefore raises no objection. As such no significant adverse noise impacts from the proposed time extension are anticipated.

Air Quality – Dust and emissions

The impacts of airborne sand from quarries in terms of impact on residential amenity (nuisance) and impact on health have previously been considered and deemed acceptable in the grant of the previous permissions. Given that there is no increase in the area of extraction or change in the location of mineral working, the EIA Scoping Opinion did not identify the need for further assessment. The ES notes that the previous assessments submitted with the original planning applications identified that atmospheric dust levels are within recognised guidelines and concluded that there would not be an unacceptable impact from atmospheric dust and deposited dust during the working of the site. Additionally no changes are proposed to the methods of working and existing operational practices to control air pollution currently adopted on site. The current planning conditions requiring measures to be adopted to control dust on site, and the current requirement for monitoring of dust would be replicated on any new consent. As such no adverse impacts from dust are anticipated with this proposal.

The transport statement submitted with the application shows a 17% reduction in HGV movements in the future compared to previous levels generated by the mineral workings. On

this basis the Environmental Protection Officer does not raise any objection in terms of air quality impacts.

Land and water pollution

There are established practices adopted on site to control pollution to land and water which would continue to be employed and no concerns have been raised by the Environmental Protection Officer or Environment Agency over the potential for pollution or risks of contamination as a result of this proposal. A range of planning conditions are imposed on the existing permission to control methods of working to protect against pollution impacts which include control over handling of fuels and measure to prevent release of pollutants into watercourses, all of which would be replicated on any consent. Equally the regulatory controls imposed by other environmental legislation would remain in force. No adverse impacts from pollution to land or water are anticipated as a result of this proposal.

Water resources and geotechnical stability

In order to understand the full impacts of the continued quarrying at acre nook east on local hydrology, this has been considered in the context of the hydrological impacts of the whole quarry on ground and surface water. The quarry extract the sand dry by pumping groundwater from a sump into Dingle Brook (a process known as dewatering). In the area to the north west (known as Parklands) however there is an inclined borehole beneath the A535 to allow water to be pumped from the quarry to Farmwood pool on the western side of the A535. By this method groundwater seeping into the quarry from Farmwood Pool is pumped back to assist in maintaining the lake water level. This system is routinely monitored under a requirement of the Environment Agency and on the existing planning permission.

The ES identifies that the impacts on surface and groundwater was assessed as part of the original application and were deemed acceptable. For surface water the main streams are Dingle Brook and Snape Brook which flow into the Peover Eye. Historically a monitoring system was set up at the request of the National Rivers Authority (Now the Environment Agency). The monitoring ran for several years and demonstrated that there was no evidence that existing dewatering affects stream flows. As such the ES concludes that this proposed extension of time will not result in any additional effects on surface water.

For groundwater the ES identifies that previously, field investigations and groundwater modelling have been used to determine the impacts of the dewatering on groundwater and these results were used to design the landform and restoration programme. An extensive network of groundwater monitoring boreholes has also been in place for a number of years which are routinely monitored and the ES identifies that there are no adverse effects on the local groundwater environment.

The Environment Agency, whilst not raising any objection have identified that the restoration proposals are for a group of large (horizontal) lakes in place of the originally inclined natural water table. There is concern that this will cause a permanent lowering of groundwater levels at the upstream end, and artificial raising of groundwater levels at the downstream end. In particular they are concerned over the impact on the stability of the residual land barrier between the lakes, especially beneath the A535 and Farmwood Pool, and Peover Eye. They

are also concerned about the effects of this and the changes to groundwater on Farmwood Pool and the potential for potential flooding on third party land and on Peover Eye.

They recommend that an assessment of the viability and geotechnical stability of the proposed restoration scheme is provided prior to the determination of the application to enable engineered mitigation to be included in the proposed lakes where necessary; and a condition is recommended requiring a Hydrological Impact Assessment be submitted to provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'.

It is noted that a range of hydrological and geotechnical assessments considering the impacts of the mineral extraction and the feasibility of the proposed restoration on groundwater and land stability was submitted with the original applications. This was assessed by relevant technical bodies at that time and considered acceptable in the grant of planning permission. This application does not propose any change to the method of dewatering that has long been established on site, nor are any changes proposed to the approved restoration scheme. This restoration scheme was considered acceptable by relevant technical consultees at the time of granting the original consent. Additionally a scheme detailing groundwater control measures was required to be submitted by planning condition on the original consent and the submitted detail provides information on groundwater levels, dewatering of the site, bank stability, discharge and borehole data. It is also noted that there are planning conditions and requirements under the s106 legal agreement to control and monitor impacts on water resources from this development.

The applicant considers that the original technical assessments, and subsequent data provided to discharge planning conditions demonstrate that the concerns of the Environment Agency have already been adequately addressed in the original application. This detail has been provided to the Environment Agency who are currently reviewing the data and their views will be provided in an update report to Members. Subject to the Environment Agency being satisfied that the historical data demonstrates that these matters have been adequately addressed it is considered that the scheme would accord with planning policy. In such circumstances relevant planning conditions concerning control of water resources, and any as recommended by the Environment Agency in their revised comments would be imposed on any new consent.

Archaeology

The ES identifies that an assessment of the archaeological potential of the site was previously undertaken as part of the original applications which revealed little of potential archaeological interest; similarly continued operations at the site have not identified any archaeological finds.

The potential impacts on features of archaeological significance has been deemed acceptable in the grant of previous permissions and the Cheshire Archaeology Planning Advisory Service note that all archaeological mitigation has been completed on site. There is a planning condition on the main quarry permission (10/3080W) to address the potential for encountering unexpected archaeological remains during the course of the excavation which could be replicated on any consent to provide consistency across the two sets of permissions and no

additional conditions are requested by the Archaeologist. Given the above and given that no new areas of extraction are proposed, no adverse impacts on archaeology are anticipated.

Nature Conservation

Policy 23 of MLP requires mineral development to ensure the local network of nature conservation features are maintained and proposals which would adversely affect nature conservation interests will not normally be permitted (MBLP policy NE11).

The EIA Scoping Opinion identified the need for an extended phase one survey and desk study to be undertaken. The submitted surveys identified that there are two badger sets within the survey area and recommends that prior to any works within these areas an updated badger survey is undertaken, which can be secured by planning condition. There was no evidence of great crested newt or retilles present in the survey area. Overall the majority of habitats at the site are assessed as being of low ecological value, but are considered to be suitable for foraging and commuting bats, and breeding birds. The assessment recommends that the woodland areas, scrub and trees not affected by the development are retained and protected during the development where possible.

There are not anticipated to be any interim or long term negative effects associated with the proposed time extension and on completion of the restoration proposals there are likely to be benefits associated with the establishment of new habitats. It is also noted that the existing permission includes the requirement for long term management of the wildlife habitats to be created around the restored lake area on the site. These requirements would be imposed on any new consent. The Nature Conservation Officer considers that there are not anticipated to be any significant ecological issues associated with the proposals.

The continued imposition of planning conditions in line with the existing consent (where applicable) will enable the effective control and mitigation of ecological impacts and secure an acceptable restoration of the site. As such the scheme accords with MLP Policy 9, 22 and 23; MBLP Policies NE.11 and NE.14 and the approach of the NPPF.

SOCIAL

Impact on general amenity

No amendments are proposed to the working practices on the site, nor has any application been made to vary the planning condition relating to hours of operation. It is considered that all general amenity issues have been assessed and mitigated through the existing consent, and are suitably controlled through planning conditions and other legislation. Controls over hours of operation for mineral extraction and plant maintenance are in place through the existing consent. Such controls would remain in place by replication of earlier planning conditions should planning permission be granted. It is considered that this would be sufficient to ensure compliance with planning policy including policies 9 and 37 of the CRMLP and policy DC3 of MBLP.

Impact on radio telescope

The site is located within the Jodrell Bank consultation zone. Policy GC14 of MBLP does not permit development which would impair the efficiency of the radio telescope. The impact on

Jodrell Bank has previously been accepted in the grant of the previous permission and no changes are proposed to the method of working or areas of mineral working. Jodrell Bank were consulted on this application and no comments have been received; however in view of the nature of this application and given the above no adverse impacts on the radio telescope from extending the timescales for mineral working are anticipated.

Impact on Manchester Airport

Manchester Airport do not raise any aerodrome safeguarding concerns with the proposals. They note that should there be any modifications to the approved restorations schemes then detailed aerodrome safeguarding assessments would be required. As there are no proposed amendments to the approved restoration scheme, it is not considered that there are any adverse impacts in terms of aerodrome safeguarding.

Public rights of way

MLP policy encourages any restoration to, where appropriate, make a positive contribution to the public rights of way network; whilst Policy RT8 of MBLP states that encouragement will be given for the public to gain access to wider areas of the countryside for informal recreation. NPPF also states that planning policies should seek to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users. With regard to the restoration of mineral sites MLP policy 23 requires there to be a positive contribution to the physical environmental resources of the area.

Temporary diversions of footpaths crossing the site have been established as the mineral working has progressed. The mineral working currently affects Public Footpath Siddington FP 29 which is subject to a Temporary Diversion Order and which is due to be restored to its original alignment by December 2018, reflecting the current permitted mineral restoration timescales. As such a further Temporary Diversion Order would be required. The public rights of way team recommend that this is secured prior to the expiration of the current order by means of a planning condition. It is considered that there are separate statutory procedures outside of the planning system under which this can be achieved and this would be unnecessary, and would not meet one of the six 'tests' as set out in the NPPF.

PLANNING BALANCE

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

The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local economy. This proposal enables the remaining permitted mineral reserve to be worked, avoiding the sterilisation of a nationally significant mineral. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard, and provides for an overall net gain for nature conservation. This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

RECOMMENDATION

Subject to comments from the Environment Agency confirming that there will be no significant adverse impacts that cannot be mitigated resulting from the proposed development

That the application be approved subject to prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures the implementation of the management plan referred to in the Agreement of 8th January 2007 as varied by the Deed of Variation dated 20th September 2013

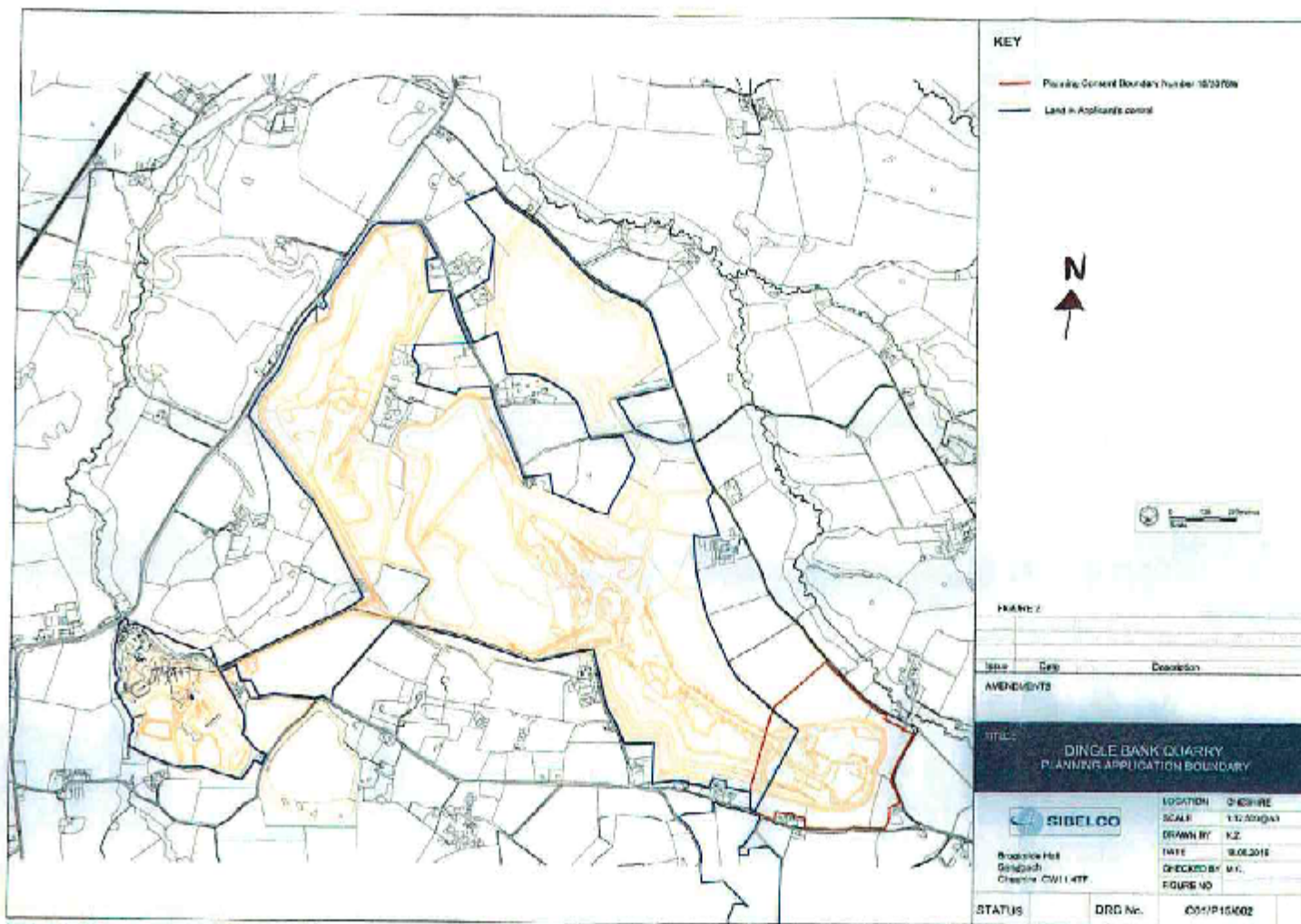
AND

Subject to the imposition of the following conditions:

**All the conditions attached to permission 10/3078W unless amended by those below;
Revised phasing plan;
Extension of time for mineral extraction to 30th June 2019 with restoration completed by 31st December 2020
Updated badger survey
Measures to deal with unexpected archaeological finds**

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

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



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