

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 28th June, 2017  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 5 - 12)**

To approve the minutes of the meeting held on 24 May 2017 as a correct record.

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

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

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

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

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

5. **16/3209C-Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access), Intertechnic Uk Ltd, Road Beta, Middlewich for Mr Peter Nunn (Pages 13 - 44)**

To consider the above application.

6. **16/3840C-Full planning permission for development of 83 dwellings including the provision of informal areas of landscaping, off road vehicular parking with vehicular and pedestrian access from Back Lane, Land North Of Chestnut Drive And West Of,Back Lane, Congleton for Seddon Homes Limited (Pages 45 - 74)**

To consider the above application.

7. **16/5850C-Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road, Land South Of, Old Mill Road, Sandbach for W and S Sandbach Ltd (Pages 75 - 86)**

To consider the above application.

8. **17/0341N-Proposed construction of 5 steel frame units to be part of a commercial development of B2 and B8 use that is made up of a number of commercial units total circa 164,000sq.ft inclusive of office content. Allocated staff/visitor parking, service yards and fencing to be included with each Unit, Land off, University Way, Crewe for Beeson (Pages 87 - 104)**

To consider the above application.

9. **17/0454M-Construction of a 9 hole pitch and putt golf course adjacent to approved golf driving range, Land North Of, Chelford Road, Ollerton for Mr Brian Coutts (Pages 105 - 124)**

To consider the above application.

10. **17/1540C-Demolition of existing dwelling and ancillary structures, and the creation of a new dwelling to form a modern country estate, including the erection of ancillary domestic buildings, gardens, play area, estate parkland, an estate workers cottage, gatehouse, stables, outdoor riding ménage, sunken tennis court, garden and equipment stores, facilities buildings, the erection of a boundary wall and estate fencing, the formation of a lake, the closure of the existing access and the formation of a new access onto Roughwood Lane, associated landscaping, ecological enhancements and tree planting, Roddymoor Mill House, Roughwood Lane, Hassall for Carl Copestake (Pages 125 - 150)**

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 May, 2017 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillor G Merry (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, S Edgar (substitute), T Fox, S Hogben, D Hough,  
J Jackson, S Pochin, L Smetham and L Wardlaw

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Planning Lawyer), Mr S Hannaby (Director of Planning & Sustainable Development), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Head of Planning (Regulation)), Mr P Wakefield (Principal Planning Officer) and Miss N Wise-Ford (Principal Planning Officer)

Prior to the start of the meeting Councillor J Hammond on behalf of the Board welcomed Councillor G Merry to her first meeting as the new Chairman of the Strategic Planning Board. In addition he also acknowledged the Board's appreciation and the contribution made by the former Chairman, Councillor H Davenport during his 7 years as Chairman. On behalf of the Board he wished Councillor H Davenport all the best in his new role.

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Macrae and M Sewart.

### **2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of applications 16/0138M, 16/0802M, 16/3284M and 16/5678M, Councillor G Merry made a general declaration on behalf of the Board that the land involved in all of the applications was owned by Cheshire East Council. In addition it was noted that Members of the Board had received correspondence from the Emerson Group and CPG.

In the interest of openness in respect of application 17/0510M, Councillor J Hammond declared that he was a member of the RSPB who were a consultee, however he had not commented on the application nor had he discussed it.

In the interest of openness in respect of application 17/0510M, Councillor L Smetham declared that she was a member of the RSPB who were a consultee, however she had not commented on the application nor had she discussed it.

**3 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 3 May 2017 be approved as a correct record and signed by the Chairman.

**4 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**5 16/0138M-ERECTION OF RETAIL AND LEISURE DEVELOPMENT COMPRISING CLASS A1 RETAIL UNITS, CLASS A3 CAFES AND RESTAURANTS, CLASS D2 GYM AND CLASS C1 HOTEL, LAND AT EARL ROAD, HANDFORTH FOR MARTIN RIDGWAY, CPG DEVELOPMENT PROJECTS LIMITED**

Consideration was given to the above application. The Officer reported at the meeting that the proposal no longer included a gym or a hotel and reference to these needed to be removed from the description of the development.

(Nick Lee, representing NJL Consulting and Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be approved subject to subject to referral to the Secretary of State, subject to the completion of a Section 106 Agreement securing the following planning obligations,

- Financial contribution of £180,000 towards replacement woodland habitat planting (for set up costs, woodland creation and 30 years of management and maintenance costs).
- Financial contribution of £10,000 for travel plan monitoring
- Local Employment Agreement
- Financial contribution of £2m towards proposed improvements to Castlegate, Castle Street and Exchange Street (or other schemes identified by the Council)
- Relocation restriction on existing retailers

And subject to the following conditions:-

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Commencement of development
4. Development in accord with approved plans

5. Materials as application
6. No subdivision of retail units
7. Net sales areas not to exceed those set out in application
8. Class A1 retail floorspace restricted to comparison goods only
9. Waste management plan to be submitted
10. Details of the improvements to the Coppice Way roundabout to be submitted and implemented
11. Details of the improvements to site access to be submitted and implemented
12. Details of the improvements to the footway link at the southern end of Earl Road leading to the southern retail park, and improvements to FP80 to the north of the site to be submitted and implemented
13. Details of crossing for Handforth Brook to be submitted
14. Details of cycle stores to be submitted
15. Travel Plan to be submitted
16. Electric vehicle charging points to be provided
17. Remediation strategy to be submitted
18. Imported soil to be tested for contamination
19. Intrusive Radiological Survey Monitoring Protocol/Risk Assessment and supplementary commentary by Radman should be followed throughout the course of the development
20. Unforeseen contamination – notify LPA
21. Details of the design and monitoring of the brown roof to be submitted and agreed
22. Updated badger survey to be submitted
23. Foul and surface water to be drained on separate systems
24. Surface water drainage scheme to be submitted
25. Management and maintenance regime for Sustainable Drainage Systems to be submitted

In addition that due to the scale and nature of the proposal, and its out of town location, the application will need to be referred to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009.

Councillor S Hogben requested a recorded vote for this application.

The voting was as follows:-

### **In Favour**

Councillor G Merry  
Councillor J Hammond  
Councillor B Burkhill  
Councillor S Edgar  
Councillor S Pochin  
Councillor L Smetham  
Councillor L Wardlaw

### **Against**

Councillor T Fox  
Councillor S Hogben  
Councillor D Hough  
Councillor J Jackson

(This decision was contrary to the Officer's recommendation of refusal).

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

(The meeting was adjourned for a short break).

**6 16/0802M-ERECTION OF FOUR RESTAURANTS AND THREE DRIVE-THRU RESTAURANT/CAFE'S ALONG WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPING, LAND AT EARL ROAD, HANDFORTH FOR MARTIN RIDGWAY, CPG DEVELOPMENT PROJECTS LIMITED**

Consideration was given to the above application. As a result of the decision on the previous application the Officer informed the Board that the recommendation of refusal would now be one of approval.

(Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That for the verbal reasons provided by the Officer the application be approved subject to referral to the Secretary of State, subject to completion of a Section 106 Agreement securing the following:-

- Financial contribution of £66,000 towards replacement woodland habitat planting (for set up costs, woodland creation and 30 years of management and maintenance costs).
- Financial contribution of £5,000 for travel plan monitoring
- Local Employment Agreement

And subject to the following conditions:-

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Commencement of development
4. Development in accord with approved plans
5. Materials as application
6. No permitted change to Class A1 use
7. Waste management plan to be submitted
8. Details of the improvements to the footway link at the southern end of Earl Road leading to the southern retail park to be submitted and implemented
9. Details of cycle stores to be submitted
10. Travel Plan to be submitted



11. Electric vehicle charging points to be provided
12. Remediation strategy to be submitted
13. Imported soil to be tested for contamination
14. Intrusive Radiological Survey Monitoring Protocol/Risk Assessment and supplementary commentary by Radman should be followed throughout the course of the development
15. Unforeseen contamination – notify LPA
16. Details of the design and monitoring of the brown roof to be submitted and agreed
17. Updated badger survey to be submitted
18. Foul and surface water to be drained on separate systems
19. Surface water drainage scheme to be submitted
20. Management and maintenance regime for Sustainable Drainage Systems to be submitted

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

**7 16/3284M-ERECTION OF RETAIL FLOORSPEACE, LAND AT EARL ROAD, HANDFORTH FOR MARTIN RIDGWAY, CPG DEVELOPMENT PROJECTS LTD**

Consideration was given to the above application.

(Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to referral to the Secretary of State and subject to the following conditions:-

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Commencement of development
4. Development in accord with approved plans
5. Materials as application
6. No subdivision of retail units
7. Footway link improvements to south to be submitted
8. Sustainable drainage management and maintenance plan to be submitted
9. Scheme for the management of overland flow to be submitted
10. Floorspace not to exceed that shown on plans

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

**8 16/5678M-DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FIVE UNITS TO BE USED FOR CLASS A1 (NON-FOOD RETAIL) PURPOSES AND TWO UNITS TO BE USED FOR USE CLASS A1 (NON-FOOD RETAIL OR SANDWICH SHOP) AND/OR USE CLASS A3 AND/OR USE CLASS A5. CREATION OF CAR PARK AND PROVISION OF NEW ACCESS FROM EARL ROAD, TOGETHER WITH LANDSCAPING AND ASSOCIATED WORKS. (RESUBMISSION 15/0400M), LAND AT JUNCTION OF EARL ROAD AND, EPSOM AVENUE, HANDFORTH FOR ORBIT INVESTMENTS (PROPERTIES) LTD**

Consideration was given to the above application.

(Nick Lee, representing NJL Consulting and Graham Bee, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

1. The proposal seeks to provide a retail use on a site allocated for employment purposes. The existing warehouse and office buildings on the site are currently occupied, and it has therefore not been demonstrated that there is no reasonable prospect of the site being used for employment purposes, as required by paragraph 22 of the NPPF. The development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan and policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy.

Should this application be the subject of an appeal, the Head of Planning (Regulation) has delegated authority to enter into a S106 Agreement for this current application and application 15/0400M, which is the subject of a current appeal, to secure the following Heads of Terms:

- Financial contribution of £65,372 to CEC for improvements to provision for pedestrians and cyclists in the vicinity
- Financial contribution of £65,372 to CEC towards public transport improvements
- Financial contribution of £200,548 to Stockport MBC towards junction improvements in the Borough of Stockport at Stanley Road junction.

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

(The meeting adjourned from 1.50pm until 2.15pm for lunch).

**9 WITHDRAWN-16/5850C-IMPROVEMENT OF J17 NORTHBOUND SLIP ROAD. PROVISION OF NEW ROUNDABOUT TO PROVIDE ACCESS TO DEVELOPMENT SITE, OLD MILL ROAD AND SLIP ROAD, LAND SOUTH OF, OLD MILL ROAD, SANDBACH FOR W AND S SANDBACH LTD**

This item was withdrawn prior to the meeting.

**10 17/0510M-DELIVERY OF WATERSPORTS AND OUTDOOR ACTIVITY CENTRE ON THE NORTH AND SOUTH LAKE OF THE FORMER MERE FARM QUARRY, INCLUDING NEW VEHICULAR ACCESS, CAR PARKING AND MULTI USE BUILDING, FORMER MERE FARM QUARRY, ALDERLEY ROAD, CHELFORD FOR MR TIM WOODHEAD, ADVENTURE LAKES LIMITED**

Consideration was given to the above application.

(Parish Councillor Brian Brindley, Vice Chairman of Chelford Parish Council, representing Chelford Parish Council, Andrew Kay, an objector, Rebecca Wainwright, representing Marketing Cheshire and a supporter, Tim Woodhead, the applicant, Howard Fearn, Avian Ecology, representing the applicant and Jonathan Vose, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor G Walton).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development will have a detrimental impact on biodiversity at the site by proposing activities on both the north and south lakes, which is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. Further, the proposal is in an unsustainable location which is not highly accessible by a choice of transport and will mainly be reliant on access by the private car,

therefore the proposals are not environmentally sustainable contrary to policy NE11 of the Macclesfield Borough Local Plan, SE3 and SC1 of the emerging Cheshire East Local Plan Strategy and the NPPF.

2. The proposed use of the site and the associated built development are inappropriate by definition, the use is not listed as an exception and the building impacts on openness, therefore very special circumstances are required to outweigh the significant harm. In this case it is not considered that very special circumstances exist to outweigh the harm by inappropriateness or the harm to the openness of the Green Belt, contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the NPPF.

(This decision was contrary to the Officer's recommendation of approval).

### **11 ITEM OF URGENT BUSINESS-15/4888N - WHITE MOSS QUARRY, BUTTERTON LANE, BARTHOMLEY, CW1 5UJ-PART WITHDRAWAL OF A REASON FOR REFUSAL**

Consideration was given to the above report.

(Peter Todd, representing the applicant attended the meeting and spoke in respect of the item).

### **RESOLVED**

That the refusal reason in respect of highways be withdrawn and the Head of Planning (Regulation) be instructed not to contest that issue at the forthcoming Appeal.

The meeting commenced at 10.00 am and concluded at 4.28 pm

Councillor G Merry (Chairman)

Application No: 16/3209C

Location: Intertechnic Uk Ltd, ROAD BETA, MIDDLEWICH, CW10 0QF

Proposal: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access)

Applicant: Mr Peter Nunn

Expiry Date: 28-Apr-2017

**SUMMARY**

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

The benefits in this case are much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply, economic benefits in terms of the proposed marina and facilities, the development has the potential to bring extensive improvements to the appearance of the site from the Canal and Conservation Area and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Middleswich.

The development would have a neutral impact upon the following subject to mitigation; education provision, protected species/ecology, drainage, trees, residential amenity/air quality/contaminated land, landscape, archaeology, impact upon the Trent and Mersey Canal, the PROW and the highway network.

The proposed development forms part of Site SL9 Brooks Lane, Middleswich. However it is considered that the application is premature in advance of the production of a masterplan led approach to determine the precise nature and quantum of development. Without a masterplan the development would be piecemeal and it is not possible to determine whether the significant adverse noise impacts could be mitigated. Furthermore pedestrian/cycle links, green infrastructure, noise mitigation and open space for nature conservation and recreation cannot be secured. On balance the application is not considered to represent sustainable development and is recommended for refusal.

**RECOMMENDATION****REFUSE**

## PROPOSAL

This is an outline planning application for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access). Access is to be determined at this stage with all other matters reserved. The applicant has confirmed that the development is for up to 137 dwellings including 16 retirement apartments.

The access point to serve the site would be taken off Road Beta to the east of the site.

The development would be up to three stories in height. The development would include a 12 berth marina, 450sqm of retail floorspace, 410sqm of office/employment and 270sqm of restaurants/food outlets.

## SITE DESCRIPTION

The site of the proposed development extends to 2.89 hectares and is located to the west of Road Beta and to the east of the Trent and Mersey Canal with Booth Lane beyond. To the north and south of the site is existing employment development.

The site is relatively flat and includes an existing utilitarian employment building towards the frontage with Road Beta with a smaller building to the rear. The majority of the site is hardstanding and used for the storage of vehicles. The site includes an existing tree/landscape belt to the Trent and Mersey Canal.

Part of the site along the boundary with the Trent and Mersey Canal is located within a Conservation Area. To the south of the site is an area which is identified as a Local Nature Reserve. Public Right of Way (PROW) Middlewich 21 runs along Road Beta to the east of the site.

## RELEVANT HISTORY

36351/3 - Proposed alteration to existing industrial units, including re-cladding and subdivision of units – Approved 14<sup>th</sup> October 2003

33960/1 – Proposed development of up to 200 residential dwellings, canal boat marina with up to 150 moorings with associated facilities, car parking, landscaping and highway improvement including a new canal bridge – Refused 20<sup>th</sup> January 2004 for the following reasons;

- 200 dwellings does not constitute limited residential development and would severely reduce the opportunity to retain and include other employment uses
- Over-provision of dwellings on the site
- Failure to demonstrate a safe access, any improvements to the access and demonstrate that the traffic impact would not be adverse on the local highway network

28492/3 – Extension to existing buildings to provide additional covered assembly area and storage of parts for lorry cabs – Approved 25<sup>th</sup> October 1996

20459/3 – Extension to existing cab repair shop – Approved 6<sup>th</sup> February 1988

9829/3 – Proposed gatehouse – Approved 10<sup>th</sup> September 1979

8463/3 – Proposed extension to existing stores building, new cab repair shop and vehicle cleaning bay – Approved 27<sup>th</sup> February 1979.

7862/3 – Proposed research and development centre comprising: experimental workshop and cab development, engineering offices, canteen to serve whole of the site – Approved 3<sup>rd</sup> October 1978

6384/3 – Erection of single storey building to be used as training centre – Approved 21<sup>st</sup> March 1978

6383/1 – Erection of pump test building – Approved 7<sup>th</sup> February 1978

### **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

216 Implementation

#### **Development Plan**

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR6–GR8 Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

RC2 – Protected Areas of Open Space

RC7 – Water Based Activities  
RC8 – Canal/Riverside Recreational Developments  
RC9 - Canal/Riverside Recreational Developments (Moorings)  
DP1 – Employment Sites  
DP3 – Mixed Use Sites  
DP7 – Development Requirements  
DP8 – Supplementary Planning Guidance  
DP9 – Transport Assessments  
BH8-BH10 – Conservation Areas

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

PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
Site SL9 – Brooks Lane, Middlewich

### **Supplementary Planning Documents:**

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

### **CONSULTATIONS**

**Canal & Rivers Trust:** Offer the following general advice;

- The proposed marina is likely to be acceptable from a water resources perspective due to the small number of berths and the current water resource position



- Based on the indicative layout there would be serious concerns over the impact in terms of navigational safety due to the proximity to Kings Lock and its associated mooring points which would mean that there would be insufficient width for boats to access/egress the marina safely
- A condition is suggested to safeguard the structural integrity of the canal infrastructure
- A condition is suggested in relation to contaminated land
- A condition is suggested in relation to surface water drainage

**Environment Agency:** Conditions suggested.

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

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

**Health and Safety Executive:** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**CEC Visitor Economy:** Support the development the development will bring economic benefits to the Borough. From a visitor economy point of view and relating specifically to the new marina development, this is in line with the Cheshire East Visitor Economy Strategy agreed by Council in 2016.

**CEC Strategic Housing Manager:** No objection.

**CEC Strategic Highways Manager:** No objection subject to conditions and the completion of a S106 Agreement to secure the following;

- A revised travel plan to include the provision of cycle and bus vouchers along with a monitoring fee of £5,000 payable on first occupation of any part of the development.
- A financial contribution of £150,000 towards a highway improvement scheme at the A54/Leadsmyth junction.

**CEC Environmental Health:** Conditions suggested in relation to Noise Impact Assessment, details of any air conditioning units/extraction units, piling/floor floating details, environment management plan, Phase II Contaminated Land, contaminated land verification report, details of any soils imported to the site, works to stop if further unexpected contamination is discovered, HGV traffic, Travel Plan, Electric Vehicle Charging and Dust Control.

Informatives suggested in relation to hours of work and contaminated land.

**Cheshire Brine Board:** As the site is located outside of the consultation area the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

**Ansa (Public Open Space):** This development will require 3,290sqm of Amenity Green Space (AGS) including 1,500sqm of informal children play space and a NEAP with 9 pieces of equipment.

The AGS and NEAP should be managed be transferred to the Councils with maintenance contributions of £38,904.25 for the AGS and £98,206.50 for the NEAP.

**CEC PROW:** There is no continuous, accessible, direct route for pedestrians and cyclists between the proposed site and the town centre, school and leisure facilities, as Brooks Lane bridge over the canal has no footway, and has one way (east-bound only) traffic restrictions. Pedestrians wishing to use a footway and cyclists would have to use Brooks Lane in a north-easterly direction to access the town centre via the A54 Kinderton Street, with pedestrians having an option to cross the canal via a public footpath and bridge to Wych House Lane.

Public Footpath No. 21 runs from Road Beta southwards to Cledford Lane. Local residents have logged (Ref.T125) an aspiration under the Council's statutory Rights of Way Improvement Plan for this route to be upgraded in surface and legal status so that it is useable by cyclists in addition to pedestrians. This would then form a route to the rural lane network and National Cycle Network, with onwards destinations including Sandbach railway station. Should consent be granted, contributions from the developer would be sought for the improvement of this route, which would be subject to landowner agreement.

**CEC Archaeology:** No objection – planning condition requested.

**CEC Education:** This development would be expected to generate up to 22 primary aged pupil, 18 secondary aged pupils and 1 child with Special Educational Needs. The following contributions should be secured:

Primary = No education response required

Secondary = £294,168

SEN = £45,500

### **VIEWS OF THE PARISH COUNCIL**

**Middlewich Town Council:** The Town Council objects to this application on the following grounds:

- (a) there are insufficient parking spaces within the proposal leading to inaccurate assumptions and data regarding traffic flows;
- (b) concern about the impact of contaminated land;
- (c) severe detrimental impact on Brooks Lane bridge due to increased traffic;
- (d) impact of siting residential properties near to existing businesses;
- (e) the Marina is considered to be of insufficient size and capacity;
- (f) the provision of one access into and out of the site is inadequate;
- (g) there is insufficient provision of affordable housing and it is unclear whether the site layout provides for social housing to be spread across the site rather than located in one area; and

Should Cheshire East Council be minded to approve the application then the Town Council requests that:

- (a) any Section 106 monies should be used solely towards improvements to the King Street and Brooks Lane junctions onto the A54; and
- (b) the Brooks Lane bridge should be made a pedestrian and cycle route only in accordance with the recommendations of the Canal and River Trust.

## REPRESENTATIONS

Letters of objection have been received from 1 local households and 2 local businesses raising the following points:

### Principle of development

- The development would be a waste of prime employment land
- The token marina will not benefit Middlewich
- If a marina is to be developed it should be much larger with a higher volume of leisure and retail facilities
- Large amount of housing on this site is not needed
- There is a requirement for more employment within Middlewich
- There should be more than 30% affordable housing on this site
- The development is contrary to the Development Plan
- The development is contrary to the NPPF
- Policy DP1 states that there should be a maximum of 20 dwellings on this site.
- This development is overwhelmingly residential led and does not comply with allocation under Policies DP1/DP3 for employment/leisure/non-food bulky retail/community facilities
- The development is contrary to Policies GR1, GR2, GR6, GR7, GR8, RC7, RC8 and RC9

### Masterplan

- The submitted Design and Access Statement includes a Masterplan for the site which includes Centec (a chemical manufacturing and recovery business) who have no intentions to relocate and the Masterplan for the wider site is not approved by Centec
- The Council's website shows that a number of 'masterplan' drawings have been submitted. It is unclear from these submissions what purpose these documents serve; the plans are not clearly labelled and the accompanying email does little to add to the picture.
- It is of vital importance that the masterplan clearly demonstrates how the amenity of future residential occupiers will be protected from existing commercial and industrial occupiers of the industrial estate. This is one of the main functions of the masterplan as the relationship between the remaining industrial occupiers and the residential development will clearly be extremely sensitive.
- The Proposed Masterplan drawing is not in any way detailed enough to constitute a suitable masterplan. The Brooks Lane Strategic Allocation proposes the mix of two highly conflicting land uses and as such any masterplan must demonstrate appropriate mitigation between the landowners, and how the mitigation can be delivered. The noise generating use CCP is shown on the Masterplan as being replaced by residential development, yet this is outside of the control of the applicant and so cannot be guaranteed.
- Without some physical separation from the industrial portion of the site it is not feasible that the two functions can operate in harmony. The Proposed Masterplan clearly shows that the land to the north of the development is expected to remain as is, quite how this is expected to be a harmonious relationship is not touched upon by any supporting documentation or indeed the plan itself.
- The 'Masterplan' appears somewhat 'aspirational' and lacks a significant degree of realism. There are at least 16 green public places, play areas, sports facilities and pocket parcels identified on the Masterplan – how realistic are these and how will they be delivered?
- To grant permission before such a document is agreed upon would be premature. In addition it clearly states under Policy SL9 that a 'masterplan led' approach will be adopted. In order for this to be adhered to a satisfactory masterplan should be in place first.

### Impact upon Existing Businesses/Jobs

- The impact upon the Moorings above Kings Lock will impact on the income and viability of the Kings Lock Chandlery. This could lead to a potential loss of jobs.
- The site is allocated for predominantly employment purposes.
- Loss of employment on this site is a significant material consideration in the development plan and the NPPF (specifically paragraph 21).
- Centec is a highly specialised business and the costs of relocation are prohibitive due to the nature of the work conducted on the site. Centec is regulated by the HSE.
- It is not an option for Centec to relocate and even if this were to happen it would require considerable support from CEC (it would take years of planning and vast monetary outlay).
- Granting outline planning permission would change the type of neighbour surrounding Centec and threaten the balance and have significant impact upon the existing businesses
- The development would result in residential development being within 180m of Centec's site and would impact upon future business aspirations
- The HSE would not grant further licences for the Centec site if this development is approved. This development would impact upon the aspirations of an existing business/employer
- The mix of residential properties with a business that manufactures/recovers flammable solvents and chemicals would not work in spatial planning terms
- Centec are a specialist employer providing highly specialist jobs and this development will have a significant and unacceptable impact upon the business model
- It was stated by CEC in their Hearing Statement to the recent Local Plan Examination in Public regarding the proposed Brook Lane allocation (Matter 5.8 held 5 October 2016) that *'There is an expectation that some businesses will remain in situ. In enabling residential-led redevelopment to take place through the Policy, the Council recognises that the relationship between new homes and remaining businesses will need to be carefully considered. This will involve ensuring that an acceptable level of residential amenity for new residents can be achieved on the one hand, and the normal activities of businesses can continue without threat of curtailment because of the proximity of new residents, on the other. This will be a key consideration in carrying out the Master-planning work envisaged in the LPS for this strategic location.'*
- The previous officer report to Southern Planning Committee notes the significant noise impact from surrounding industrial properties including a business called CCP and the officer report concludes that the existing businesses will have a *'significant adverse impact'*.
- It was further concluded that the noise issues identified by the Environmental Health Officer could be dealt with via a condition at the time of a reserved matters application. This approach will result in a planning permission that may not be capable of implementation as it may be impossible to come up with a mitigation scheme on the application site. Any mitigation should be agreed at the outline stage.
- It has been agreed that some business activity will remain at this location. It is vital that it is proven at outline stage that noise can be mitigated within the red line of the boundary.
- It is not satisfactory to conclude that the area will undergo a significant redevelopment resulting in the removal of existing noise generating development. The wider redevelopment of Brooks Lane is not in the control of the applicant and the presumption of further redevelopment involving the removal of noise generating issues cannot be relied upon in order to mitigate noise issues.

### Highways

- The parking provision on the proposed development is poor
- The access to the site is too narrow over a small one way bridge or through an existing industrial estate which is clogged with HGV's and has poor egress onto the A54

- Public transport is poor in this location
- Increased traffic generation
- The Middlewich Bypass should be constructed before any further development
- No pedestrian crossings are provided to Booth Lane
- Increased traffic congestion on Holmes Chapel Road and Brooks Lane
- It is expected that the final wording of the Brooks Lane allocation will state that the Brooks Lane Strategic Site can accommodate at least 200 homes. There is an application in the pipeline from Pochin and Brook Lane must see significant improvements
- Access to the site over a one way hump back bridge is not appropriate for this level of development
- The application contains a Transport assessment and Travel Plan which are not adequate

### Infrastructure

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

### Impact upon the Canal Network

- The marina is in very close proximity to Kings Lock. The Lock has waiting times of over 4 hours in summer months and adding to it would cause major delays
- Increased canal traffic would impact upon boats turning into the Shropshire Union Canal
- It is already very busy on the two moorings between Wardle Bridge and Kings Lock. The application does not provide sufficient information in relation to the current levels of canal traffic

### Heritage Issues

- Possible damage to the frequently hit Brooks Lane Bridge which is Listed and should be protected

### Amenity Issues

- The noise assessment has only been undertaken at two points on the site.
- No detailed noise measurements have been taken adjoining Rockford Stone.
- As things stand the inadequacies within the submitted noise assessment could lead to a scenario where future residents could complain about noise emissions from the surrounding employment sites. This would be unacceptable to the adjacent business.
- The impact caused by the adjacent noise needs to be fully assessed.
- The LPA should not put unreasonable restrictions on the existing businesses by allowing this development.
- Increased air pollution

### Contaminated Land

- Concerns raised about the potential land contamination on this site (former chemical works on the site) and a nearby landfill site
- The proposed marina will require the canal to be dredged and this could lead to contamination from the base of the canal which is highly contaminated. This was identified as part of the dredging for the adjacent boatyard
- Asbestos has been found on the boatyard site in very close proximity to the site boundary
- The current Phase 1 Risk Assessment is inadequate for this development
- The Council's Environmental Health officer will need to be satisfied that the relevant tests of the NPPF are met and this should be submitted before planning permission is granted. If not the application should be refused.

### Other issues

- At the very least the applicant should undertake a comprehensive survey of the site to address the above concerns

A letter of objection has been received from Persimmon Homes which raises the following points;

- The site is located within an operational industrial estate and the access will be shared with HGV's
- Whilst layout is a reserved matter the indicative plans do not demonstrate how a development of this scale and nature could be accommodated within the site.
- Large areas of the site are inappropriate for residential development
- The submitted noise assessment is deficient and fails to address the obvious issues which exist in this location. The approval of housing would create an inappropriate juxtaposition and inevitable lead to future conflict between incompatible land uses.
- Planning application 33960/1 was refused for up to 200 dwellings and a marina as the development would severely reduce the opportunity to retain and include other employment generating uses within the site.
- The Sustainability Appraisal for the Local Plan identifies that residential development at Brooks Lane could result in the loss of existing employment uses with the potential for major negative effects
- Employment land will be lost as a result of this application and the ability of the adjacent businesses to continue and expand would be severely compromised.
- Brooks Lane performs an important role for lower cost sites which may be perceived as less desirable neighbours
- The site is a former chemical works yet no intrusive ground works have been undertaken.
- It is apparent from the Planning Statement that there is no housebuilder committed to delivering this scheme. It is inconceivable that a housebuilder would pursue this site given the access through an operational industrial estate and unacceptable living environment particularly with the competing sites at Glebe Farm and Warmingham Lane
- There is the total absence that this scheme is viable due to the poor immediate housing market, potentially substantial abnormal costs due to contamination. The marina will require significant investment with only a gradual return on capital. The applicant relies on the draft Local Plan which requires contributions to public transport, highway improvements, affordable housing, health and education. It is highly unlikely that the development could withstand all of these items in addition to the abnormal costs
- The Local Plan allocation has been the subject of objection and should be given minimal weight pending the publication of the Inspectors report
- The application pre-empts a Masterplan which is intended to determine the nature and scale of the development. It would be premature for this application to be approved in advance of a masterplan
- Whilst Cheshire East Council does not have a 5 year supply of housing land, the application does not constitute sustainable development and the adverse impacts significantly and demonstrably outweigh the benefits.

### **OFFICER APPRAISAL**

#### **Procedural Matters**

In this case amended indicative plans/masterplans were received on 11<sup>th</sup> May 2017 and these are the subject of a consultation exercise which ran until 2<sup>nd</sup> June 2017.

### Principle of Development

The site comprises previously developed land within the Middlewich Settlement Boundary as defined by the Congleton Borough Local Plan. It is currently occupied by Intertechnic who specialise in the refurbishment of fleet and rental cars. Within the Congleton Borough Local Plan the site forms part of a mixed use development allocation under Policies DP1 and DP3. Policy DP3 allocates the site for employment/leisure/non-food bulky goods retail/community facilities.

The supporting text for Policy DP3 refers to the site descriptions and general development principles for this site at the end of the chapter titled 'Development Proposals' within the Congleton Local Plan. This states that the site is suitable for redevelopment and then identifies the following development requirements;

- Suitable for a wide variety of uses
- Overall requirement is for a mixed development to recognise the sites potential to accommodate a range of new forms of development which cannot be accommodated elsewhere
- In this regard the Local Authority would look to the provision of;
  - employment land (B1 and B2 uses)
  - leisure including the potential for a marina
  - non-food bulky goods retail (providing that the type and scale does not undermine nearby centres
  - specialist retail facilities associated with the leisure development of the canal side area and community facilities
  - a small amount of residential development (to a maximum of 20 dwellings)
- Transportation improvements may be required. Such improvements may include the provision of a dedicated vehicular access off the Middlewich eastern Bypass, off-site highways improvements and the reservation of a site for passenger rail halt in the event that it is not possible to provide this on the King Street site.
- Improved pedestrian links to the town centre
- Improvements to the canal side environment and to accommodate any nature conservation needs
- A development brief, Transport assessment, Environmental Impact and Contaminated Land Assessment will be required for the whole of the site

Policies DP7-DP9 then state that the allocation must make provision for additional development requirements in the form of the following;

DP7 – Transportation improvements will be required

DP8 – a Supplementary Planning Guidance Note in the form of a development brief will be required to be prepared and approved by the LPA before planning permission is granted

DP9 – a Transport Assessment will be required for the site

In terms of the Cheshire East Local Plan Strategy, which is now at a very advanced stage of preparation, the site forms a small part of Strategic Location SL9 Brooks Lane, Middlewich. This identifies that the development will be achieved through a masterplan led approach that will determine the precise nature and quantum of development that is appropriate for the site. This is likely to include;

- The delivery of up to 200 homes
- The delivery of leisure and community facilities to the north of the site
- The provision of appropriate retail facilities to meet local needs
- The incorporation of green infrastructure including a green corridor and open space/equipped children's play space)
- The improvement of existing and provision of new pedestrian and cycle links
- The potential for a new marina
- The provision of land for a new railway station

SL9 then goes onto identify the following site specific principles of development which can be summarised as follows:

- The masterplan will need to consider the heritage constraints as well as opportunities for the site to provide a new railway station
- Pedestrian/cycle links
- Enhancements to the Trent and Mersey Canal corridor
- On site provision for open spaces for recreation/nature conservation
- Contributions towards public transport and highways improvements (including the A54 through Middlewich)
- Contributions towards education and health infrastructure
- Consideration of the impact upon the Cledford Lime beds Grade B Site of Biological Importance
- To determine the archaeological implications and the impact upon the Scheduled Monument
- Affordable Housing provision
- Contribute to the long term conservation and enhancement of the Scheduled Monument
- Future policy development and master planning shall be informed by the suggested mitigation set out in the HIA prepared by the Councils Heritage and Design Team

As can be seen SL9 requires a masterplan led approach to determine the precise nature and quantum of development on the site. The wider site identified as comprising the Strategic Location contains a range of existing businesses. The housing figure of 200 homes against the Strategic Location in the Plan recognises that not all of the identified area is likely to be redeveloped. In fact the 200 figure is half of that initially promoted by the Council in the LPS, reflecting the need for a more cautious and realistic approach. It was intended that a masterplanning process would identify the true developable area with the Strategic Location with the opportunity to reflect that as a more defined Strategic Site allocation in the second part of the Local Plan, the Site Allocations and Development Policies Document (SADPD). Work has commenced on the SADPD and the Council is preparing a brief to commission external consultants to prepare the masterplan. It is expected that the masterplanning work will be completed this year. The masterplanning work is also intended to address any issues around the relationship between potential new residential development and remaining employment uses – to protect the amenity of new residents and avoid existing businesses being unduly restricted because of the proximity of new residents.

A concern is that, in advance of the masterplan, the granting of planning permission on the application site could result in piecemeal development as it is not possible to determine the appropriate location for housing in relation to any retained employment uses on the site (which may raise significant amenity/noise/air quality implications) as discussed below. Furthermore the masterplan will identify, in more detail, the nature and quantum of development including the



pedestrian/cycle links, residential areas, recreation facilities, leisure/community facilities and a network of open spaces for nature conservation. Without this masterplan in place allowing this piecemeal form of development could result in poorly planned development.

That said, a masterplan for the wider site has been prepared by the applicant. However this can only be given limited weight. Although it shows how development opportunities could come forward over a wider area it offers little assurance that this will take place. Through the preparation of its masterplan, the Council will engage with landowners across the site and will look to translate it into development plan policy within the SADPD.

The new railway station for Middlewich which forms part of this allocation is further to the north-east and would be unaffected by the application scheme.

The proposed development would meet the following requirements of the NPPF;

*Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value* (Core Planning Principles Paragraph 17)

*To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.* (Paragraph 20)

*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value* (Paragraph 111)

There are significant differences between the allocation within the Congleton Local Plan Policies DP1 and DP3 and the allocation within the Cheshire East Local Plan Strategy Strategic Location SL9. In this case greater weight should be given to the proposals for the site as expressed in the Cheshire East Local Plan. The LPS signals the current up-to-date intentions for Middlewich.

The proposed commercial development would include 450sqm of retail floorspace, 410sqm of office/employment and 270sqm of restaurants/food outlets. This is in accordance with the emerging Cheshire East Local Plan and there is no requirement for a sequential test or impact test in accordance with the NPPF.

### **Middlewich Neighbourhood Development Plan**

The Middlewich Neighbourhood Plan has yet to reach regulation 14 stage and as a result can be given no weight given its early stage of preparation.

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to*

*outweigh or alter my initial conclusions*". This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be "appropriate, justified, effective, deliverable and soundly based." As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Middlewich sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 65 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 26 x one bed, 22 x two bed, 8 x three bed and 4 x one bed and 4 x 2 bed older persons accommodation.

Information taken from Cheshire Homechoice shows there are currently 268 applicants who have selected the Middlewich lettings area as their first choice. These applicants require 60 x one bed, 120 x two bed, 75 x three bed and 12 x four bed units.

The applicant has confirmed that 30% of the units will be provided as affordable with the tenure split being 65% rented and 35% intermediate tenure (the mix of units will be determined at the outline stage). This is in line with the requirements of the IPS and represents a benefit of this development.

### **Public Open Space**

This development will require 3,290sqm of Amenity Green Space (AGS) including 1,500sqm of informal children play space and a NEAP with 9 pieces of equipment. In this case the application is in outline form and the indicative plan shows limited open space provision to the boundaries of the site and the Canal. Without the masterplan in place as required by Policy CS54 the application is premature and it is not possible to provide a network of open spaces for recreation and nature conservation.

It is considered that the provision of a management company would be acceptable to maintain the open space within the site.

## Education

An application of up to 137 dwellings (minus the 16 retirement apartments) is expected to generate 22 primary aged children, 18 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by the primary schools listed within the table below.

Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	any Known Changes	PUPIL FORECASTS based on October 2015 School Census				
					2016	2017	2018	2019	2020
Cledford	60	60	420	420	316	326	353	357	361
Middlewich	60	60	420	420	409	416	426	425	422
St Mary's	35	30	240	210	212	218	227	227	226
Developments with S106 funded and pupil yield included in the forecasts				0					
Developments pupil yield not included in the forecasts									9
Pupil Yield expected from this development									22
OVERALL TOTAL	155	150	1,080	1,050	937	960	1,006	1,009	1,040
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					113	90	44	41	10

The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there would be 10 surplus spaces within the local primary schools by 2020. As a result there is no requirement for a primary school contribution.

In terms of secondary school education, the proposed development would be served by the secondary schools listed within the table below.

Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Middlewich	140	140	700	700	683	710	710	722	716	703	691
Holmes Chapel	210	210	1,050	1,050	1,038	1,050	1,065	1,051	1,043	1,036	1,045
Please Note: All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				39							
Developments pupil yield not included in the forecasts					26	26	26	26	26	26	26
Pupil Yield expected from this development					23	23	23	23	23	23	18
OVERALL TOTAL	350	350	1,750	1,789	1,770	1,809	1,824	1,822	1,808	1,788	1,780
OVERALL SURPLUS PLACES PROJECTIONS					19	-20	-35	-33	-19	1	9

From the table above which it can be seen that there are capacity issues within the schools listed between the years 2017-2020 and as a result the 18 secondary school children generated by this development cannot be accommodated within the local secondary schools. As there are capacity issues at these local schools the education department has requested a contribution of £294,168 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

In terms of the surrounding residential properties, these are to the opposite side of the canal. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties and between the proposed dwellings.

### **Noise**

The applicant has submitted a revised Noise Impact Assessment (NIA) in support of this application following an earlier objection from the Councils Environmental Health Officer.

The impact of the noise from existing noise sources upon the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. The conclusions of the report and methodology used are acceptable.

### Background

The acoustic environment at this location is substantially affected by:

- Industrial/commercial noise from the adjacent Brooks Lane Industrial Estate and
- The A533

CCP Building Products Limited (Cheshire Concrete Products) is referenced as a major noise source. CCP is a permitted installation under the Environmental Permit Regulations (EPR) regime for the: Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixtures, the batching of ready mixed concrete and the manufacture of concrete blocks and other cement products. It holds a Cheshire East Council EPR Permit Reference: PPC 24A. All activities are carried out in the open yard. CCP apparently operates 24 hours a day (section 4.6, page 12, NIA).

The key emissions from plant operations that constitute pollution for the purposes of the Pollution Prevention and Control Act 1999 and therefore warrant control are those consisting of particulate matter in the form of dust.

Noise generating businesses locate in industrial estates, because it is expected that they will be noisy and are expressly zoned away from residential noise sensitive receptors for this purpose. Industrial areas rely on separation distances between noise sensitive developments, in order to reduce noise impact on residential amenity. There are no controls limiting occupants of the Industrial Estate from undertaking their activity at any time of the day / night 365 days / year. This is an attraction for businesses that require 24 hour operations to meet demand.

There are also no controls on future occupiers of the industrial estate being noisier than current business operations. Therefore, potentially further increasing the noise output from this industrial area.

By introducing noise sensitive receptors within an existing Cheshire East industrial estate will encroach upon existing industrial / commercial activities and will negatively impact the continuance of business development, expansion and future local employment opportunities. The noise climate at the proposed noise sensitive receptor locations will be significantly negatively impacted by impulsive, short term peak noise events from industrial noise source type activities operating 24hours.

The introduction of noise sensitive residential properties at this location is required to be adequately assessed in order to:

- Protect future noise sensitive occupiers from existing industrial noise sources.
- Allow Brooks Lane Industrial Estate business operators to continue work activities without risk of complaint from future residential neighbours.

If the introduction of noise sensitive residential receptors is permitted at this location, in close proximity to the existing Brooks Lane Industrial Estate; it is reasonable to foresee:

- A negative impact upon residential amenity will result and
- The boundaries of statutory noise nuisance will be change and the businesses may suffer formal action in the future when the residential properties are occupied.

### Outdoor Acoustic Environment

BS 4142:2014, 'Methods for Rating and Assessing Industrial and Commercial Sound'. This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature and includes sound from fixed installations which comprise mechanical and electrical plant and equipment. Outdoor sound levels are used to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which the sound is incident.

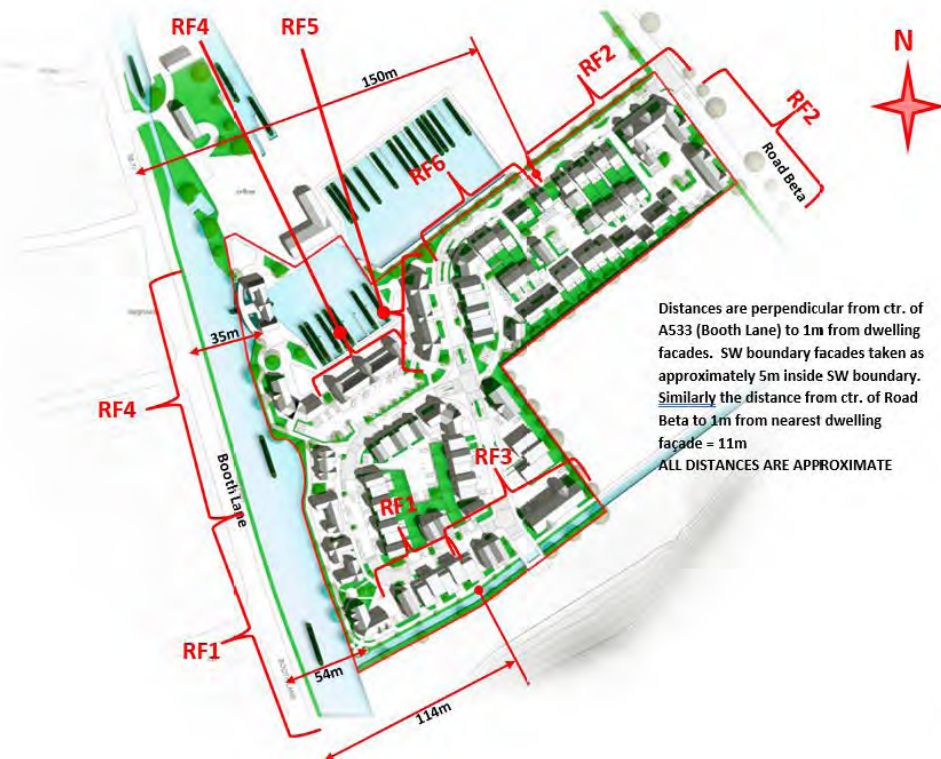
Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. The lower the rating level relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Typically the greater this difference, the greater the magnitude of the impact.

Adverse impacts include (but are not limited to) annoyance and sleep disturbance. Not all adverse impact will lead to complaints and not every complaint is proof of an adverse impact

<b>Difference of</b>	<b>BS4142:2014 Assessment</b>
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+10 dB or more	Significant adverse Impact
+ 5 dB	Adverse Impact

The night time assessment undertaken indicates a noise reduction requirement for 'other' sound sources of between 11 and 26dB(A) in order to achieve a 0dB BS4142:2014 assessment level during the night time; RF2 and RF6 are the most critical locations, which are 26 dB and 23 dB. However, ALL the RF (residential facades) are +10dB, therefore a 'significant adverse impact' as per BS4142:2014. As per the diagram below;



The outcome of the BS4142 assessment is that a significant noise impact could be created in the gardens of the most affected properties from noise arising from CCP.

### Internal Acoustic Environment

Providing the sound insulation requirement/composite requirements indicated below are adhered to as a design specification then the limits on the BS8233:2014 criteria for internal sound levels at residential dwellings habitable rooms are expected to be met.

Construction element	Main details	Rw	Applicable to	Remarks
External masonry walls	Brick - cavity -brick external wall. British standard HD brick, 50mm cavity with flexible minimal wall ties. Minimum brick density 1900Kg/m3- Well sealed with all joints pointed - NO penetrations, any unavoidable small penetrations should be sealed around with flexible mastic.	58	External facades at all habitable rooms	Conventional brick / block cavity wall construction
Sealed unit DG	Sealed unit double glazing using Pilkington 'Insulight' - 6mm float/12mm air gap/6.4mm pvb (acoustic laminate). In sealed heavy frame.	34	External facades at all habitable rooms	Where fully glazed doors are included these must have tight closing compression seals to all perimeters/ Preferably acoustically rated seals.
2nd floor roof over	Apex roof system - Tiles on pitch felt roof with 100mm mineral wool slab (minimum 35Kg/m3) on Gyproc 15mm 'soundbloc' plasterboard ceiling	43	45	All roof areas above habitable rooms.

### Noise Conclusion

There are significant adverse impacts arising from the existing noise climate that would justify the refusal of planning consent for noise sensitive dwellings solely on the external noise climate.

The proposal will create a 'mixed use' environment, by introducing residential development closer to the industrial estate. Residential development at this location will create conflict with adjacent industrial uses: future residents will suffer noise as a consequence and business operators will be the recipients of noise complaints. As demonstrated by the BS4142 assessment.

The NIA has demonstrated that the internal acoustic environment is capable of being designed to mitigate noise to a satisfactory level. Indoor living environments will depend on various acoustic design and noise mitigation measures to achieve a satisfactory acoustic environment.

However, residents are still entitled to reasonable external environmental standards. The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas. Outdoor living environments cannot achieve a satisfactory noise level in accordance with the WHO guidelines for Community Noise. However BS 8223:2014 accepts that in areas where the upper limit of 55dBLAeqT cannot be achieved, development should be designed to achieve the lowest practicable levels in these external amenity spaces.

The concerns raised by the Environmental Health Officer and within the letters objection in terms of noise are noted. The site and the wider Brooks Lane Industrial Estate form part of a strategic allocation under Site CS54 of the Cheshire East Local Plan Strategy. As a result this part of Middlewich is likely to undergo significant re-development with the removal of some but not all of the existing noise generating developments.

At this stage it is not possible to identify which existing employment sites would be redeveloped and which would be retained. As a result it is not possible to determine whether the significant adverse impacts in terms of noise could be mitigated to protect residential amenity whilst resulting in an acceptable design solution for the site. This is linked to the prematurity of this application in advance of a production of a masterplan for the development as required by Policy CS54.

## Air Quality

An Air Quality Impact Assessment has been submitted as part of this application. Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The Environmental Health Officer originally objected to the application on the grounds of insufficient information being submitted in the initial air quality impact assessment report. A further report has therefore been submitted in support of the application. The report considers whether the development will cause an increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. A number of modelled scenarios have been considered within the assessment. These were:

2019	Base
2020	2019 Base + other committed developments in the area
2021	2019 Base + other committed developments + this development

The assessment uses the Defra emissions factor toolkit and ADMS to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional road traffic associated with this development. An air quality damage cost calculation has also been undertaken. The damage costs associated with emissions arising from vehicle movements from the development for 5 years have been calculated as £18,182 for NO<sub>x</sub> and £41,850 for PM<sub>10</sub> per year. The cost of mitigation to be implemented to offset the impact of emissions should reflect this value.

The report concludes that the air quality impacts as a result of the construction, operational and cumulative effects of the development would have a moderate adverse impact on five receptors in the area, a minor adverse impact on one, and a negligible impact on a further fourteen receptors. The report further concludes that mitigation measures will be required to limit the impact of the development.

The proposed development is considered significant by the Environmental Health Department in that it is highly likely to change traffic patterns and congestion in the area.

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. 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.

Air Quality Monitoring undertaken at Chester Road, Middlewich indicates that the annual mean nitrogen dioxide limit value was exceeded for the year 2014. The Council is currently undertaking a verification process in accordance with the Local Air Quality Management regime to declare an Air Quality Management Area and the due process involved in that decision.

The report states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal and provides details of what this should contain. This will be controlled through the imposition of planning conditions.



## **Contaminated Land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land. The application includes new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

Further investigations have been undertaken on site and are reported within the submitted Dunelm, March 2017 report. This work has provided sufficient information to enable the removal of the objection from the Contaminated Land team. However, the investigation has identified significant contamination issues including widespread Asbestos, Poly Aromatic Hydrocarbons (PAHs), Trichloroethylene (TCE) and Chloroethene (Vinyl Chloride), Lead and Mercury. Contamination is present both in the soil and the groundwater.

Further investigative work is required to fully understand the risks posed by the site. This should include boreholes to gain a better appreciation of the risks to controlled waters and it is likely that Detailed Quantitative Risk Assessments (DQRA) will be required. Such works will need to be undertaken post demolition and the removal of hard standing.

The Contaminated Land team have liaised closely with the Environment Agency and as such have combined the suggested conditions with respect to contaminated land. There is also a suggested condition from the Canal and Rivers Trust in relation to contaminated land.

## **Public Rights of Way**

There are no public footpaths crossing the site although PROW Middlewich 21 runs along Road Beta adjacent to the site. The PROW Team have stated that it appears unlikely that this development would affect the PROW.

In this case the PROW Team have requested a contribution to upgrade PROW Middlewich 21 and these works would take the form of signage, access point furniture, minor surface works and vegetation clearance. These works have been costed at £5,000 and will be secured as part of a S106 Agreement.

## **Impact upon the Trent and Mersey Canal**

The proposed marina would have a maximum of 12 berths and is supported by the Strategic Site Allocation CS54 Brooks Lane, Middlewich within the Cheshire East Local Plan.

The Canal & River Trust have been consulted as part of this application and originally raised a number of concerns in relation to the potential impact from this development. This has resulted in the submission of an amended plan which has repositioned the access of the marina onto the canal and the applicant has clarified the number of berths.

The Canal and River Trust has confirmed that there is no objection to this development from a water resources perspective due to the small number of berths involved.

The Canal and River Trust did raise serious concerns about the access point to the marina and in terms navigational safety due to the proximity of the access to Kings Lock and its associated

moorings point. The Canal and River Trust suggested moving the location of the access further south to allow sufficient width to allow boats to pass without adversely impacting upon navigational safety. The amended plans now show this and the Canal and Rivers Trust have suggested that a condition is imposed in relation to canal boat tracking.

One of the letters of objection refers to contaminated sediment within the canal and that this was identified when an adjacent boatyard was dredged. In relation to this issue the Canal and River Trust has stated that they do not know the specific boatyard dredging issue. However given the historic uses in the area contamination of the canal is highly likely. It should be noted though that the Canal and River Trust dredge lots of places where the sediment is contaminated. The Canal and River Trust have stated that dredging is a good thing, as it removes the contaminants and cleans up the legacy of the industrial revolution. The key is to make sure the applicant has the necessary controls in place to ensure that the dredging activity does not create a pollution issue.

The Canal and River Trust have suggested conditions to protect the Trent and Mersey Canal in terms of structural integrity, contaminated land and surface water drainage. These conditions will be imposed should the application be approved.

### **Impact upon Built Heritage**

#### Scheduled Ancient Monument

The Scheduled Monument (known as Murgatroyd's Brine Works) is a considerable distance to the north-east of the site with a number of intervening employment units. This development would not impact upon the Scheduled Monument.

#### Listed Buildings

The nearest Listed Buildings/Structures to this development are Trent and Mersey Canal Kings Lock (Grade II), Trent and Mersey Canal Bridge Number 167 (Bridge at Kings Lock) (Grade II) and Trent and Mersey Canal Bridge Number 168 (Bridge at Booth Lane) (Grade II). All 3 listed structures are located to the north-west of the site. The bridge at Brooks Lane referred to within the Town Council comments is not a listed structure.

The scheme appreciates and respects the heritage of the site in particular by revitalising the waterside, creating a new marina and respecting the industrial character of the area. Although this is an outline submission with all matters excluding access reserved considerable work has been undertaken to ensure that the proposal is for a place with a locally inspired and distinctive character and this journey is well explained in the Design and Access Statement.

#### Conservation Area

The Trent and Mersey Canal and a small section of the application site to this boundary are located within a Conservation Area.

The site is currently part of the Brooks Lane Industrial Estate and presently contains two large Intertechnic industrial units and associated hard standing; the buildings are unsuitable for retention and conversion. The proposal does effectively open up the canal side and would

maximise the potential of this key heritage asset, indeed the way in which the canal heritage is the driver for this development enhancing the Trent and Mersey Canal Conservation area is very positive aspect of this scheme. However as this is an outline application the final details will only be secured at the Reserved Matters stage.

### Archaeology

This application is supported by an archaeological desk-based assessment which was prepared by Humble Heritage Ltd on behalf of the developers. The report considers information held in the Cheshire Historic Environment Record (CHER) and also describes the results of an examination of aerial photographs and historic mapping, including the Middlewich and Newton Tithe map of 1848 and Ordnance Survey maps from the 19th-century onwards. The report concludes that the proposed development area does have some potential to yield below ground archaeological deposits. The report draws particular attention to the Canal Boat Yard located at the south-western extent of the site, which is depicted on the 1848 tithe map, in addition the line of the King Street Roman Road, which runs along the north-eastern extent of the proposed development area.

Whilst the report has not identified any archaeological grounds for refusal of planning consent, the groundworks associated with the proposed development would lead to the destruction of any surviving below ground archaeological remains associated with the Boat Yard and Roman Road. Therefore Cheshire Archaeology Planning Advisory Service (APAS) would advise that a programme of archaeological mitigation be made as a condition of any planning permission which might be granted. In this instance the mitigation would take the form of:

- a developer funded watching brief, during relevant ground works (initial ground clearance, topsoil stripping & excavation of footings) across the line of the Roman Road, including a 15m wide buffer zone.
- a strip, map and record exercise across the site of the Boat Yard, whereby an area measuring 50m by 50m would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived.

The results of this work would then be written up into a report, to be submitted for inclusion in the Cheshire Historic Environment Record. The work may be secured by the imposition of a planning condition.

### Design

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

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

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

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

The development site would have a density of 47 dwellings per hectare. This is considered to be reasonable on this site.

The scheme appreciates and respects the heritage of the site in particular by revitalising the waterside, creating a new marina and respecting the industrial character of the area. Although this is an outline application considerable work has been undertaken to ensure that the proposal is for a place with a locally inspired and distinctive character and this is well explained in the Design and Access Statement. Scale and massing seem appropriate for the context and the Gatehouse and blocks surrounding the Marina Salinae look like potentially exciting architectural additions to Middlewich as does the clean and modern approach to the housing.

Throughout the scheme buildings are well positioned in perimeter blocks and turn corners effectively making the most of the views of the canal and providing good levels of surveillance over the streets and spaces. The division of the site into zones with distinct characters is strong and the height to width ratios of streets is appropriate for the type and location.

This is an extremely interesting proposal and it has much to commend it. The opening up and proper utilisation of the Trent and Mersey canal, the incorporation of a mix of uses alongside housing and the bold approach to design that draws heavily from the local context are all warmly welcomed. It is however an outline application, albeit one supported by some considerable detail in some areas and on this basis it is considered that an appropriate design solution can be secured at the reserved matters stage.

### **Highways**

This is an outline application with all matters reserved except for access. The proposal is to be accessed from Road Beta by a priority type access. It is proposed to enhance the pedestrian connections to and from the town centre and access to bus services.

### Access

A key component of a development proposal is to provide a safe and suitable access for all highway users both vehicular and pedestrian. The proposals have been audited against this requirement and subject to the mitigation described under the next section meet this requirement. The submitted Transport Assessment states that visibility splays in accordance with Manual for Streets can be achieved in both directions when exiting the site (2.4m x 45m).

### Network Capacity

The Transport Assessment submitted with the application has considered two junctions on the highway network that would likely be influenced by the traffic generated by the development.

The junctions assessed by the applicant are at the following locations:

- Brooks lane/Road Beta
- Brooks Lane/A54 Kinderton Street

The traffic impact of the proposed development has been quantified in the supporting Transport Assessment which has been subject to audit by Cheshire East Council highway officers.

This audit has involved dialogue with the applicants transport consultant to overcome concerns raised over the transport impact of the application. As part of these discussions the traffic impact of the development has been assessed utilising modelling software at various junctions in particular the A54/Leadsmythy junction where the development will impact on a junction that suffers from peak time capacity constraint.

These discussions have been undertaken in the spirit of NPPF placing obligation on Highway Authorities to work with developers to find solutions to transport concerns of proposals through the securing of mitigations or financial contributions to mitigations rather than resisting the application. In accordance with the NPPF the Head of Strategic Infrastructure would only resist the application where the impact of the development could be determined as severe.

The comments raised by the Town Council in relation to the Brooks Lane Bridge are noted; in this case the bridge is owned by the Canal and River Trust and the surface carriageway over is part of the adopted highway. The submitted TA identifies that the net additional vehicle movements over the bridge would be low and no objection has been raised in relation to this issue by the Head of Strategic Infrastructure or the Canal and River Trust.

The results of this analysis have shown the development would be acceptable in highway terms subject to a S106 contribution of £150,000 towards a proposed improvement scheme at A54/Leadsmythy junction which is currently being facilitated by Cheshire East Council.

### Sustainable Access

An assessment of the sites sustainable credentials has been undertaken with particular attention given to connecting the site to existing facilities via sustainable modes such as walking/cycling and public transport.

### Walking & Cycling

An indicative walking link to Middlewich Town Centre and bus services via Kings Lock is referred in the supporting Transport Assessment. This link is an important element in ensuring the sustainable nature of the development making it a convenient and attractive option and the development needs to facilitate this link as a minimum.

The National Cycle Network runs through Middlewich providing longer distance cycle opportunities to Winsford/Sandbach. Links to ensure good internal connectivity will be assessed as part of the reserved matters application when the layout will be considered in detail.

### Public Transport

A half hourly bus service Monday to Saturday running to Sandbach/Crewe and Winsford/Northwich runs along Booth Lane (A534) adjacent to the site but on the opposite side of the canal hence the foot connection via Kings Lock is an important element in accessing the development by public transport.

## Travel plan

A travel plan has been submitted which proposes single car occupancy reductions of 10-15% over the first 5 years of the development assisted by the appointment of a future Travel Plan Co-ordinator who will promote and implement the measures described in the framework plan. The proposed householder travel plan information pack issued to all new first occupation residents must include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations.

To ensure effective implementation of the travel plan measures and subsequent submission of travel plan reports a travel plan monitoring fee of £5,000 will be required to be secured via Section 106 agreement.

## Highways Summary and Conclusions

A Transport Assessment has been used to assess the impact of this development and it is not considered that this represents a severe impact to warrant refusal of the application. It is considered that a safe and suitable site access can be achieved for all.

## **Trees and Hedgerows**

The access plan with visibility splays appears to avoid conflicts with the Road Beta frontage trees.

The revised layout received on suggests a greater number of trees could be retained on the canal side and Road Beta frontage than the earlier version. The Council's Tree Officer is concerned that there are locations where trees are shown either retained or proposed which may not be feasible. The full arboricultural implications could only be assessed once a layout is finalised at reserved matters stage and the implications of remediation requirements are clear.

## **Landscape**

The site is a brownfield site within the settlement boundary which includes a number of utilitarian employment buildings. On this basis it is not considered that the development would cause harm to the wider landscape.

## **Ecology**

The application site is located in an area of Middlewich known to support a number of protected/priority species. However the habitats on this site are for the most part of limited Nature Conservation value. The application site is also located adjacent to the Cledford Lane Lime beds Local Wildlife Site. The proposed development would however retain a buffer of semi-natural habitat adjacent to the Local Wildlife site and the Council's Ecologist advises that there are unlikely to be any significant effects on this designated site.

The trees along the boundary with the Trent and Mersey Canal are likely to provide both suitable foraging/commuting habitat for bats and potential roosting opportunities. The loss of these trees could have an adverse effect on the local bat population. In this case a revised plan has been

submitted to show the retention of these trees and the views of the Councils Ecologist are awaited in relation to this issue.

### **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The current site is largely occupied by existing building and hardstanding with large areas of impermeable surfacing. The submitted FRA states that *'A workable solution would be for connection of surface water to the canal network and/or public sewer at greenfield runoff rate, with onsite storage provisions made to contain excess water prior to drainage discharge.'*

Any discharge to the canal network must be formally agreed with the Canal and Rivers Trust attaining the relevant consents to discharge. Any proposed discharge to public sewer must be agreed with United Utilities and the Lead Local Flood Authority.

The Environment Agency, United Utilities and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Impact upon Hazardous Installations**

The representations received refer to the potential safety implications due to the location of a number of adjacent businesses including Centec (a chemical manufacturing and recovery business located on the Science Park at Brooks Lane). These concerns have been noted and in this case the Health and Safety Executive (HSE) have been consulted on this application and the HSE has stated as follows;

*'The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site'*

On this basis there are not considered to be any objections in terms of the safety of the future occupiers of the proposed development.

### **Brine Subsidence**

In this case the Cheshire Brine Subsidence Compensation Board have been consulted on this application and have stated that as the site is located outside of the consultation area the Board would not normally make any comments. However there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation. An informative will be attached to any approval to advise the applicant of these comments.

## ECONOMIC SUSTAINABILITY

From a visitor economy point of view and relating specifically to the new marina development this is in line with the Cheshire East Visitor Economy Strategy agreed by Council in 2016.

The visitor economy contributes to jobs, growth and prosperity, both in its own right and in its contribution to Cheshire East's 'Quality of Place'. The ambition is focussed around continuing to maximise growth of the visitor economy, whilst ensuring greater prosperity across the widest number of communities that will lead to greater wellbeing for both residents and visitors. Tourism can be a force for good both in economic terms but also as an essential contributor to the excellent quality of life and place Cheshire East offers. This is a key factor not only in decisions to visit but also in decisions to settle and to invest.

Working with Marketing Cheshire, the sub-regional place marketing board, Cheshire East Council is promoting the region as a short breaks destination as well as a location for business tourism, food tourism and weddings. The Cheshire East Visitor Economy Strategy (2016-2020) articulates strategic themes that help to guide the identification of priorities in seeking to maximise the contribution of the visitor economy. It also identifies strategic priorities including developing a distinctive rural tourism offer and profiling a quality food & drink offer in Cheshire East.

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

The comments raised in relation to the loss of the existing employment site are noted. However this has been considered as part of the Cheshire East Local Plan Strategy allocation of this site. As part of his last comments on the progress of the Cheshire East Local Plan the Inspector stated that

*'Apart from a few exceptions (listed below and later), no further modifications are needed to the development strategy, proposed amounts of housing and employment land, and the site-specific policies for Crewe, Macclesfield, the Key & Local Service Centres, Other Settlements & Rural Areas, and Other Sites'*

As a result it is considered that the economic benefits of this development weigh in favour of the proposed development.

## CIL Regulations

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

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



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

As explained within the main report, the contribution to the PROW will improve the sustainability credentials of this site and is necessary, directly related to the development and fair and reasonable.

The provision of the Amenity Green Space (AGS) and a NEAP is required by planning policy and is considered to be necessary and fair and reasonable in relation to the development.

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

### **PLANNING BALANCE**

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring economic benefits in terms of the proposed marina and facilities
- Although the application is in outline form the development has the potential to bring extensive improvements to the appearance of the site from the Canal and Conservation Area
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Middlewich.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would be limited
- The archaeological implications would be mitigated through the imposition of a planning condition
- Subject to conditions the development would not impact upon the Canal in terms of water resource, navigational safety or structural integrity

- There would be no significant impact upon the PROW
- The highways impact of the development would be acceptable subject to the S106 requirements to mitigate the proposed impact

The proposed development forms part of SL9 Brooks Lane, Middlewich. However it is considered that the application in isolation would result in a piecemeal form of development which could result in a poorly planned development in advance of the production of a masterplan led approach to determine the precise nature and quantum of development. Without a masterplan the development would be piecemeal and it is not possible to determine whether the significant adverse noise impacts could be mitigated. Furthermore pedestrian/cycle links, green infrastructure, noise mitigation and open space for nature conservation and recreation cannot be secured. On balance the application is not considered to represent sustainable development and is recommended for refusal.

### **RECOMMENDATION:**

**REFUSE** for the following reason;

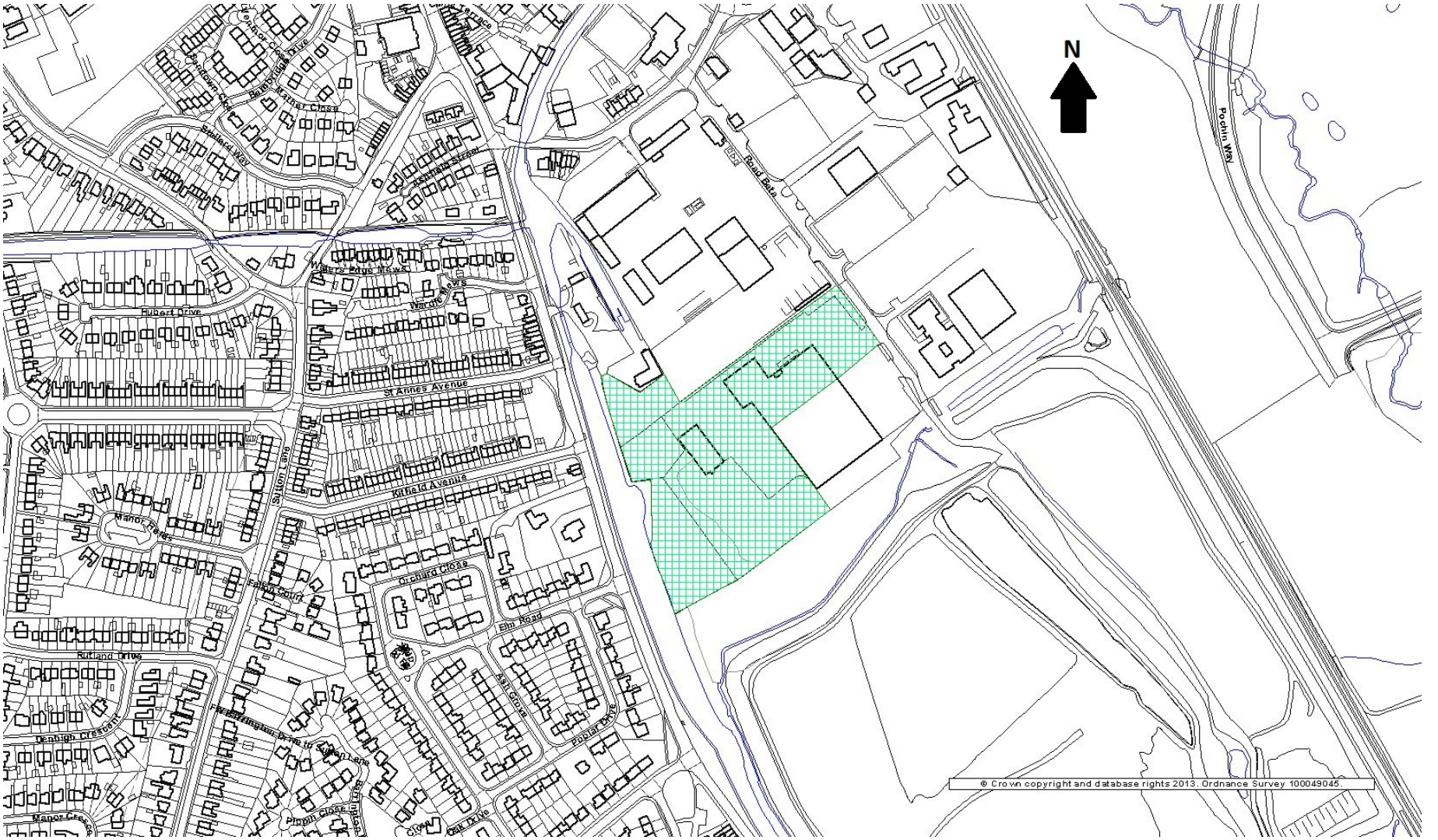
1. The proposed development in isolation would result in a piecemeal form of development which could result in a poorly planned development in advance of a masterplan led approach which will determine the precise nature and quantum of development for the wider site as required by Policy SL9 of the Cheshire East Local Plan Strategy and Policies DP1 and DP3 of the Congleton Borough Local Plan First Review. Without a masterplan the development would be piecemeal and it is not possible to determine whether the significant adverse noise impacts could be mitigated. Furthermore pedestrian/cycle links, green infrastructure, noise mitigation and open space for nature conservation and recreation cannot be secured. As a result the proposal does not represent sustainable development and is contrary to Policies DP1, DP3, DP8, GR1, GR2, GR6, GR7 and GR8 of the Congleton Borough Local Plan; Site CS54 and Policies SD1, SD2, SE1, SE6 and SE12 of the Cheshire East Local Plan Strategy.

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary school education contribution of £294,168
  3. SEN education contribution of £45,500
  4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmithy Street
  5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.
  6. PROW Contribution of £5,000 towards PROW Middlewich 21
  7. POS provision and a scheme of management to be maintained in perpetuity



Application No: 16/3840C

Location: Land North Of Chestnut Drive And West Of, BACK LANE, CONGLETON

Proposal: Full planning permission for development of 83 dwellings including the provision of informal areas of landscaping, off road vehicular parking with vehicular and pedestrian access from Back Lane.

Applicant: Seddon Homes Limited

Expiry Date: 28-Oct-2016

### SUMMARY

The proposal is contrary to the 'saved' policies PS8 (Open Countryside) of the Congleton Local Plan and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The site is now however proposed as part of an allocation for around 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight.

An important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing (although less than the policy requirement) to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. Significantly the development will also make a substantial contribution to highway works associated with the Congleton link Road.

The proposals are considered to satisfy the Local Plan policy requirements, with the exception of no educational contribution as set out in the report.

**RECOMMENDATION: Approve subject to a Section 106 Agreement and conditions.**

## **SITE DESCRIPTION**

The application site comprises approximately 3.64 hectares of pasture land, comprising 2 fields, in a roughly triangular shape on the northern edge of Congleton. The site adjoins Back Lane to the east, and north, Back Lane playing fields to the west, and the rear of housing off Chestnut Drive to the south. These properties are a mix of two storey houses and bungalows.

The site is relatively level, but with a gradual fall to the south west. The site has strong hedgerow boundaries to all sides, with a boundary splitting the site roughly into two halves. There are some trees in the hedgerows, especially in the one fronting Back Lane. There is a pond just inside the hedge-line on the northern boundary partially shaded by adjacent trees, and two small copses of trees in areas of damp ground on the site boundaries to the north and south. A field gate gives access from Back Lane.

Whilst the site is currently very edge of settlement, there have been two recent outline planning approvals for sites to the north of Back Lane and as such when these sites are built out, the site subject to this application would in effect be the only undeveloped parcel between the edge of Congleton and the approved Link Road.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for residential development of 83 dwellings including the provision of informal areas of landscaping, off road vehicular parking with vehicular and pedestrian access from Back Lane. The application proposes a mix of house types from 1 to 4 beds, and although most properties are two storeys there are 11 bungalows proposed, all along the southern boundary with Chestnut Drive. The different house sizes are reasonable scattered throughout the site.

The layout consists of a single point of access off Back Lane, leading to three main cul de sacs. Whilst some trees and hedgerow would be lost to form an access, the majority of trees and hedgerow on this site boundary would be retained, although the internal boundary hedge and some trees in the south west corner would be removed. A footpath would be created inside the hedgerow line on Back Lane forming an informal area of open-space. The footpath would link Back Lane, close to the entrance with the nearby Radnor Park Industrial Estate, with the Back Lane Playing Fields, and another link would allow access from the development to the south off Chestnut Drive. The pond on the northern boundary near the site access would be retained.

The layout and number of dwellings has been amended during the lifetime of the application.

Finally an area to the northern boundary, adjacent to the playing fields, would be set aside for future extension to the Back Lane Playing Fields, but set out as Public Open Space. The intention is that the land would be transferred to Cheshire East.

## **RELEVANT PLANNING HISTORY**



None, although the site is adjacent to Back Lane which did form part of the proposals considered as part of the Congleton Link Road application 15/4480C, with its proposed access to an extended Radnor Park.

Planning approvals on adjacent sites to the north are as follows:

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. Land to the north of the existing Radnor, Land at Back Lane, Cheshire

16/0514C - 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. Land At, BACK LANE, CONGLETON

### **PLANNING POLICIES**

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

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

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

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland

NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

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

## **Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016**

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

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

## **Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)**

The latest wording reads as follows:

“Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)

The development of 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 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 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;
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 public open space, as a new country park adjacent to Back Lane Playing Fields; 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;
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 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 provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A desk based archaeological assessment will be required for any future application on this site.
- i. The site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future development should have reference to the River Dane Local Wildlife Site 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 will be positively supported.

- 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."

The site subject of this application is in the south eastern part of the site, but only a relatively small part of the overall site allocation which includes other residential sites, areas of employment, public open space, land for the link road and the Dane Valley. The wording of the policy has been amended during the Local Plan process and the site has been changed from a strategic location to a specific site.

### **Congleton Neighbourhood Plan**

The plan is currently at Regulation 7 Stage – Neighbourhood Area Designation, and as such the plan cannot at this point in time be given much weight in the planning process as it has not reached the Regulation 14 - Pre-submission Consultation stage. It is also important to point out that the Neighbourhood has to be in general conformity with the strategic policies of the Local Plan.

### **CONSULTATIONS:**

**United Utilities:** No objections, but recommend conditions in relation to foul and surface water.

**Jodrell Bank:** Object to the application as the impact from the additional potential contribution to the existing level of interference from that direction will be moderate. They ask that Cheshire East take this into consideration in reaching its decision, noting that the cumulative impact of this and other developments is more significant than each development individually.

**Environmental Health:** Whilst no objections have been received, they recommend conditions in relation to a Construction and Environmental Management Plan, Electric Vehicle Infrastructure, Dust Control and contaminated land.

**Education:** The development (based on 86 dwellings as originally proposed) is expected to generate 13 primary children, 7 secondary children and 1 SEN child, and that the analysis undertaken has identified that a shortfall of primary school places still remains, and as such a contribution of £300,901 is required. This amount would be slightly reduced for 83 dwellings as now proposed. If this is not secured then Children's Services raise an objection to this application.

**Housing Strategy and Needs Manager:** No objections are raised to the proposals taking on board the findings of the viability appraisal (which was independently assessed) which states that the development can sustain 16 units (19.3%) as Affordable Homes. Whilst this is less than the policy requirement of 30%, the proposal is meeting the Interim Planning Statement (IPS) in particular with the inclusion of Older Persons flats on the Ground floor. There are also some Market Housing Bungalows on the site that could enable those wanting to down size and buy a smaller property thus freeing up more needed housing.

**Flood Risk Officer:** Having considered the revised Flood Risk Assessment, they have no objections subject to a condition requiring the development to be carried out in accordance with the submitted FRA and including the site discharge rate of a maximum of 13.4 l/s. Informatives relating to No Obstructions within 8 Metres of the Edge of the Watercourse, and the prior written consent of Cheshire East Council as Lead Local Flood Authority (LLFA) is required for any works that are likely to affect flows in an ordinary watercourse.

**Strategic Highways Manager:** Whilst a major consideration with this application is the Congleton Link Road and the associated infrastructure changes especially Back Lane as the site will access directly onto the realigned road, the site could be developed in advance of the changes to Back Lane although safe pedestrian access will be required. As Back Lane is a key component of the link road proposals and makes a significant further improvement to the accessibility of this site it is considered that a S106 financial contribution towards its delivery is merited and this has been calculated at £354,830.

**Public Rights of Way:** Whilst the proposed development does not affect any Public Rights of Way, there are opportunities to provide green linkages to Congleton, as part of the North Congleton Masterplan proposals and advice in the NPPF. Good linkages are proposed to adjacent sites in accordance with the masterplan and approved developments, but in addition they advise:

"In order to connect the proposed site with the local primary school, the developer should be required to fund or construct the proposed path between the site and not only Chestnut Drive but potentially onwards through the public open space direct to Longdown Road opposite the school."

A condition is recommended requiring signage to be erected to encourage residents to use pedestrian and cycle routes.

**Public Open Space (Amenity Greenspace) and Children's Play Space:** There is some disagreement with the applicant in terms of what is required to meet current policy. ANSA do not feel that the current proposals provide enough Amenity Green Space or a play area to NEAP standard which they feel is justified. Their comments on the latest proposal are awaited.

**NHS Eastern Cheshire Clinical Commissioning Group:** They write;

"There is a need to ensure that local NHS Primary and Community Care service provision continues to meet any changes in demand seen with an increase in the local population resulting from new housing developments. We would therefore ask for consideration to be given to this via a Section 106 / CIL when the planning council consider this planning application."

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

**Congleton Town Council:** Recommend the application be refused on a number of grounds:

- Unsuitable pedestrian access over the playing fields
- Flooding concerns due to the pumping station being in the incorrect position
- The application should be considered at Cheshire East Strategic Planning Board

They also comment:

"The only proposed walkway is grass across Village Green fields - unsuitable for disabled wheelchairs, prams etc. Suitable footpath required for elderly, disabled vehicles, pushchairs etc. to bus stop in Chestnut Drive. Pumping stations should be other side of site because of concerns of noise, odour and flooding to existing properties. Any development on site should be delayed until Link Road is complete because of congestion at Back Lane/Holmes Chapel Road and until school places are available as both primary and secondary schools are full."

## **REPRESENTATIONS**

A number of objections have been received from neighbours, the majority from Chestnut Drive to the south of the proposed development, raising a number of issues which include:

- Back Lane is inadequate to accommodate the traffic generated by the development.
- Loss of wildlife habitat and impact on protected species.
- Odour related issues associated with the proposed pumping station.
- The proposed footpath across the playing fields needs to be surfaced.
- Concerns over flooding issues locally.

In addition the local Sustrans group have recommended the proposed footpath cycle way within the site to increased in width, and Congleton High School have raised the issue of the High School and Black Firs Primary School being over-subscribed, and the need therefore for funds to allow expansion. The High School also raise the need for safe routes to schools and provision of local community facilities.

Full details of these comments can be viewed on the Council's website.

## **APPLICANTS SUBMISSION:**

- Transport Assessment
- Travel Plan
- Climate Change & Sustainability Statement
- Drainage and Flood Risk Assessment
- Ecological Appraisal
- Design and Access Statement
- Historic Hedgerow Assessment
- Tree Survey & AIA
- Air Quality Assessment
- Affordable Housing Delivery Plan
- Phase I Geo-Environmental Site Assessment
- Topographic Report
- Agricultural Land Classification and Soil Resources
- S106 Heads of Terms
- Viability Report

These reports (with the exception of the viability report which contains commercially sensitive information) can be viewed on the application file.

## **APPRAISAL**

### **HOUSING LAND SUPPLY**

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a

greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply.

### **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

### **ENVIRONMENTAL SUSTAINABILITY**

#### **OPEN COUNTRYSIDE**

As the site falls outside the settlement policy boundary in open countryside it would be subject to policy PS8 (Open Countryside) and as such residential development would be contrary to that adopted policy.

The site is now however proposed as part of an allocation for around 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44

Back Lane / Radnor Park, Congleton (Former SL 6). The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight

An important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary 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).

### **LANDSCAPE IMPACT**

Whilst clearly building houses in the open countryside will have a landscape impact, this site is the missing piece of the jigsaw as far as allocation CS44 is concerned, with housing approved on sites surrounding it and extending further into the open countryside to the north. As such the character of this area will change significantly in the near future and as such the landscape impact will change accordingly. As the site is visually very self contained behind hedges/trees its impact in any event would be reduced. It is therefore considered the landscape impact is acceptable.

### **ACCESS TO SERVICES**

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.

In summary, whilst more accessible than many of the adjacent sites which have been improved, it was clear that the site would not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

West Heath Shopping Centre which has a range of services and facilities including two supermarkets (Co-Op and Aldi), a convenience store, post office, pharmacy, restaurants and hot food takeaways is relatively close to the site. Adjoining the shopping centre is the Unicorn public house.

Close to the site entrance on Back Lane there is the large employment area comprising of the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers.

Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery. As there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It should also be recognised that the site forms part of a local plan allocation and has been assessed as being a preferred zone for development, and will have performed well in the Sustainability Assessment done for the site to be included within the plan.

Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

### **HIGHWAY SAFETY & TRAFFIC GENERATION**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Access Arrangements



At the proposed location of the development, Back Lane is a rural lane that is narrow with single file traffic it widens to accommodate two way flow just north of Radnor Park. The submitted plan indicates a single priority junction access with Back Lane to serve the site, although as part of the new Congleton Link Road (CLR) it is intended that this land be served by a new roundabout junction as well as a residential development on the opposite side of Back Lane.

The site access has been designed to accommodate the future Back Lane improvements and the roundabout access provision. Should the site be delivered in advance of the CLR a simple priority junction is proposed. This is acceptable in capacity and highway safety terms.

The priority junction can be delivered within existing highway; therefore there are no direct delivery issues raised between this application and the CLR.

### Traffic Impact

The applicant has assessed both the scenario with the CLR and also the impact without the scheme. To predict the level of traffic generation from the 83 units the applicant has used the Trics database to determine the trips rates, the predicted traffic generation arising from then development is approximately 50 two way movements in the morning and evening peak hours.

Traffic growth and committed developments have been added to the development traffic and existing traffic flows to assess the impact in 2021. The applicant has assessed the site access junction and also the roundabout junction at the A54/A34 with approximately 60% of the development traffic travelling south to this junction.

Given the current low levels of traffic flow on Back Lane the site access there would be no capacity problem with the site access junction, the applicant's capacity assessment results for the A34/A54 roundabout indicate it does have a capacity issues on the Newcastle Road arm but that the traffic would have a negligible effect on the operation of the junction. This is not the position that the Council has taken on the existing congestion problems not only at this junction but at the other principal junctions along the A34 through Congleton. CEC have built a traffic model of the A34 corridor that includes the A34/A54 roundabout junction and there are significant congestion problems at the principle junctions and this is borne out by observations of current queue lengths that occur. Although the traffic generation from this site is relatively small it would have a cumulative traffic impact on the A34 in addition to the traffic associated with other committed developments.

Planning approval has been granted for the CLR although the scheme has not yet been constructed. Should the CLR proceed it would provide benefits in regards to reducing traffic flows through Congleton and thereby enable the traffic generated by this development to be accommodated on the road network.

### Accessibility

In regards to the accessibility of the site, Back Lane currently does not have a footway either side of the road.

The scheme proposes an off carriageway footpath to connect into Back Lane close to the boundary with the existing built up area. It is unclear how the final footpath 'ties' into Back lane.

The scheme also proposes safe and suitable links to the playing fields and Chestnut Drive – accessed by linkages through the site.

The site can be accessed by cyclists using the road network and there are identified cycle routes on road that can be used to access the site. The nearest bus services are located on the A54 Holmes Chapel Road and on Delamere Road / Chestnut drive. Overall, the current assessment is that the site is not accessible although access to sustainable modes will improve through the delivery of CLR and other adjacent developments identified in the Local Plan.

Access to the site in terms of accessibility is improved by the CLR proposals on Back Lane. A new cycleway is provided as part of these proposals. It is considered therefore, that although the site provides an acceptable level of pedestrian provision (subject to conditions on final details and timing), it is clearly being enhanced by the delivery of the Back Lane scheme. This is the same situation for traffic access.

### Summary and Conclusion

A major consideration in the assessment of this application is the Congleton Link Road and the associated infrastructure changes especially Back Lane as the site will access directly onto the realigned road.

The Local Plan States: para: 15.226 *“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. New housing is seen as important as part of a balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and deliver the Congleton Link Road.”*

The site can be delivered in advance of the changes to Back Lane; a priority access can be delivered within existing highway frontage and the access proposals do not prevent the future delivery of the Back Lane improvements.

Safe Access to the site by foot is provided off carriageway, though furthers details of the final (short length) where the proposed footpaths ‘ties in’ to Back lane are required. It is recommended that this is secured by a condition.

The development proposes off highway access to both Chestnut Drive and the Playing fields can be provided; it is recommended that these links are provided early in the phasing of the scheme.

The CLR will further improve the accessibility of the site as it provides new pedestrian/cycle facilities and links to other planned developments.

In regards to the traffic impact of the development, it is considered that this site would have a cumulative traffic impact on the local highway network and the development of this site relies heavily on the CLR coming forward as it would reduce traffic flows on both the A54 and the A34 thereby reducing congestion levels.

Back Lane is a key component of the link road proposals and makes a significant further improvement to the accessibility of this site it is considered that a S106 financial contribution towards its delivery is merited and this has been calculated at £354,830.

Conditions recommended include:

1. Prior to first occupation the delivery via a S38 agreement of the proposed off-site footway link between the site and Back Lane.
2. A scheme to be agreed by the Highway Authority for the safe and suitable link from the offsite footway link to the existing footpath facilities on Back Lane.
3. Prior to first occupation one of the proposed footway links to the Back Lane playing fields shall be delivered via the S38 agreement.

### **PUBLIC RIGHTS OF WAY/COUNTRYSIDE ACCESS**

Whilst there are no public rights of way on or adjacent to the site, there are a number of ways the site could contribute positively to the linkages suggested in the North Congleton Masterplan. Those proposed as part of the development are:

- A footpath/cycleway which runs along the inside of the hedgerow on the northern or Back Lane frontage to the site. This would link the end of Radnor Park where there is a public footpath, and links into Congleton, to the Back Lane Playing-fields and beyond.
- Footpath links onto Back Lane Playing Fields with links onto Chestnut Drive, and to the schools and other facilities beyond.

Whilst these access points make all the appropriate linkages, there is a concern that the access points onto the playing-fields (accept for the northern most access which links to a car parking area) finish at the edge of the site and leave users then with the need to cross grassed area to link through to Chestnut Drive. Residents/Town Council are concerned the grassed area becomes unusable in winter/wet weather periods and as such walking/cycling would not be attractive to occupiers of the site.

The applicant has been asked to look at providing an appropriate surface on the southern link across the southern corner of the playing-fields in particular as it is only a short distance to an access onto Chestnut Drive. Whilst the details could be conditioned, the acceptance of the principle of the works has been sought and will be reported in the Update Report to Members.

### **DRAINAGE AND FLOODING**

The applicant submitted a detailed Flood Risk Assessment (FRA) with the outline application, and a Drainage Strategy Report with this application.

The site is in Flood Zone 1 as defined in Table 3 in the Technical Guidance to the NPPF. This is the lowest probability flood zone.

Following the submission of a revised FRA which has addressed earlier concerns about the proposals the Flood Risk Team now have no objections subject to a condition requiring the development to be carried out in accordance with the report recommendations, including the site discharge rate of a maximum of 13.4 l/s.

### **AMENITY**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

The proposed layout is considered to meet all the relevant space standards internally, and exceeds the separation distances from the existing properties on Chestnut Drive.

Residents however on Chestnut Drive have raised the issue of the proposed pumping station proposed to be sited in the south western corner of the application site, and their concerns about possible odours associated with it. Environmental Protection have raised no objections to this element of the scheme, and whilst it is unlikely to raise any issues for residents, the applicants have been asked to look at this matter and see if it could be moved off the boundary to if nothing else improve the visual impact of the structure. This will be reported in any update report to Members.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

### **FORESTRY**

The site comprises two fields laid to grass and located to the west of Back Lane. There is established tree and hedge cover around the periphery of the site together with a mid site hedge. Trees prominent to public view include a belt of trees located along the Back Lane boundary including a mature Oak in the south east corner of the site, (all contributing to the setting of Back Lane) and trees in the hedge line on the boundary with the playing fields to the north.

The submission includes a topographic survey, a Tree Survey and Arboricultural Impact Assessment (AIA) dated August 2016.

The tree survey covers 15 individual trees, 13 groups of trees and 4 hedges. The AIA indicates that approximately 40 trees comprising 3 individual trees, 3 tree groups and parts of a further 4 groups would be removed to accommodate the development. 112 metres of hedge would be removed.

Proposals are provided for the pruning and protection of retained trees (although no tree protection plan is provided) and it is suggested that planting to mitigate losses could be provided as part of a landscape scheme.

Main impacts: (with officer observations following discussions with the applicant):

- Loss of most of mid site hedge. (See Hedgerow Section below). Regrettable, but does allow for a much improved site layout, as discussed in the ecology section.
- Loss of a section of the prominent belt of trees on the Back Lane frontage to create the main road access and associated visibility splays (approximately 70 metres). Unfortunately an access has to be provided into the site.
- Footpath proposed within the site in the root protection area of the roadside tree belt. A no-dig construction method is proposed.

- Footpath link to Back Lane in the root protection area of the one grade A tree on site, Oak tree T1. Again a no-dig construction method will be employed.
- A proposed service strip connection would also impact on the rooting area of Oak tree T1. The alignment of the service strip has been redrawn to address this.
- Footpath links to the north and west would result in impact on hedges and tree groups. The access is a maximum of 2m wide so clearance would be minimal. A detailed survey would be used to determine the best location for the footpaths to cause the minimum loss to surrounding ecology/trees/hedges. A no dig construction method will be used, minimising damage to remaining vegetation. Additionally, the quantity of new tree and hedge planting proposed far exceeds the quantity of losses. Pedestrian links are important to encourage walking / sustainable transport and connections to facilities.
- Loss of two young/middle aged tree groups to the south west of the site and some immature specimens within the site. Removal of existing trees is necessary for ease of new tree planting that extends beyond the footprint of the existing tree groups. Importantly, the quantity of new tree planting outweighs the overall quantity of losses.

Conditions as set out above can be used to address these matters, and as such whilst some loss of trees on the site frontage is necessary, there are no objections on tree loss/impact grounds.

### Hedgerows

The proposals would impact on agricultural hedgerows with the loss of most of a significant length of mid-site hedge and a hedge with trees on the roadside. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would normally be required under the Hedgerow Regulations 1997. Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The developers have provided a full assessment with a submission.

The submitted ecological report comments that the hedgerows on site have the highest ecological value of all the habitats on site with the mid-site hedge being described as 'particularly well developed'. Nevertheless, the hedges are not assessed to be 'Important' under the Regulations.

### ECOLOGY

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

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

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

In this case specific advice has been sought from the Council’s Ecologist who has commented as follows:

### Great Crested Newts

It is advised that this species is unlikely to be present and affected by the proposed development.

### Ponds

Ponds are a Local Biodiversity Action Plan Priority habitat and hence a material consideration. The existing pond is shown as being retained under the submitted illustrative layout plan. It must however be ensured that this pond is not utilised as part of the SUDS scheme for the site.

### Badgers

No evidence of a badger sett was recorded during the submitted survey, but the species is active on site.

It is advised that should development not take place within 12 months of the original survey then an updated badger survey should be carried out.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted layout would result in the loss of the hedgerow from the interior of the site. It is advised that this hedgerow should be retained where possible.

This matter has been explored with the applicants who originally proposed to retain part of it in the layout. This however had negative impacts on the overall layout of the site, and resulted in sections of hedgerow being isolated within the site (some sections had to be removed to provide access) with an uncertain future within private gardens. It was therefore considered that the hedgerow should be removed to get a satisfactory layout and replacement planting compensating for its loss. Whilst the loss of this section of hedge is regrettable it is considered justified in this case

### **URBAN DESIGN/LAYOUT**

The application is supported by a design and access statement which looks at local context and looks at appearance as one of the D & A “themes”. The layout has been revised during the lifetime of the application, to address a number of issues identified, and it is now considered the proposals are a reasonable compromise to create an attractive layout, accommodating a good variety of house types – including bungalows where they meet existing bungalows on Chestnut Drive, whilst retaining the majority of boundary trees/hedges and an attractive footpath link on the northern side.

Whilst the house-types are typical of such developments, as indicated, there is a good variety of properties which should create visual interest, coupled with the proposed landscaping which helps break up the areas of frontage parking. Overall the design is considered acceptable.

This application was submitted prior to the adoption of the Cheshire East Design Guide and therefore no formal assessment has been undertaken in relation to Building For Life 12. However, a basic assessment has been carried out such that the development would “score” well under the majority of the criteria. Whilst pedestrian/cycle accessibility is considered very good, vehicular access is limited to one access and the layout does consist of a series of cul de sacs whereas the planning guidance favours multiple access and more continuous road links. In this case however the desire was to retain as much of the site frontage hedgerow/trees as possible and as such multiple access points would have been too damaging. A continuous road loop likewise would have implications for trees/hedgerows within the site area. The proposal therefore is an acceptable compromise on these principles.

### **CONTAMINATED LAND**

Environmental Protection have raised no objections, but have recommended conditions in relation to future safeguards on the site..

### **AIR QUALITY**

Congleton has Air Quality Management Areas within the Town Centre which operate above tolerances for contaminants. The developer has submitted a Air Quality Impact Assessment which has been accepted and conditions are recommended in accordance with that assessment. These include approving individual travel plans, approving a Residents Travel Information Pack to be issued to local residents and provision of Electrical Vehicle Infrastructure.

### **Environmental Role - Conclusion**

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 SL6 Back Lane/Radnor Park) within the Local Plan Strategy.

The site is within walking distance along level terrain or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

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.

Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodate a range of occupiers and employment opportunities. The emerging strategy allocation SL6 also includes a significant amount of employment development at this location.

### **ECONOMIC SUSTAINABILITY**

#### **LOSS OF AGRICULTURAL LAND**

In connection with the application the applicant has submitted Agricultural Land Classification and Soil Resources assessment which concluded that the site falls with class 3b of moderate quality and as such is not is "best and most versatile" land as defined in the NPPF. As such it's loss is not considered to be a significant issue in this case.

#### **JODRELL BANK**

Jodrell Bank have objected to the application, on the grounds of a moderate impact on the observatory's operations. This however needs to be considered against the fact the site is proposed to be allocated alongside others in North Congleton to help meet the Council's identified housing need and will have been a factor considered as part of the Local Plan allocation process, in the planning balance.

#### **VIABILITY APPRAISAL**

The applicant is arguing that developing the site, with the usual financial contributions/affordable housing would make the proposals unviable, and have submitted a viability appraisal in support of this. In short they argue that due to abnormal costs of developing the site, including providing



a number of bungalows, a substantial contribution to highway works on Back Lane, and providing an area of land that could form an extension to the Back Lane playing fields, in excess of what would normally be required for on site POS for the development, means the development cannot afford the normal education contribution or the full affordable housing requirement.

The Council has had this appraisal independently assessed and after much discussion they have broad agreement with the applicant's residual land value which they feel "provides the landowner with a competitive return sufficient to release the application site for development". They conclude:

*"Based on this benchmark land value and adopting reasonable assumptions relating to the other appraisal variables the development can support 16 on site affordable dwellings, a highways contribution of £354,830 and the provision of land for the extension of the adjacent playing fields. If further planning obligations are sought then the residual land value will fall to a level at which the landowner will not be incentivised to sell, and hence it will fail the test of viability outlined in the NPPF and will not come forward for development."*

In short they believe the application can only support 16 affordable dwellings or 19.2%, and no education contribution and hence why this is not proposed as part of the development.

### **Economic Role - Conclusion**

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

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

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

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

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

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

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in

construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

### **SOCIAL SUSTAINABILITY**

#### **AFFORDABLE HOUSING**

As can be seen from the section on viability above the full Affordable Housing Contribution is not proposed in this case. The applicant is proposing to provide 19.2% affordable homes (the requirement being 30%) or 16 dwellings, and has been in discussions with Housing in terms of the mix of properties. Housing write:

This is a proposed development of 83 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 25 dwellings to be provided as affordable dwellings.

The Applicant has provided a Viability Assessment that has been verified for the council by Keppie Massie. This confirmed that on viability grounds the applicant is providing 16 units (19.3%) as Affordable Homes.

The SHMA 2013 shows the majority of the demand in Congleton for the next 5 Years is for 27x 1 bedroom, 110x 3 bedroom, and 46x 4 bedroom dwellings. The SHMA also advises on the need for the next 5 Years, 18x 1 bedroom dwellings for Older Persons.

The SHMA 2013 also shows an over supply of 2 bedroom General Needs and Older Person accommodation.

The majority of the demand on Cheshire Homechoice in Congleton is for 243x 1 bedroom, 219x 2 bedroom, 114x 3 bedroom, 18x 4 and 1x 5 bedroom dwellings therefore 1, 2, 3 and 4 bedroom dwellings plus Older Person provision on this site would be acceptable. Of the 16 Affordable units, 10 units should be provided as Affordable rent and 6 units as Intermediate tenure.

The applicant is providing a mix of 1, 2 and 3 bedroom for Affordable housing including 1 bedroom flats that could be used for the Older Person housing need.

The applicant has confirmed on the revised documents that the Affordable Housing is to be split as per the Interim Planning Statement and the mix of the Affordable Housing is meeting the needs for the area with the inclusion of Older Persons flats on the Ground floor. There are also some Market Housing Bungalows on the site that could enable those wanting to down size and buy a smaller property thus freeing up more needed housing.

There is no objection to this lower Affordable provision due to the confirmed Viability Assessment. The split of the 16 units is meeting the IPS and so is the housing mix, as it is meeting the local need.

### EDUCATION

Not including this current planning application registered on Land North of Chestnut Drive and West of Back Lane (16/3840C), there are 8 further registered and undetermined planning applications in Congleton generating an additional 106 primary children and 84 secondary children.

The development of 74 2+ bed dwellings is expected to generate:

13 primary children ( $86 \times 0.19$ ) (- 1 SEN)

13 secondary children ( $86 \times 0.15$ )

1 SEN children ( $86 \times 0.51 \times 0.023\%$ )

The development is expected to impact on primary school places in the immediate 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 primary schools in the area as a result of agreed financial contributions.

The analysis undertaken has identified that a shortfall of primary school places still remains. Given the other application on Black Firs Lane it seems fair and reasonable that both are considered together for secondary because ultimately together they result in a shortfall of secondary accommodation. The 2 developments result in a shortfall of 21 school places and on a pro rata basis this results in a split 35% and 65%

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

$13 \times £11,919 \times 0.91 = £141,002$  (Primary)

$7 \times £17,959 \times 0.91 = £114,399$  (Secondary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £300,901

Without a secured contribution of £300,901, 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, 13 primary, 7 secondary and 1 SEN child would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

As referred to in the viability section above, in this case **no** education contribution is currently proposed. If the affordable housing contribution were to be reduced to 17.5% in common with other applications in North Congleton contributing to the Link Road, then a much reduced Education contribution would be possible, but it was considered that a slightly enhanced affordable housing contribution was preferred in this case as at best any education contribution would only be a token amount.

This lack of contribution must be weighed in the planning balance.

## **OPEN SPACE**

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on “POS Provision for New Residential Development” 2008, the POS has been assessed to see what would be needed to serve the proposals for 83 dwellings shown on the submitted plans, for of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children’s play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements and are not for ANSA to consider.

ANSA’s comments on the latest revised layout are awaited, but there has been some disagreement between the applicant and ANSA in terms of what is considered to meet the policy requirements.

### **Amenity Greenspace (AGS)**

The development is providing c2,400 sq m of AGS along the northern boundary of the site, on the inside of the hedge/tree line on Back Lane. This incorporates a footpath/cycle way. This area excludes the proposed pond, areas of hedging and on the ground tree cover. From earlier discussions however ANSA do not feel that this area constitutes AGS as it is not suitable for informal sport due to it’s linear nature.

It must be remembered that the applicant is proposing to contribute an area in the northern part of the site to The Council for the expansion of the Back Lane Playing Fields. Before the Council draws down this land it will be laid out and used for AGS and at 0.62 acres in area more than meets the AGS requirements of the policy. The applicant would maintain this area, together with the other areas of POS on the site, until handed over to The Council. Maintenance would need to be agreed as part of a Section 106 Agreement.

### **Children and Young Persons Provision (CYPP)**

The applicants and ANSA have disagreed over the required provision in line with policy. ANSA have suggested that a NEAP should be provided, however the applicant’s feel that this should more reasonably be providing a LAP and a LEAP (Local Equipped Area of Play).

The latest plan shows a LAP being provided in the linear area of AGS and the applicants have indicated that a LEAP could be provided in the area of POS to be dedicated to the Council if that

were the requirement. Comments from ANSA on this matter are awaited and will be reported in the Update Report.

### **Health Infrastructure**

The NHS Eastern Cheshire Clinical Commissioning Group have suggested the application contributes towards health infrastructure in the local area. As Members will be aware Inspectors on appeals within Congleton have not supported such requests on the basis that the requests made is generic, and not specific to a project to be implemented with costings/timings etc. In the absence of this information this request regrettably cannot be supported.

### **Social Role - Conclusion**

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 83 new family homes, including a significant amount of affordable homes (although not the full 30%), on site public open space and financial contributions towards highway improvements as part of the CLR. Clearly lack of an education contribution works against the proposals, but as reported in the viability section, the development is not considered capable of making this contribution if the other matters it contributes towards (Highways/affordable Housing/transfer of land/bungalows) are agreed.

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 designated site in the Local Plan Strategy which can now be given far greater weight in the planning balance than at the time of the outline, and this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

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

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme, although in this case none is proposed. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

## Planning Balance and Conclusion

The proposal is contrary to development plan policies PS8 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However the site is now proposed as part of an allocation for some 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered.

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

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to consider whether the proposal constitutes sustainable development and benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions.

Whilst this matter needs to be clarified it is considered that that the site can provide an adequate level of POS on site together with a play area which would comply with policy.

Subject to a Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and play-space on site. The site however would not contribute towards an education contribution based on the site viability as set out earlier in the report.

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

The site was fully assessed as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities. Furthermore, Section 106 contributions can be secured towards improving the sustainability of the site.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into the Open Countryside and landscape impact.

Despite the loss of open countryside, on the basis that the site has reached an advanced stage in the Local Plan process, and the Council cannot yet demonstrate a 5 year supply of housing, it is considered that the proposal represents sustainable development and paragraph 14 is engaged.

**SUBJECT TO** Clarification on the siting of the pumping station, upgrading of the footpath to link to Chestnut Drive, open space provision and tree/hedgerow matters all of which are considered capable of being addressed, all be reported in the update to Members.

## **RECOMMENDATION**

**APPROVE** subject to a Section 106 Legal Agreement to Secure:

- **19.2% of the dwellings to be affordable on a 65/35% tenure mix as follows:**  
**For rent**  
**4 number 1 bed walk up flats**  
**6 number 2 bed houses**  
  
**Intermediate Housing**  
**4 number 1 bed flats**  
**2 number 3 bed houses**
- **Area of public open space to be dedicated to CEC set aside for the future expansion to Back Lane Playing Fields (0.62 acres), to be maintained by Seddon Homes until “drawn down” by the Council.**
- **Amenity Greenspace provision including Footpath/cycleway and LAP provision with future management arrangements**
- **Contribution of £354,830 towards the delivery of the Back Lane improvement works.**

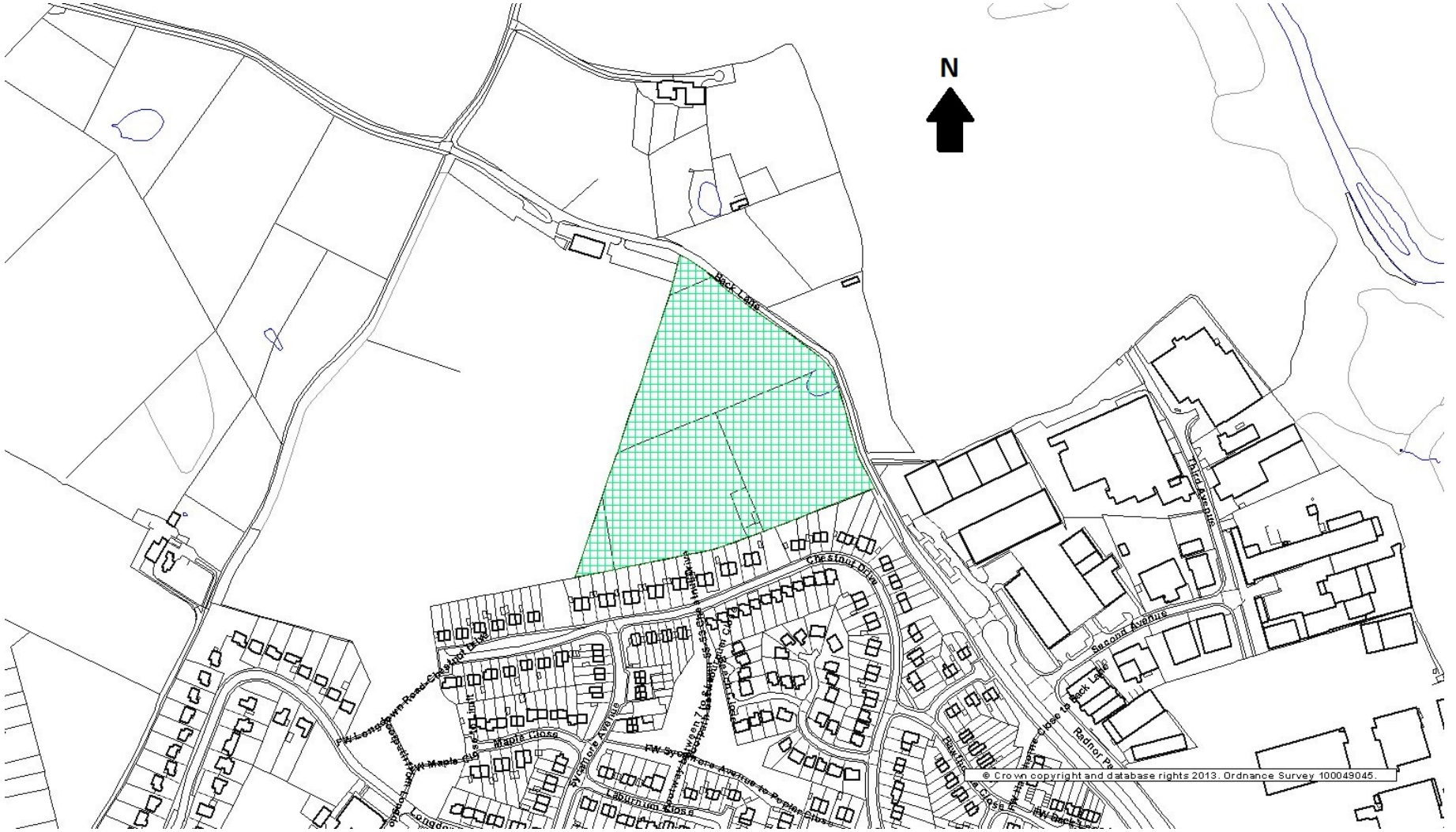
**And the following conditions**

- 1. Standard 3 year consent**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscaping**
- 5. Implementation of landscaping**
- 6. Tree/Hedgerow Protection Measures**
- 7. Arboricultural Method Statement including a requirement for a “no dig” hard surface construction for any area of hard surfacing within the root protection area of retained trees**
- 8. Levels**
- 9. Services/Drainage layout**
- 10. Construction and environmental Management Plan to include dust control**
- 11. Travel Information packs to be provided for residents**

12. **Electric Vehicle Infrastructure**
13. **Submission of a Contaminated Land Phase II investigation.**
14. **Control over imported soils**
15. **Requirement to inform LPA if unexpected contamination found**
16. **Bin storage.**
17. **10% renewable provision**
18. **Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.**
19. **Safeguarding of nesting birds**
20. **Footpath link to be provided to Chestnut Drive with an all weather surface**
21. **Signage of footpath/cycle links**
22. **Scheme of appropriate surface water drainage**
23. **Detailed design of surface water drainage including the site discharge rate of a maximum of 13.4 l/s.**
24. **Provision and implementation of Travel Plan**

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





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Application No: 16/5850C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road

Applicant: W and S Sandbach Ltd

Expiry Date: 21-Apr-2017

**SUMMARY**

The proposed roundabout will provide a larger roundabout at J17 of the M6 and Old Mill Road and will also serve the adjacent development site. The proposed roundabout will not have any greater impact on queue lengths compared to the existing 'pinch point' roundabout, and will also allow for the development of the adjacent Capricorn site. The delivery of the roundabout is crucial to the delivery of the employment and housing development on the adjacent site. Without this access the matters referred to in the emerging local plan under Strategic Site CS24 cannot be delivered. These are significant benefits in terms of the planned growth of Cheshire East to 2030.

The comments received in representation are acknowledged, and the relative lack of provision for cyclists does weigh against the proposal. However, the previous approval was similarly lacking in terms of provision for cyclists, and it would therefore be unreasonable to insist on a different approach now. Notwithstanding this position, it is considered that the need to provide a strategic junction for the M6, the A534 and the proposed commercial development site is considered to outweigh the concerns relating to provision for cyclists.

Consequently no significant adverse impacts are identified and a recommendation of approval is made

**SUMMARY RECOMMENDATION**

**Approve**

**PROPOSAL**

This application seeks full planning permission to create a new roundabout to improve the northbound slip road and create an access into the adjacent development site.

**SITE DESCRIPTION**

The application site comprises the existing road junction where the northbound slip roads at J17 of the M6 meet Old Mill Road, and a small section of the adjacent farmland. The site is located within Open Countryside as identified in the Congleton Borough Local Plan First Review 2005.

### **RELEVANT HISTORY**

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

#### **Local Plan Policy**

Congleton Borough Local Plan First Review 2005 -

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

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)

NR1 (Trees and Woodland)

NR3 (Habitats)

NR5 (Creation of habitats)

#### **Other Material Considerations**

National Planning Practice Guidance

Sandbach Business Park Development Brief (1989)

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

## Cheshire East Local Plan Strategy – Submission Version

### Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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  
SC3 Health and Well-being  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

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

## **CONSULTATIONS**

**Highways England (HE)** – No objections subject to conditions requiring full design and construction details to be submitted

**Jodrell Bank** – No comments received, but no comments to make on previous scheme

**Cheshire Fire Brigade** – No comments received

**United Utilities** – No comments received

**Environment Agency** – No comments received

**Transco** – No comments received

**Visitor Economy Manager** – No comments received

**Public Rights of Way** – Unlikely that the proposal would affect the public right of way

**Environmental Health** – No comments received but no objections raised to previous scheme subject to conditions

**Head of Strategic Infrastructure** – No objections subject to conditions relating to the provision of a banksman to control the use of the field gate access points

**Sandbach Town Council** - Members fully support objections made by members of the public, Cycling UK and NFU and strongly OBJECT to the proposals based on the following grounds:

- Significant safety concern for Pedestrian and Cyclists attempting to navigate the proposed scheme.
- Access for the Farmer is unsafe. These proposals will require exiting their own land by crossing three and four lanes of heavy traffic which will be extremely dangerous.
- Vehicular activated signs will not alleviate any safety issues for farm traffic; this is a tremendously busy stretch of the road and will put all road users in great danger.
- The scheme does not alleviate existing peak time congestion on the A534; proposals to introduce a commercial exit onto the roundabout will significantly worsen the problems.
- The proposals do not manage vehicles exiting Congleton Road at peak hours, nor the incident potential for vehicles turning right into Congleton Road throughout the day.
- Poor visibility will create potential conflicts between traffic exiting the roundabout and vehicles exiting/entering the petrol station.
- The design statement used to support the application uses the PM peak as 1700 to 1800hrs. Recent experience in Sandbach indicates a PM peak between 1500 and 1600hrs.
- The design statement used to support the Application uses data 5 years out of date. Considering the developments that have taken place during this period the data must be considered invalid.
- How will the proposed Capricorn 2 hectares of mixed employment and commercial use be substituted for housing impact this?
- End of commercial entrance to the Capricorn site is unclear
- How is this to be funded?
- Cheshire East Highways appear to be dealing with traffic pinch points in isolation rather than as a whole.
- The Committee requests an independent highways expert produce a considered and thorough plan which ensures the long term safety and protection of all road users.
- All suggestion submitted by Cycling UK for Cycle and Pedestrian route improvements are fully supported.

## REPRESENTATIONS

10 letter of representation has been received objecting to the proposal on the following grounds:

- Scheme does nothing to alleviate congestion on A534
- Scheme does nothing to deal with vehicles exiting / entering Congleton Road
- Scheme creates potential conflicts between traffic exiting the roundabout and vehicles exiting/entering the garage due to lack of visibility.
- Recent experience in Sandbach indicates a PM peak between 1500 and 1600hrs, not 1700 and 1800hrs
- The design statement used to support the application uses data 5 years out of date

- Since then, of course, the HA pinch point scheme has been operating for some time which has made a significant difference to local traffic conditions. It has improved egress from the M6 onto the A534 and worsened the congestion on the A534 itself
- Concern about the validity of the VISSIM model used if it has any connection to the Sandbach VISSIM model which has recently been rejected by Sandbach Town Council as invalid
- Submitted layout does not indicate where the road referred to as the commercial entrance to the Capricorn site ends
- Hard to equate the data in the design statement Baseline Person Trip Generation by Mode Profiling
- Cheshire East Highways appear to be dealing with traffic pinch points in isolation rather than as a whole
- Farmer will have to cross 4 lanes of traffic to leave his farm access, which is unsafe for long, slow moving vehicles
- Site boundary includes Farmer's land
- "Slow Down" signs, operated by the farm traffic passing over loops would be inadequate
- Proposals take into account pedestrians, disabled people and cyclists in an adequate manner.
- Proposals take into account pedestrians, disabled people and cyclists in an adequate manner.
- Proposal indicates that the northern boundary of Highway be relocated several metres to the south of the current boundary, thus effectively creating a barrier on the ground which would extinguish or dilute the access rights of the farmer and render the his land landlocked, deprived of the accessway that his business needs and currently enjoys

### **APPLICANTS SUBMISSION**

The applicant has submitted the following documents with the application:  
air quality assessment; noise assessment; flood risk assessment and a transport assessment.

### **APPRAISAL**

The key issues in the determination of this application are:

- Highways safety and impact on highway network
- The character of the area

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design / character**

The majority of the site (north, east and west) is designated as Open Countryside in the Congleton Borough Local Plan First Review 2005. Policy PS8 of the local plan identifies that facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its character are acceptable.

The remaining land to the south lies within the settlement boundary where the principle of the development is acceptable.

The proposals involve engineering operations to create a roundabout, and as such will preserve the openness of the countryside. The proposed development will replace the existing roundabout and will provide a junction on a larger scale to that which currently exists. The overall visual impact is not considered to be significantly adverse having regard to the existing conditions. Landscaping will help to mitigate some of the engineering impact of the road improvements. It is considered that the development should set the concept for a tree lined entrance and spine through the Capricorn site and, where possible, landscape enhancement on the embankment of the slip road and therefore a landscape condition should be attached securing this and other landscape design proposals. Subject to this condition, the application is therefore considered to comply with policies PS8, GR1 and GR2 of the local plan.

### **Trees**

There are existing trees and lengths of hedge on the site of the proposed development. The submission is not supported by any arboricultural or hedgerow information and it is not clear from the submission what extent of tree and hedge loss would be involved. However, the trees are not formally protected on this site and the trees concerned do not appear to be of significant merit, although they are readily visible from Old Mill Road. Replacement planting could be secured by condition.

The need for the proposal in terms of the delivery of the access to the commercial aspect of the Capricorn Strategic Site is also considered to outweigh any tree and hedgerow losses in this case.

### **Ecology**

The nature conservation officer has commented on the application and does not anticipate any significant ecological impacts. However, as noted above there will be the loss of some hedgerows. Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. It is therefore recommended that appropriate native hedgerow planting should be carried out to compensate for that lost. A condition to safeguard breeding birds is also recommended.

An updated badger survey has been submitted during the course of the application and the nature conservation officer advises that badgers are unlikely to be significantly affected by the proposed works.

### **Highways**

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

The applicant has not implemented the previously approved roundabout proposal (14/0043C) due to third party land/access issues and has submitted the revised roundabout design to provide access to Phase 1 of the commercial development on the Capricorn site. The revised roundabout is located slightly further to the south of the original location and does still provide access to the phase 1 commercial development.

### Revised Roundabout Assessment



It was agreed with the applicant in the original 2014 application that the capacity assessment of the approved roundabout would be undertaken using the Highways England (HE) microsimulation model developed for the 'pinch point' scheme which is the current roundabout layout in place at J17 of the M6. This approach was agreed for the revised roundabout design and the layout has been re-tested using the VISSIM model by Mouchel consultants acting for Highways England. The Vissim model was updated in 2016 using traffic flow data collected in March 2016.

With regard to the capacity modelling of the revised roundabout, the applicants have submitted a Transport Assessment to support the application and in addition a further addendum to report on the Vissim model outputs. The capacity assessments have been undertaken using the latest 2016 flows and a future year assessment in 2020 and 2030. A number of scenarios have been assessed in the peak hours that have the highest recorded flows and represent the worse case, these assessments are as follows:

- Base 2016 Network and Flows
- 2020 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 14/0043C)
- 2020 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 16/5850C)
- 2030 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 16/5850C) HE requirement to test the SRN at J17

The operation of the road network has been assessed by both Highways England (HE) and the applicant's highways consultant, and the technical reports did provide conflicting results notably regarding the A534 Old Mill Road eastbound approach to J17. The reason for the differences was found to be potential changes to the operation of the signal junction on the eastern side of J17. It has been confirmed that the signal timings will remain as existing and will not provide additional time for the A534 eastbound movements. Therefore, the queue lengths predicted in the HE Technical Note are considered to be representative should the scheme be implemented.

In order to assess the impact of the scheme, a comparison needs to be undertaken between the base case in which the current Pinch Point scheme remains and the introduction of the proposed new roundabout. The base case is the current situation in 2016 and the revised roundabout assessment is that at 2020 which includes the Capricorn development, traffic growth and all committed development flows. The results of the modelling indicate that generally the queues are similar in length in both scenarios. It is therefore concluded that the Capricorn Phase 1 development (housing and commercial) can be accommodated and that the proposed new roundabout will result in a "no worse off" situation on the road network.

Overall, the revised roundabout design will reduce congestion should it be delivered quickly post approval as the predicted level of queues are calculated with the scheme operating in the worse case which is 2020. The earlier the scheme is delivered, the better it will operate in capacity terms as less traffic is using the road network.

The design of roundabout has been subject of a number of technical reviews; Mouchel on behalf of the HE has assessed the scheme in connection with its affect on the M6 motorway

and slip roads. In addition, CEC consultants Jacobs have also assessed the scheme as to its conformity with highway design standards

The roundabout layout that is the subject of the technical review is drawing IPD-16-362-115 Highway Layout Option 2 Rev H, the conclusion of the Mouchel technical report is that in principle the design is acceptable for determination of the application although further detailed design work is required. Highways England has not objected to the application subject to conditions. The Jacobs review of the roundabout design has also concluded that in principle the design can be accepted although further detailed design aspects will need to be addressed.

An important design consideration for both the consented roundabout and new revised scheme is the operation of the field gates access points to land north of the roundabout. This application provides for an area of hardstanding in grasscrete fronting the land to allow agricultural vehicles to park whilst the gates are opened. In addition, interactive signage (VAS) is provided on the eastbound approach to the roundabout on Old Mill Road to indicate the presence of slow moving agricultural vehicles. Two Road Safety audits (RSA) have been undertaken; the applicant (IPad) has submitted an audit although as this was from the applicant it has been used for information only. CEC commissioned a RSA on the submitted design and the recommendation of the audit was to provide VAS signage on the approaches to the field gate accesses. However, consideration also needs to be given to vehicles approaching from other directions on the roundabout and it is recommended that the use of the field gates is also controlled by a Banksman. Historically, the use of the field access for agricultural vehicles has been controlled by a Banksman, and this arrangement would remain but with the addition of VAS signing.

The applicant has confirmed that they accept the requirement for them to provide a Banksman (or associated funding) to allow access to the adjoining farm from Old Mill Road.

The comments received in representation relating to some of the land being in the ownership of a third party have been raised with the applicant. As a result of this it became apparent that there was a small section of land adjacent to the farmer's gate that was not under the applicant's control, and was not Highways land. A revised plan has therefore been submitted to remove this small section from the plans. This amendment does not compromise the acceptability of the access.

### Summary and Conclusions

A previous planning approval was given for a new roundabout to serve the Phase 1 commercial development although it has been indicated that this permission had third party land issues that has required a revised roundabout design.

The operation of the revised roundabout scheme has been modelled using an updated version of the Vissim microsimulation model used for the previously approved scheme. The model includes new 2016 traffic flow data and modelled both the base case 2016 and also the future year 2020 and has provided the resultant queue predictions for these years at a number of junctions on the road network.

It is recognised that for the CEC road network there are substantial queues predicted with the new revised roundabout in place in 2020 particularly on the A534 Old Mill Road approach to

J17. However, this would also be the case if the existing Pinch Point scheme remains in place. The revised roundabout does include for the Phase 1 development of the Capricorn site and still produces no worse queues than the existing situation. Clearly, as this is a much bigger roundabout than the pinch point scheme it will have capacity benefits if it is brought online as early as possible as part of the development proposals. Operationally, the revised roundabout is not considered to be any worse than the existing Pinch Point scheme.

The location of the field gate access within the roundabout has proved to be difficult to accommodate within the roundabout scheme. However, having undertaken a safety review the implementation of measures (signage and Banksman) to allow access to these fields by agricultural vehicles has been accepted.

Consideration has also been given to pedestrian and cycle facilities in the roundabout design. A shared footway/cycle facility has been provided on the southern side of the roundabout that links to the existing footway/cycleway on Old Mill Road and also to the M6 over bridge.

### **Flood Risk**

The Flood Risk Assessment (FRA) submitted in support of the planning application is that prepared for the proposed mixed use development to the south (planning reference 12/3948C), which the access will serve.

The submitted FRA does not specifically encompass the road improvements proposed as part of the application; however, the flood risk issues remain the same.

In order to ensure that surface water drainage is appropriately addressed, the Environment Agency recommend conditions relating to surface water run off and managing the risk of flooding.

### **Air Quality**

Comments from Environmental Health are awaited and will be reported as an update. However an initial informal response suggests that their comments will be similar to that for application 14/0043C. That response noted:

Junction 17 of the M6, Sandbach is designated as an Air Quality Management Area (AQMA) as concentrations of nitrogen dioxide (NO<sub>2</sub>) exceed European, health based limit values. The study area of the submitted Air Quality Impact Assessment encompasses the AQMA.

Dust emissions which would be expected during construction are proposed to be mitigated by a number of measures such as water suppression and cleaning. These measures would be contained within an Environmental Management Plan (EMP).

During the operational phase of the M6 northbound improvements in conjunction with planning application 12/3948C, the report confirms that there is likely to be increased exposure to airborne pollution at all receptors modelled.

Four of these receptors are within the AQMA. Environmental Health advises that that any increase of concentrations in an AQMA is considered significant as it is directly converse to their local air quality management objectives. Mitigation has therefore been recommended as

part of planning application 12/3948C to help safeguard residential amenity, public health and manage the cumulative impacts of development in the area.

On balance, Environmental Health raises no objection to this application subject to the mitigation proposed in the linked application 12/3948C being implemented.

### **Amenity**

There are no residential properties within close proximity of the application site. As such, no significant amenity issues are raised.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will facilitate the delivery of commercial and residential uses on the wider Capricorn site. Securing a strategic access into this site will help to maintain a flexible and responsive supply of land for housing and employment uses as well as bringing direct and indirect economic benefits to Sandbach town centre including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **SOCIAL SUSTAINABILITY**

As noted above, the proposal will facilitate the delivery of commercial and residential uses on the wider Capricorn site, and as such will support the delivery of the social benefits secured under planning permissions on that site, including employment opportunities, affordable housing and open space.

### **PLANNING BALANCE AND CONCLUSION**

The proposed roundabout will provide a larger roundabout at J17 of the M6 and Old Mill Road, and will also serve the adjacent development site. The proposed roundabout will not have any greater impact on queue lengths compared to the existing 'pinch point' roundabout, and will also allow for the development of the adjacent Capricorn site. The delivery of the roundabout is crucial to the delivery of the employment and housing development on the adjacent site. Without this access the matters referred to in the emerging local plan under Strategic Site CS24 cannot be delivered. These are significant benefits in terms of the planned growth of Cheshire East to 2030.

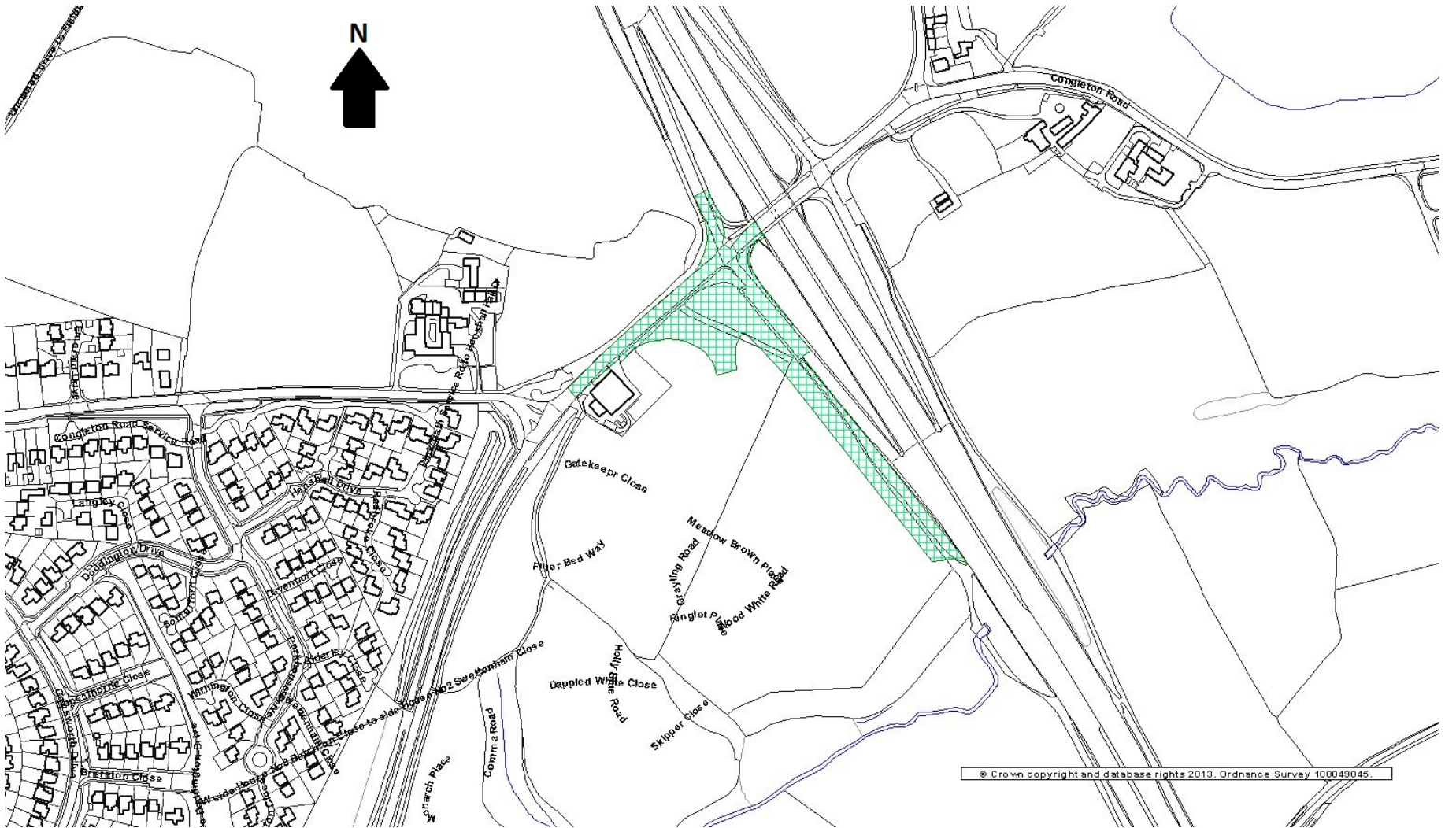
The comments received in representation are acknowledged, and the relative lack of provision for cyclists does weigh against the proposal. However, the previous approval was similarly lacking in terms of provision for cyclists, and it would therefore be unreasonable to insist on a different approach now. Notwithstanding this position, it is considered that the need to provide a strategic junction for the M6, the A534 and the proposed commercial development site is considered to outweigh the concerns relating to provision for cyclists.

Consequently no significant adverse impacts are identified and a recommendation of approval is made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Design and construction details to be submitted
6. Scheme to limit the surface water runoff to be submitted
7. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
8. Environmental Management Plan to be submitted
9. Breeding birds survey to be submitted
10. Banksman to be provided



Application No: 17/0341N

Location: Land off, University Way, Crewe, Cheshire

Proposal: Proposed construction of 5 steel frame units to be part of a commercial development of B2 and B8 use that is made up of a number of commercial units total circa 164,000sq.ft inclusive of office content. Allocated staff/visitor parking, service yards and fencing to be included with each Unit.

Applicant: Beeson

Expiry Date: 26-May-2017

## **SUMMARY**

The application site lies entirely within an area of land allocated for employment use as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Policy E.1.1 advises that within such locations, B1 and uses associated with the University will be appropriate. However, the site has been marketed for a considerable amount of time for B1 use with no success; Manchester Metropolitan University's Crewe campus is set to close in 2019; the CELPS employment review seeks a flexible approach to the site which lends support to B2/B8 uses. The use would bring both strong economic and social benefits so it is considered that the principle of the development is acceptable.

The development would bring positive planning benefits such as; the creation of new employment opportunities on a site allocated for employment use and have knock on economic benefits during construction and through the supply chain.

Balanced against this benefit must be the limited dis-benefits, which would be the loss of the site to exclusively B1 office use and the temporary encroachment of the development into the 8 metre ecological buffer to the rear of the site during construction works.

All other impacts are considered to be neutral subject to the use of planning conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and a recommendation of approval is made.

## **RECOMMENDATION**

**APPROVE subject to conditions**

## DESCRIPTION OF SITE AND CONTEXT

The application site is on scrubland located to the north-eastern side of University Way, Crewe within the Crewe Settlement Boundary.

This site is largely triangular in shape extending 3.75 hectares. The levels generally drop away from the University Way edge down to the lowest point to the far north-east of the site.

Similar development to the proposal lies to the south of the site.

## DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 5 steel framed units to be a mixture of B2 and B8 use with a total circa 164,000sq.ft (15,236sqm), inclusive of office content. Allocated staff/visitor parking, service yards and fencing included for each unit.

Further and revised plans have been received during the application process to address the concerns of various consultation responses. In the main the layout, form and bulk of the proposal has remained unchanged as a result. The extent of the 'red edge' boundary has been marginally extended at the rear of the site to account for earthworks.

## RELEVANT HISTORY

**15/0587N** - An outline planning application for the provision of shared recreational open space, children's play space, landscaping and associated works - Refused 9th July 2015

**15/0586N** - An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network – Refused 9th July 2015

**13/2159N** - Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping – Approved 15<sup>th</sup> August 2015

**10/1146N** - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16<sup>th</sup> July 2010

**P07/0017** - Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 4<sup>th</sup> April 2007

**P06/0990** - Outline Application for Five B1 Office Buildings – Withdrawn 1<sup>st</sup> December 2006

**P04/0478** - New Access Road off Crewe Green Link Road – Approved 25<sup>th</sup> May 2004

**P04/0226** - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA not required 17<sup>th</sup> March 2004

**P00/0953** - Construction of Crewe Green Link Road (Northern Section) – Approved 4<sup>th</sup> January 2001

**P00/0620** - Request for screening opinion – EIA not required 2<sup>nd</sup> August 2000

**P98/0238** - Outline application for regional distribution depot and Crewe Green Link Road – Finally disposed of 17<sup>th</sup> April 2000



**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **POLICIES**

#### **Development Plan:**

For the erection of B2 and B8 development in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply; E.1 (Existing Employment Allocations), E.1.1 (Crewe Business Park/Crewe Green), E4 (Development on Existing Employment Areas), 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), BE.6 (Development on potentially contaminated land) and TRAN.9 (Car Parking Standards)

#### **National Policy:**

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 18-22 Building a strong, competitive economy, 56-68 – Requiring good design

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

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

PG2 (Settlement Hierarchy), PG6 (Spatial Distribution of Development), EG3 (Existing and Allocated Employment Sites), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions)

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

**Natural England** - No objections

**Environment Agency** - No objections, subject to a number of conditions including; the prior submission/approval of details of the safe provision of route(s) into and out of the site, that the finished floor levels are set no lower than - Unit 1 (48.8 metres Above Ordnance Datum (AOD)), Units 2 & 3 (49.4 metres above AOD) and the prior submission/approval of a water vole and kingfisher survey.

**United Utilities** – No objections, subject to a number of conditions including; that foul and surface water shall be drained on separate systems, the prior submission/approval of a surface water

drainage scheme and the prior submission/approval of a sustainable drainage management and maintenance plan.

**Head of Strategic Infrastructure (HSI)** - No objections, subject to a construction management plan condition to include wheel wash facilities

**Environmental Protection** – No objections subject to a number of conditions including; the prior submission/approval of hours of operation of units 1, 2 and 5; No plant or equipment on the facades of the buildings facing residential properties unless mitigation approved in writing by the LPA; Prior submission/approval of boundary treatment; hours of piling, the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a floor floating method statement, the prior submission/approval of external lighting details, the prior submission/approval of travel plans, the prior submission/approval of electric vehicle charging infrastructure and the prior submission/approval of a phase II contaminated land report. Informatives in relation to contaminated land are also sought.

**Flood Risk Manager** – No objections, subject to the conditions proposed by the environment agency being included with regards to the finished floor levels

**Public Rights of Way Officer** - No objections

**Mid-Cheshire Footpath Society** – No comments received at time of report

**Ramblers Association** - No comments received at time of report

**Crewe Town Council** – No objections, subject to the provision of sufficient parking and manoeuvring space for vehicles and that the buildings are of good design

**Crewe Green Parish Council** - Object to the proposal on the following grounds;

- Loss of land for B1 Use
- Amenity - Noise and Light pollution

## **REPRESENTATIONS:**

3 letters of correspondence received. The concerns raised within these include;

- Highway safety - Whether adequate car and HGV parking is being provided, access to public transport (particularly for shift work)
- Amenity - Noise and light pollution

## **APPRAISAL:**

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic)
- Planning balance

## Principle of Development

Policy E.1 of the Borough of Crewe and Nantwich Local Plan refers to existing employment allocations. Policy E.1 advises that in addition to land held by businesses and other organisations for future expansion, a number of sites have been allocated for business and industrial uses. Amongst these sites is 'Crewe Business Park / Crewe Green'. The site in question falls within this allocation.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

As the proposed development seeks a mixture of B2 and B8 development, although still for employment purposes, it would not be for B1 use as detailed by Policy E.1.1. The proposal would therefore be contrary to this Local Plan policy and be unacceptable in principle unless other material considerations indicate otherwise.

There are however a number of material considerations since the adoption of the Crewe and Nantwich Local Plan which are relevant to the consideration of this planning application. These include:-

- Closure of the MMU Crewe Campus – MMU have confirmed its intention to withdraw from its Campus in Crewe in the summer of 2019. This impacts on the need for further space associated with the university which is clearly the intention of the original allocation, as noted in the justification text (para 6.18) of the Crewe and Nantwich Local Plan.
- As evidence to support the Local Plan Strategy, an Employment Land Review of sites was undertaken by ARUP in 2012. This considered the site (Crewe Green Business Park SU-CR01). The Employment Land Review noted that the site was a prominent site fronting onto University Way. It also notes that development as an office park may be unrealistic, with concentration of offices on Electra Way. The report notes that a flexible approach to employment uses could be considered (Appendix E1 of the Employment Land Review BE009).
- Policy EG3 (Existing and Allocated Employment Sites) point 1 (ii) refers to employment sites being protected where there is potential for alternative employment uses.

In addition to the above, the applicant has submitted a justification note from Legat Owen, which makes the following points;

- Terms have been agreed with Cheshire East Council widening the restrictive covenant on the site to allow B1, B2 and B8 uses
- There have been 2 recent speculative industrial scheme approvals on Orion Park (off University Way) totalling in excess of 85,000sqft in 9 buildings and all units were pre-let and pre-sold, demonstrating the demand
- They have fielded enquiries about further B2 and B8 floor space and are confident that the application proposals will also all be pre-let or pre-sold

- Number of enquiries received for B1 use has been significantly lower than those for B2 and B8 use

Another consideration would be paragraph 22 of the NPPF which 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.... 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 the different land uses to support sustainable local communities.'*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

As a result of the above reasons in combination with the fact that application site has remained vacant for a number of years whilst being marketed for B1 employment use since 2008, it is considered that subject to the proposal adhering with all other relevant planning policies, the development of the site for B2 and B8 uses would be deemed to be acceptable.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality

built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

### **Environmental Role**

#### Landscape

The site is located to the east of University Way and has varying levels with a general slope from west to east. There is occupied employment land to the south and agricultural land beyond the watercourse. The body of the site has been cleared of most ground cover although a single Mature Oak remains. Close to the site boundaries there is a hedgerow with post and rail fence along the road frontage, a belt of early mature trees of mixed native species lining the watercourse close to the eastern boundary which widens to an area of mature trees in a section where the river meanders. A belt of screen planting separates the site from existing employment units to the south.

The Council's Landscape Officer has advised that the majority of the existing trees and hedgerow around the site are significant landscape features worthy of retention.

During the application process a number of changes were put forward, including the re-location of the proposed attenuation pond. This re-location is welcomed by the Council's Landscape Officer. In addition, levels data has been clarified and the site edged red has been extended.

The submitted documents confirm that ground works and batters at the rear of the site would extend closer to the watercourse than originally proposed with an extended site edge red which now encompasses part of the ecological buffer required to accommodate these works.

The Council's Landscape Officer has advised that should the application be approved, a number of conditions should be secured including; the prior submission/approval of a revised landscape scheme to include at least 6 Pedunculate Oak to replace lost trees as required by the Nature Conservation Officer; Implementation of landscape proposals and the prior submission/approval of design details for all sections of retaining wall.

#### Forestry and Hedgerows

In the vicinity of the site there is a maturing roadside hedge along the road frontage, a single mature Oak tree within the main body of the site, a belt of early mature trees of mixed native species lining the watercourse close to the eastern boundary which widens to an area of mature trees in a section where the river meanders. A belt of screen planting separates the site from existing employment units to the south.

The application is supported by an arboricultural report by Tree Heritage dated 13th December 2016. (Ref THR 16-98). The report includes a tree survey and identifies tree constraints on an existing site plan. The survey covers 28 individual trees, two groups of trees and the roadside hedge.

The tree groups along the watercourse are graded A in the survey with several individually identified Grade A and B trees together with some lower grade trees where the river meanders. References are made to the conservation value of the trees and the findings indicate that apart from the single

mid-site tree and a small number of other trees in poor condition, most of the vegetation surveyed is worthy of retention.

The hedge is a prominent roadside feature which continues along the line of University Way. The Council's Forestry Officer has advised that the waterside tree belt is a significant feature and the trees to the south afford good screening and separation. It is also recommended that all this vegetation should be retained and protected as part of any future development on the site.

Subject to a number of conditions including; adherence to the submitted tree protection measures; the prior submission/approval of an updated Arboricultural Method statement to include an auditable programme of arboricultural supervision and implementation thereof; Proposals for the long term management of the retained woodland and ecological area (as recommended in the ecological survey) with details of a mechanism for implementation and a construction method statement, no significant forestry issues are raised.

### Design

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

The revised proposal seeks the erection of 5 large commercial/industrial units comprising of a mixture of B2 and B8 Use.

3 of the 5 units would be positioned parallel to University Way to the south-west of the site, between units 1 and 5 an existing access point would be widened and a road would extend into the site and a further 2 units, one of which would be subdivided would be positioned to the rear. Although not ideal in so far as the units would be inward facing from the public highway, such a layout does have benefits with regards to the screening of parking from public vantage points.

On the site frontage, the existing hedgerow with University Way would be retained as would a green buffer strip which is an important characteristic of the development along this stretch of University Way in order to both reduce the impact of the built form of the streetscene, but also to provide opportunities for landscape planting.

For the above reasons, the layout of the proposal is considered to be acceptable.

The form of large, rectangular warehouse style units would be characteristic of the adjoining development to the south of the site where in February 2016 3 units were granted permission (ref: 15/4903N) and are now largely completed. Further south beyond this more recent development are further, similar developments to the proposal. As such, the form of the development is considered to be acceptable.

In relation to scale, all 5 units would be of differing sizes with regards to footprints which would range from 4,232sqm to 2,024sqm. The maximum height of the units would range between 10.8 metres (unit 5) and 11.8 metres (Unit 2). This scale would largely reflect the scale/height of the similar development to the south.

The appearance of the units has been subject to negotiation during the application process to seek as much visual interest as possible in order to avoid dead frontages.

As a result of initial concerns, the applicant agreed to make the following changes to the elevations to improve their design and impact upon the streetscene

### *Units 1 & 5*

- Entrance canopy projection and glazing design extended further along the office the gable elevations
- Road-side elevations broken-up with a curtain walling/translucent cladding detail which returns partially to gable elevations

### *Unit 2*

- Layout handed to act as an attractive focal point when entering the new access road and provides an attractive outlook onto woodland

### *Unit 4*

- Road-side elevation broken-up with a curtain walling/translucent cladding detail which returns partially to gable elevations

These design amendments provide a degree of interest and represent a design improvement upon the original proposals.

It should be noted that levels are a significant factor in the consideration of the design of the scheme. In particular, to the north of the existing access into the site off University Way, the land drops away significantly. As demonstrated by an indicative streetscene plan provided during the application, much of the scale, mass and bulk of the largest unit, unit 1 would be not readily be viewable from the highway.

As a result of the above reasons, it is considered that the layout, form, scale and appearance of the proposal would be acceptable.

### Highways Implications

The site has a single access point taken from University Way with a ghost island right turn facility.

The Council's Head of Strategic Infrastructure (HSI) has advised that it is clear that the level of traffic associated with a B2/B8 development is much lower than a B1 office development and there is a significant reduction in trips overall. Although the number of HGV's will increase due to the nature of the B2/B8 use, the HSI has advised that these can be accommodated on the main highway routes to and from the site. Overall, the HSI advises that the change to a B2/B8 use for the site would be a benefit to the highway network as the number of trips to site will be reduced from that previously granted permission.

There are 180 car parking spaces indicated to serve the development and this includes 10 disabled spaces. Cycle parking has also been provided, 21 Sheffield Stands are shared at each of the units. The site is accessible to pedestrians and cyclists and there are bus services on Crewe Road and

Electra Way. Additionally, the accessibility of the site was assessed as part of the previous permission for Office use and was considered acceptable.

There is an existing access point in place on University Way to serve the development and the internal road will tie into this access although some widening is proposed.

The HSI concludes that because the traffic generation of B2/B8 use would be much lower than the generation of B1 use development on the site as previously approved, this is considered to be a benefit in highway terms.

The HSI advises that the parking provision does accord with CEC standards and there is sufficient turning space provided within each plot to accommodate HGV's.

As such, subject to a construction management plan condition (which should include wheel wash facility details), no objections on highway safety grounds are raised.

### Ecology

The application is supported by various ecology reports. The impact upon specific ecological matters is considered below;

#### *Designated Sites*

The application site falls within Natural England's SSSI impact risk zone for non-residential developments of over 1 hectare. Natural England have reviewed the proposals and advised that they are satisfied that the development would not have a detrimental impact the Sandbach Flashes SSSI.

#### *Great Crested Newts (GCN)*

A balancing pond adjacent to the application site has been identified as being potentially suitable for great crested newts. The pond however was constructed relatively recently and the Council's Nature Conservation Officer has advised that it is likely to be too isolated to have been colonised by GCN's. It is therefore advised that this species is not reasonably likely to be affected by the proposed development.

#### *Woodland*

The small area of woodland located to the north west of the application site appears on the national inventory of Priority habitats. Habitats of this type are a material consideration for planning. However, the woodland is located outside the red line of the current application and so should not be affected by the proposed development.

#### *Hedgerows*

Native hedgerows are a priority habitat and hence a material consideration. There is an existing hedgerow located along the frontage of university way. Whilst the submitted landscape plan refers to the retention of the existing roadside vegetation the existing hedgerow is not clearly shown as being retained. The Council's Nature Conservation Officer therefore recommends that this hedgerow be conditioned to be retained.



### *Badgers*

The Council's Nature Conservation Officer has advised that there is a known badger sett in the small area of woodland to the north of the red line of the current application that continues to be active. To avoid any adverse impact on badgers the submitted original survey report recommends that an 8 metre buffer be provided along the Englesea and Valley brooks and also that an undeveloped 30 metre buffer around the sett be maintained. Based upon the submitted layout plans it would appear that these recommendations have been incorporated into the proposed scheme. Although it is recognised that the protective fencing would fall within this buffer, it is not considered that this would be sufficient to warrant refusal of the application as it would be a temporary measure.

As the status of badgers on a site can change in a short timescale, the Council's Nature Conservation Officer recommends that if planning consent is granted a condition should be attached which requires an updated badger survey and mitigation strategy to be submitted prior to the commencement of development.

### *Common Toad*

A small number of common toads were recorded on site during the reptile survey. This species is a priority species and hence a material consideration. The Council's Nature Conservation Officer has advised that the proposed development will result in the localised loss of some terrestrial habitat for this species. The proposed attenuation pond could potentially provide a suitable breeding pond if designed appropriately. Given the significant benefit of an additional pond for this species a condition is proposed to ensure that the attenuation pond is designed appropriately to ensure it is suitable for this species.

### *Reptiles*

There are records of common lizard on this site from a few years ago. However, no evidence of this species was however recorded during the updated survey. The Council's Nature Conservation Officer therefore advises that reptiles do not present a constraint on the proposed development.

### *Bats*

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within a tree proposed for removal as part of the proposed development. The Council's Nature Conservation Officer has advised that the usage of the tree by bats is likely to be limited to single-small numbers of animals using it for relatively short periods of time during the year. The Officer advises that the loss of the tree supporting the roost is, in the absence of mitigation, likely to have a low impact upon bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

### *ODPM Circular 06/2005*

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Overriding Public Interest*

The provision of mitigation would assist with the continued presence of bats.

### *Alternatives*

There is an alternative scenario that needs to be assessed, this are:

#### *No development on the site*

Without any development, specialist mitigation for bats would not be provided which would be of benefit to the species.

The Council’s Nature Conservation Officer advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. As such, it is recommended that the mitigation be conditioned.

The submitted report recommends that four semi-mature oak trees are planted as part of the landscaping of the site to compensate for those trees lost. If planning consent is granted, the Council’s Nature Conservation Officer also recommends that this matter be secured by condition.

To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted, a condition should be attached requiring any additional lighting to be agreed with the LPA.

### *Englesea Brook and Valley Brook*

These water courses occur approximately 20 metres from the eastern boundary of the application site. The north western corner of the application site is 11 metres from Valley Brook at one point and 13 metres at another.

These water courses have the potential to support a number of protected species, however provided all construction related activity is restricted to the red line of the application site, it is unlikely to have a significant adverse impact. A condition should be attached to ensure that measures are submitted for the safeguarding of these water courses during the construction process.

### *Nesting Birds*

A condition to protect nesting birds and a condition seeking the prior submission/approval of breeding bird features are also proposed.

It should be noted that the Environment Agency have requested a Water Vole and Kingfisher survey. Following informal discussions with the Council's Nature Conservation Officer, due to the provision of the buffer zone to the rear of the site, it is not considered that such surveys are necessary in this instance.

### Flood Risk/Drainage

#### *Flooding*

Parts of the north and north-eastern sections of the site fall within Flood Zones 2 and 3 due to their proximity to Valley Brook. As such, the application is supported by a Flood Risk Assessment (FRA).

This report has been reviewed by both the Environment Agency and the Council's Flood Risk Manager (FRM).

In response, the Environment Agency (EA) have advised that they have no flood risk objections, subject to a number of conditions including; the prior submission/approval of details of the safe provision of route(s) into and out of the site, that the finished floor levels are set no lower than - Unit 1 (48.8 metres Above Ordnance Datum (AOD)), Units 2 & 3 (49.4 metres above AOD).

The Council's FRM supports the conclusions raised by the Environment Agency.

As such, subject to the recommended EA conditions, it is not considered that the proposal would create any significant flooding issues.

#### *Drainage*

United Utilities have advised that they raise no objections to the proposals, subject to a number of conditions including that foul and surface water shall be drained on separate systems, the prior

submission/approval of a surface water drainage scheme and the prior submission/approval of a sustainable drainage management and maintenance plan.

### Environmental Conclusion

The application would have a limited impact upon the landscape in this commercial part of Crewe located within the Crewe Settlement Boundary. The scheme would be of an acceptable design that would not create any issues with regards to highway safety and ecology subject to conditions where appropriate.

As a result, it is considered that the developments would be environmentally neutral.

### **Social Role**

#### Job Creation

A significant social benefit of the proposed scheme would be the job creation that the erection of the B2 and B8 units would create.

#### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site in an industrial / university area of Crewe, there are no nearby neighbouring dwellings that could be impacted with regards to loss of privacy, light or visual intrusion as the closest residential property to the site would be over approximately 80 metres away.

In relation to environmental disturbance, the applicant submitted an acoustic report during the application process at the request of the Council. In response, the Council's Environmental Protection Officer has advised that the proposal should not create any significant noise concerns, subject to a number of conditions including; the prior submission/approval of hours of operation of units 1, 2 and 5; No plant or equipment shall be installed on the facades of the buildings facing residential properties unless mitigation approved in writing by the LPA; Prior submission/approval of boundary treatment;

In relation to other environmental matters, the Council's Environmental Protection Officer has no objection, subject to a number of conditions including; hours of piling, the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a floor floating method statement, the prior submission/approval of external lighting details, the prior submission/approval of travel plans, the prior submission/approval of electric vehicle charging infrastructure and the prior submission/approval of a phase II contaminated land report. Informatives in relation to contaminated land are also sought.

### Social Conclusion

As a result of the job creation benefits of the scheme, it is considered that the development would be socially sustainable.

## **Economic Role**

The proposed development of 164,000sq.ft (15,236 sqm) of B2 and B8 uses would bring significant job benefits.

In addition, it is accepted that the construction of an industrial development of this size would bring the usual economic benefit to the closest shops in Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

As a result of the above, it is considered that the development would provide strong economic benefits and would therefore be economically sustainable.

## **Planning Balance**

The application site lies entirely within an area of land allocated for employment use as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Policy E.1.1 advises that within such locations, B1 and uses associated with the University will be appropriate. However, the site has been marketed for a considerable amount of time for B1 use with no success; Manchester Metropolitan University's Crewe campus is set to close in 2019; the CELPS employment review seeks a flexible approach to the site which lends support to B2/B8 uses. The use would bring both strong economic and social benefits so it is considered that the principle of the development is acceptable.

The development would bring positive planning benefits such as; the creation of new employment opportunities on a site allocated for employment use and have knock on economic benefits during construction and through the supply chain.

Balanced against this benefit must be the limited dis-benefits, which would be the loss of the site to exclusively B1 office use and the temporary encroachment of the development into the 8 metre ecological buffer to the rear of the site during construction works.

All other impacts are considered to be neutral subject to the use of planning conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and a recommendation of approval is made.

## **RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape (scheme to include at least 4 Pedunculate Oak) - Prior submission / approval**

5. Landscape - Implementation
6. Boundary treatment - Prior submission / approval / implementation
7. Retaining wall - design details and sections - Prior submission/approval
8. Levels - Prior submission / approval / implementation
9. Tree Protection - Implementation
10. Updated Arboricultural Method statement to include an auditable programme of arboricultural supervision and implementation thereof - Prior submission / approval / implementation
11. Woodland and Ecological Management Plan - Prior submission / approval / implementation
12. Construction Management Plan (to include wheel wash) - Prior submission / approval / implementation
13. Hedgerow frontage retention
14. Bat mitigation strategy - Implementation
15. Attenuation pond design - Prior submission/approval/implementation
16. Bat friendly lighting proposals - Prior submission / approval / implementation
17. Updated badger survey and mitigation strategy - Prior submission / approval / implementation
18. Nesting birds survey - Prior submission / approval / implementation
19. Provision of features for nesting birds - Prior submission / approval / implementation
20. Proposals for the safeguarding of the adjacent watercourses during the construction process - Prior submission / approval / implementation
21. Prior submission/approval of details of the safe provision of route(s) into and out of the site
22. The finished floor levels should be set no lower than - Unit 1 (48.8 metres Above Ordnance Datum (AOD)), Units 2 & 3 (49.4 metres above AOD).
23. Foul and surface water shall be drained on separate systems
24. Piling method statement - Prior submission / approval / implementation
25. Dust mitigation scheme - Prior submission / approval / implementation
26. Floor Floating Method Statement - Prior submission / approval implementation
27. Electric Vehicle Charging Infrastructure - Prior submission / approval / implementation
28. Phase II contaminated land report- Prior submission / approval / implementation
29. Prior submission/approval of hours of operation of units 1, 2 and 5
30. No plant or equipment shall be installed on the facades of the buildings facing residential properties to the northeast unless mitigation approved in writing by the LPA

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 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 for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Tree protection
8. Retaining wall
9. Levels
10. Updated AIA
11. Woodland Management Plan
12. Construction Management Plan
13. Hedgerow Retention
14. Bat mitigation
15. Attenuation pond
16. Bat lighting
17. Updated Badger
18. Nesting Birds
19. Nesting bird features
20. Watercourse Mitigation
21. Identification of routes
22. Floor Levels
23. Drainage system
24. Piling
25. Dust mitigation
26. Floor Floating Method Statement
27. Electric Vehicle
28. Phase II
29. Hours of use
30. No plant or equipment
31. NPPF
32. Hours of construction
33. Contaminated land
34. Highways





Application No: 17/0454M

Location: Land North Of, CHELFORD ROAD, OLLERTON

Proposal: Construction of a 9 hole pitch and putt golf course adjacent to approved golf driving range

Applicant: Mr Brian Coutts

Expiry Date: 28-Apr-2017

**SUMMARY**

The site is a greenfield Green Belt site and has a current use as agricultural land for turf production. The application proposes the change of use of the land with associated engineering operations to a 9 hole pitch and putt style short golf course, to accompany the consented use adjoining the site for a driving range. The proposed development is considered to be acceptable in terms of Green Belt impact, the use maintains openness, and does not propose any buildings or structures. It is considered that there are very special circumstances to justify the proposal, due to maintenance of openness and the provision of an outdoor sport and recreation facility.

The proposal is considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a sporting and recreational facility for the local community and wider community to enjoy which compliments the adjoining site.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.
- Due to the absence of hardstanding the proposal would not cause an increased flood risk at the site.
- No trees will be removed as a result of the proposed development.

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

- The impact on protected species can be mitigated through effective surveys and mitigation measures.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- A more intensive use of the land than at present.
- Formalisation of the landscape.

It is considered that the proposal represents sustainable development when assessing the three strands of sustainability the proposals accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval, subject to appropriate conditions

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

#### **PROPOSAL**

The application is a full planning application for the development of a 9 hole golf course, adjacent to a permitted driving range which is currently under construction. The proposed development will be linked to the driving range and the car parking to the proposal will be provided through that scheme. The proposal is in effect an extension to the driving range approved in 2014.

The proposed development is a modest pitch and putt style course. There is a buffer proposed to the south of the proposal of approximately 75m, to give adequate separation between residential properties to the south. Hole 9 closest to residential properties is directed to the west. There is a mature tree buffer located between the driving range under construction and the proposed course. This treeline is to be retained. The levels of the site will be modified, as the current use is for turf production so is very flat in its topography. The changes to the levels are modest with approximately 3-4m in levels changes across the site, including tee, fairway and green areas, the site naturally slopes from south to north towards the watercourse at the northernmost part of the site.

There is an existing pond feature on the site which is to be retained. To the north of the site is the buffer zone to adjacent fields which includes the brook that is also to be retained. Due to the limited nature of the site which is used for turf production, the flora is limited on the site apart from the buffer zones along the site perimeters.

#### **SITE DESCRIPTION**

The application site extends to approximately 6.5ha of active agricultural land, currently used for turf production. The site is located to the north of Chelford Road, and accessed from Chelford Road adjacent to residential properties to the south of the site.

The site has a tree lined perimeter with mature trees and watercourse to the north. There are ponds on the site which are proposed to be retained.

To the west is the driving range which is under construction which is under the same ownership as the proposal as part of this application. The site is adjacent to public footpath Ollerton No. 18 and Marthall No. 4.

#### **RELEVANT HISTORY**

10/3232M, Golf driving range with building and nine hole golf course, Withdrawn

## **NATIONAL & LOCAL POLICY**

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

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

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

The site is located within the Green Belt.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC33: Outdoor Commercial Recreation

Policy DC36: Road Layouts and Circulation

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy GC1: Green Belt

Policy T6: Highway improvements and traffic management

Policy NE2: Landscape protection and enhancement

Policy NE11: Nature conservation

Policy NE14: Natural habitats

### **Cheshire East Local Plan Strategy – Proposed changes publication document July 2016.**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE10 Minerals  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
EG2 Rural Economy  
EG4 Tourism  
SC1 Leisure and Recreation  
SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and Well-being  
CO4 Travel Plans and Transport Assessments

### **The National Planning Policy Framework**

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
73, 74, 75 Promoting healthy communities  
79, 80, 81, 89, 90 Green Belts  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

### **Other Material Considerations**

- Conservation of Habitats & Species Regulations 2012
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- Ministerial Statement – Planning for Growth (March 2011)

### **CONSULTATIONS** (External to planning)

**Public Rights of Way (PROW)-** The property is adjacent to public footpath Ollerton No. 18 and Marthall No. 4 as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations which are set out.

**Environmental Health** – no objections subject to conditions and informatives.

**Flood Risk Team** No objections subject to conditions

**Highways** – No objection as existing parking provision and access sufficient. Conditions suggested for wheelwash during construction.

### **VIEWS OF THE PARISH COUNCIL**

**Chelford Parish Council** – This site is designated Green Belt and should be tested with reference to local and national planning policies. There are three properties that back onto this development and one which is to the eastern side close to the eighth hole of the proposed course. This is a residential property within the grounds of the neighbouring horticultural nursery; this resident has not been considered within the application. The

property does not benefit from the buffer zone afforded to the other properties. There are also no details within this submission regarding any restrictions to the buffer zone, what measures will be taken to prevent stray balls from perhaps holes 7 and 8 entering this area. This will create further disturbance closer to each property. There are also balls that could enter the eastern property's boundary due to its closer proximity. The details regarding the intended ground level in the buzzer zone are also absent, will the golf course be elevated above this area or will tipping take place close to all the properties. Residents currently enjoy a private aspect to the rear of their homes; this includes all rear facing windows and their gardens. However this development will remove this valued amenity and the right to privacy, due to unrestricted public access.

We do not agree with the statement made by Emery Planning that the loss of residential amenity is outweighed by the economic and social benefits. Residents stand to benefit nothing and the scale of employment is small. Furthermore the statement "there would be no additional noise or disturbance from the proposed use greater than that created by the approved golf driving range" is incorrect. There will be addition activity coming from the golf course i.e. people using both facilities simultaneously. This development is in conflict polices DC3 (protection of the amenities of nearby residential properties) and H13 (protecting residential areas and the amenity of residents).

### Road conditions and tipping concerns

Since the approval of the driving range in February 15th 2016 a year ago, locals and residents have been subjected to the activities of tipping on the adjacent site. The council will be aware of the number of issues that have arisen regarding the road conditions, given the complaints they have received. The road cleaning program has been ineffective in clearing the mud and stones which have caused damage to passing vehicles, many broken windscreens have been reported. The sheer number of trucks visiting this site often up to 50 per day is unsustainable.

The planning officer may consider that this is not a material consideration; however the loss of amenity for residents and locals who have suffered damage to their vehicles should not be diminished. We would strongly recommend that a condition of approval would be a restriction on tipping. The drawings submitted do not provide sufficient details of the extent of tipping to happen. There is one cross-section BB on Dwg No: OLLE.220A date 16th December, which shows that the land is to be made level with the driving range. This would equate to a large amount of tipping just to bring the site level with the driving range, this is unnecessary.

### Sustainability

Planning policy within the Green Belt stipulates that there needs to be special circumstances to outweigh the harm, it also promotes sustainability. This site is agricultural land and sustainable development principles states we must avoid the permanent loss of agricultural land unless the strategic need overrides. The need for such a development has not been justified considering that driving ranges and golf courses are closing down in our local area (Mobberley golf course has closed recently). The proposal lacks the requirements expected to be sustainable and gives raise to concerns regarding the long term future of the land. It would be plausible to complete the driving range and judge the viability before committing further

Green Belt land to this venture. Also the capital return on this investment places a long term burden on the business, given the cost of building a well designed course.

### Highways and lighting

Chelford Road is very busy and is challenging for residents leaving or entering their properties onto fast oncoming traffic. The addition of this development will increase traffic activity close to resident's private entrances and is a highways concern.

There is no lighting proposed and this restriction should remained indefinitely to avoid the potential loss of amenity caused by light spillage onto neighbouring properties.

### Conclusion

The level of development along Chelford Road is already high, our Parish Plan concluded this and we will also review this further in the completion of our Neighbourhood Plan. The Parish Council cannot support this application on the grounds outlined, we would request that this planning application is refused. However if approval is granted we would urge a total restriction on further unnecessary tipping.

## **REPRESENTATIONS**

Representations received from two neighbouring properties

- concerns over construction of the course
- existing issues with the construction of the driving range
- Concerns over lighting
- Concerns over highways
- Proposal would not bring an economic benefit to the area
- Impact on privacy
- Noise impact

## **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement
- Extended Phase 1 habitat survey
- GCN report

Whilst the engineering aspects of the proposed development would not be inappropriate development under the provisions of paragraphs 89 and 90 of the Framework; it is acknowledged that following the Fordent judgment, the change of use of the land from agriculture to a golf course would be inappropriate development in the Green Belt.

However, it is considered that, in accordance with paragraph 87 of the Framework, there are very special circumstances that would outweigh the harm to the Green Belt by way of inappropriateness. These include the following:

- The proposed development cannot be accommodated within the existing built-up area or on land outside of the Green Belt;
- The proposal would complement an approved golf driving range facility immediately adjacent;

- The proposed development would meet the requirements of paragraph 28 of the Framework by assisting in the sustainable growth, expansion and diversification of the rural economy;
- The proposed development would meet the requirements of paragraph 81 of the Framework by making beneficial use of the Green Belt for sport and recreation;
- It would deliver a sport / recreation use in an accessible location, assisting to promote the health and well-being of the community and meeting the requirements of paragraph 73 of the Framework;
- The development plan does not positively address the need or delivery of such facilities.

In light of these very special circumstances, it is considered that any minor harm to be caused to the Green Belt by way of the proposed development's inappropriateness would be significantly outweighed by the benefits.

No objections would be raised to a condition to prevent the proposed golf course and approved driving range from being operated or sold independently with the same hours of operation and shared parking and access facilities.

It is also considered that there are no other negative aspects of the proposed development that would outweigh the benefits of the proposals. In particular, this statement has set out that the proposed development would deliver economic, social and environmental benefits that would significantly and demonstrably outweigh any negative aspects.

The proposed development has been designed with regard to the character of the surrounding area. The existing field would very largely remain as grassland, although managed in a different way.

There would be no significant adverse impact on residential amenity due to the nature of the proposal and the relationship of the development and the distances involved. There would also be no harm to highway safety. The proposal would enhance bio-diversity, and it would provide a valuable public recreational facility.

The proposal would be a sustainable form of development and in accordance with paragraph 14 of the NPPF, there should be a presumption in favour of approval. No 'significant and demonstrable' harm has been identified to outweigh the presumption in favour of approval. Planning permission should therefore be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Sustainability
- Outdoor sport and recreation
- Public Rights of Way
- Landscape Impact
- Trees
- Ecology
- Amenity
- Noise
- Flood Risk

- Design
- Highways
- EIA
- Employment
- Economic impact on wider area
- Representations
- Conclusions
- Planning Balance
- Recommendation

## **Principle of development**

### **Green Belt**

Policy DC33 of the Macclesfield Borough Local Plan is a saved policy that sets out criteria for commercial recreation facilities. It states that proposals for new outdoor commercial recreation facilities such as golf driving ranges or extensions to existing uses will be assessed against the following criteria:

*1 There should be no significant harm to an area of special county value for landscape, to other areas of landscape value or to historic parkland.*

*2 The site should not lie within a designated conservation area or a site of archaeological importance.*

*3 The site should not lie within an area designated as a site of nature conservation importance.*

*4 The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential/non-sensitive buildings to minimise visual impact.*

*5 Associated development should be ancillary in scale to the main use of the site. The use of existing buildings for ancillary uses will be encouraged in preference to the construction of new buildings.*

*6 The site should be able to accommodate any necessary lighting without undue intrusion or significant adverse impact upon the immediate locality or wider environment.*

*7 The proposal should not result in significant adverse impact upon existing residential amenity.*

*8 Car parking provision and access into the site should be to the satisfaction of the local planning authority. The site should have good access to an existing network of main roads (a roads).*

*9 Full details of existing and proposed contours, public rights of way, tree and vegetation cover and proposed landscaping should be submitted with the application.*



The above policy mirrors aspects of other policies in the Local Plan (such as protecting amenity, nature conservation, highway safety and valued landscapes) that are broadly consistent with objectives set out the National Planning Policy Framework and therefore carries significant weight. The site planning issues relevant to the proposal are assessed under the relevant heading in this report. It is demonstrated that there are no issues of significance that would conflict with policy DC33 of the Macclesfield Borough Local Plan.

In terms of the key principle of the acceptability of the proposed development, the key issue is compliance with Green Belt policy. There is no saved policy in the Macclesfield Borough Local Plan that relates to changes of use in the Green Belt and so the guiding policy is set out in the Framework.

The site is located within the Green Belt and has an agricultural use for turf production. Under the definitions contained within the National Planning Policy Framework it is not Previously Developed Land. Therefore in policy terms the site is greenfield Green Belt land.

Within the Green Belt, development is restricted in order to maintain its openness and permanence and prevent urban sprawl. Certain types of development are acceptable within the Green Belt and the NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – ‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt’. This proposal however seeks planning permission for the use of the land for outdoor sport and recreation through the provision of a golf course. It has been clarified through case law that the exceptions to inappropriate development set out in the Framework are “closed lists”. The change of use of land to a golf course must therefore be considered as “inappropriate development in the Green Belt”. Inappropriate development is harmful by definition, which must be accorded substantial weight. Planning permission should only be granted in very special circumstances. Such circumstances will only exist if the harm by inappropriateness, together with any other harm, is clearly outweighed by other considerations.

Current case law which established the approach to assessing a change of use of land in the Green Belt included an example of how decision makers might approach such issues. It is open to the decision maker to consider if potential benefits, such as compliance with objectives for use of the land in the Green Belt, carry sufficient weight to amount to very special circumstances.

As set out in this report, it is concluded that the proposal will result in very limited additional harm beyond that of inappropriateness. The openness of the Green belt is maintained and the proposal does not conflict with the purposes of including land in the Green Belt. All other site planning impacts as set out in this report. The proposal will have very minor impacts on the landscape and on residential amenity through a more intensive use than the existing use, which are considered to represent some (albeit very minimal) harm. This is considered to carry very limited weight against the proposal in the Green belt balance.

The key question is therefore whether considerations in favour of the development exist that would clearly outweigh the harm to the Green Belt by virtue of inappropriateness and any other harm?

In this particular case it is advised that the proposal does carry substantial benefits in line with paragraph 81 of the Framework.

The use of a golf course for recreation purposes is encouraged under paragraph 81 which states that:

*'local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.'*

It is considered that the use of the land for the purpose of a golf course for a short 9 hole course is an acceptable use and furthermore compliments the adjacent use of the driving range which will be served by the same car park. This proposal introduces no hardstanding and only minor levels changes through the creation of tees and putting greens. The proposal is for a sporting use which maintains openness and makes use of the existing ponds.

It is considered that the benefits of providing the golf course to compliment the existing driving range facility would be a positive use of the Green Belt and this is given substantial weight in favour of granting permission. It is concluded that this factor clearly outweighs the harm by inappropriateness, and the other very limited harm identified. As such very special circumstances are considered to exist to justify the grant of planning permission.

## **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Sport and Recreation**

The application proposes a 9 hole pitch and putt short course to accompany the driving range which is under construction on the field adjacent to the west. The site will be operated by the same owners as the adjacent driving range and the car parking for the driving range will serve this course. The application proposes an end use of outdoor sport and recreation, which will be available as a leisure facility for the local and wider population, it will offer facilities for groups and individuals which will encourage participation in sport and outdoor activities.

One of the core planning principles in the NPPF is to

promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

Policy SC1 of the emerging Local Plan, encourages leisure and recreation facilities and states that the Council will:

*Support proposals for facilities that would not be appropriate to be located in or adjacent to centres, provided they are highly accessible by a choice of transport, do*

*not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria:*

*i. The proposal is a facility that:*

*a. supports a business use;*

*b. is appropriate in an employment area; or*

*c. supports an outdoor sports facility, education or related community / visitor facility; or*

*d. supports the visitor economy and is based on local cultural or existing visitor attractions.*

Therefore under criterion c and d there is support through the emerging local plan for this type of development, it is considered that facilities such as this provide a social function in providing recreation opportunities for the local and wider population.

Policy SC2 of the emerging CELPS states that new facilities for sport will be supported, however this does state that the need must be identified within an accompanying Playing Pitch or Open Space Strategy. This proposal provides an opportunity to accompany the adjacent driving range which is under construction and encourage participation in golf through a short course. Therefore although not specifically listed, however nonetheless is an opportunity for a sporting facility.

The proposed development will allow greater participation golf for casual and which brings social benefits to the area.

Policy SC 3 (Health and Wellbeing) of the emerging CELPS states that the Council will ensure new developments provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

Whilst this proposal does not relate to housing development, it is clear that it will give access to sports facilities and the associated green infrastructure including the public footpath network, although this network is likely to be accessed in the first instance by the private car.

## **Public Rights of Way**

Comments have been received from the PROW team, who state that the proposed development is adjacent to public footpath Ollerton No. 18 and Marthall No. 4. The proposal will not directly affect the PROW. However users of the site will be able to access the wider footpath network.

## **Social Sustainability Conclusion**

The proposals for the facility will make a contribution to outdoor sport and recreation locally, the proposals will provide an additional facility locally to encourage and facilitate participation in outdoor sport. This will allow for local groups to use the facilities. The benefits outdoor sport bring, has direct links with health and wellbeing which is set out in the emerging Cheshire East Local Plan Strategy.

The proposal will continue to provide the public footpath links to allow for walking adjacent to the site.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

The site is currently used for turf production therefore whilst well maintained is simple in character with areas of more mature vegetation along the perimeters and to the north.

Due to the relatively flat nature of the site and the minor nature of the works in terms of altering the topography and land forming it is not considered that the proposed development would have an adverse impact on the wider character of the landscape in this area.

### **Trees**

There are a number of trees around the site. These are located along the perimeters of the site and are mature in appearance. The application proposes to retain all trees around and within the site. The site plan has been amended to ensure that all trees are retained that provide important habitat. However it is considered that it is necessary for tree protection measures to be put in place during the construction of the course to ensure that the construction of the course does not damage existing trees.

### **Ecology**

#### **Habitats**

A brook, priority woodland habitats and species rich marshy grassland habitats are present towards the northern end of the application site boundary.

It is advised that these habitats are of sufficient nature conservation value to be worthy of being retained and safeguarded as part of the proposed development. In the case of the brook, the submitted habitat survey report recommends that a 10m undeveloped buffer should be provided.

The layout plan has been amended through the application process to show the retention of these habitats.

#### **Hedgerows**

Hedgerows are a priority habitat and hence a material consideration. The submitted habitat survey states that no hedgerows would be lost as a result of the proposed development.

#### **Great Crested Newts**

Small number of great crested newts were previously recorded at a number of ponds in this locality. The most recent survey however did not record any evidence of this species. In addition most of the site offers limited habitat for great crested newts. It is advised that the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to

address this risk the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures' be implemented.

It is advised by the ecologist that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

The submitted ecological assessment recommends the enhancement of the existing ponds and the submitted layout plan includes the provision of an additional wildlife pond. This provision is welcomed and has the potential to deliver a significant benefit for nature conservation.

To maximise the value of the new pond and to ensure any enhancement of the existing ponds is undertaken appropriately it is recommended that if planning consent is granted a condition should be attached which requires the submission of a detailed design for the new pond and a strategy for the restoration of the existing ponds prepared by a suitably experienced ecologist.

### Badgers

Evidence of badger activity was recorded on site, but no active sett was present. It is advised by the Council's ecologist that based upon the current levels of badger activity on this site the proposed development is unlikely to have a significant adverse impact upon this species.

However, as the status of badgers on a site can change in a short timescale it is recommended that in the event that planning permission is granted a condition should be attached which requires an updated badger survey to be undertaken and submitted prior to the commencement of development.

### Trees with bat roost potential

A number of trees are present on sites which have been identified as having potential to support roosting bats. The submitted habitat survey states that these trees would be retained, the plan has been amended to show the retention of all existing trees. Further a condition is to be added that would prevent the removal of any trees from the site.

### Nesting Birds

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

### Lighting

To avoid any adverse impacts on foraging bats and other wildlife it is advised that any additional lighting associated with the proposed development should be minimised. This matter should be dealt with by means of a planning condition requiring the submission of a detailed lighting scheme in the event that planning permission is granted.

### Habitat Management Plan

If planning permission is granted a condition should be attached which requires the submission and implementation of a 10 year habitat management plan.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents, objections have been received from two residents immediately adjacent to the site. The course will be accessed from the driving range site adjacent, therefore vehicles will not be passing by adjacent to the current access to the site. Therefore it is not considered that the access arrangements would have a detrimental impact on residential amenity.

There have been concerns from local residents in relation to privacy and stray balls entering back gardens, this is unlikely due to a buffer zone of 75m and the direction of play is to be to the north away from properties to the south.

Due to the distances involved, it is not considered that the proposal will have a detrimental impact on the amenity of neighbouring residents.

Therefore the proposal is in accordance with policy DC3 of the Macclesfield Borough Local Plan.

### **Noise**

Issues of potential noise have been raised by local residents, however due to the nature of the activity proposed on the land coupled with the distances from neighbouring properties it is unlikely that the proposal will cause noise pollution. Environmental Health officers have raised no objections to the proposal subject to conditions.

### **Flood Risk**

The application is a greenfield site, and the proposed use ensures that the site is retained as such, therefore it is not considered that the proposed development would have a greater impact on flooding or flood risk as a result of the proposed development. The Council's flood risk team have assessed the application and have raised no objections to the proposals there it is considered that the proposed development accords with policy DC17 of the MBLP and the NPPF.

### **Design**

The proposal is a standard short course 9 hole golf course design, there are no areas of hardstanding or buildings proposed it is therefore considered that the proposals accord with policy DC1 of the MBLP.

### **Highways**

In regard to the likely traffic impact of the proposal it is not considered that this additional provision would result in a significant additional generation and the 40 space car park can support the use as long as it is not two separate businesses.

A number of objections have been received in relation to the proposals and many of these relate to existing construction traffic on the adjacent site and particularly mud on the road. The proposed development will utilise the existing approval for the driving range adjacent, and it is considered that the parking and access arrangements are adequate. However due to concerns over mud on the road and the hazard this can cause on a main A road, a

construction management plan is necessary to ensure that the development does not have a detrimental impact on the local and wider road network through the construction process.

CEC Highways have not objected to the application on highways grounds, therefore the proposal is considered to be acceptable in respect of highways.

### **Environmental Impact Assessment**

An EIA Screening Opinion was submitted prior to the submission of the application, due to the scale of the proposed development and the fact that it would not have a greater than local impact on the environment it is not considered that a full Environmental Statement was required to be submitted with the application. Therefore this is not considered to be an EIA development when assessed against the 2017 EIA regulations.

### **Environmental Sustainability Conclusions**

It is considered that this proposed development is now environmentally sustainable subject to the conditions proposed to be imposed. The proposal will not have a detrimental impact on the landscape, local ecological value, local residents or on the highway network. It is accepted that the development will be accessed by private car, as it is effectively an extension to the consented driving range which is under construction.

Therefore the proposals are not considered to be environmentally unsustainable.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

Although there are no specific details, the proposed development will provide employment for the construction and final running and maintenance of the golf course.

### **Economy of the wider area**

The addition of a recreation attraction such as a short golf course within Cheshire East in the Chelford area is considered to be beneficial locally as it is likely to encourage people to the area, and could have a beneficial impact on local businesses particularly in Chelford and Knutsford both within reasonable access by private car.

It is considered therefore that it would create a modest enhancement to the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

### **Economic Sustainability Conclusions**

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an economic boost locally through the increase in visitor numbers to the area. It is considered that the proposals will make a meaningful contribution to the local area by adding to a new sporting facility on the local area.

### **Representations**

A large number of representations have been received in relation to the two neighbour representations have been received in relation to the proposal, these are both objecting to the proposals, it is considered that the material planning considerations have been addressed through the officers report and through the conditions imposed on the proposed development.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **PLANNING BALANCE**

The site is a greenfield Green Belt site, and has a current use for turf production. It is considered that the proposed use has the Very Special Circumstances required and is acceptable as it is for outdoor sport and recreation, and accords with guidance as set out in the National Planning Policy Framework paragraph 81 which states that:

*'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'*

It is not considered that the proposal harms the openness of the Green Belt or impacts the Green Belt through any other harm.

For the reasons mentioned in the preceding text it is considered that the proposal is socially, environmentally and economically sustainable.

Therefore, it is considered that the proposal is acceptable and accords with the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development.

The proposal is considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a sporting and recreational facility for the local community and wider community to enjoy which compliments the adjoining site.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.
- Due to the absence of hardstanding the proposal would not cause an increased flood risk at the site.
- No trees will be removed as a result of the proposed development.

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



- The impact on protected species can be mitigated through effective surveys and mitigation measures.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- A more intensive use of the land than at present.
- Formalisation of the landscape.

On balance, it is considered that the proposal represents sustainable development when assessing the three strands of sustainability the proposals accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval, subject to appropriate conditions.

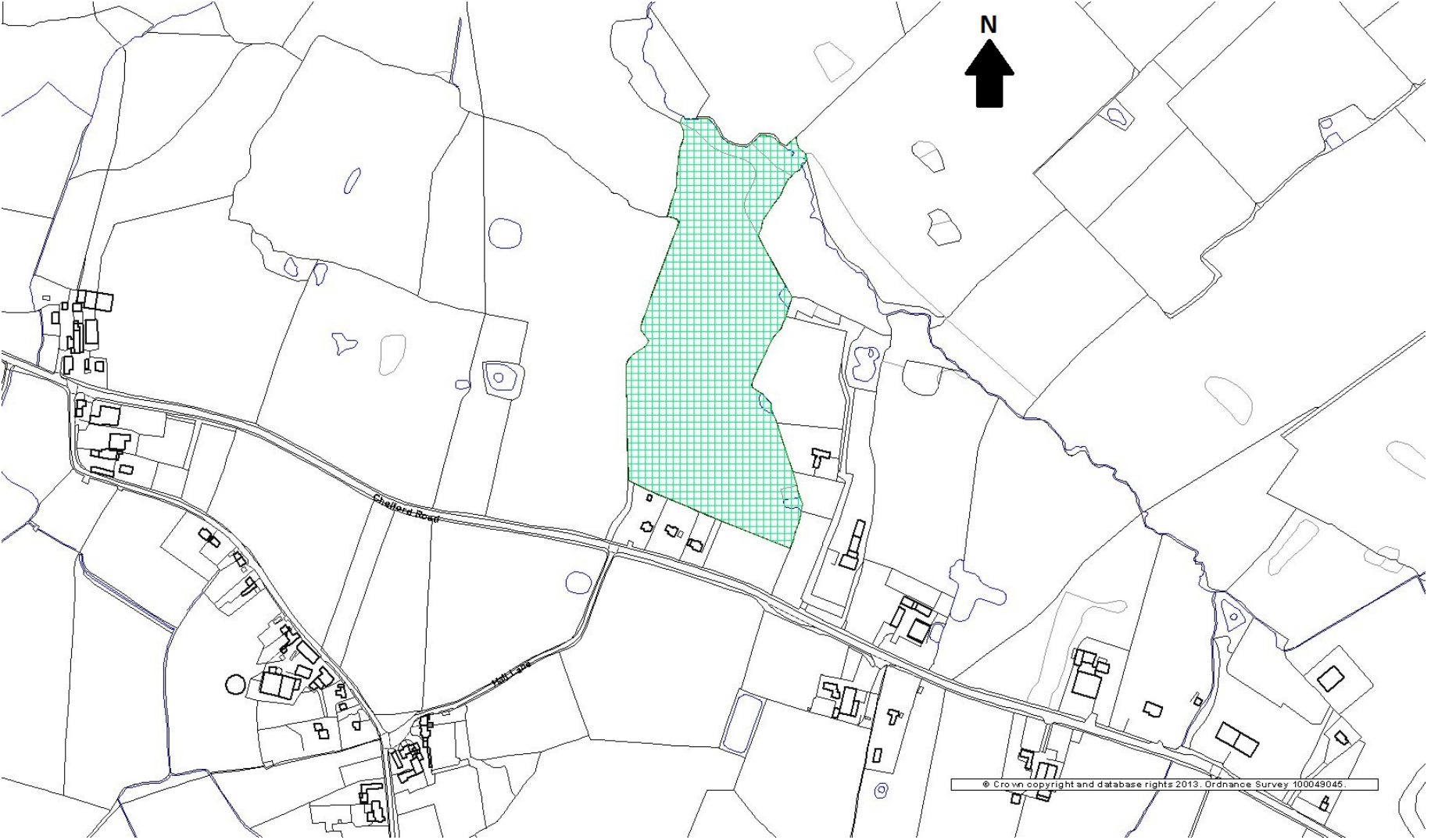
### **RECOMMENDATION**

#### Conditions

1. Time Limit
2. Approved Plans
3. Lighting Details to be approved
4. Tree Retention
5. Tree Protection measures
6. The proposed development to proceed in strict accordance with the Great Crested Newt Reasonable Avoidance measures detailed in Table 3 of the submitted Great Crested newt Survey and Mitigation Strategy prepared by NLG Ecology dated December 2016.
7. Detailed design of new pond to be submitted.
8. Updated badger survey to be submitted prior to commencement of development.
9. Protection of Nesting birds
10. 10 year habitat management plan
11. Construction Management Plan
12. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen dependent on the ground testing on site. This should be submitted to the Lead Local Flood Authority to be assessed and deemed appropriate for the specific site before construction can commence.
13. Prior to the development commencing:
  - No materials shall be imported, stored or placed at the site until a suitable plan for the assessment, verification and management of imported materials has been submitted to and approved in writing by the Local Planning Authority. This plan should include:
    - full details and specifications of the infilling works;
    - proposals for the preparatory works for the receiving land area (this should include any remediation of existing contamination and management of existing Japanese Knotweed) ;
    - proposals for contamination testing of imported materials including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment and should include solid and leachable contamination) and source material information;

- proposals for the screening of invasive species within imported materials, such as Japanese Knotweed;
- proposals for the quarantine of suspected contaminated materials;
- actions to be taken where allowable contaminant concentrations have been exceeded or other non-compliance (e.g. rejected at site or treatment on site);
- proposals for dealing with unexpected contamination;
- proposals for the mitigation of pollution/nuisance from site works;
- proposals for monitoring and verification reporting of the infilling engineering works in terms of land contamination and suitability for use;
- Timescales for which the infilling engineering works will be carried out.

### 14. Hours of operation



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Application No: 17/1540C

Location: Roddymoor Mill House, ROUGHWOOD LANE, HASSALL, CW11 4XX

Proposal: Demolition of existing dwelling and ancillary structures, and the creation of a new dwelling to form a modern country estate, including the erection of ancillary domestic buildings, gardens, play area, estate parkland, an estate workers cottage, gatehouse, stables, outdoor riding ménage, sunken tennis court, garden and equipment stores, facilities buildings, the erection of a boundary wall and estate fencing, the formation of a lake, the closure of the existing access and the formation of a new access onto Roughwood Lane, associated landscaping, ecological enhancements and tree planting.

Applicant: Carl Copestake

Expiry Date: 22-Jun-2017

#### **SUMMARY**

The proposed development sought on the site would be contrary to Policies H6 and subsequently Policy PS8 of the Local Plan. However, the NPPF permits the erection of isolated new dwellings in the countryside if they are of 'exceptional quality or innovative nature'. If the LPA are convinced of this, the principle of the development would be accepted.

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

Matters of; and drainage, highway safety, amenity, archaeology are all considered to be acceptable, subject to conditions where necessary.

The application is therefore recommended for approval.

#### **RECOMMENDATION**

APPROVE subject to condition

#### **PROPOSAL**

Full planning permission for;

- Demolition of existing dwelling and ancillary structures and;
- Creation of a new dwelling to form a modern country estate, including;
  - the erection of ancillary domestic buildings
  - gardens
  - play area
  - estate parkland
  - an estate workers cottage
  - gatehouse
  - stables
  - outdoor riding ménage
  - sunken tennis court
  - garden and equipment stores
  - facilities buildings
  - boundary wall and estate fencing
  - the formation of a lake
  - access bridge
  - the closure of the existing access and the formation of a new access onto Roughwood Lane
  - Associated landscaping, ecological enhancements and tree planting.

Further/revised plans have been received during the application process in order to address consultee concerns and/or avoid pre-commencement conditions. The main change is the amendment to the boundary treatment from a wall to a dense hedgerow with fencing behind.

### **SITE DESCRIPTION**

The site is located approximately 2 miles south-east of Sandbach and 11 miles north-west of Stoke-on-Trent entirely within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The application site extends 21 hectares (52 acres) and is located to the north of and adjacent to Roughwood Lane, with Betchton Lane to the south-east and the Trent and Mersey Canal is to the north.

The site comprises of a mix of farmland and woodland of varying levels (18 metres between the lowest and highest points) with a brook and an existing dwelling with outbuildings and barns.

Part of the site forms part of Chellshill Wood Local Wildlife Site (LWS).

### **PLANNING HISTORY**

**14/3861C** - Change of Use to create wedding / function venue and associated accommodation. Provision of new site access, parking and associated landscaping – Withdrawn 10<sup>th</sup> November 2014.

- 30320/6** - Renewal of planning permission 25514/6 for change of use of redundant building to dwellinghouse – Approved 28<sup>th</sup> September 1988
- 25514/6** - Renewal of permission for change of use of redundant building to dwelling house – Approved 17<sup>th</sup> August 1993
- 20833/3** - Extension - dining room & first floor bedroom – Approved 4<sup>th</sup> April 1989
- 19502/3** - Proposed change of use from redundant building to dwelling house – Approved 3<sup>rd</sup> October 1988
- 19193/3** - Proposed conversion of previous mill house to form rural workshops – Refused 16<sup>th</sup> February 1988
- 19180/1** - Change of use from redundant building to form dwelling house (outline) – Refused 5<sup>th</sup> January 1988
- 18958/3** - Change of use from redundant building to dwelling house – Refused 15<sup>th</sup> September 1987
- 15300/3** - Alterations to form two units – Refused 4<sup>th</sup> October 1983
- 14391/3** - Two storey domestic extension – Approved 13<sup>th</sup> September 1982
- 13537/3** - Toilet and shower – Approved 8<sup>th</sup> September 198
- 11956/3** - Erection of livestock building dual purpose for shippon or stabling – Approved 2<sup>nd</sup> October 1980
- 11955/3** - Extension and alterations to be used as store, bathroom and bedroom – Approved 8<sup>th</sup> September 1980
- 11505/3** - Part agricultural use/restoration of vintage cars & part body repairs – Refused 17<sup>th</sup> June 1980

## NATIONAL & LOCAL POLICY

### Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant saved policies are:

PS8 (Open Countryside), GR1 (General Criteria for Development), GR2 (Design), GR4 and GR5 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR20 (Public Utilities), GR21 (Flood Prevention), H1 & H2 (Provision of New Housing Development), H6 (Residential development in the Open Countryside and the Green Belt), H18 (Dwellings associated with Rural Enterprises), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation – Statutory Sites), NR3 (Habitats), NR4 (Wildlife and Nature Conservation - Non-statutory sites), NR8 (Agricultural Land), NR9 (Renewable Energy), BH4 and BH5 (Listed Buildings - Effect of Proposals) and RC5 (Equestrian Facilities)

Supplementary Planning Guidance:

Cheshire East Council Design Guide SPD

Supplementary Planning Guidance note 2: Provision of Private Open Space in New Residential Developments

Supplementary Planning Document No.14: Trees and Development

### 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), 28 (Supporting a prosperous rural economy), 47-50 (Wide choice of quality homes / affordable housing), 55 (Isolated dwellings in the countryside) and 56-68 (Requiring good design), 109-125 (Conserving and enhancing the natural environment) and 126-141 (Conserving and enhancing the historic environment)

### **Emerging Cheshire East Local Plan Strategy (CELPS)**

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

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

### **Neighbourhood Plan**

There is no neighbourhood plan for this area

### **CONSULTATIONS**

**Environment Agency** – No objections, subject to a condition that the development proceeds in accordance with the measures detailed within the Flood Risk Assessment. Furthermore, various informatives are proposed.

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a condition seeking the prior submission/approval of an updated Construction Management Plan (CMP) and a informative advising that a S184 licence will be required for the new access

**Environmental Protection** - No objections, subject to a number of conditions relating to; the provision of Electric Vehicle Charging infrastructure, the prior submission/approval of a scope of works for addressing contamination report; the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives are also proposed in relation to hours of work and contaminated land.

**Archaeology** – No objections, subject to a condition seeking the prior submission/approval of a programme of archaeological works

**Public Rights of Way Officer (PROW)** – No objections



**Cheshire Brine Subsidence Board** – No objections, subject to the foundations being strengthened to mitigate against subsidence

**Canal and River Trust** – ‘No comment’

**Flood Risk Manager** – No objections, subject to a condition that details of the design, maintenance and management of surface water be submitted to the LPA for prior approval. In addition an informative with regards to infiltration testing is proposed.

**United Utilities** – No objections, subject to informatives

**Betchton Parish Council** – No comments received at time of report

## REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the proposal featured in the local newspaper. At the time of drafting the report no letters of representation have been received.

## APPRAISAL

### Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. 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”.

Paragraph 55 of the NPPF states;

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *reflect the highest standards in architecture;*
  - *significantly enhance its immediate setting; and*
  - *be sensitive to the defining characteristics of the local area.'*

The proposal seeks to pursue the erection of a dwelling of '**exceptional quality or innovative nature.**'

As this is not a policy exception with Policy H6 of the Local Plan, this would be at variance with the local plan and under paragraph 215 of the NPPF; this national policy would therefore be given greater weight than the Local Plan in decision making. Therefore, if this exception can be achieved, the principle of the development would be deemed to be acceptable, subject to other material considerations.

It should be noted at this juncture that Cheshire East Council has not permitted such a scheme under this exception since the publishing of this policy as part of the NPPF and the preceding PPS7 (Planning Policy Statement 7) before that. This is because the LPA has not deemed that any such scheme to date has adhered to the required high standard. Furthermore, where applications have been submitted to the Council in an attempt to meet this exception, where these have been refused and subsequently appealed, all such appeals to date have all subsequently been dismissed by the Planning Inspectorate. The bar for achieving such an 'exception' is therefore set very high.

## **Design**

The design of the proposed dwelling, coupled with the concept and vision of the entire site is critical to whether the scheme can be considered to be truly exceptional. Design is inevitably a subjective matter but the comments of the Councils Senior Design and Conservation Officer are produced in detail below to highlight the key thoughts about why this could be considered exceptional.

*The design of the main house, from the use of materials, use of water and glazing, allows for the outside landscape to become part of the visual appreciation of the buildings, to live inside whilst connected firmly to the outside. These factors on their own, do not make the project innovative. It is the fine tune detail and the design of the project itself which makes this scheme innovative and truly outstanding.*

*The innovation is embedded in the use of progressive materials and ideas of design today, all of which is demonstrated in the supporting documents provided with the application.*

*The specific features drawn out include;*

- *Roof - The use of carbon fibre, for the cantilever roof on a central steel spine beam, which will allow for a large column free space and a full glass façade. This provides an adaptable space which future-proofs it as it allows for the house to be fitted out in various ways. This structural solution is proposed allowing for the span to be cleared by cantilevering a pre-cambered, carbon fibre reinforced plastic (CFRP) roof structure from a central steel spine beam. This combined with a pre-tensioned glass façade (referred to below) creates the large column free space.*
- *8-metre tall structural glass (The largest that can be fabricated) which allow expansive views through the building to the landscape*
- *Pre-fabricated large stone panels*
- *A combination of the above create a quick and cost-effective pre-fabricated build which has the potential to raise the standards of design, inform future residential development and act as a research and development project for the residential typology.*

*Fosters and Partners provided an example of carbon fibre being used on the Apple theatre in Cupertino, California. It is understood from the information provided and discussions at pre-app, show that there is no domestic examples of using carbon fibre in the way proposed within this scheme. This innovation and use of material sets it apart from other projects. Bringing technology used in commercial projects, scaled to domestic projects.*

*The strong architectural relationship shared between the main house and its ancillary buildings across the site also presents a special opportunity, the concept of an historic estate in a contemporary vision.*

*The design philosophy presented is committed to ensuring that the project is environmentally responsive and constitutes sustainable design. It states within the Design & Access Statement.*

*“to ensure a legacy of sustainability for a project, a more wide-ranging view of sustainability is required. Foster + Partners have developed 10 themes of sustainable design. The 10 themes are used as part of a methodology to develop and track the environmental performance of our projects throughout the design and construction process”.*

*The standard of design presented by Foster and Partners is truly outstanding and display innovation not reached in Cheshire East before.*

*Fosters & Partners have an international reputation, one where the designs of the firm are constantly pushing the boundaries of what can be achieved in the built environment. Their designs, in my opinion and that of an international audience, are that their designs enhance and expand our experience, with a high standard of architecture being left behind for future generations. The proposed scheme is no different.*

*The Willis building, built in 1973-5, is a Grade I listed building by Foster and Partners. In 1991 the Willis building became the youngest building to be given Grade I listed status in Britain. At the time, it was one of only two listed buildings under 30 years of age. This building is considered an exceptional building of its period, testament to the legacy Fosters and Partners are leaving behind, the listing signifies the national significance and standard of*

*architecture being produced by the firm for 20<sup>th</sup> century buildings and into the 21st century. This high quality is replicated in the proposed scheme.*

*The main house design and technology is replicated in the ancillary buildings around the site, the gardens and cottage particularly. The other buildings are designed carefully and with the high quality and technology. The use of materials on the ground floor of the house and its relationship with the lake, gives the impression that the water flows under the house, positioning of the lake house, and the summer house, creative ways of making the spaces fit with the landscape as opposed to the common clutter associated with features such as this. Attention to detail at each level of the scheme.*

*Domestic dwellings are limited to the company, with only a few examples, this would also be a rare project for Foster and Partners, transferring the high standards in commercial architecture to domestic.*

*Discussion during pre-application stages and replicated in the Design and Access Statement, it is clearly an ambition of the architects to enable future high standards of domestic architecture to mass scale, which will raise the standards of design across the mass market of housing. The design statement says;*

*“the advanced technology used in the main dwelling can be scale and replicated to be used on smaller projects and the mass housing market. The propose estate works cottage, is proposed to be a scale of a traditional house to demonstrate how the technology can be scaled down and easily replicated. The proposed estate workers cottager would therefore act as a frontrunner, which will use the latest technology to act as a research project for the house builders, to demonstrate how mass house building could b made more sustainable in the future”*

*The architecture displayed within the scheme will help raise the bar overall in rural projects and across the Borough of Cheshire East as a whole. The innovation shown in this scheme will require new ideas to come forward pushing the boundaries of design further as technology and ideas advance and progress.*

*The site has historically housed a Mill and mill pond. Evidence of this remains on the site today and is evident beyond the red line of the scheme. The design team have worked with the strong ties water has to the historic use of the site from an early stage. The early pre application discussions with the design team and the Council, showed the positive thinking within the early stages. The team started at the very basics of the site; its evolution, landscape and even going beyond to the land outside the client's ownership, and also carefully considering the topography and site constraints. The buildings were indicated in tentative positions, with no commitment to location or even a design. By considering these important factors at an early stage, they have sought to “significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area” and design terms it is considered that they have.*

*The location of the building is now located in the rough position of the existing house. This was done as a result of discussions with ecology and trees. In my view, focused on the design aspects of the scheme, the landscape comes as important and as critical as the main house/buildings on the site. It is what binds the concept of an estate together and creates the*

*“specialness” of the place as a whole. This balance between the landscape and built environment has been achieved from day one of the process, the building position and relationship with surroundings is informed by its setting rather than the other way around. An easy concept and process in theory and a process every scheme should follow, but all too often done the other way around.*

*The process in which the landscape and setting has been considered in the design process is positive. There will be a significant change to its immediate setting on the site, but in my view long term will be an enhancement. However, the success of the immediate setting, in terms of the landscape will be considered by Tree, Ecology and Landscape officers.*

*The concept of an estate, is defined historically by the large statement house, supported by ancillary buildings. These ancillary buildings sometimes have a specific functional and others for pleasure, or to define vistas and sense of place around the parkland. In almost every case the estate is hidden from view entirely, with the gate house being a mini statement piece, visible to the public, and a taste of the specialness which lies behind. Historically the gate lodge acted as the prelude to the main estate.*

*The proposed gate lodge will be the only public view of the estate from outside, one for public enjoyment and the only part of the Fosters and Partners design the public will get to enjoy, the attention to detail is replicated to this feature as with the main house, with the landscape filtering through the expansive glass facade. Within the estate, the individual elements, whilst sharing a cohesive and similar architectural quality, have a different character and purpose. Often hidden from the main house and its landscape, to allow for a series of rooms and experiences. These spaces, at times allow for key views, carefully designed, back to the main feature of the house or from the house. In the case of the proposed development, it follows this character/ Each individual element forms part of a cohesive concept for the whole site, much like historic estate creations it's a sum of component parts rather, than one solitary idea.*

*Historic estates always displayed the highest quality and standards of design, to stand alone but in a respectful and harmonious way. The architecture and the innovation displayed in the proposed scheme is important, but of equal importance are the final two points of paragraph 55, where it says to be sensitive to the defining characteristics of the area. How the proposed house and ancillary buildings respond to the site and how this has been designed is where the success of the scheme lies. The overarching concept of replicating the dynamics of an historic country estate is interesting and the design process has carefully considered the components of a large estate and has executed these well.*

*Notwithstanding the physical appearance of the architecture there is clearly much to be supportive of the approach and evolution of the entire site to reach the detailed submission that has now been made. The concept and vision of the site has been well thought through and the architects clearly have an international reputation for quality and innovation.*

*The significant factors involved in the design of this scheme are in applying that quality and innovation to a domestic scale. Applying that philosophy to the main house and also other ancillary buildings provides a unique element with the potential for this to be applied in future construction.*

It is therefore considered that in design terms alone the exception of para.55 of the NPPF can be applied in this case. However, as identified, the acceptability of this matter is not solely a strict design consideration. Landscape, ecology and tree matters also establish whether the proposal 'significantly' enhances the setting.

### Landscape Impact

#### *Overall*

The 21 hectare site is located in open countryside and has no statutory landscape designation. Part of the site is within a flood risk zone.

The Landscape and Visual Impact Assessment (LVIA) report correctly identifies that the site lies within the National Landscape Character Area 61 Shropshire, Cheshire and Staffordshire Plan, and in the Cheshire Landscape assessment within Landscape Character Type Higher Farms and Woods, specifically HFWS: Little Moreton Character Area.

The Council's Landscape Officer concurs with the assessment that the location of the proposed main dwelling in the valley benefits from some natural screening from external views. It is agreed that when established, enhanced boundary planting and proposed perimeter earthworks would provide improved screening of the site in views from Roughwood and Betchton Lane and more distant receptors such as the Salt Line. Nevertheless, screening would take time to mature and it is likely that there may be residual views into the site from the public highway.

The LVIA suggests that there would be minor to major adverse landscape impacts and adverse visual amenity effects associated with the period of construction. On the basis of the submitted Construction Management Plan, there are concerns that the impacts of the construction phase would be significant and should not be underestimated. The tranquil character of this rural location and the very narrow lanes which appear to be well used by cyclists and horse riders would be subject to major disruption.

The Council's Landscape Officer has advised that subject to some amendment of the planting specifications, (see Planting proposals below section), overall the planting and estate management proposals have the potential to benefit the landscape in the long-term.

#### *Ground modelling (including lake)*

The proposals include significant cut and fill operations with the creation of an approximately 7000 square metre artificial lake of lined construction, and ground modelling across the site with re-profiling of the farmland, mounding to the road boundary, mounding around the estate workers cottage, greenhouse and garden store, and the creation of a sunken tennis court with a tiered surround.

The submitted plans make it difficult to compare existing and proposed levels to work out the degree of engineering being carried out and the profiles of the final landform being created. Equally the cross-sections that have been created cannot be read and are only indicative. As such, for any areas subject to 'cut and fill' and the areas for the flood compensation storage, it is recommended that plans showing the existing and proposed levels on one plan are

submitted so there is an easy comparison. A series of cross-sections are also required for the lake to clearly demonstrate the proposed slope profiles on the banks and the degree of level change proposed.

In addition, a bulk excavation and earth moving strategy is also required which should detail the quantities of material to be excavated, locations of storage for the different materials and timescales for material to be stored. This is because if its there for months, it needs seeding to stop problems with dust or it being blown into the watercourse or shifting through rainfall (etc). It should also include considerations of separate stockpiles for the storage of top soils and subsoils and any material requiring remediation, if its going anywhere near the watercourse then details of how the watercourse will be protected to prevent harm to water quality and flow, any material handling methods when they re-use the material and if there is any processing of the material proposed then what is being processed and what machinery proposed.

It has also been recommended that conditions be imposed preventing the importation of any material required in connection with the engineering works and preventing any material generated as part of the engineering works being exported off site, except for that identified in the remediation strategy as requiring off site disposal, unless otherwise agreed in writing with the LPA.

#### *Boundary treatment*

A two metre high site boundary wall was originally proposed. This raised both design, landscape and ecology concerns. As such, a revised proposal has been suggested comprising of the planting of a dense hedgerow with a 2 metre-tall post and rail fence behind for security purposes.

In response to this amendment, concerns were originally raised with regards to the type of hedgerow proposed and the possible loss of the existing hedgerow. In response, the applicant has advised that they shall maintain the existing hedgerow and supplement with native species. Should the application be approved, it is recommended that this detail be conditioned.

#### *Bridge*

The Council's Landscape Officer has advised that a detailed engineers designs and a technical specification for the construction of the bridge will need to be supplied for approval. This could be secured via condition.

#### *Generator/switch/ transformer room building and separate external services building*

On the Proposed Estate Plan 2 service buildings are proposed. These are located on the edge of the application site, close to the existing access.

One of these buildings would be rectangular in shape measuring approximately 17.7 metres in length, 3.6 metres in width and would comprise of a flat-roof with a maximum height of 3.5 metres. This building would house a packaged generator, LV switchroom and Transformer Room.

The second building would be located 2.9 metres further to the north. This would have a square footprint and measure approximately 10.5 metres in length, 9 metres in width and would comprise of a flat roof with a maximum height of 3 metres. This building would be an external services compound.

The applicant has advised that this could be painted to blend into the surroundings and that enhanced boundary planting as should and perimeter earthworks would screen the proposal. Should the application be approved it is recommended that the finish of these buildings be submitted for prior approval.

### *Lighting Strategy*

The scheme proposes lighting throughout the site. In this rural location where there is no street lighting, there is a risk that widespread lighting as proposed could appear intrusive. Lighting needs to be minimised and specific design details and hours of use would need to be agreed. This could be secured via condition.

### *Planting proposals*

#### a) Domestic areas

Details have not been supplied for planting specifications or proposals for the domestic areas adjacent to the main house (hedges, orchard etc.) or the estate manager's cottage. This would need to be secured via condition, along with a plan demarcating the extent of the domestic residential curtilages.

#### b) Planting mixes

The Council's Landscape Officer considers that the tree/shrub planting mixes are not entirely appropriate to this area and would need to be adjusted to more accurately reflect locally found species. The Officer also considers that the sizes of material on planting will need to be reviewed if establishment is to be successful. There appears to be no detail of the specification details for grassland /meadow seeding mixes, or new hedgerow planting. This detail could be conditioned.

#### c) Parkland trees

The proposal seeks to plant 190 new parkland trees. This represents a significant planning benefit.

The Council's Landscape Officer has advised that several of the species proposed for parkland trees are small stature and are not typical parkland trees. The species palette will need to be amended. Revised planting proposals could be sought by condition.

### *Construction Management Plan*

The Council's Landscape Officer suggests that the Construction Management plan and associated elements (for example a proposed but not yet defined bulk excavation and earth movement strategy) will need further development and consideration from a multi-disciplinary



LPA team to consider. This would be a major engineering project with potential for impacts not only within the site but on the narrow tree and hedge lined routes along Roughwood and Betchton Lanes. Although not detailed, the current proposals suggest localised widening of Roughwood Lane and several access points from the lanes with associated haul routes across the site.

### *Landscape Conclusion*

In respect of the requirements of paragraph 55 of the NPPF, the landscape elements of the project have to be considered in an overall context of an innovative approach to the design of a building, together with the design and management of its immediate and wider setting. The design process has been the subject of detailed analysis and offers opportunities for landscape enhancement, new tree and hedge planting in particular. The Council's Landscape Officer has advised that these enhancements would contribute toward the achievement of the qualifying criteria.

### Ecology

There are various ecology matters for consideration; these are broken down below;

#### *Chellshill Wood Local Wildlife Site (LWS)*

Part of the red line of the proposed development falls within this locally selected wildlife site. The proposed lake occupies an area of semi-improved grassland within the Local Wildlife Site. The Council's Nature Conservation Officer (NCO) advises that the grassland habitats in this part of the site are however not of significant nature conservation value and therefore advises that their loss would not have a significant adverse impact on the LWS.

Previously a flood storage area was proposed within the boundary of the LWS. The proposals have now been amended to relocate the storage area.

The Council's Nature Conservation Officer has advised that if planning consent is granted, a condition should be attached which requires proposals to be submitted to safeguard retained woodlands and other habitats during the construction phase.

### *Construction Management Plan*

The Council's Nature Conservation Officer has advised that the submitted Construction Management Plan raises the following concerns:

- The project office and site welfare block is located within an area of priority woodland habitat.
- The enlargement of the existing driveway and contractor parking is also likely to adversely affect this block of priority woodland.
- The security cabin proposed in Logistics Plan Area 3 is located in the vicinity of a tree identified with bat roost potential. Confirmation as to whether any tree removal to facilitate the security cabin should be sought from the applicant.

The Council's Nature Conservation Officer therefore recommends that either the submitted construction management plan be revised or if planning consent is granted a condition should be attached which requires a revised construction management plan be submitted prior to the commencement of development.

### *Bats*

Evidence of bat activity in the form of minor roosts of a relatively common bat species has been recorded within the existing buildings on site. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The Council's NCO advises that the loss of the roosts associated with the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and a replacement features for bats in the proposed buildings on site 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.

### *EC Habitats Directive*

*Conservation of Habitats and Species Regulations 2010*

*ODPM Circular 06/2005*

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear

whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Overriding Public Interest*

The provision of mitigation would assist with the continued presence of bats.

### *Alternatives*

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for bats would not be provided which would be of benefit to the species.

The Council's NCO has advised that if planning consent is granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

A number of trees were identified on site with the potential to support roosting bats. Two trees with bat roost potential are located in close proximity the revised flood storage area. The applicant has confirmed that the works within the flood storage area will not require the removal of these trees.

To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's NCO recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

### *Great Crested Newts (GCN)*

A Medium population of GCN's was recorded at two ponds in close proximity to the proposed development. In the absence of mitigation, the Council's NCO has advised that the proposed development would result in a LOW adverse impact on this species as a result of the loss of terrestrial habitat. The proposed development would also pose the risk of killing or injuring any animals present with the footprint of the proposals when works commence.

In order to mitigate the risk of GCN's being killed or injured during the works the applicant is proposing to remove and exclude animals from the footprint of the development using standard best practice methodologies under the terms of a Natural England license. The loss of terrestrial habitat associated with the development would be compensated for through the creation of two additional ponds together with extensive areas of woodland and scrub planting.

### *EC Habitats Directive*

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The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Overriding Public Interest*

The provision of mitigation would assist with the continued presence of Great Crested Newts.

### *Alternatives*

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for GCN's would not be provided which would be of benefit to the species.

The Council's NCO has advised that the submitted GCN mitigation and compensation is acceptable to maintain and possible improve the favourable conservation status of the affected GCN population.

In the event that the application is approved, the Council's Nature Conservation Officer recommends that it be conditioned that the proposal proceed in accordance with the GCN report and mitigation strategy.

### *Common toad*

Common Toad is a priority species and a material consideration. The proposed development will result in the loss of a pond used for breeding by this species and an area of suitable

terrestrial habitat. The Council's NCO advises that the submitted GCN strategy, which includes proposals for the provision of two replacement ponds and a lake, would be sufficient to address the adverse impacts of the proposed development upon this species.

### *Reptiles*

No evidence of reptiles was recorded during the submitted survey and so the Council's NCO advises that this species group does not present a constraint on the proposed development.

### *Otters*

Evidence of otter activity was recorded along the stream on site. No features used for shelter and protection were identified and providing construction works are undertaken in daylight hours, the Council's NCO advises that the proposed development would be unlikely to result in an offence under the habitat regulations as a result of the disturbance of otters. The Council's NCO therefore recommends that in the event that planning permission is granted a condition should be attached which restricts the construction to daylight hours.

As the usage of the site by otters may change after the grant of planning permission, the Council's NCO also recommends that if planning consent is granted a condition should be attached which requires an updated otter survey to be undertaken prior to the commencement of the development.

### *Nesting Birds*

A number of notable bird species were recorded during the submitted breeding bird survey. Overall, the Council's NCO advises that the landscaping scheme associated with the proposed development is likely to deliver an enhancement in terms of the available habitat for nesting birds on site. As such a condition to protect breeding birds and the prior submission of breeding bird features is proposed.

### *Badgers*

A number of badger setts are present on site. The submitted badger survey report recommends the implementation of undeveloped buffer zones around each sett. The proposed layout plans have been amended to ensure the requirement for these buffer zones is complied with.

### *Hedgerows and proposed boundary wall*

Hedgerows are a priority habitat and hence a material consideration. The applicant proposes a boundary treatment that consists of a densely planted hedgerow backed by a fence. The Council's Nature Conservation Officer advises that this strategy is preferred to the originally proposed estate wall.

The Council's Nature Conservation Officer advises that this strategy must seek to retain existing hedgerows where they occur and the fence must be permeable to wildlife. Permeability for wildlife can be achieved by simply providing a low gap at the base of the fence.

As such, should the application be approved, the Council's Nature Conservation Officer recommends that this could be secured by condition.

## *Habitat management plan*

An estate management plan has been submitted. The Council's Nature Conservation Officer has advised that should the application be approved, this should be conditioned.

## *In conclusion*

The Council's NCO has advised that the proposed development is likely to have an adverse impact upon a number of protected/priority species. The landscaping scheme associated with the proposed development is however likely, to deliver a significant enhancement for a number of species of wildlife. As such, no objections, subject to conditions are raised.

## Conclusion on the Principle

Para 55 of the NPPF permits new isolated dwellings in the countryside in certain circumstances. One of these is;

- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *reflect the highest standards in architecture;*
  - *significantly enhance its immediate setting; and*
  - *be sensitive to the defining characteristics of the local area.'*

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

## Other Considerations

### Estate Worker's Cottage and other structures

The proposal also seeks the provision of an estate workers cottage. It is proposed that this dwelling would replicate much of the technology used in the main dwelling and would represent a working example of how the technologies used could be replicated on a smaller scale.

The Council's Urban Design Officer supports this provision of this building for these reasons. In addition, it would also be expected that such a dwelling would be characteristic of historic country estates which this proposal seeks to replicate, although with a modern twist.

Due to the scale and extent of the site it is considered justified to have an estate worker as the grounds are expected to require significant management. Subject to a condition being imposed to ensure that this dwelling should not be occupied by any persons not associated with the direct management of the site, it is considered that the principle of this dwelling is acceptable.

A number of other buildings and structures are proposed around the site – albeit part of the overall design. These include garden stores, sunken tennis courts, a boathouse and infrastructure. These buildings in themselves do require justification as independently they could be considered isolated and impact on the character and surroundings of the countryside and landscape they are located within. However, they form part of the overall concept of the proposed estate and have been designed to both fit within and compliment the existing and proposed landscape strategy for the site. As such, if the principle of the new house is accepted then these additional structures/features can also be accepted subject to careful conditions. A restriction should also be applied to the gatehouse to ensure that it is not used as an independent dwelling.

### Equine development

It is advised within the submitted information that the stables are features that are found within the traditional country estate. The provision of equine development within the countryside is considered to be acceptable in principle.

Policy RC5 of the Local Plan advises that proposals involving the development of equestrian facilities will be permitted where a number of criteria are satisfied.

The key considerations in this instance are the impact of the development upon the landscape and the possible impact upon nature conservation.

As the proposal would be well screened from wider viewpoints with no significant concerns in respect of landscape or ecology it is considered that the equine development proposed would be acceptable, subject to a condition to ensure no commercial use.

### Flood Risk and Drainage

The Environment Agency's indicative flood map shows that most of the site lies within Flood Zone 1 - an area with low risk of flooding. The areas along the margins of the Kidsgrove Stream which fall within flood Zone 2 and 3 - a medium and high risk flood zones respectively.

In addition to the normal flooding considerations created by development in the above-mentioned areas, the proposal also seeks the creation of a new lake occupying an area approximately 7,000sqm which at its maximum point, is proposed to be 4 metres in depth. Such a proposal also includes an associated flood plain. Two new ponds are also proposed.

The application is supported by a 'Drainage, Flood Risk and Flood Plain Compensation Report'.

The Environment Agency have reviewed the proposals and the above-mentioned report and raised no objections, subject to the mitigation proposed within the report being conditioned and subject to a number of informatives.

The Council's Flood Risk Officer has advised that he has no objections, subject to a condition that details of the design, maintenance and management of surface water be submitted to the LPA for prior approval. In addition an informative with regards to infiltration testing is proposed.

United Utilities have advised that they have no objections, subject to informatives.

### Access / Highway safety

The proposal includes a new vehicular access onto Roughwood Lane towards the southern edge of the site, which would in turn extend internally within the site as a long driveway to the proposed main house. A new bridge is proposed over an internal stream and the parking for the house would be beneath the raised ground floor of the main house.

The Council's Head of Strategic Infrastructure (HSI) has advised that ATCs have been carried out indicating design speeds of approximately 30mph in the vicinity of the proposed vehicle access. Visibility splays have been provided which reflect this and the Council's HSI subsequently advises that the access will be of adequate standard to allow for safe movement of vehicles into and out of the site. The HSI has advised that the proposal would result in a small number of vehicle movements which would be associated with the site and the highways impact would be small.

The Council's HSI originally advised that the main issue may be with construction vehicles access and details of this should be conditioned detailing construction vehicle size and type, routing and access, and construction and contractor vehicle parking and loading/unloading locations.

This was subsequently provided by the applicant. However, the HSI on review advises that further information with regards to details of road closures, diversions, vehicle types and number for each stage of the works, swept paths, plans showing proposed off-site works, construction access visibilities, is still required.

Subject to this being conditioned and an informative advising that a S184 licence would be required for the new access, no highway safety concerns are raised.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.



Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for the proposed new dwelling would adhere to this standard which is a private garden located adjacent to the house.

The closest neighbouring properties to the application site include; Mullwood House and Roughwood Cottage Farm on the opposite side of Roughwood Lane but largely offset to the west and Roughwood Hill Farm, which would be encompassed by the application site to 3 sides.

Mullwood House and Roughwood Cottage Farm on the opposite side of the road to the application proposal would be in excess of 50 metres from the application site. Given this separation distance, it is not considered that the occupiers of these properties would be detrimentally impacted by the application proposal with regards to loss of privacy, light of visual intrusion.

Roughwood Hill Farm would be enclosed by the application site to the west, north and east. However, the property would be at least 40 metres away from any of the proposed built form. As such, it is not considered that the occupiers of these dwellings would be detrimentally impacted with regards to the above considerations when it comes to the impact of new built form.

Significant earthworks are also proposed as part of the development and consideration of how these could impact on neighbouring amenity is also needed – particularly for Roughwood Hill Farm.

On the boundary of the site a shelter belt is proposed which shall range in depth between approximately 4.6 and 17.7 metres on relatively level land. However, approximately 29 metres to the north-west of this neighbouring property a hill is proposed approximately 3 metres higher than the surrounding land. The top of this hill would be approximately 41 metres from the neighbouring property. Given the distance of this feature from Roughwood Hill Farm from this feature with a relatively deep shelter belt between, it is not considered that this would create any issues with regards to loss of privacy, light and visual intrusion.

Just beyond the eastern boundary, within a wider section of the proposed shelter belt, further land re-modelling is proposed. A hill approximately 3.5 metre tall is proposed in order to screen the proposed gardener's stores. The top of this hill would be over 30 metres from this neighbouring dwelling. As a result, as with the hill to the north-west, due to the extensive distance of this feature from this dwelling, it is not considered that this feature would create any significant concerns for the occupiers of this dwelling with regards to loss of privacy, light and visual intrusion.

With regards to environmental amenity disturbance, the Council's Environmental Protection Officer has advised that she has no objections, subject to a number of conditions relating to; the provision of Electric Vehicle Charging infrastructure, the prior submission/approval of a scope of works for addressing contamination report; the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives are also proposed in relation to hours of work and contaminated land.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan and create no significant amenity concerns.

### Archaeology

Betchton Tithe Map of c.1841 depicts several structures within the application area, including Roughwood Hill Farm Barn, Higher Roughwood Mill House and the Higher Roughwood Mill and Pond, which is recorded as a non-designated heritage asset on the Cheshire Historic Environment Record (CHER: 7883). The proposed development would involve the total destruction of these buildings and involve below ground disturbance.

As such, an Archaeological Desk-Based Assessment has been submitted.

This has been reviewed by the Council's Archaeologist who has subsequently advised that they have no objections, subject to a condition that no development shall take place until a programme of archaeological work has been submitted to and approved in writing by the LPA.

### Economic benefits

It is accepted that the construction of such a dwelling and its associated estate would bring the usual economic benefit to the closest shops in the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

The proposal would also provide direct employment opportunities such as the estate manager and associated staff. Within the application form it is advised that the development would generate 12 jobs. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposal would be economically sustainable.

### Impact upon Mineral Resources

The site lies within land identified as an 'Area of Search' for sand and gravel in the Cheshire Replacement Minerals Local Plan 1999 where any additional new reserves of sand and gravel required to maintain the policy requirement should be located (Policy 47).

Whilst the Minerals Local Plan encourages the prior extraction of minerals in advance of development which would otherwise cause the permanent sterilisation of proven mineral resources (policy 6), this is subject to this being able to be completed within an acceptable timescale and providing it does not compromise the subsequent development. There has been no proposed mineral development on this site nor has there been any expression of interest from the mineral industry. It is also noted that the 'Areas of Search' are only a general guide to the broad distribution of sand in the authority.

Furthermore, due to the age of the Minerals Local Plan, the Council is in the process of preparing a minerals and waste DPD which will identify new areas of search for future mineral extraction. The application site was not identified by the mineral industry in the most recent

'Call for Sites' exercise (2014) carried out by the Authority as part of the evidence base for the emerging Minerals and Waste DPD. It is therefore considered that the proposals would not conflict with the approach of the Minerals Local Plan.

### Other Matters

The proposed development would not affect a Public Right of Way, would not have an impact upon the Canal and River Trust infrastructure and would not create any significant subsidence concerns subject to foundation strengthening (that would be considered at building regulations stage).

### Conclusion / Planning Balance

The proposed development sought on the site would be contrary to Policies H6 and subsequently Policy PS8 of the Local Plan.

However, the NPPF permits the erection of isolated new dwellings in the countryside if they are of '*exceptional quality or innovative nature*'. If the LPA are convinced of this, the principle of the development would be accepted.

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

Matters of flood risk and drainage, highway safety, amenity, archaeology are all considered to be acceptable, subject to conditions where necessary.

The application is therefore recommended for approval.

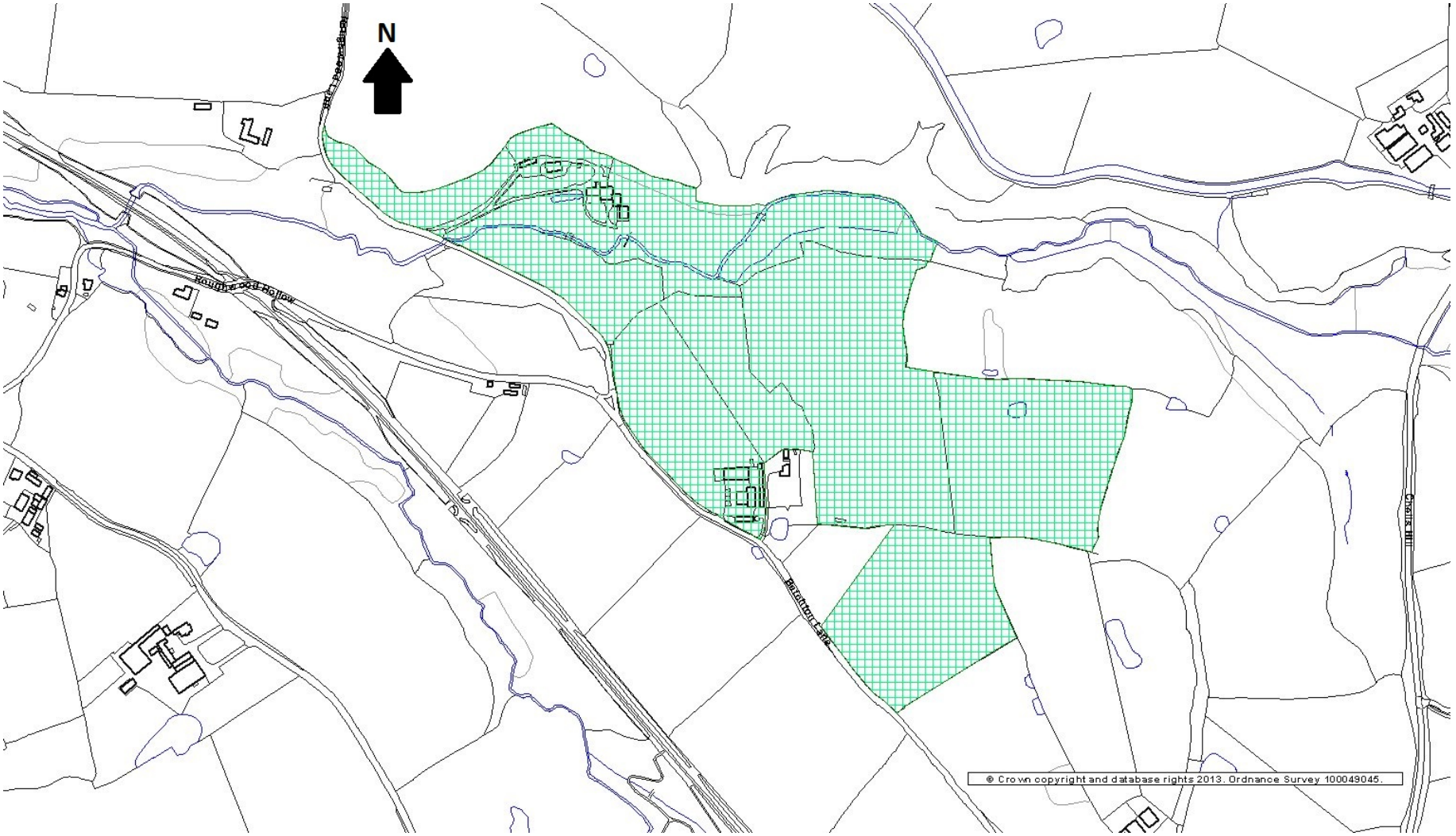
### **RECOMMENDATION**

**APPROVE Subject to a number conditions including;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Prior submission/approval of existing and proposed levels on the same plan for 'cut and fill' areas and the areas for the flood compensation storage**
- 5. Prior submission/approval of a series of cross-sections for the lake and flood storage area**
- 6. Prior submission/approval of a bulk excavation and earth moving strategy**
- 7. No importation of any material required in connection with the engineering works and no material generated as part of the engineering works being exported off site, except for that identified in the remediation strategy as requiring off site disposal**

8. Prior submission/approval of engineers designs and a technical specification for the construction of the bridge
9. Prior submission/approval of external lighting (Landscape and Ecology)
10. Prior submission/approval of plan demonstrating extent of domestic curtilages to main dwelling and estate workers cottage
11. Prior submission/approval of a landscaping scheme for domestic curtilages
12. Prior submission/approval of updated grass, hedgerow and shrub planting plan for wider site (to include the specification details for grassland /meadow seeding mixes, or new hedgerow planting)
13. Prior submission/approval of an updated tree planting plan
14. Prior submission/approval of samples of hard landscape materials
15. Landscape - Implementation
16. Prior submission/approval of an updated CMP
17. Implementation of Estate Management Plan (with reference to adjustment of dates if project delayed)
18. Prior submission/approval of boundary hedge planting details - To include retention of existing
19. Prior submission/approval of proposals to be submitted to safeguard retained woodlands and other habitats during the construction phase
20. Bat mitigation - Implementation
21. Great Crested Newt Mitigation – Implementation
22. Badger Mitigation - Implementation
23. Restriction of construction to daylight hours (Ecology)
24. Prior submission/approval of an updated otter survey
25. Nesting Birds
26. Prior submission/approval of breeding bird features
27. Estate Workers Cottage - Worker's restriction
28. Flood Risk mitigation - Implementation
29. Prior submission/approval of Electric Vehicle Charging infrastructure
30. Prior submission/approval of a scope of works for addressing contamination report
31. Prior submission/approval of a soil verification report
32. Works should stop if contamination is identified
33. Prior submission/approval of a programme of archaeological work
34. Prior submission/approval of finish of service buildings
35. Prior submission/approval of a development phasing plan
36. No commercial equine use
37. Prior submission/approval of a surface water drainage scheme
38. Gatehouse – Ancillary building only
39. Prior submission/approval of scaled greenhouse/enclosure plans
40. PD Removal Classes A-E, Part 1, Schedule 2 – domestic curtilages of main house and estate workers cottage
41. PD Removal – Class A, Part 2, Schedule 2 – Overall site

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 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.



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