

Strategic Planning Board

Agenda

Date: Wednesday, 18th November, 2020
Time: 10.00 am
Venue: Virtual Meeting

How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

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or dial in via telephone on 141 020 33215200 and enter Conference ID:490 879 27# when prompted.

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

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

It should be noted that Part 1 items of Cheshire East Council decision meetings are live recorded and the recordings are 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

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

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 Virtual Meeting** (Pages 3 - 10)

To approve the minutes of the virtual meeting held on 12 October 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

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. **19/1371N-Outline application for the development of up to 400 residential units (Use Class C3) and associated infrastructure and open space, Land Off, Minshull New Road, Leighton, Crewe for Mr M Thompson, Engine of the North Ltd** (Pages 11 - 38)

To consider the above application.

6. **19/2178N-Outline planning approval for the development of up to 850 residential units (Use Class C3), land reserved for new primary school, a local centre (Use Class A1-A4, AA, B1a, C3 and D1) and associated infrastructure and open space, Land off Minshull New Road and Flowers Lane, Leighton for Bloor Homes and Galifford Try Partnership** (Pages 39 - 72)

To consider the above application.

7. **20/2925M- Construction of an Adventure Golf Course with associated works, Adlington Golf Centre, Adlington Road, Adlington for Adlington Golf Centre Ltd** (Pages 73 - 84)

To consider the above application.

8. **Performance of the Planning Enforcement Service First Two Quarters 2020-2021** (Pages 85 - 104)

To consider the above report.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**
held on Wednesday, 14th October, 2020

PRESENT

Councillor S Gardiner (Chairman)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mr A Crowther (Major Applications-Team Leader), Ms S Dillon (Planning Lawyer), Mr T Evans (Neighbourhood Planning Manager), Mr N Jones (Principal Development Officer), Mr D Malcolm (Head of Planning) and Emma Williams (Principal Planning Officer)

38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hunter.

39 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 19/5934N, Councillor S Edgar declared that he was a member of Weston & Basford Parish Council.

In the interest of openness in respect of applications 19/2173W and 20/2162C, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee, who had been consulted on the application, however had not discussed the application or made any comments on it.

In the interest of openness in respect of application 19/5934N, Councillor S Hogben declared that he was a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

It was noted all Members had received correspondence in respect of application 19/5934N.

40 MINUTES OF THE PREVIOUS TWO VIRTUAL MEETINGS

RESOLVED

That the minutes of the previous two virtual meetings which took place on 23 September 2020 and 2 October 2020 be approved as a correct record and signed by the Chairman.

In respect of application 20/2326C which was considered at the meeting on 23 September 2020, Councillor P Redstone queried if Alsager Town Council would be consulted on the hours of operation in relation to the lighting issue. In response the Chairman stated it was not a requirement of the condition but given the willingness of the developer to co-operate on other matters he saw no reason why discussions could not take place with the Town Council.

41 PUBLIC SPEAKING-VIRTUAL MEETINGS

RESOLVED

That the public speaking procedure be noted.

42 19/5934N-APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 14/4025N - OUTLINE APPLICATION FOR THE ERECTION OF UPTO 490 RESIDENTIAL DWELLINGS AND A PRIMARY SCHOOL - 2000M2 (D1) A PUMPING STATION, SUBSTATION, RECREATIONAL OPEN SPACE, ECOLOGICAL MITIGATION AREA, INTERNAL ACCESS ROUTES, GROUND MODELING AND DRAINAGE WORKS, PARKING PROVISION, FOOTPATHS, CYCLE ROUTES, LANDSCAPING AND ASSOCIATED WORKS INCLUDING DETAILS OF ACCESS AT THE BASFORD EAST SITE CREWE, PHASE 1 BASFORD EAST LAND, DAVID WHITBY WAY, WESTON FOR MR ROB STRATTON, LANE END DEVELOPMENTS

Consideration was given to the above application.

(Parish Councillor John Cornell, representing Weston and Basford Parish Council and Steve Heverin representing the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be Delegated back to Head of Planning in consultation with the Chairman/Vice Chairman of the Strategic Planning Board to approve subject to a condition to enable the dropping off zone to be reviewed, including an in/out access, traffic calming and crossing alongside the school proposals should they be required and subject to the following conditions:-

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials Implementation of highway surfacing treatment

4. Submission/approval of detailed specification of hard/soft landscape scheme for feature squares and spaces, and courtyards including surfacing treatment, lighting and street furniture for each phase
5. Specification of planting along secondary streets on a plot by plot basis within each phase
6. Submission of details of landscaping for each phase
7. Implementation of landscaping
8. Details of construction and specification of landscaped bunding
9. Details of boundary treatment and retaining gabion walls
10. Noise mitigation – Implementation
11. Implementation of ecological mitigation detailed in the Ecological Management Plan
12. Updated badger survey to be submitted prior to commencement.
13. Hedgehog mitigation measures – Implementation
14. Submission of CEMP for the safeguarding of water courses during the construction phase.
15. Submission of detailed designs of the ponds.
16. Details of lighting – minimize impact on bats
17. Details of Community gardens including parking provision
18. Design detail, specification and implementation of MUGA, NEAP and play area/features
19. Arrangements to enable future provision of school drop-off area
20. Cycle storage details – Apartments
21. Details of specification, surfacing and lighting of pedestrian /cycleway and PROW

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(The virtual meeting was adjourned for a short break).

43 19/2173W-EXTENSION TO BENT FARM QUARRY FOR THE EXTRACTION OF SAND AND PROGRESSIVE RESTORATION, BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON FOR MARIA COTTON, SIBELCO

Consideration was given to the above application.

(Lewis Williams, the applicant attended the virtual 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 the following conditions:-

1. Timescales for commencement and notification of commencement
2. Approved Plans
3. Restrictions on depth of working
4. Limits on timescales for extraction and restoration
5. Hours of working
6. Vehicles arriving and leaving the site restricted to using the existing access only, and maintenance of a notice advising drivers to turn right out of the site
7. Wheel cleaning and no deposit of material on the highway
8. Sheeting of vehicles
9. Restrictions on HGV numbers and timing of movements, and records kept of vehicle movements
10. Restrictions on the import of material and restrictions on the quantity of material imported for processing
11. Provision of new quarry access prior to commencement of phase 1, requirement for its use by all vehicles, plant and machinery accessing the extension area and use of a banksman at all times
12. All mineral to be transferred to processing plant by conveyor tunnel
13. Soil handling as per the method statement and MAFF guidance
14. No soil export without prior approval of the LPA
15. Advanced planting within first planting season
16. Set noise limits for all activities
17. Noise monitoring scheme
18. Implementation of noise mitigation including provision of bund and acoustic fence, orientation of plant and restrictions on timing of works in phase 5 at Wallhill Cottages
19. Maintenance of plant and machinery
20. Implementation of dust management plan including dust monitoring
21. Implementation of archaeological watching brief
22. Network of monitoring boreholes established prior to excavation comments and maintained during the development; and updated water management plan incorporating recommendations from hydrological assessment and Environment Agency.
23. Control on storage of contaminants
24. Method to deal with unexpected contamination
25. Implementation of flood risk and drainage strategy
26. Implementation of surface movement monitoring scheme
27. Tree protection and arboricultural method statement including provision for landscape mitigation, replacement planting, management strategy for retained vegetation and landscape enhancement
28. Translocation method statement for invertebrates
29. Protection of nesting birds
30. Updated badger survey prior to commencement of each phase
31. Detailed proposals for habitat creation and habitat creation method statement
32. Implementation of great crested newt mitigation strategy and detailed specification of amphibian protection fencing
33. Details of any proposed lighting to be agreed

- 34. Site restored in accordance with restoration plans
- 35. Provision of aftercare and habitat management plan within 12 months of the date of the permission and implementation of aftercare for 5 years

44 20/2162C-PROPOSED ADDITIONAL AREAS ASSOCIATED WITH THE APPROVED ROAD SCHEME (18/5833C), REFERRED TO AS THE 'MIDDLEWICH EASTERN BYPASS' AND CONSISTING OF ECOLOGICAL AND LANDSCAPE MITIGATION AND A REVISED FARMER'S UNDERPASS, LAND AT, POCHIN WAY, MIDDLEWICH FOR MR CHRIS HINDLE, CHESHIRE EAST COUNCIL

Consideration was given to the above application.

(Neil Grundy, representing the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

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

1. 5 year start date
2. Development to proceed in accordance with the approved plans/report recommendations.
3. Landscaping
4. Landscape implementation & maintenance (5 years)
5. Submission of proposals for the safeguarding of LWS quality habitats located adjacent to permanent and temporary works. Updated protected species surveys and mitigation method statements for felling of any trees with bat roost potential lost as a result of the scheme and for otter, badgers and Lesser Silver Diving beetle. Mitigation and compensation proposals to be informed by the proposals included with the ES.
6. Notwithstanding the proposals detailed in section 2.1 of the submitted Appendix K.2: Landscape and Ecology Supporting Information a Habitat Creation method statement is to be submitted for the creation of the species rich grassland and the grassland mitigation areas.
7. Timing of works to Safeguard Nesting Birds.
8. Method statement for the reinstatement of habitat for Little Ringed plover following the removal of the Temporary Works Compound. Method statement for the creation of species rich grassland
9. Time table for the implementation of habitat creation measures.
10. Grampian condition to secure off site barn owl habitat provision and management.
11. Confirmation of the location of the proposed artificial badger sett prior to commencement of the development.
12. Submission and implementation of an ecological monitoring strategy. If any deficiencies in the agreed ecological mitigation/compensation then revised proposals are to be submitted to the LPA for agreement and then implemented in full.

13. Submission of a 25 year habitat and landscape management plan. To include proposals for the management of woodland planting, species rich grassland ponds, lesser silver diving beetle, non-native invasive plant species, hedgerows and the control of non-native invasive plant species. The management plan should also include a strategy to secure the long term future of the created habitats such as transfer to an appropriate body such as the Land Trust.
 14. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved – to include dust suppression measures & measures to avoid contamination of the canal.
 15. Great crested newts – entry into Natural England's District Licensing Scheme.
 16. Submission of a reptile mitigation method statement.
 17. Contaminated land remediation strategy to be submitted.
 18. No infiltration of surface water drainage into the ground/ measures to avoid contamination of the canal
 19. Verification report for contaminated land.
 20. Works to be carried out in accordance with the FRA
 21. Detailed strategy/design of surface water runoff to be agreed
 22. Method statement to be submitted to protect UU assets was required.
 23. Archaeology
 24. Works to be carried out alongside approved works under application 20/2064C except ecological mitigation works which need to be carried out in advance.
- 45 **20/0860C-THE PROPOSED DEVELOPMENT IS FOR A SINGLE INDUSTRIAL UNIT, USE CLASS B1, B2, B8, TOTALLING 123,000 SQ. FT. WHICH WILL INCORPORATE WAREHOUSE SPACE, AND OFFICES ON THE FIRST AND SECOND FLOORS. THE DEVELOPMENT WOULD ALSO INCORPORATE:. CAR PARKING PROVISION. A COMPLIMENTARY SCHEME OF SOFT LANDSCAPING;. PEDESTRIAN ACCESS PATHS;. CYCLE STORES;. BIN STORE;. SELF-CONTAINED SERVICE YARD, PLOT 63 (PHASE 2), POCHIN WAY, MIDDLEWICH FOR C.O AGENT**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application be approved subject to the completion of a Section 106 Agreement to secure a contribution of £337,260.00 to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane and subject to the following conditions:

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Implementation and retention of the recommended mitigation set out in the Noise Impact Assessment
4. Submission and implementation of an Electric Vehicle Infrastructure plan
5. Submission and approval of details ultra-low emission boilers

6. Submission of Phase I Preliminary Risk Assessment and if required, a Phase II ground investigation and risk assessment, if Phase II indicates remediation is necessary, submission of a remediation strategy
7. Submission and approval of a verification report in accordance with the remediation strategy
8. Testing of soil and soil forming materials to be brought on to the site
9. Ceasing of works if during the course of development, contamination not previously identified is found
10. Development to be carried out in accordance with the submitted Flood Risk Assessment
11. Submission of detailed drainage strategy
12. Submission and approval of details of ground levels and finished floor levels
13. Submission and implementation of a detailed landscape plan
14. Submission and implementation of proposals to safeguard the Sandersons brook corridor during the construction phase
15. Protection of nesting birds
16. Submission and approval of external lighting details
17. Submission of an updated Badger Survey prior to commencement of development
18. Submission and approval of a 25 year habitat management plan
19. Submission and approval of an ecological enhancement strategy
20. Submission and implementation of a programme of archaeological works
21. Provision of a minimum of 10% of the predicted energy requirements of the development from decentralised and renewable or low carbon sources
22. Submission of details that demonstrate that heating and cooling equipment is capable of connection to a district heating network in the future
23. Restriction of uses under the new Class E of the Use Classes Order to E(g)(i) (Offices), E(g)(ii) (Research and Development) and E(g)(iii) (industrial processes)

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

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

(During consideration of the virtual meeting, Councillor R Moreton left the virtual meeting and therefore did not vote on the application. He returned prior to consideration of the following item).

46 WHITE PAPER: PLANNING FOR THE FUTURE

Consideration was given to the above report.

Whilst Members felt there were some positives to be taken from the paper for example the strengthening of enforcement, the acknowledgement that marginalised communities were not well communicated with and the improved approach to gypsy and traveller communities there were concerns that the document sought to reduce the democratic accountability, there was no reference to affordable housing, that Local Plans were being simplified and Government was seeking to take control over new settlements for example the Handforth village.

It was also felt that the proposals would lead to a reduction in community involvement and that there would be a detrimental impact on the levelling up agenda in respect of the algorithm proposed to calculate the housing numbers would lead to significant building in South East which would then impact on the housing needed to re-engage the North of England. Furthermore it was noted that there seemed to be insufficient protection for heritage assets and that the involvement of the community in significant planning applications should not be removed as was being proposed. Planning mistakes could not be easily rectified and as a Council there should be a push to ensure the public had a role to play in the development taking place around their homes.

RESOLVED

That the draft consultation response that would be finalised in consultation with the Head of Planning and the Portfolio Holder for Planning, prior to submission by the 29 October 2020 be noted.

The meeting commenced at 10.00 am and concluded at 1.47 pm

Councillor S Gardiner (Chairman)

Application No: 19/1371N

Location: LAND OFF, MINSHULL NEW ROAD, LEIGHTON, CREWE

Proposal: Outline application for the development of up to 400 residential units (Use Class C3) and associated infrastructure and open space

Applicant: Mr M Thompson, Engine of the North Ltd

Expiry Date: 19-Jul-2019

SUMMARY

This outline application relates to part of an allocated site – LPS 4, in the adopted Local Plan Strategy and in principle is considered acceptable.

The development forms part of a comprehensive development of LPS 4 and needs to be seen in the context of development proposals for land to the north, also in LPS 4 but also in LPS 5 also on this agenda. Both applications are closely linked to the North West Crewe Package a series of highway works already approved, which provide access to this site.

The proposals are considered to be acceptable in terms of Highways, Ecology, Landscape, Public Rights of Way, Public Open Space and Environmental Considerations subject to agreed mitigation works.

Drainage proposals have been discussed extensively but at the time of writing this report have yet to be finalised. Members will be updated on this matter before Committee.

The application is subject to a viability appraisal, which is accepted, and concludes that a fully policy compliant scheme is not viable on this site when all the Section 111 requests are considered, including the required contribution to the highway works.

Whilst the Affordable Housing, Education and NHS Section 111 contributions are not being met, and as such an objection would be made by Housing, Education and the NHS, on balance the application is considered acceptable and will bring forward this important Local Plan Strategy site to help deliver housing and infrastructure for Crewe.

RECOMMENDATION

Approve subject to a Section 111 Agreement with conditions

SITE DESCRIPTION

This sizable 19.3 hectare site consists of three parcels of land sub-divided by the approved highways scheme known as the North West Crewe Package. The first and main parcel lies to the east (and north) of the road scheme and west of Minshull New Road. The northern boundary is formed by the Bloor Homes et al application and is marked by a hedgerow boundary and public footpath.

The second site is to the west and north of the new road scheme, and the western and northern boundaries are formed by the Bloor Homes et al application. Finally the third parcel of land is to the south of the road scheme, north of Leighton Brook.

The land is all currently used for agriculture and consists of a series of fields with hedgerow boundaries. Some scattered trees are found in these hedgerow boundaries, and a few within the fields. Over-head power lines cross close to the site to the north west. Whilst the land is fairly open to the west (fields with a few scattered farms), the eastern boundary, marked by Minshull New Road, forms the current outer edge of Crewe with a mix of relatively new residential properties.

The land falls away on a relatively gradual gradient towards Leighton Brook to the south. Bentley Motors lies to the south of the Brook.

There are no conservation areas on or adjoining the site, and there are no listed buildings on or adjacent to the site.

Public Footpaths - Leighton FP3 forms the northern site boundary, and Crewe FP20 cross east-west from near Middlewich Road to Minshull New Road.

PROPOSAL

The outline application is for the development of up to 400 residential units (Use Class C3) and associated infrastructure and open space. The application only seeks approval of means of access, all other matters are reserved.

The site makes up the southern part of LPS4 (the northern part being applied for by Bloor Homes et al also on this agenda).

The main elements of the proposed development consist of:

- Up to 400 residential units (Use Class C3) - 12.9ha (parcels 1 & 2)
- Green infrastructure including POS, play and ecology areas - 5 ha (parcel 3)
- Drainage and other services provision - 1.41 ha (parcel 3)

An illustrative masterplan, landscape strategy and parameters plan has been submitted in support of the application, together with a Design and Access Statement and supporting planning statement.

In addition, an Environmental Impact Assessment (EIA) was submitted with the application, and more recently a revised Flood Risk Assessment and Drainage Strategy has been issued to pick up issues raised by LLFA and UU.

RELEVANT PLANNING HISTORY

The most significant recent planning approval is for a series of Highway works:

18/6118N A proposed series of highway infrastructure measures and associated works, in the Leighton area of Crewe, and known as the North West Crewe Package - Land Between Flowers Lane Minshull New Road the A530 Middlewich Road And North Of, Pym's Lane, Crewe APPROVED March 2019

In addition there is the application on the adjacent land to the north also being considered on this agenda:

19/2178N Outline planning approval for the development of up to 850 residential units (Use Class C3), land reserved for new primary school , a local centre (Use Class A1-A4, AA, B1a, C3 and D1) and associated infrastructure and open space. - Land Off Minshull New Road and Flowers Lane, Leighton

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and recreation
Sc2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

LPS4 – Leighton West

Crewe and Nantwich Local Plan (Saved policies)

NE5: Nature Conservation and Habitats
NE9: Protected Species
NE10: New woodland planting and landscaping
NE17: Pollution Control
NE20: Flood Prevention
NE21: New Development and Landfill Sites
BE1: Amenity
BE4: Drainage, Utilities and resources
TRANS3: Pedestrians

TRANS6: Provision for cyclists
RT9: Footpaths & Bridleways

Neighbourhood Plans:

Crewe has not made any progress towards making a Neighbourhood Plan, and Minshull Vernon is at Regulation 7 Stage: Designated Neighbourhood Area, but at this stage can be given very little weight.

Other Material Considerations

The National Planning Policy Framework

National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan
Cheshire East: Strategic Flood Risk Assessment August 2013
Cheshire Landscape Character Assessment

CONSULTATIONS (External to Planning)

Environment Agency: No objections subject to conditions relating to ground contamination, and an informative relating to waste material are recommended.

Natural England: No objections are made, and they do not consider the development will damage or destroy the interesting features for which Sandbach Flashes SSSI has been notified. Further advice is given on retention and enhancement of features on site and use of the Defra Metric to calculate any potential biodiversity losses and compensation to be measured.

United Utilities: No objections, but recommend conditions relating to a drainage hierarchy, separating surface and foul drainage and Management and Maintenance of Sustainable Drainage Systems.

Cadent Gas: No comments received

National Grid: No comments received

Health & Safety Executive: The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

NHS: Extensive comments have been received setting out the requirements in the local area, and requesting a financial contribution to NHS services:

The section 106 amount of £373,968 applied for would be most beneficial if in accordance with S.106 legal triggers; 50% paid upon commencement of development and the remaining 50% paid upon completion of 90% of the dwellings.

CEC Head of Strategic Infrastructure: No objections subject to a series of highway conditions, and Section 106 contributions as follows:

- £5,500 per dwelling towards the North West Crewe Highway Improvement package.
- £100,000 towards the Leighton Hospital Cycle link.
- £5,000 for travel plan monitoring.

CEC Housing: Object on the basis only 10% affordable housing is proposed and has not yet been validated by a viability appraisal.

CEC Public Rights of Way: The development, if granted consent, would affect Public Footpaths Crewe No. 20 and Leighton Nos. 3 and 6, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. A condition requiring a public rights of way management scheme, and an informative are recommended.

CEC Environmental Health: No objections are raised subject to conditions relating to noise, lighting, air quality and contaminated land. Additionally informatives are requested in relation to construction works – including hours of operation, pile foundations, dust management and floor floating.

CEC Flood Risk Manager: Ongoing discussions are taking place with the applicant about how the scheme works with the approved road scheme and discharge rates associated with this. A number of conditions are likely to be required and will be reported in any update report.

CEC Education: To alleviate forecast pressures on Primary, Secondary and SEN provision a financial contribution of £1,756,573 is requested.

CEC Indoor Sport: A contribution of £71,500 is requested towards indoor sport provision in line with policy.

ANSA: No objections are raised but based on the submitted landscape strategy plan a range of detailed comments have been made which are set out in more detail below.

Archaeology: Whilst no objections are raised, there is a requirement for mitigation measures in view of the archaeology on site – that of the former Tottys Hall. A condition is recommended on that basis.

VIEWS OF THE TOWN/PARISH COUNCILS

Minshull Vernon and District Parish Council:

With regards to this application, the Council makes the following comments –

- 1) That no construction work be allowed outside the standard hours of 8am - 6pm Monday to Friday; and 8am – 1pm Saturday. No construction work to occur on Sundays or Public Holidays
- 2) No works to start before the new road infrastructure is complete and open to the public (planning application 18/6118N)
- 3) No deliveries outside of the above timescales and all deliveries to be off-loaded on-site
- 4) No contractors vehicles to be parked anywhere on the highway and must be parked on-site
- 5) Vehicle wheel wash facilities to be provided on-site and used for all vehicles exiting the site
- 6) S106 monies to be allocated for the community hub
- 7) No contractors vehicles to use Minshull New Road past the school (Leighton Academy)

Crewe Town Council:

The principle of residential development on this site was established through the Cheshire East Local Plan Strategy (CELPS) which was adopted in 2017. Policy LPS4 sets out the policy for the development of the Leighton West strategic site which is expected to deliver around 850 homes.

Application 19/1371N comprises the southern half of the Leighton West strategic site delivering up to 400 homes. Policy LPS4 sets out in detail how the whole strategic site should be developed and includes 13 site specific principles of development.

The submitted outline application, and its indicative plans and supporting statements fail to address many of the requirements of Policy LPS4:

(i) A masterplan is required for the whole of Leighton West, including a design code, to ensure that the development as a whole is well planned and meets the requirements of LPS4 (Policy LPS4(2)). Without a masterplan there is a risk of piecemeal development which does not meet the requirements of the Local Plan. The masterplan submitted with the application relates to the application site only and does not show, other than in respect of highway infrastructure, how it will relate to other phases, and where within the overall site various facilities required by LPS4 will be located. The Design and Access Statement submitted does include an image of a masterplan, but the image is too small to be useful. The Town Council has never been consulted on such a plan, and. It is important that the masterplan is consulted on either separately or as part of this application.

(ii) In the absence of a published masterplan, it is not possible to see how this phase of the site contributes to requirements in LPS4 for the provision of :

- a. Key worker housing for Leighton Hospital;
- b. A mixed use local centre;
- c. A bus interchange; or
- d. Geothermal infrastructure and district heating
- e. Green infrastructure including a green corridor, allotments and open space including pitches, MUGA, and equipped play spaces and facilities.

(iii) Policy LPS4 makes reference to the need for specific highway improvements. These are the subject of a separate application (resolved to be approved subject to conditions on 27 March 2019). Given that the applicant is a wholly owned subsidiary of Cheshire East Council, there should be an assessment by an independent body of the impact of the proposed development, cumulatively with other development in the area, upon the highway network taking into account the North West Crewe Package. The Town Council has particular concerns about the impact of all the developments upon Middlewich Road, taken together with the proposed closure of Pym's Lane.

(iv) As a publicly owned development site, it can, and should, be an exemplar of well-designed, environmentally friendly, sustainable development. LPS4 makes several references to the need for development to incorporate green infrastructure. The proposed indicative layout results in the loss of hedgerows and 9 trees according to the Environmental Statement. (The Financial Viability Assessment includes cost estimates for the removal of 50 trees (Appendix 3 Cost Estimate Details – Landscaping.) The layout should be designed to retain hedges and trees both for their landscape value, and their ecological value as wildlife habitats. Any approval should ensure that the detailed design and layout incorporates wildlife friendly features such as gaps under fences for hedgehogs to pass through, nesting boxes and the like.

(v) Policy LPS4 requires safe and secure pedestrian and cycle routes within the development site, and to connect the site to existing and proposed residential areas, employment areas, shops schools and health facilities, Crewe Town Centre and the Connect2 link to Nantwich. How will this application deliver or contribute to the delivery of this requirement?

(vi) Policy LPS4 also requires improved public transport links to Leighton Hospital, Crewe town centre and major employment areas. How will this application deliver or contribute to this requirement? The Travel Plan submitted as Appendix 9 to the Transport Assessment which is Appendix 13.1 of Volume 3 of the Environmental Statement notes that the existing bus services start at 8.06 arriving in Crewe at 8.21 and the last bus departs Crewe at 17.45. There is therefore no public transport provision for evening leisure activities, for workers who work staggered hours or shifts or who need to be at work for 8.00, and the services are unlikely to meet the needs of those working on major employment areas in Crewe which require onward travel from the Town Centre. The conclusion that the proposed development is highly accessible by bus is therefore incorrect.

(vii) Policy LPS4 and Policy SC5 of the CELPS require at least 30% of the homes to be affordable. The application proposes only 10% affordable housing. Engine of the North is a wholly owned subsidiary of Cheshire East Council, and it is an opportunity for the local authority to set an example by providing at least the minimum requirement of 30%, even if this means accepting a land value of less than the £6m assumed in the viability assessment submitted with the application. It is also an opportunity to set a comparable for future developments at higher level than the 10% quoted in the assessment for the David Whitby Way and Saxon Gate developments.

The Town Council therefore objects to this application in its current form for the following reasons:

1. The proportion of affordable housing is below the 30% requirement of Policy LPS4 and SC5 of the Local Plan Strategy.
2. The application should not be considered until there has been an open and transparent process to agree a masterplan for the entire LPS4 Strategic allocation to ensure that the development of the site as a whole is coherent and co-ordinated, and that all the requirements of policy LPS4 are met in a way that meets the needs of the existing and future occupiers and neighbours of the site.
3. The Town Council has concerns that the development will add to existing traffic congestion on Middlewich Road, notwithstanding the proposed North West Crewe Package, and would like to see an independent review of the applicant's assessment of the impact of the development on the highway network.
4. Provision needs to be made within the application site or the adjoining phase to the north for drop off and pick up car parking for the Leighton Academy School. Even if Minshull New Road is closed to through traffic, pick up and drop off parking along the road will continue to cause traffic problems and safety concerns.

Subject to the above objections being satisfied, any outline planning permission should be accompanied by:

- a. Conditions requiring the retention of existing trees and hedgerows, and their incorporation into the development layout.
- b. Conditions requiring the provision of a wildlife friendly design and layout.
- c. A comprehensive funded plan for cycle, pedestrian, public transport improvements linking the development to the Town Centre and major employment centres to meet the employment and leisure needs of residents.
- d. Contributions to health, education and community infrastructure within Crewe.
- e. A commitment that the development will not be commence until the full NW Crewe Package of highway infrastructure is in place.

OTHER REPRESENTATIONS

A number of local residents have written in raising the following issues:

- Lack of consideration for school provision
- Lack of consideration for GP provision and Leighton Hospital which will be subject to much greater demand.
- Loss of open countryside for the amenity of residents
- Congestion at Leighton Academy is already a problem, this will make it worse.
- Loss of wildlife and their habitats
- Geothermal resources are not being made the most of
- Lack of shops in the area
- Development should be on brownfield land in the town centre
- Concerns about the impact on air quality and traffic congestion

OFFICER APPRAISAL

Principal of Development

The site forms part of Local Plan site LPS4 Leighton West Crewe which reads:

Development at Leighton West will result in the creation of a new sustainable neighbourhood to support Leighton Hospital and provide a key site for the development of an automotive research, development and supply hub, in partnership with Bentley Motors which is located in very close proximity to the site. The development of Leighton West over the Local Plan Strategy period will be achieved through:

1. Contributions to health infrastructure and the provision of land adjacent to Leighton Hospital, for its future expansion, to ensure that the future health care needs of the area can be met;
2. The delivery of around 850 new homes (at a variety of densities). The design, density and scale of the development should reflect the fact that the site lies in a transitional location between the higher density urban area and the rural area. The surrounding development is predominantly suburban and the development of the site should reflect this. The development of the site will be masterplan-led, including a design code, which will consider its location, constraints and opportunities;
3. The inclusion of key worker housing, for the employees of Leighton Hospital;
4. The delivery of a new mixed-use local centre that will serve Leighton Hospital and nearby residents including:
 - i. Provision of retail appropriate to meet local needs;
 - ii. Community facilities;
 - iii. Public House;
 - iv. Children's day nursery;
 - v. A new primary school; and
 - vi. Leisure facilities;
5. Around 5 ha of additional employment land located at the southern end of the site including a science/energy park which could include advanced/automotive engineering and manufacturing;
6. The incorporation of green infrastructure, including:
 - i. Green corridor;
 - ii. Allotments;
 - iii. Open space including formal sports pitches, multi use games area, outdoor gym, equipped children's play space and facilities for teenagers;
7. A new bus interchange for the hospital and nearby residential areas;

8. On land to the north of Pym's Lane, there is potential for a science/energy park and delivery of a key site for the development of an automotive research, development and supply hub, working in partnership with Bentley Motors. This area also has the potential to include a geothermal plant and district heating hub;
9. The widening and/or realignment of Smithy Lane, to provide access to the site and improved access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes;
10. A package of network improvements to provide improved access to Leighton Hospital and surrounding residential development including emergency vehicles and suitable footpath and cycle lanes; and
11. An improved 'emergency portal' for blue light vehicles being able to access the hospital's Accident and Emergency Department from Smithy Lane.

The site subject to this application in effect forms a central/eastern part of this allocated site, (some 19 ha out of the 98 ha forming the allocation) with the northern part of the allocation being subject to the other application on this agenda. Whilst this application only proposes housing – up to 400 units, it makes full provision for the highways improvements with their associated footpath/cycleways and proposes the usual requirements for open space provision within the development. Most significantly however it forms part of a joint masterplan with the adjacent site and in that respect the two applications, whilst separate, need to be viewed together.

It is considered that the proposals in principle comply with the Local Plan allocation, when read as part of the masterplan, but the specific elements are considered below. The Town Council have expressed some concern about the detail set out in the masterplan and the piecemeal development of the allocated site. It is however considered that the masterplan – which covers both sites, does cover all the important considerations in the policy and it must be remembered this is an outline application and more detailed matters will be considered at the Reserved Matters stage(s).

Highway Implications

Site description and current application proposal

The site is currently undeveloped land but has the benefit of an allocation for residential development in the Cheshire East Local Plan Strategy (LPS 4).

This is an outline application for the development of up to 400 dwellings with access to the wider highway network to be determined. The internal highway network is purely indicative and will be considered at the reserved matters stage. The highway network to support this allocation was approved in March 2019 (planning ref: 18/6118) with a decision notice dated July 2019 and is referred to as the North West Crewe Highway Improvement Package (NWCHP) which is to be provided by Cheshire East Council subject to s106 contributions from development.

The highway package comprises seven new junctions in conjunction with a realigned road from the A530/Smithy Lane roundabout to a new connection onto Flowers Lane. In addition foot and cycle facilities will be provided alongside the new north south link with crossing points included that will connect to future development.

Transport Assessment

- *Sustainable access*

Pedestrian and cycle facilities from the development connect with new and existing highway infrastructure so as to encourage sustainable travel to and from the development. To ensure direct foot/cycle access to the land immediately north of the site these connections will need to be provided up to the application site boundary.

These links will enhance connectivity to the Connect2 extension scheme linking Leighton with Nantwich of which the applicant will be required to make a financial contribution. The footway and cycleway on the east side of the new spine road (as detailed on drawing no. BRJ10410-SKE-0100-201 rev T0 and BRJ10410-SKE-0100-202 rev T0) along the site frontage will need to be provided by the applicant prior to first occupation.

Access to existing bus stops along Minshull New Road is being facilitated by the above mentioned walking routes. In the future bus services may serve the new spine road and appropriate bus stop infrastructure is to be provided by development.

- *Safe and suitable access.*

The proposed junctions have been assessed under the previous NWCHP having been subject to a Road Safety Audit stage 1 along with a designer's response which has confirmed the proposed preliminary highway design is acceptable.

- *Network Capacity (trip rates/distribution/jn modelling etc)*

To assess the traffic impact of the proposed development (and other Local Plan allocations) on the highway network at the critical Monday to Friday AM & PM peaks, a SATURN and VISSIM model were utilised. Future developments (including this site) and committed highway schemes were incorporated into the models using agreed vehicular trip rates and background growth datasets. Traffic demand was distributed across the network and both models were found to successfully meet the convergence and validation criteria and therefore are considered to be acceptable for traffic modelling use.

Furthermore following the approval of the Bentley planning application (ref: 17/4011) in 2017 the model was amended to reflect the changes to the existing highway network brought about by this development namely the restriction of Pym's Lane and Sunnybank Road to through traffic.

Capacity analysis was also undertaken at key junctions not included within the VISSIM model area but would be effected by the Bentley planning application proposals.

The new junctions and links proposed under the NWCHP, to serve identified Local Plan growth (including this site), have been shown to be designed with appropriate capacity to accommodate the forecast future traffic volume at the design year of 2030. Accordingly the proposed development is acceptable subject to the NWCHP being implemented prior to the occupation of the first dwelling.

In addition to the above network modelling the applicant has undertaken capacity tests at several junctions utilising standalone modelling techniques. It is noted that the commentary around these tests states that the development results in a non-material impact at these junctions which are not agreed. For the purposes of testing the impact and hence the required mitigation the appropriate methodology is to model and implement highway network improvements as required by the Local Plan Strategy.

Travel Plan

A travel plan framework has been submitted which proposes single car occupancy reductions of 10% over the first 5 years of the development assisted by the appointment of a 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 (value up to £150) 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.

Conclusion

In conclusion, the proposed development is acceptable as the proposal includes infrastructure provision for facilitating sustainable modes of transport in the form of foot and cycle links subject to the provision of additional footway/bus stops prior to first occupation. In terms of traffic impact, comprehensive traffic modelling has taken place, informed by the modelling undertaken as part of the original site allocation process, which has demonstrated that the proposed development is found to be acceptable in terms of its traffic impact on the local highway network subject to the North West Crewe Highway Package (as approved) being in place prior to the occupation of the first dwelling and appropriate s106 contributions being secured towards its delivery.

Conditions are recommended as are Section 106 Contributions as set out at the end of the report.

Public Rights of Way/Cycle routes:

The development, if granted consent, would affect Public Footpaths Crewe No. 20 and Leighton Nos. 3 and 6, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

National Planning Policy Framework and Defra Guidance

The National Planning Policy Framework states that Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails (para 98). NPPF continues (para. 110) to state that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport.
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The application documents depict the Public Rights of Way running along the estate roads. It should be noted that any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

A condition is recommended requiring a public rights of way management plan to be approved.

It is important to highlight here that the site should not be seen in isolation, as it is an integral part of the proposed highways improvement which includes a footpath / cycleway along its length which forms the site frontage to most of this application site. The site also needs to be seen in the context of the adjacent development, also being considered on this agenda, which includes an off road footpath / cycleway – or greenway, through the area of open space to the northwest of the site. This would form the strategic link from Bentley Motors (and south to other parts of Crewe and Nantwich) to Leighton Hospital. This development would link directly to that greenway.

The Public Rights of Way team have recommended a further condition requiring a scheme of signage to footpath/cycle links.

Landscape

A Landscape and Visual Impact Assessment has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3). The assessment identifies that it has been based on a 3km radius study area (8.45) and that it is based on the submitted parameters plan –Figure 5.1 (8.61).

The appraisal identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire East Landscape Character Area (CELCA) that two Landscape Character Types (LCTs) fall within the study area; LCT 4: Cheshire East Plain and LCT 10: River Valleys. The site itself is located within the urban boundary of Crewe, although in character it is really an extension of the adjacent LCT4: Cheshire East Plain. The assessment also identifies the local landscape character of the applications site as being agricultural in nature, with regular and irregular fields with hedgerow boundaries, some of which are fragmented and occasional hedgerow trees, mostly oaks. The highest part of the application site is located towards the northern boundary and is 55m AOD, the lowest is along the southern boundary and is 44m AOD. Leighton Brook follows a route along the southern boundary of the site, part of the brook has been culverted. Footpath FP 3/1 Leighton follows the northern boundary of the site, Footpath 20/1 Crewe follows a route through the central and then western part of the site. Both these footpaths are connected by Footpath FP 6/1 Leighton located towards the western part of the site.

To the west and north of the site is the wider landscape is agricultural, to the south of Leighton Brook is Meadow Brook Cemetery and to the south west is a former landfill site and the Bentley Motor works. To the east is Minshull New Road and to the east of this is existing residential development.

The assessment identifies that this landscape has no designations and that this is an agricultural land with hedgerows and hedgerow trees and offers an assessment of effects on regional character, on local landscape character, on the site and its immediate surrounds and Queen's Park Registered Park and Garden, and gives a significance of effect during construction and at year 0 and also for year 15. These indicate negligible effects for the national and regional landscape areas, minor adverse for the local landscape character and moderate for the character of the site and surrounds. The visual assessment of effects identifies that the most significant effects will be for those residents living adjacent to the site, moderate major adverse at year 0, reducing to minor to moderate at year 15. Also for users of footpaths passing through the site, major adverse at year 0 and remaining so at year 15. Effects for other receptors such as cemetery users, road users and those at work are lower.

As an outline application the Landscape Officer broadly agrees with the landscape appraisal. The assessment indicates that it has been based on the retention of features such as trees and hedgerows, as set out in the Landscape Strategy. The Land Use and Maximum Building Heights Parameters Plan (Drawing No: 04/11/2018), this plan identifies that an extensive area to the south of the area proposed for residential development is identified for Green infrastructure. While the Illustrative Masterplan identifies some tree planting in this area, it is considered that there will need to be considerably more tree planting than has been shown, since the topography in this part of the site allows extensive views towards the growing industrial area to the south west. The residential layout as shown on the Indicative masterplan (Drawing No: 18/10/2016) is indicative and will need to pay close regard to the Cheshire East Design Guide.

Trees

The site is a series of fields divided by hedgerows with hedgerow trees. Tree cover is generally restricted to trees in the internal hedgerows and along site boundaries with a few open grown trees. Most of the trees are mature although there are some younger specimens. The southern boundary is demarked by a group of trees along the Leighton Brook. None of the tree cover is currently subject to TPO protection.

The current application is supported by an Arboricultural Assessment dated February 2019. (ES Vol 3 App 9.10) which incorporates a BS 5837 Tree survey. The survey identifies 29 trees, 5 groups, 13 hedgerows. Whilst none of the trees are cited as veterans, several trees are noted to have veteran characteristics.

The Forestry officer is aware that the roundabouts and the route of the main spine road has been approved under separate application 18/6118N. Construction of the transport link will have arboricultural impacts which have not been assessed as part of this submission.

Based on the Indicative masterplan, the assessment states that 7 trees and a length of hedgerow are likely to be removed to accommodate layout. Reference is made to the constraints posed by trees indicated for retention around the periphery of the site. A need is identified for a detailed Arboricultural Impact Assessment at reserved matters stage, together with the provision of new tree planting

With the assessment post-dating the date of the Masterplan and Indicative Landscape Strategy, it would appear that the indicative site layout may not have been informed by an arboricultural survey. This is contrary to BS 5837:2012 Trees in relation to design, demolition and construction –

Recommendations which recommends that a tree survey informs layout design. We are assured the survey is in accordance with the British Standard.

Whilst there is an assumption in the submission that up to 400 dwellings can be accommodated on the site, with no testing layout this has not been demonstrated as part of this application. For a development of this scale a testing layout would normally be required at outline stage. The application of the British Standard design principles in BS 5837:2012 would be essential to ensure the successful retention of trees and may require a reduction in the number of dwellings proposed.

Should the outline application be deemed acceptable, a condition would be appropriate to ensure that any future reserved matters application shall be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout.

Hedgerow Regulations 1997.

A copy of a Hedgerow Assessment report dated 2018 has been submitted. The report considers the wildlife and countryside criteria in the Hedgerow Regulations 1997 but not the historic criteria. It appears that several of the site boundary hedges are deemed 'Important' under the wildlife and countryside criterion.

Data in respect of the historic criteria is still outstanding. Nevertheless, officer examination of the tithe map on the Cheshire Archive and Local studies website indicates several lengths of hedges within the site edged red form part of historic field patterns and are therefore likely to be deemed 'Important' under the historic criteria. The applicant has confirmed that the hedgerows will not be impacted by this development and their retention can be conditioned.

Impacts on important hedgerows are a material consideration. CELPS Policy SE5 refers.

Ecology

Veteran Trees

The submitted ecological assessment states that mature trees present on site may be of veteran status. Veteran trees receive specific protection through the NPPF.

Statutory designated sites

The application falls within Natural England's SSSI impact risk zones. The submitted ES advises that the proposed development is not likely to have an effect on the Ramsar sites which are located between 6 and 10km away from the site or the Sandbach Flashes SSSI.

It is noted that Natural England have been consulted on this application and advised that the proposed development will not have significant adverse impacts on statutory protected sites.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. The applicant has provided a Shadow Assessment. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Crewe Swift Colony Local Wildlife Site.

The application site is located within 1km of this Local Wildlife Site. It is advised that the proposed development is likely to have a low level adverse effect on this designated site as a result of the loss of suitable swift foraging habitat. It is advised that this impact could be compensated for through the provision of new wetland features and native species planting and the provision of artificial features for nesting swifts as part of the proposed development.

Hedgerows

Native Species Hedgerows are a priority habitat and hence a material consideration. In addition Hedgerow 7 and 9 are considered to be Important hedgerows under the Hedgerow Regulations.

Hedgerow 7 is partly lost to the NWCP consent, but the Environmental Master plan for NWCP (sheet 3 of 4) shows the northern extent of this hedgerow retained and subject to supplementary planting. Based on the submitted illustrative master plan it should be feasible to retain the remainder of this hedgerow as part of the development of this site. It is not however shown as retained on the submitted Landscape Strategy Plan. It is advised that the landscape strategy plan be amended to show the retention of this section of hedgerow.

A short section of Important hedgerow 9 is lost to the NWCP consent. This hedgerow is located on the boundary of this current application so it is feasible for this hedgerow to be retained as part of the proposed development.

A section of species rich Hedgerows 8 is lost to the NWCP consent and a further section of this hedgerow would also be lost as part of the proposed development. Similarly, species rich Hedgerow 6 is unaffected by the NWCP, but a section of this hedgerow is likely to be lost to access roads as shown on the submitted illustrative master plan.

The biodiversity offsetting report submitted in support of this application advises that 470m of hedgerow would be lost as a result of the proposed development.

It is advised that in accordance with the mitigation hierarchy all of the existing hedgerows should be retained and the illustrative layout plan amended to reflect this. If the loss of hedgerow is considered unavoidable, it must be ensured that a suitable level of compensatory planting is delivered as part of the reserved matters scheme. The submitted biodiversity metric calculates that the scheme has the capacity to deliver a net gain in the value of hedgerows on site. This matter may be dealt with by means of a condition in the event that outline consent is granted.

Foraging bats

Bat activity recorded during the submitted 2015 bat survey was relatively low with a single common species of bat recorded. Surveys of the wider site however undertaken to inform the NW Crewe package application identified a sufficient number of bat species for the site to qualify as a Local Wildlife Site, which would be considered to be of County Importance. The number of bat species recorded does however to a large extent reflect the extensive nature of the area surveyed.

It is advised that the proposed development will have an adverse effect on foraging and commuting bats as a result of the loss of hedgerows and other habitats. It is advised that suitable replacement hedgerows and tree planting is required to reduce the potential impacts of the proposed development upon foraging bats. The level of compensatory habitat that can be provided on site can be quantified through the Biodiversity Metric calculated discussed below. This calculation shows an overall gain for biodiversity so impacts on foraging bats are likely to be adequately compensated for.

Trees with bat roost potential

The submitted Ground Based Bat Inspection of Trees report identified a number of trees on site with potential to support roosting bats. Based on the submitted layout plan it is anticipated that eight trees with 'moderate – high' bat roosting potential are potentially affected by the proposed development. These trees are considered to be reasonable likely to support roosting bats.

The applicant has however indicated that they would be willing to retain these trees and that this could be the subject of a planning condition in the event that planning consent is granted.

Hedgehogs and Polecat

There are records of these two priority species from the broad locality of the application site and these species may occur on site on a transitory basis. The loss of hedgerows and other semi-natural habitats on site is likely to have a localised adverse effect on these species. This effect would be reduced if suitable replacement hedgerow and native species planting along with artificial structures for these species are provided on site.

Barn owls

Barn owls are known to occur at a farm building within close proximity to the proposed development. The proposed development will result in the loss of an area of suboptimal foraging habitat and increased road traffic will result in a slightly increased risk of mortality as a result of road traffic conditions. The impact of the proposed development upon barn owls is likely to be significant in the local context.

The applicant's ecologist has provided a summary of the results of barn owls surveys undertaken over a number of years at and adjacent to the site. Barn owls were recorded as being present in 2017, but surveys of the same buildings in 2018 did not record evidence of any further activity. It is therefore recommended that an updated barn owl survey is undertaken, to include 3 specific buildings.

Badgers

An updated badger survey has been submitted in support of this application. A main badger sett has been recorded outside the red line boundary of the application. This sett will not be directly affected by the proposed development. The proposed development will however result in the loss of a significant area of potentially suitable badger foraging habitat.

A substantial area of undeveloped habitat is retained in the vicinity of the sett and a new orchard proposed that would provide a seasonal food source for badgers. It is advised that this would partly mitigate the impacts of the development upon this species.

As a number of badger setts are present in the broad locality of the application site and the status of badgers can change over time it is advised that in the event that planning consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

Lighting

The lighting of this site is likely to have a localised adverse effect on foraging and commuting bats.

To minimise any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Breeding Birds

A number of breeding bird species were recorded during the submitted surveys including a small number of species which are considered to be a priority for nature conservation, which are a material consideration for planning. The proposed development will result in the loss of habitat for these species. As with bats, it is advised that suitable replacement hedgerows and tree planting is required to reduce the potential impacts of the proposed development upon breeding birds. Whether the proposed development is able to deliver an appropriate level of compensatory habitat for nesting birds can be assessed using the Biodiversity Metric calculation below. This calculation shows a net gain for biodiversity resulting from the development so impacts on breeding birds are likely to be adequately compensated for.

Peregrine Falcon

The ES states that this bird species may be breeding at the hospital site a short distance from the application site. Further communications with the hospital however suggest that this has not been the case for 6 years. It is advised that this species is therefore unlikely to be significantly affected by the proposed scheme.

Common Toad

This priority species was previously recorded from Ponds 1 and 2 in 2015. The proposed development will result in the loss of connectivity between these ponds and the loss of terrestrial habitat. If replacement hedgerow and landscape planting is provided on site this will to a large extent compensate for the loss of terrestrial habitat. The provision of wildlife tunnels under the proposed spine road would reduce the loss of connectivity, however no additional tunnels have been proposed as part of the road scheme as this were difficult to deliver as the road scheme was at grade at that point.

Biodiversity net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and the NPPF paragraph 170 d requires planning decisions to provide net gains for biodiversity.

There is a need to provide sufficient compensatory habitats as part of the proposed development to address potential impacts on; swifts, breeding birds, foraging bats, hedgehog, polecat and common toad.

A biodiversity metric calculation has been undertaken in support of this application. The biodiversity metric assessment quantifies the residual impacts of the development and calculates in 'units' whether the proposed development results in a net loss or gain for biodiversity. In this instance the metric shows that the proposed development, including a number of habitat creation measures (detailed on the submitted Ecological Mitigation Plan), would result in a net gain for biodiversity.

The provision of specific features, such as bat and bird boxes (including specific boxes for swifts and house sparrow), features for hedgehog etc should be the subject of a condition in the event that planning permission is granted.

Habitat Management Plan

In order to ensure that any habitats on site achieve their target condition and are viable in the long term it must be ensured that if outline consent is granted a condition must be attached to ensure the submission and implementation of a method statement for the creation of the proposed habitats together with a 25 year habitat management plan with the reserved a matters application.

Site layout

As this is an outline application with all matters, save access, reserved, it is difficult to give any detailed comments on the only submitted documents, namely the Design and Access Statement, Indicative Masterplan, and Parameters Plan. The submitted Landscape Strategy plan is considered in the Public Open Space section below and landscape sections of the report.

Within the Design and Access Statement there is an illustrative layout which gives an indication as to how the site could be laid out, which is considered to give some comfort that up to 400 units can be accommodated on the site. Although as ever this ultimately depends on the mix of housing submitted and accordance with the CEC Design Guide.

The layout is to some extent constrained by the site constraints, most notably Minshull New Road to the east, and the approved new road to the south and west, but the Design and Access Statement sets out how the development should address these frontages, creating an internal road hierarchy, and utilizing and building on established landscape features notably trees and hedgerows. It is considered that these concepts will provide the building blocks on which a more detailed design can be developed at the Reserved Matters stage. A condition requiring the submission of a design code will enable the detailed design to be established at an early stage.

Public open space/play provision

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m² per family dwelling. On a development of this size we would expect to see all the POS on site.

Play Areas must enjoy natural surveillance with low level planting to assist with this. Play areas should embrace the DDA inclusivity ethos using play equipment that's creative, durable and maintainable.

Early reference to the Fields in Trust Design (FiT) Guidance is essential as a benchmark document paying particular attention to buffer zones for each of the LAP's, LEAP's NEAP's etc. Green Flag Award guidance – Raising the Standard - is also useful reference material.

The design proposes a LEAP situated in the south of the site and a further play area (item 6. shown on the plan) within the housing area.

For a development of this size (201 – 500 units) Fields in Trust recommend LAP, LEAP, NEAP contribution and MUGA – multi-use games area. This is part of CELP strategic site LPS4 which also places importance on providing the correct level of provision of formal and informal recreation.

It is therefore recommended that the NEAP is located in place of the LEAP shown on the plan with a minimum of 12 items for all age ranges. The applicant is agreeable to this change. This should enjoy a

well drained site and be in line with FiT standards. A third of the equipment should be DDA inclusive and complement existing local facilities.

A LAP should be provided within the heart of the development incorporating a low level trim trail for younger children and appropriate planting.

Detailed technical CAD plans with images including product codes for equipment, levels, surfaces, planting and infrastructure and should be submitted with the application at RM stage.

Removal of existing trees if absolutely necessary should be recycled on site in the form of art work giving the development a unique sense of place. This would depend on the type of trees being suitable for carving. If unsuitable, areas for wildlife such as log piles and bug houses could be accommodated within the area of native planting and/or habitat are shown on the plan.

Amenity greenspace must be functional, varied and flexible space, to serve the current and future needs of the community that it serves. Therefore, amenity greenspace should be a minimum width of 40m. Areas/buffers of less than 40m wide will not be considered amenity greenspace.

As far as possible POS should be linked by hard surfaced accessible traffic free routes to encourage people of all abilities to access the spaces and make the most of the recreational opportunities they present. These connections should link to the wider environment to encourage community cohesion and safe routes to important facilities or other recreational opportunities. To accommodate both pedestrian and cycle ways 3m wide paths are recommended.

There is a requirement for Recreation and Outdoor Sport (ROS) both indoor and outdoor in line with policy SC1, SC2 and SE6 in CEC Local Plan.

This should be provided in line with Cheshire East's Open Spaces Assessment, Green Space Strategy, Indoor Sports Strategy, Local Football Facility Plan and the recently updated (PPS) Playing Pitch Strategy. Both strategic sites LSP4 and LPS5 recommend sports provision should be in accordance with PPS and Policy SC2. Whilst the PPS notes the importance of local sites in more rural areas it recommends hub sites and key service centres are targeted in the more urban environment.

Full detailed hard and soft landscaping scheme along with details of the play facilities should be submitted with any reserved matters applications.

Environmental Impacts

Noise/Residential amenity

The applicant has submitted an acoustic report in support of the application. The impact of the noise from road traffic noise on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Guidance Document Calculation of Road Traffic Noise. This is an agreed methodology for assessing noise of this nature.

The report highlights that there would be a negligible to moderate impact during the construction phase of the development. Once the development is complete the proposed building façade noise levels would be not significant.

In accordance with the acoustic report and recommended by the applicant a construction management plan would be required to be submitted and approved prior to commencement.

Informatives are recommended in relation to construction hours, pile foundations and dust management.

Air Quality

Policy SE12 of the 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 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, Environmental Protection has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance Land Use Planning & Development Control: Planning for Air Quality January 2017)

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1 – Verification Year (2016);
- Scenario 2 – 2030 'without proposed development' (including the NWCP Highways Strategy);
- Scenario 3 – 2030 'with proposed development' (including the NWCP Highways Strategy); and
- Scenario 4 – 2030 cumulative assessment (proposed development and the Leighton West (North) development).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

Crewe has three Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

A development of this scale and duration would be expected to have an adequate demolition, construction and dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal and this is mentioned within the assessment as a form of mitigation.

Conditions relating to Electric Vehicle Infrastructure and Ultra Low Emission Boilers are considered necessary to ensure that local air quality is not adversely impacted for existing and future residents.

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 is for a proposed use that would be particularly vulnerable to the presence of contamination.
- Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.
- The development area is adjacent to the Pym's Lane Phase 1 and Phase 2 landfill sites. Considerable quantities of methane and carbon dioxide being produced by these landfills.
- RoC Consulting Phase I Desktop Study RoCP Ltd / RoC/ES/AS/3582 P1 (January 2019) was submitted in support of the application. The report references a Phase II investigation report also submitted in support of the application (JB/AS/ROC/p2 3582, January 2015).
- There are a range of issues that require further consideration (including further gas risk assessment) and a supplementary site investigation is required. The scope of the further investigation must be agreed with Environmental Protection prior to the fieldworks.

Conditions are recommended.

Flood Risk/Drainage

As much of the site is on heavy clay there is a known issue in the area with standing water following periods of heavy rain that needs to be addressed in any development proposals, and indeed the applicant has submitted a Drainage and Flood Risk Assessment as part of their submission.

Formal comments are awaited, however the LLFA have been involved in extensive discussions with the applicant and know the drainage proposals as part of the approved Highways scheme. Some clarification has been sought from the applicant on flow rates and a number of conditions are likely to be recommended and will be confirmed in an update report to Members.

Education

To date already approved development in Crewe is expected to create an increase of 563 additional primary aged children and 435 additional secondary aged children. Of these approved developments developer contributions have been sought to mitigate the impact on education infrastructure in accordance with the CIL Regulations. To date this equates to 336 primary children and 46 secondary children.

The development of 400 dwellings is expected to generate:

74 primary children (400 x 0.19) – 2 SEN

59 secondary children (400×0.15) – 1 SEN
5 SEN children ($400 \times 0.51 \times 0.023\%$)

The total number of dwellings proposed in the wider context of the Local Plan for this immediate area generates the requirements of a new primary school. This will be shared equally between the final total numbers of dwellings across the sites. The costs below have been derived using indicative total dwelling figures of 1250 dwellings.

The total number of dwellings proposed in the wider context of the Local Plan for this immediate area generates a large number of secondary children. The Service has an existing secondary project in the Capital programme in the immediate area that is not fully funded. The Service is seeking the remaining cost of the project (£1,254,543) to be shared equally between the final total numbers of dwellings across the sites. The costs below have been derived using indicative total dwelling figures of 1250 dwellings.

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

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

$74 \times £15,238.09$ (£3.2 Million new primary school cost / 210) = £1,127,619 (primary contribution)
 $£1,254,543 / 1250$ dwellings $\times 400$ = £401,454 (proportionate share towards new Crewe secondary infrastructure (secondary contribution)
 $5 \times £50,000 \times 0.91$ = £227,500 (SEN contribution)
Total education contribution: £1,756,573
1.9 ha of level and serviced land reserved for Education use (shared proportionately between landowners/ownership)

No objection subject to developer contribution of £1,756,573. However, without a secured contribution of £1,756,573, Children's Services raise an objection to this application.

This objection would be 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, 74 primary children, 59 secondary children and 5 SEN children would not have a school place in Crewe. The objection would be withdrawn if the financial mitigation measure is agreed.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance

with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 400 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 120 dwellings to be provided as affordable dwellings.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2041. This can be broken down to 942x 1 bedroom, 665x 2 bedroom, 269x 3 bedroom, 89x 4 bedroom and 76x 5 bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually in Crewe is for 217 dwellings per year. This can be broken down to 50x 1 bedroom, 149x 3 bedroom and 37x 4 bedroom dwellings for general needs. The SHMA also showed an annual requirement for 12x 1 bedroom and 20x 2 bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

78 units should be provided as Affordable/Social rent and 42 units as Intermediate tenure.

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should be secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

The applicant has provided a viability study that states that the site can only provide 10% Affordable Housing. This has been validated by an independent assessment.

Archaeology

The application is supported by a Heritage Assessment written by Orion heritage (January 2019) which was produced to identify the archaeological potential of the development area and to assess the need for archaeological mitigation.

The heritage assessment correctly identifies the limited potential for archaeological remains, something which has been confirmed by the evaluation of the adjacent spine road where very little archaeological remains were uncovered. However, the heritage assessment has identified Tottys Hall, a site of a former hall and garden centred on SJ6872 5716, which shows buildings associated with the site present on the 1845 tithe map.

Tottys Hall is recorded as late as 1945 via aerial photography but since then the hall has since been removed. However, there is very little evidence of further disturbance to the site of the Tottys Hall resulting in a very high probability of surviving below ground remains of the hall and its associated outbuildings (including the building which appears on the 1845 Tithe map).

This is not to say that the potential archaeological remains justify an archaeological objection to development or to necessitate further recommendations for pre-determination work. Instead it is advised that, if permission is granted for this development, the site be subjected to targeted mitigation which may be secured by condition. This work should take the form of an archaeological strip and record exercise centred on SJ 6872 5716 and extending to circa 50m x 50m.

This work which should allow the archaeological recording of any below ground remains and would result in the production of a report; this work can be secured by condition.

Viability

The application is subject to a viability assessment submitted by the applicant. This has been independently assessed and the consultants have broadly agreed to the costs as set out. In conclusion the proposals can afford to pay some £3,905,000 with 10% affordable housing. This is with a 15.36% profit which is at the bottom of an acceptable profit range (identified in national planning policy guidance at 15-20%).

The provision of 30% affordable housing would result in a profit level of 4.7% which is not viable. Notwithstanding the viability appraisal which would indicate that a lower provision is justified in planning terms, in this instance it has been determined that the applicant will however be seeking to deliver **20% affordable housing** on the site to maximise the opportunities for future CEC residents.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS

This outline application relates to part of an allocated site – LPS 4, in the adopted Local Plan Strategy and in principle is considered acceptable.

The development forms part of a comprehensive development of LPS 4 and needs to be seen in the context of development proposals for land to the north, also in LPS 4 but also in LPS 5 also on this agenda. Both applications are closely linked to the North West Crewe Package a series of highway works already approved, which provide access to this site.

The proposals are considered to be acceptable in terms of Highways, Ecology, Landscape, Public Rights of Way, Public Open Space and Environmental Considerations subject to agreed mitigation works.

Drainage proposals have been discussed extensively but at the time of writing this report have yet to be finalised. Members will be updated on this matter before Committee.

The application is subject to a viability appraisal, which is accepted, and concludes that a fully policy compliant scheme is not viable on this site when all the Section 111 requests are considered, including the required contribution to the highway works.

Whilst the Affordable Housing, Education and NHS Section 111 contributions are not being met, and as such an objection would be made by Housing, Education and the NHS, on balance the application is considered acceptable and will bring forward this important Local Plan Strategy site to help deliver housing and infrastructure for Crewe.

SECTION 111

A section 111 agreement (An agreement under the Local Government Act 1972 as the agreement is between two parts of the Local Authority and cannot be subject to a Section 106 Agreement under the Planning Acts) will accompany the application and is required to secure the following:

S106	Amount	Triggers
Affordable Housing	20% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	£1,488,500	Phased payment TBC
Health	£40,000	Phased payment TBC
Indoor recreation	£71,500	On first occupation
Outdoor recreation	Private Management Co.	On first occupation
Public Open Space	Private Management Co.	On first occupation
Highways contribution	£5,500 per dwelling	Phased payment TBC

Towards NWCP	(£5,500 x 400 units = £2,200,000)	
Highways contribution To Leighton Hospital Link	£100,000	On first occupation
Travel Plan Monitoring	£5,000	On first occupation

RECOMMENDATION

Approve subject to a Section 106 contribution and the following conditions;

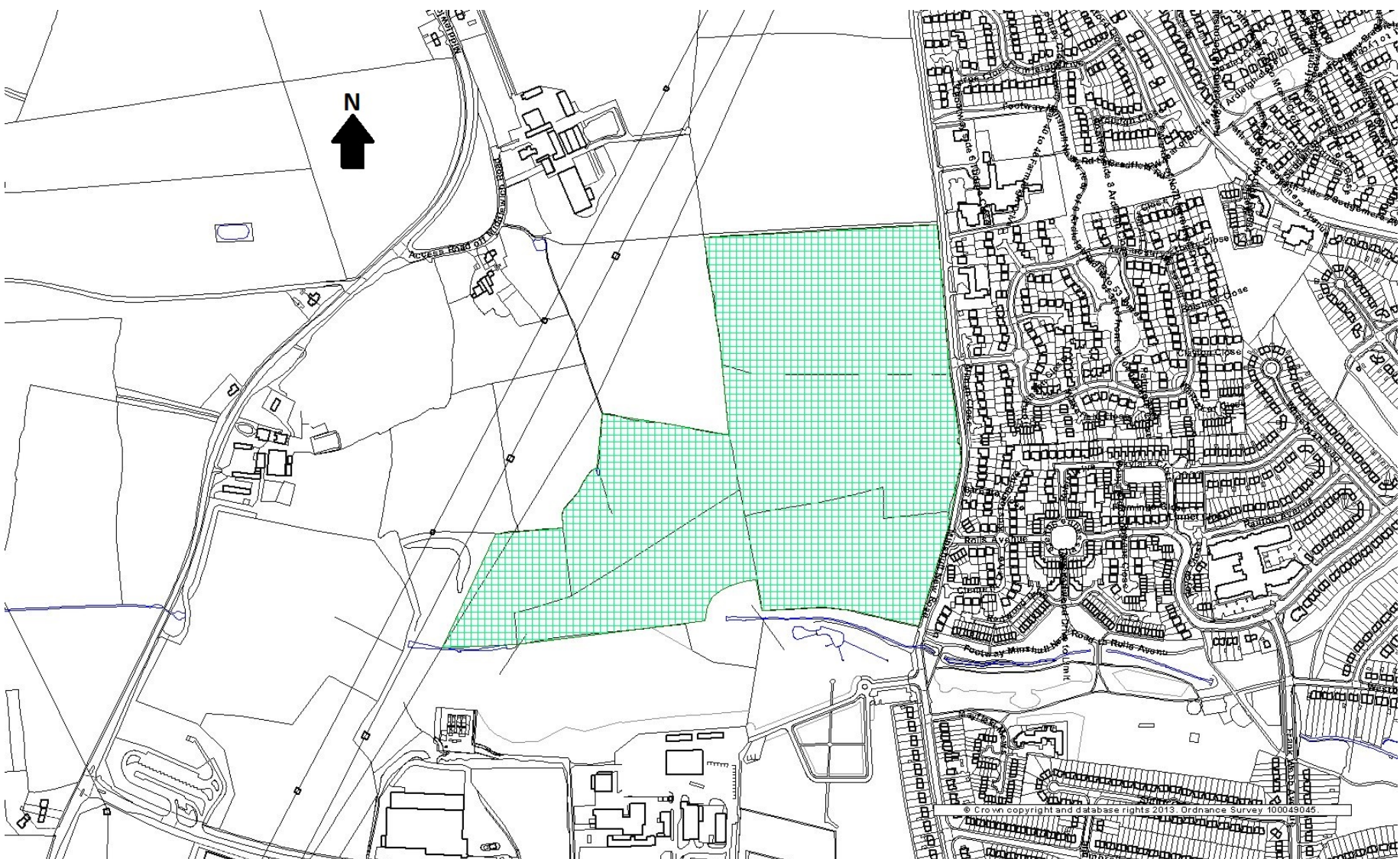
1. Outline – matters to be reserved
2. Outline – timescales
3. Approved plans
4. Phasing plan
5. Materials
6. Landscaping
7. Landscape implementation
8. Submission of an AIA at reserved matters stage
9. Tree/hedgerow protection plan
10. Surface water drainage system
11. Foul and surface water on separate systems
12. Implementation of the NW Crewe Package before first occupation
13. Implementation of highways infrastructure prior to occupation
14. Future RM application to provide unimpeded access to adjacent development to the north
15. Construction/Environmental Management plan
16. Travel plan
17. Public Rights of Way Management Scheme
18. Electric vehicle infrastructure
19. Ultra Low Emission Boilers
20. Phase II ground investigation
21. Verification report
22. Soils assessment
23. Unexpected contamination
24. Reserved matters applications to be supported by an updated badger survey and mitigation strategy.
25. Submission of a wildlife friendly lighting scheme with reserved matters applications.
26. Submission of a detailed strategy for the delivery and 25 year management of the habitat creation measures detailed on the submitted Ecological Mitigation Plan (drawing reference G7362.020A prepared by TEP) with the relevant reserved matters application. The strategy to include compensatory hedgerow planting for any hedgerows lost.
27. Each reserved matters application to be supported by proposals for the incorporation of features including, bird (swift, house sparrow) and bat boxes, hedgehog domes, brash and log piles, gaps in garden fences for hedgehog and native species planting,
28. Submission and implementation of 25 year habitat management plan with any subsequent reserved matters application.
29. Retention of all trees with bat roost potential unless otherwise agreed by the Council at the reserved matters a stage.

- 30. Retention of hedgerows (H7 and H9) on submitted plans as important hedgerows.**
- 31. Updated barn owl survey to be undertaken. The survey should include buildings B14, B31 and B39.**
- 32. Archaeology**
- 33. Levels**
- 34. Urban design coding submitted as part of RM submission in line with the Cheshire East Design Guide.**

Informatives;

- **Public Rights of Way**
- **Water Course**
- **Environmental Protection matters**

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



Application No: 19/2178N

Location: Land off Minshull New Road and FLOWERS LANE, LEIGHTON

Proposal: Outline planning approval for the development of up to 850 residential units (Use Class C3), land reserved for new primary school, a local centre (Use Class A1-A4, AA, B1a, C3 and D1) and associated infrastructure and open space.

Applicant: Bloor Homes and Galifford Try Partnership

Expiry Date: 08-Aug-2019

SUMMARY

This outline application relates to part of two allocated sites – LPS 4 Leighton West, and LPS 5 Leighton in the adopted Local Plan Strategy and in principle is considered acceptable.

The development forms part of a comprehensive development of LPS 4 and LPS 5 (which includes the approved development off Flowers Lane) and needs to be seen in the context of development proposals for land to the south, also in LPS 4 also on this agenda. Both applications are closely linked to the North West Crewe Package a series of highway works already approved, which provide access to this site.

The proposals are considered to be acceptable in terms of Highways, Landscape, Public Rights of Way, Public Open Space and Environmental Considerations subject to agreed mitigation works.

Additional information on some Ecology matters has been submitted for assessment, and Members will be updated on this in any update report.

Drainage proposals have been discussed extensively but at the time of writing this report has yet to be finalised. Members will be updated on this matter.

The application is subject to a viability appraisal, which is accepted, and concludes that a fully policy compliant scheme is not viable on this site when all the Section 106 requests are considered, including the significant contribution to the highway works.

Whilst not all the 106 Section contributions are being met, on balance the application is considered acceptable and will bring forward this important Local Plan Strategy site to help deliver housing and infrastructure for Crewe.

RECOMMENDATION

Approve subject to a Section 106 Agreement with conditions

SITE DESCRIPTION

This sizable 47.4 hectare site, consists of two main elements:

Firstly land to the south of Flowers Lane, east of the Middlewich Road (A530) and Leighton Hospital, west of Minshull New Road and north of land leading down to Leighton Brook with Bentley Motors beyond. The land is mainly agricultural and consists of several large fields separated by hedge-lines containing a few trees. Smithy Lane crosses this part of the site east-west at the northern end. The land is largely flat but begins to slope down gently towards Leighton Brook at the southern end. The most notable feature of this part of the site are the sizable overhead power lines running roughly north east to south west.

Secondly is the land to the north of Flowers Lane and north of the approved housing site referenced below. This land again consists of agricultural land, here split into two large fields separated and bordered by hedge-lines with a few scattered trees. The land is essentially flat. This site adjoins open countryside to the north with the village of Bradfield Green to the north-west.

Both sites effectively wrap around Leighton Hospital and adjoin the main Crewe settlement to the east at Minshull New Road. To the west the site adjoins a few residential properties/farms off the Middlewich Road.

There are no conservation areas on or adjoining the site, and there are no listed buildings on or adjacent to the site.

Three public footpaths cross the site, Leighton FP3 and Crewe FP20 cross east-west from Middlewich Road to Minshull New Road, and Leighton FP2 runs along the southern boundary of the northern site from Flowers Lane to Moss Lane.

PROPOSAL

The outline application seeks approval for the development of up to 850 residential units (Use Class C3), land reserved for new primary school, a local centre (Use Class A1-A4, AA, B1a, C3 and D1) and associated infrastructure and open space.

This application only seeks approval of means of access, all other matters are reserved.

The site makes up the northern part of LPS4 (the southern part being applied for by Engine of the North also on this agenda), and the northern part of LPS 5, the southern part already having planning approval under reference 16/2373N referred below.

The main elements of the proposed development consist of:

- Up to 850 Residential Units (Use Class C3)
- Land reserved for a primary school
- Up to 4,400 sqm Local Centre comprising:
 1. Retail Uses (Class A1)
 2. Professional and service uses (A2/A3/A4/A5)
 3. Offices (Use Class B1 a) and

4. Health/Creche/community facilities (Class D1)

In addition to the above, a sizable area of public open space would be created following the line of the over head power-lines, and this would contain a green link (footway/cycleway) allotments and ecology areas.

An illustrative masterplan has been submitted in support of the application, together with a Spatial Design Code setting out 4 character areas.

An Environmental Impact Assessment (EIA) was submitted with the application, and more recently an addendum issued to pick up flood risk and drainage issues raised by LLFA and UU.

RELEVANT PLANNING HISTORY

The most significant recent planning approval is for a series of Highway works:

18/6118N A proposed series of highway infrastructure measures and associated works, in the Leighton area of Crewe, and known as the North West Crewe Package - Land Between Flowers Lane Minshull New Road The A530 Middlewich Road And North Of, Pym's Lane, Crewe - APPROVED March 2019

In addition there is the application on the adjacent land to the south also being considered on this agenda:

19/1371N Outline application for the development of up to 400 residential units (Use Class C3) and associated infrastructure and open space - Land Off, Minshull New Road, Leighton, Crewe

Land to the east, also part of policy allocation LPS 5 has been granted consent:

16/2373N Outline application for the construction of up to 400 dwellings with garaging; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works. - Land At, Flowers Lane, Leighton APPROVED

This site is now subject to a current reserved matters application:

20/3210N Reserved matters approval sought for access, appearance, landscaping, layout and scale. following outline permission for the construction of up to 400 dwellings with garaging; parking; public open space; landscaping; new vehicle and pedestrian accesses; highway works, foul and surface water drainage infrastructure and all ancillary works. Land At, Flowers Lane, Leighton CURRENT

This site adjoins housing developments off Parkers Road which are now nearing completion, and whilst no reserved matters application has yet been submitted, one is anticipated in the near future.

Finally there are numerous approvals at Leighton Hospital, the most relevant being a car park on the north eastern side fronting Flowers Lane:

19/3595N Extension to the existing staff car park to accommodate 338 parking spaces with controlled access and associated landscaping on land to the north-west of Leighton Hospital. A new priority junction with controlled egress and access to the car park is proposed from Flowers Lane. - Leighton Hospital, Middlewich Road, Leighton - APPROVED

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and recreation
Sc2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

LPS4 – Leighton West

LPS5 – Leighton

Crewe and Nantwich Local Plan (Saved policies)

NE5: Nature Conservation and Habitats
NE9: Protected Species
NE10: New woodland planting and landscaping
NE17: Pollution Control
NE20: Flood Prevention
NE21: New Development and Landfill Sites
BE1: Amenity
BE4: Drainage, Utilities and resources
TRANS3: Pedestrians
TRANS6: Provision for cyclists
RT9: Footpaths & Bridleways

Neighbourhood Plans:

Crewe has not made any progress towards making a Neighbourhood Plan, and Minshull Vernon is at Regulation 7 Stage: Designated Neighbourhood Area, but at this stage can be given very little weight.

Other Material Considerations

The National Planning Policy Framework

National Planning Practice Guidance

Cheshire East Infrastructure Delivery Plan
Cheshire East: Strategic Flood Risk Assessment August 2013
Cheshire Landscape Character Assessment

CONSULTATIONS (External to Planning)

Environment Agency: No objections subject to conditions relating to ground contamination, and an informative relating to waste material are recommended.

Natural England: No objections are made, and they do not consider the development will damage or destroy the interesting features for which Sandbach Flashes SSSI has been notified. Further advice is given on retention and enhancement of features on site, and use of the Defra Metric to calculate any potential biodiversity losses and compensation to be measured.

Sport England: A range of comments were given encouraging the development of sport in the development but raising no objections.

United Utilities: No objections, but recommend conditions relating to a drainage hierarchy, separating surface and foul drainage and Management and Maintenance of Sustainable Drainage Systems.

Cadent Gas: An informative is recommended informing the applicants of their responsibilities when working in the vicinity of operational gas apparatus within the application site boundary and inform them in advance of any proposed works.

National Grid: No comments received

Health & Safety Executive: The development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Cheshire Brine: As the site is located outside of the consultation area the Board would not normally make any comments. Despite this, due to the considerable size of the development and the proximity of nearby claims, the board has assessed documentation appended to the application.

The Reports do not appear to adequately assess the risk presented to the site by the residual effects of nearby historic brine pumping, and it doesn't appear to have a Cheshire Salt Search attached to any of the submitted Reports. As this would Identify a Notice Of Damage filed for a parcel of this land, which would need investigating further.

Further information as requested has been supplied to the Board, but no reply has been forthcoming.

NHS: Extensive comments have been received setting out the requirements in the local area, and requesting a financial contribution to HNS services:

The section 106 amount of £1,011,600 applied for would be most beneficial if in accordance with S.106 legal triggers; 50% paid upon commencement of development and the remaining 50% paid upon completion of 90% of the dwellings.

The CCG also welcomes any opportunity to collaborate with both the Local Authority and developers of this project in terms of the proposed usages of the identified local centre identified within the application.

CEC Head of Strategic Infrastructure: No objections subject to a series of highway conditions, and Section 106 contributions as follows:

- £5,500 per dwelling towards the North West Crewe Highway package.
- £212,500 towards the Leighton Hospital Cycle link.
- £5,000 for travel plan monitoring.

CEC Housing: Object, on the basis it is unclear whether 30% provision is being provided.

CEC Public Rights of Way: Following the submission of additional information no objections are now made, but the development, if granted consent, would affect Public Footpaths Leighton Nos. 1, 2, 3 and 6 and Crewe No. 20, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. A condition requiring a public rights of way management scheme, and an informative are recommended.

CEC Environmental Health: No objections are raised subject to conditions relating to noise, lighting, air quality and contaminated land. Additionally informatives are requested in relation to construction works – including hours of operation, pile foundations, dust management and floor floating.

CEC Flood Risk Manager: Ongoing discussions are taking place with the applicant and comments received will be reported in any update report. It is not anticipated there will be any significant issues, but additional conditions may be required.

CEC Education: To alleviate forecast pressures on Primary, Secondary and SEN provision a financial contribution of £3,715,707 is requested.

CEC Indoor Sport: A contribution of £149,500 is requested towards indoor sport provision in line with policy.

ANSA: No objections, but detailed comments are set out below.

Archaeology: Whilst no objections are raised, there is a requirement for mitigation measures in view of the archaeology on site. A condition is recommended on that basis.

VIEWS OF THE TOWN/PARISH COUNCILS

Minshull Vernon and District Parish Council:

The Parish Council agreed to OBJECT to this application on the following grounds –

- It will lead to an increase in traffic congestion in and around the area as the increase will be in excess of any increase in capacity created by the North West Crewe Package (18/6118N). The road infrastructure is already over capacity particularly towards Crewe and Nantwich and this will exacerbate the problem, with the additional adverse effect on the environment caused by queueing traffic;
- The detrimental effect on the local countryside with the loss of the green fields and habitats;

- Increased pressure on local amenities such as schools, health services, social care, drainage, etc. Notwithstanding the additional monies being provided by the developers and it is noted that these monies will be used to support existing services, which in some cases will be a distance from the site and thus increase the traffic use on the already congested roads; and
- There is a lack of clarity regarding the provision of social housing, thus further details on this would be required to ensure that the development meets the needs of this important policy requirement.

However, in the event that the planning authority approves this application, the Parish Council insists that conditions are included to take account of the following issues, to mitigate the effects of the development –

- The North West Crewe Package (18/6118N) must be completed and open to vehicles in its entirety prior to the commencement of any works on the site;
- No construction traffic is to use Minshull New Road;
- All vehicles associated with the construction must be parked onsite, in secure compounds if appropriate, and this no parking on the highways;
- A landscaping scheme to retain the maximum amount of the existing hedgerows, trees and other natural features, whilst creating as much new green space as possible within the site;
- Following the completion of the development, the road network is continually reviewed by the highways authority and consideration given to the potential requirements for traffic calming measures;
- S106 monies are provided for the Community Hub to support the new occupiers and surrounding areas. The Parish Council held a public consultation on the 25 February regarding the Leighton West proposals. As part of this, residents were surveyed regarding the requirements of a community hub, which were as follows –

Requirement:	Support:
Community Centre	80%
Public House	25%
Retail Outlet	29%
Health Centre	58%
Play Areas including MUGA	29%
Allotments	9%

There is much support for a community centre in Leighton. There are various groups interested in setting up activities, including ground to provide activities for youth activities, seniors, craft clubs, health-related are just some of the groups who have confirmed to the Parish Councillors that they would be interested in using a community centre. The Centre would provide groups that would contribute to the health and wellbeing of all residents, reduce social isolation and provide a focal centre for the area. The Parish Council is fully committed to providing and setting a up a variety of activities and bringing the Parish Council back into the community by having a building that is more central and accessible to the public for Parish Council meetings and Councillor surgeries. The Parish Council has already ring fenced £40,000 towards the development of a community centre thus a condition for the developer to provide monies to enable a community centre to be built is essential in the interests of new and existing residents of the area and beyond.

Crewe Town Council: The Town Council would like to see this site developed as an exemplar carbon neutral or low carbon development, using geothermal energy, carbon neutral or very energy efficient buildings, and carbon offset planting.

The Town Council therefore has no objection to the principle of the development of this area, but objects to this particular application in its current form for the following reasons:

1. The absence of affordable housing clearly breaches the 30% requirement of Policy LPS 4, LPS 5 and SC5 of the Local Plan Strategy.
2. The application should not be considered until there has been an open and transparent process to agree a masterplan for the entire LPS 4 and LPS 5 Strategic allocations to ensure that the development of the site as a whole is coherent and co-ordinated, and that all the requirements of policy LPS 4 and LPS 5 are met in a way that meets the needs of the existing and future occupiers and neighbours of the strategic site.
3. The Town Council has concerns that the development will add to existing traffic congestion on Middlewich Road, notwithstanding the proposed North West Crewe Package, and would like to see an independent review of the applicant's assessment of the impact of the development on the highway network.
4. Provision needs to be made within the application site or the adjoining phase to the south for drop off and pick up car parking for the Leighton Academy School. Even if Minshull New Road is closed to through traffic, pick up and drop off parking along the road will continue to cause traffic problems and safety concerns.

Subject to the above objections being satisfied, any outline planning permission should be accompanied by:

- a. Conditions requiring the provision of a wildlife friendly design and layout.
- b. A comprehensive funded plan for cycle, pedestrian, public transport improvements linking the development to the Town Centre and major employment centres to meet the employment and leisure needs of residents.
- c. Contributions to health education and community infrastructure within Crewe.
- d. A requirement that the provision of public facilities such as the local centre, allotments, sports and play areas, together with contributions to other services such as health and education must be phased as the development progresses, and not left until it is completed or substantially completed.
- e. A commitment that the development will not be commence until the full NW Crewe Package of highway infrastructure is in place.
- f. A commitment to a carbon neutral or low carbon development.

OTHER REPRESENTATIONS

A number of local residents have written in raising the following issues:

- St.Peter's, Leighton-cum-Minshull Vernon feels a financial contribution should be made to this local community facility.
- There is no demand for more houses in Crewe
- Concerns about impacts during the construction period
- People should no play under the pylons
- Crewe doesn't have the facilities to cope with this many new residents
- Is water supply adequate to provide for these houses?
- Concern about traffic congestion on Flowers Lane
- Concerns about flooding on land which has poor drainage (heavy clay soils)
- Proper protection should be given to existing trees and hedgerows
- Property heights should be limited to 2 storey's not 3 as indicated.

- Support given for footpath/cycleways proposed but need to ensure it is segregated, and links into existing networks
- Desire to see ecological enhancement incorporated into the development
- Concern about impact on Leighton Hospital and provision of healthcare locally
- Loss of green-fields locals use for recreation – dog walking etc.
- Schools struggling to meet demand
- Loss of wildlife habitat for Great crested Newts, Bats and Ground nesting birds
- Desire to see more variety of houses proposed, and have more green credentials, EVCP's etc.
- Public transport in the area needs to be improved

OFFICER APPRAISAL

Principal of Development

The site is allocated in Local Plan policies LPS 4 and LPS 5:

LPS 4 Leighton West, Crewe

Development at Leighton West will result in the creation of a new sustainable neighbourhood to support Leighton Hospital and provide a key site for the development of an automotive research, development and supply hub, in partnership with Bentley Motors which is located in very close proximity to the site. The development of Leighton West over the Local Plan Strategy period will be achieved through:

1. Contributions to health infrastructure and the provision of land adjacent to Leighton Hospital, for its future expansion, to ensure that the future health care needs of the area can be met;
2. The delivery of around 850 new homes (at a variety of densities). The design, density and scale of the development should reflect the fact that the site lies in a transitional location between the higher density urban area and the rural area. The surrounding development is predominantly suburban and the development of the site should reflect this. The development of the site will be masterplan-led, including a design code, which will consider its location, constraints and opportunities;
3. The inclusion of key worker housing, for the employees of Leighton Hospital;
4. The delivery of a new mixed-use local centre that will serve Leighton Hospital and nearby residents including:
 - i. Provision of retail appropriate to meet local needs;
 - ii. Community facilities;
 - iii. Public House;
 - iv. Children's day nursery;
 - v. A new primary school; and
 - vi. Leisure facilities;
5. Around 5 ha of additional employment land located at the southern end of the site including a science/energy park which could include advanced/automotive engineering and manufacturing;
6. The incorporation of green infrastructure, including:
 - i. Green corridor;
 - ii. Allotments;
 - iii. Open space including formal sports pitches, multi use games area, outdoor gym, equipped children's play space and facilities for teenagers;
7. A new bus interchange for the hospital and nearby residential areas;
8. On land to the north of Pym's Lane, there is potential for a science/energy park and delivery of a key site for the development of an automotive research, development and supply hub, working in

partnership with Bentley Motors. This area also has the potential to include a geothermal plant and district heating hub;

9. The widening and/or realignment of Smithy Lane, to provide access to the site and improved access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes;

10. A package of network improvements to provide improved access to Leighton Hospital and surrounding residential development including emergency vehicles and suitable footpath and cycle lanes; and

11. An improved 'emergency portal' for blue light vehicles being able to access the hospital's Accident and Emergency Department from Smithy Lane.

Site LPS 5 Leighton, Crewe

This site lies adjacent to the Strategic Site of Leighton West. The site lies in close proximity to both Leighton Hospital and Bentley Motors; its development will result in the expansion of the new sustainable neighbourhood at Leighton West. This will provide opportunities for people to live near to the key automotive hub, to be located at the southern end of the Leighton West site and in close proximity to Bentley Motors. The development of the Leighton West Strategic Site over the Local Plan Strategy period will be achieved through:

1. The delivery of around 500 homes (at a variety of densities). The design, density and scale of the development should reflect the fact that the site lies in a transitional location between the higher density urban area and the rural area. The surrounding development is predominantly suburban and the development of the site should reflect this. The development of the site will be masterplan-led, including a design code, which will consider its location, constraints and opportunities;

2. Further road improvements to upgrade access to Leighton Hospital for emergency vehicles and suitable footpath and cycle lanes;

3. Key worker housing to be provided, for the employees of Leighton Hospital;

4. Site to be designed to complement the allocated site at Leighton West; and

5. Incorporation of green infrastructure, including:

i. A linear green corridor through the site, including the land below and adjacent to the pylons;

ii. Allotments;

iii. Open space including formal sports pitches, multi use games area; outdoor gym and equipped children's play space.

The site, subject to this application consists of the northern half of LPS5 (the southern half already benefiting from outline planning permission as referenced above) and the northern half of LPS 4, a further part of LPS4 is subject to a separate application also on this agenda. Both sites share a joint masterplan and together make up a significant part of both allocations, but with areas to the south adjoining Leighton Brook and Bentley Motors being excluded.

Highway Implications

.. The highway network to support this allocation was approved in March 2019 (planning ref: 18/6118) with a decision notice dated July 2019 and is referred to as the North West Crewe Highway Improvement Package (NWCHP) which is to be delivered by Cheshire East Council subject to s106 contributions from development.

The highway package comprises seven new junctions in conjunction with a realigned road from the A530/Smithy Lane roundabout to a new connection onto Flowers Lane In addition foot and cycle

facilities will be provided alongside the new north south link with crossing points/bus stops included that will connect to future development.

Transport Assessment

- Sustainable access

Pedestrian and cycle facilities from the development connect with new and existing highway infrastructure so as to encourage sustainable travel to and from the development. To ensure direct foot/cycle access to the land immediately south of the site these connections will need to be provided up to the application site boundary.

These links will enhance connectivity to the Connect2 extension scheme linking Leighton with Nantwich of which the applicant will be required to make a financial contribution. The footways serving the site which are not being provided as part of the NWCHP are to be provided by the applicant in accordance with the drawings conditioned within this recommendation. These measures include the provision of a toucan crossing facilitating the link between the Local Centre and the Hospital.

Access to existing bus stops along Minshull New Road is being facilitated by the above mentioned walking routes. In the future bus services may serve the new spine road and appropriate bus stop infrastructure, (detailed on drawing no. BRJ10410-SKE-0100-203 rev T0), will need to be provided by the applicant prior to first occupation.

- Safe and suitable access.

The proposed junctions have been assessed under the previous NWCHP having been subject to a Road Safety Audit stage 1 along with a designer's response which has confirmed the proposed preliminary highway design is acceptable.

- Network Capacity (trip rates/distribution/jn modelling etc)

To assess the traffic impact of the proposed development (and other Local Plan allocations) on the highway network at the critical Monday to Friday AM & PM peaks, a SATURN and VISSIM model were utilised. Future developments (including this site) and committed highway schemes were incorporated into the models using agreed vehicular trip rates and background growth datasets. Traffic demand was distributed across the network and both models were found to successfully meet the convergence and validation criteria and therefore are considered to be acceptable for modelling predicted traffic impact.

Following the approval of the Bentley planning application (ref: 17/4011) in 2017 the model was amended to reflect the changes to the existing highway network brought about by this development namely the restriction of Pym's Lane and Sunnybank Road to through traffic.

Capacity analysis was also undertaken at key junctions not included within the VISSIM model area, but would be effected by the Bentley planning application proposals.

The new junctions and links proposed under the NWCHP, to serve identified Local Plan growth (including this site), have been shown to be designed with appropriate capacity to accommodate the forecast future traffic volume at the design year of 2030. Accordingly the proposed development is acceptable subject to the NWCHP being implemented prior to the occupation of the first development.

In addition to the above network modelling the applicant has undertaken capacity tests at several junctions utilising standalone modelling techniques. It is noted that the commentary around these tests states that the development results in a non-material impact at these junctions which are not agreed. For the purposes of testing the impact and hence the required mitigation the appropriate methodology is to model and implement highway network improvements t as required by the Local Plan Strategy.

Travel Plan

A travel plan framework has been submitted which proposes single car occupancy reductions of 10% over the first 5 years of the development assisted by the appointment of a 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 (value up to £150) 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.

Conclusion.

In conclusion, the proposed development is acceptable as the proposal includes infrastructure provision for facilitating sustainable modes of transport in the form of foot and cycle links subject to the provision of additional footway/bus stops prior to first occupation. In terms of traffic impact, comprehensive traffic modelling has taken place, informed by the modelling undertaken as part of the original site allocation process, which has demonstrated that the proposed development is found to be acceptable in terms of its traffic impact on the local highway network subject to the North West Crewe Highway Package (as approved) being in place prior to the occupation of the first dwelling and appropriate s106 contributions being secured towards its delivery.

Conditions and Section 106 contributions are recommended.

Public Rights of Way/Cycle routes:

The development, if granted consent, would affect Public Footpaths Leighton Nos. 1, 2, 3 and 6 and Crewe No. 20, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The National Planning Policy Framework states that Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails (para 98). NPPF continues (para. 110) to state that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport...
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

The proposed development would have a direct and significant effect on the Public Rights of Way, which constitutes a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

It should be noted that any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

Conditions are recommended requiring a footpath management plan to be agreed, and for a signage scheme to be agreed before any units are occupied.

Finally the PROW Team want to use this opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc.

In this respect the Illustrative Masterplan indicates the provision of footpath/cycleways through the site linking the school, local centre and housing areas together, together with linkages into Crewe, Leighton Hospital and south to Bentley Motors and beyond. Whilst this plan is only illustrative, it does give an indication as to how the network can be designed and would need to be looked at in more detail as part of any reserved matters submission.

Landscape

A Landscape and Visual Impact Assessment has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3). The assessment identifies that it has been based on a 3km radius study area (8.43) and that it is based on the submitted parameters plan –Figure 5.1 (8.63).

The appraisal identifies the National Character Area (NCA 61) – Shropshire and Staffordshire Plain and that in the Cheshire East Landscape Character Area (CELCA) that two Landscape Character Types (LCTs) fall within the study area; LCT 4: Cheshire East Plain and LCT 10: River Valleys. The site itself is almost entirely located within LCT 4: Cheshire East Plain, specifically LCA 4d: Wimboldsley, apart from one small area along the eastern boundary that lies within the Urban area. The assessment also identifies the local landscape character of the applications site as being agricultural in nature, comprising a number of small and medium sized fields which area largely regular in shape with well maintained hedgerow boundaries and hedgerow trees, mostly oaks; with some mature trees within fields, which are remnants of former hedgerows. The application site is relatively flat, ranging from approximately 50-55m AOD, sloping towards Leighton Brook to the south of the site. A double row of pylons cross the site from the northeast to southwest. Footpath FP 2/1 Leighton follows a route across the central part of the site (east to west); Footpath 1/1 Leighton terminates just to the west of the site boundary in the north of the site. Footpath FP 3/1 Leighton cuts across the southern part of the site (east to west)and Footpath FP 6/1 Leighton cross the southern part of the site (south to north).

Flowers Lane follows a route along the north western part of the site and separates the northern section of the site from the remainder of the site. Minshull New Road forms the eastern boundary; Middlewich Road follows a short section of the western boundary. Leighton Hospital is located to the north west of the site; Mile House and a number of other residential properties are located to the west of the site along the Middlewich Road; to the east of Minshull New Road is the western extent of Crewe. To the south of the site is Leighton Brook, part of which is culverted and to the south of the brook is the Meadow Brook Cemetery and the Bentley Motor Works.

The assessment identifies that this landscape has no designations and that this is an agricultural land with hedgerows and hedgerow trees and offers an assessment of effects on regional character, on local landscape character, on the site and its immediate surrounds. The assessment identifies that the susceptibility of the local landscape as being medium and of the site as low, with the landscape sensitivity identified as being medium for the local landscape and low for the site. The landscape assessment identifies a negligible effect on the regional landscape character, a minor adverse effect on the local landscape – remaining as moderate after 15 years and a moderate adverse effect on the site and surrounds – remaining as moderate after 15 years. The visual assessment identifies that for a number of footpaths FP 3/1 and FP 6/1 there will be moderate to major adverse effects, reducing to moderate adverse after 15 years, and moderate adverse effects for Leighton Hospital and parts of Minshull New Road, reducing to negligible/minor and minor to moderate respectively. The assessment identifies that there would be major effects for residents along part of Minshull New Road, and moderate for residents along Flowers Lane and in a number of nearby farms; the assessment indicates that these effects would reduce after 15 years.

This is an outline application, and the Council's Landscape Architect broadly agrees with the landscape and visual assessments. The assessment indicates that it has been based on the retention of features such as trees and hedgerows, as set out in the Landscape Strategy and the Land Use and Maximum Building Heights Parameters Plan (Drawing No: 614A-06G), this plan identifies areas of green infrastructure along the northern boundary of the site and also following the route of the electricity pylons through the central part of the application site. It should be noted that the establishment of any plant structure larger than shrubs may not be possible along the pylon corridor. The residential layout as shown on the Illustrative Masterplan (Drawing No: 614A-01N) is indicative and will need to pay close regard to the Cheshire East Design Guide.

Trees

The application has identified approximately 15ha of the site for landscaping, green infrastructure and open space, with proposals for native planting, allotments and a community orchard. Ecological measures will include the planting of 200 trees and 1.31 ha of woodland and 3017 metres of hedgerow

The application is supported by an Arboricultural Assessment (TEP 7362.02.001 dated January 2019)

The Cheshire East Borough Council (Crewe – Land to the West of Moss Lane) Tree Preservation Order 2017 protects selected individual and groups of trees along and adjacent to the eastern boundary within the northern field parcel to the east of Leighton Hospital.

The Assessment has identified 158 individual trees, 28 groups of trees and 24 hedges within or immediately adjacent to the site, with the northernmost section of the site having the greater density of tree cover. Trees have been assessed in accordance with the tree quality assessment categories in

BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations (Table 1) . A breakdown of these quality categories identifies 34 individual trees and 1 group as High (A) category; 81 individual and 21 groups as Moderate (B) category , 40 individual trees and 5 groups as Low (C) category and 3 individual trees and 1 group as unsuitable for retention (U) category.

One tree, an Oak (T133) located within the south- eastern field parcel to the west has been identified as Veteran status

The Assessment considers the impact on these trees based upon the Masterplan layout which is shown on Drawing 2 Tree Conflict Plan. Para 5.13 states that 16 individual trees and 6 groups or parts of groups would likely need to be removed and are shown on Drawing 3 . Drawing 3 is not included as part of the Arboricultural Assessment nor has a summary of the breakdown of the tree losses under the relevant quality categories been provided, therefore it is not possible to determine at this stage the significance of these losses.

The Assessment has identified four individual trees and 3 groups of trees which are protected by the TPO which may be influenced by the development. Of these, one Group comprising of 2 Oak (G7 and G2 of the TPO) will result in the loss of one or both trees due to a proposed access to the east of the site.

It is noted that the identified Veteran Status tree Oak (T133) located on the line of the proposed link road between the two roundabouts to the north and south of the site and would need to be removed to accommodate the road and associated infrastructure. The route of the link road forms part of the highway infrastructure measures approved under 18/6118N

Para 5.19 suggests that tree losses could be reduced and designed out at future reserved matter stages, particularly with regard to High (A) category trees. The Assessment specifically states that A category trees should be retained in plans for future development (para 5.5) . Local Plan Policy SE 5 states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. This can include moderate (B) category trees which have potential to reach Category A.

Any future reserved matters application must fully consider the design considerations detailed in sections 5.2 and 5.3.4 of BS5837:2012 as part of site planning for development and include existing and proposed levels, and proposed services

Should planning permission be granted a condition should be attached which requires the submission of an Arboricultural Impact Assessment.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones. It is noted that Natural England have been consulted on this application and raised no objection to the proposed development.

Non Statutory Sites

The Crewe Swift Colony Local Wildlife Site (LWS) is located to the south east of the application site. There will be no direct impacts on the LWS, however the proposed development may result in the loss of some suitable foraging habitat for birds associated with it. It is advised that the habitat creation measures proposed as part of this outline application would be sufficient to compensate for this impact.

Phase One Habitat Survey and Grassland Habitats

Whilst a drawing showing the results of the phase one habitat plan has been submitted in support of this application, a report of the results of the Phase One habitat survey does not appear to have been provided. The results of the survey are however reported in the Ecology chapter of the Environmental Statement (ES).

The majority of the grassland habitats recorded on site are improved agricultural grasslands with limited botanical interest. There is however an area of semi-improved grassland in the south western corner of the site. It was advised that a botanical species list including abundance data for each species recorded on the DAFOR scale should be provided for this habitat. This has been submitted and comments on this are awaited and will be reported in any update report.

Badgers

A single badger sett was recorded during the submitted survey. This sett is located sufficiently far away from the redline of the application as not to be directly affected by the proposed development. The proposed development will however result in the loss of a significant area of badger foraging habitat. This would have a localised adverse effect on badgers. This effect would be partly mitigated through the creation of semi-natural habitats in the area of land beneath the pylons.

As the status of badgers on site can change in a short time scale and the precise impacts resulting from the development of the site will depend upon the layout proposed at the detailed design phase it is recommended that if outline planning consent is granted a condition should be attached which requires the submission of an updated badger survey in support of any future reserved matters application.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition Hedgerows 4, 9, 10, 17 and 18 were assessed as being Important under the Hedgerow Regulations. Based upon the submitted illustrative masterplan it appears likely that Important hedgerows 4 and 9 would be affected by the proposed development.

It was advised that the illustrative master plan should be amended to retain as much of the existing hedgerows as possible and hedgerow 9 in particular should be retained within a suitable corridor of open space. It is however acknowledged that there is some information provided on this matter as part of the submitted ES. Should permission be granted it is advised that a condition should be attached requiring an updated hedgerow impact assessment maximising any retained hedgerows.

The submitted ecological assessment identifies a total of 5589m of hedgerow on site, 470m of which is anticipated as being lost. 3017m of new hedgerow planting is proposed to compensate for that lost.

Bats

Roosting

The submitted Ecological Assessment identified a number of trees on site with potential to support roosting bats. It is advised that a further assessment is required to determine which trees with 'moderate – high' bat roosting potential are likely to be affected by the proposed development. Further surveys of any such trees should then be undertaken to establish the presence/absence of roosting bats. To enable the Council to determine this application in accordance with its policy and statutory obligations a report of this survey should be submitted prior to the determination of this application. The applicant has submitted additional information on this and comments on this are awaited and will be reported in any update report.

Foraging and commuting

Surveys of the wider locality undertaken to inform the NW Crewe package application identified a sufficient number of bat species for the NW Crewe package site to qualify as a Local Wildlife Site, which would be considered to be of County Importance. The number of bat species recorded does however to a large extent reflect the extensive nature of the area surveyed.

The proposed development will result in the loss of suitable bat foraging habitat including hedgerows and trees. Replacement planting and the habitat creation areas are proposed for the land beneath the Pylons. In order to ensure that any loss of habitat for foraging bats is adequately compensated for it must be ensured that adequate compensatory habitat is provided in relation to that lost. This can be quantified through the use of the Defra biodiversity metric as discussed below.

Great Crested Newts

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

Common Toad

Common toad, a priority species and hence a material consideration, was recorded at two ponds (P1 and P2). The submitted Ecological Assessment states that impacts on common toad are likely to be significant at the Local level. Connectivity between the two known breeding ponds would be lost as a result of the construction of the NE Crewe package. The current proposals would however result in the further loss of terrestrial habitat associated with pond 1.

A new pond, hedgerow planting and species rich grassland is proposed as part of the outline planning application. It is advised that this would go towards compensating for the loss of habitat for this species. It was advised however than a new pond, accessible to amphibians associated with pond 1 should be added to the submitted illustrative master plan. This has been submitted and comments on this are awaited and will be reported in any update report.

Barn owls

Barn owls have previously been recorded as breeding at a building located in close proximity to the proposed development. The most recent surveys however did not record any evidence of current breeding activity.

The proposed development will result in the loss of a significant area of poor quality barn owl foraging habitat. The submitted Ecological assessment states that the loss of foraging habitat for barn owl is likely to be significant at the Local Level.

The proposed development has the potential to result in the disturbance of barn owls during the construction phase. Based on the current status of barn owls at this building a significant impact would not be likely to occur.

However as barn owls may return to this building in future years it is recommend that a condition be attached requiring any future reserved matters application to be supported by an updated barn owl survey and mitigation strategy.

Hedgehogs and Polecat

There are records of these two priority species from the broad locality of the application site and these species may occur on site on a transitory basis. The loss of hedgerows and other semi-natural habitats on site is likely to have a localised adverse effect on these species. This effect would be reduced if suitable replacement hedgerow and native species planting along with artificial structures for these species are provided on site. The provision of these types of features is currently being proposed for the land beneath the Pylons.

Breeding Birds

The application site supports a number of species of breeding birds. Including a number of more widespread priority species. These species are a material consideration for planning. In order to ensure that any loss of habitat for priority birds is adequately compensated for it must be ensured that adequate compensatory habitat is provided in relation to that lost. This can be quantified through the use of the Defra biodiversity metric as discussed below.

Peregrine falcon

Anecdotal evidence suggests that this protected bird species may be breeding at the hospital site a short distance from the application site. Further communications with the hospital however suggest that this has not been the case for 6 years. It is advised that this species is therefore unlikely to be directly affected by the proposed development.

The proposed development will result in some loss of foraging habitat for this species, this would be partly compensated through the habitat creation proposed on site. The likely impacts on the foraging activity of this species are however difficult to fully predict.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

Lighting

The lighting of this site is likely to have a localised adverse effect on foraging and commuting bats.

To minimise any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA. Suggested condition below:

Net gain for biodiversity

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. A number of habitat creation proposals have been submitted with this outline application. It is recommended the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy. The areas of habitat creation required will however depend on the outcome of the Defra biodiversity metric calculation:

Habitat Management Plan

If outline planning consent is granted a condition should be attached requiring the submission and implementation of a 25 year habitat management plan.

Urban design/site layout

The application has been discussed with officers prior to its submission and has been submitted with a detailed design and access statement together with an illustrative masterplan, spatial design code, parameters plan and landscape strategy plan.

Within the Design and Access Statement there is an illustrative layout which gives an indication as to how the site could be laid out, which is considered to give some comfort that up to 850 units, together with the local centre, can be accommodated on the site. Although as ever this ultimately depends on the mix of housing submitted, and the range of uses in the local centre. It will also depend upon the compliance of the scheme with the CEC Design Guide and Building for Healthy Life (BHL) principles.

The layout is to some extent constrained by the site constraints, most notably Flowers Lane and the settlement boundary to the north, Minshull New Road to the east, and the approved new road through the site, but the Design and Access Statement sets out how the development should address these frontages, creating an internal road hierarchy, and utilizing and building on established landscape features notably trees and hedgerows. The local centre is located centrally adjacent to the hospital which is considered to be the optimum location. It is considered that these concepts will provide the building blocks on which a more detailed design can be developed at the Reserved Matters stage. A

condition requiring a design code to be formulated prior to the detailed submission will also set out the design principles to be adopted across the whole site.

Local Centre

The application proposes a local centre (Use Class A1-A4, AA, B1a, C3 and D1- under the old Uses Classes Order) in line with the Local Plan policy. The detail will need to be dealt with at the Reserved Matters, however it is considered important at this stage to limit the floor space being provided, and the size of units to ensure that a range of local shops/services is provided to meet local needs and avoid a single use that would limit provision. This matter should be conditioned.

The Parish Council has suggested a community centre be provided in the centre, which this proposal does not specifically supply, but could be provided as one of the uses. No specific funding is identified, but this would be difficult without some idea of costings, which of course is dependent on size and range of facilities intended.

Environmental Impacts

Noise / residential amenity

. Noise and vibration impacts have been considered within the noise and vibration assessment submitted in support of the application.

The assessment considered the potential for noise and vibration associated with the proposed development to impact on existing sensitive receptors during its construction and completed development phases, and at future sensitive receptors, formed as part of the proposed development. There are moderate adverse impacts predicted at medium and high sensitivity receptors, due to the proximity of some construction works. Impacts were also predicted to be negligible to minor adverse at sensitive receptors, from vehicle movements on the completed development.

As such, a condition requiring the submission of a noise impact assessment as part of any reserved matters application is necessary in order for this application to be approved.

Lighting

The Baseline Lighting Assessment submitted indicates that effective impact management can be achieved by ensuring lighting performance meets current best practice functional requirements and environmental guidelines. Therefore to ensure that the overall artificial lighting impacts associated within the proposed development on the surrounding area are minor adverse, as stated in the assessment, Environmental Protection recommend a condition requiring the submission of lighting details prior to installation.

Air Quality

Policy SE12 of the 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 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance Land Use Planning & Development Control: Planning for Air Quality January 2017)

The applicant's submitted report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1 – Verification Year (2016);
- Scenario 2 – 2030 'without proposed development' (including the NWCP Highways Strategy);
- Scenario 3 – 2030 'with proposed development' (including the NWCP Highways Strategy); and
- Scenario 4 – 2030 cumulative assessment (proposed development and the Leighton West (South) development).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

Crewe has three Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

A development of this scale and duration would be expected to have an adequate demolition, construction and dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal and this is mentioned within the assessment as a form of mitigation.

Conditions relating to electric vehicle charging and ultra low emission boilers are considered necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Contaminated land

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

- RoC Consulting Phase 1 Desktop Study report RoCP Ltd /ES /3582 p1 (16/01/2019) was submitted in support of the application.
- The report identifies a number of potential pollutant linkages that require further investigation. The report recommends that a Phase II investigation is conducted at the site.

- A rigorous monitoring-based ground gas risk assessment will be required to assess the potential impact of ground-gas migration from the landfills adjacent south.

Conditions are recommended.

Flood Risk/Drainage

The proposals are very closely linked to the approved road scheme, as this has been designed to accommodate much of the flows, and has been discussed in some detail with the applicant. At the time of writing the report no formal comments have been received from the LLFA as they were seeking some clarification of flow rates, however it is understood this matter is close to resolution and Members will be updated before Committee.

Public Open space

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m² per family dwelling. On a development of this size all the POS should be provided on site.

Play Areas must enjoy natural surveillance with low level planting to assist with this. Play areas should embrace the DDA inclusivity ethos using play equipment that's creative, durable and maintainable.

Early reference to the Fields in Trust Design Guidance is essential as a benchmark document paying particular attention to buffer zones for each of the LAP's, LEAP's NEAP's etc. Green Flag Award guidance– Raising the Standard - is also useful reference material.

The design proposes a NEAP situated near the primary school site, a LEAP adjacent to the PRow on the Southern boundary, LAP's that do not necessarily require fixed equipment (amenity green space), however these can accommodate 3 items of equipment.

For a development of this size (500+) Fields in Trust recommend LAP, LEAP, NEAP and MUGA – multi-use games area. These are also incorporated into the CELP but in addition require facilities for teenagers and outdoor gym.

It is therefore recommended the LEAP located near the primary school site is predominately targeted at the 2 – 10 years of age. Natural elements can be incorporated such as boulders but should not be a substitute for equipment. Wooden equipment with steel feet for durability could be used giving a natural feel.

A destination playground incorporating a NEAP and MUGA (see Sport England specification) should be located close to the local centre. Floodlighting is recommended to maximise the potential use of the MUGA. Teen facilities should also be considered here such as a 'hang out' shelter, skate/bmx facility. The NEAP should cater for all age ranges and enjoy a flat accessible surface.

Six LAP's should be provided throughout the site with one containing equipment adjacent to the PRow on the Southern boundary.

Detailed technical CAD plans with images including product codes for equipment, levels, surfaces, planting and infrastructure and should be submitted with the application at RM stage.

A green gym could be provided through the linear walkway detracting from the overhead powerlines giving further interest.

Removal of existing trees if absolutely necessary should be recycled on site in the form of art work giving the development a unique sense of place. This would depend on the type of trees being suitable for carving. If unsuitable, areas for wildlife such as log piles and bug houses could be accommodated.

Amenity greenspace must be functional, varied and flexible space, to serve the current and future needs of the community that it serves. Therefore, amenity greenspace should be a minimum width of 40m. Areas/buffers of less than 40m wide will not be considered amenity greenspace.

Allotment provision requires thoughtful planning. The potential for conflict between allotment tenants and neighbouring residents needs careful consideration particularly around the management of the site, boundary treatments and supporting facilities such as parking. Accessible hard surfaced paths should be incorporated and consideration for raised beds for the less able community should be accommodated. Fencing, storage, water supply and delivery area should also be a consideration. Allotment provision is normally managed by the Town/Parish Council or by an Allotment Association therefore discussions will need to take place should this application be accepted in principle.

Where POS overlaps with other requirements for example, ecological habitat or drainage swales and ponds, conflicting uses and maintenance regimes will limit the flexibility and therefore value for any of these purposes. Careful consideration of proposed uses and maintenance requirements at the outset will help to avoid these conflicts.

As far as possible POS should be linked by hard surfaced accessible traffic free routes to encourage people of all abilities to access the spaces and make the most of the recreational opportunities they present. These connections should link to the wider environment to encourage community cohesion and safe routes to important facilities or other recreational opportunities.

All POS should reflect local wildlife/heritage/culture to create distinctive, high quality spaces that compliment and strengthen the identity of the overall development and wider community, encouraging community cohesion.

There is a requirement for Recreation and Outdoor Sport (ROS) both indoor and outdoor in line with policy SC1, SC2 and SE6 in CEC Local Plan.

This should be provided in line with Cheshire East's Open Spaces Assessment, Green Space Strategy, Indoor Sports Strategy, Local Football Facility Plan and the recently updated (PPS) Playing Pitch Strategy. Both strategic sites LSP4 and LPS5 recommend sports provision should be in accordance with PPS and Policy SC2. Whilst the PPS notes the importance of local sites in more rural areas it recommends hub sites and key service centres are targeted in the more urban environment. Therefore, contributions to enhance key service centres within Crewe are sought at £1000 per family dwelling or £500 per 2 bed space plus apartment.

A full detailed hard and soft landscaping scheme along with details of the play facilities should be submitted as part of any reserved matters application.

Education

To date already approved development in Crewe is expected to create an increase of 563 additional primary aged children and 435 additional secondary aged children. Of these approved developments developer contributions have been sought to mitigate the impact on education infrastructure in accordance with the CIL Regulations. To date this equates to 336 primary children and 46 secondary children.

The development of 850 dwellings is expected to generate:

158 primary children (850×0.19) – 4 SEN
125 secondary children (850×0.15) – 3 SEN
10 SEN children ($850 \times 0.51 \times 0.023\%$)

The total number of dwellings proposed in the wider context of the Local Plan for this immediate area generates the requirements of a new primary school. This will be shared equally between the final total numbers of dwellings across the sites. The costs below have been derived using indicative total dwelling figures of 1250 dwellings.

The total number of dwellings proposed in the wider context of the Local Plan for this immediate area generates a large number of secondary children. The Service has an existing secondary project in the Capital programme in the immediate area that is not fully funded. The Service is seeking the remaining cost of the project (£1,254,543) to be shared equally between the final total numbers of dwellings across the sites. The costs below have been derived using indicative total dwelling figures of 1250 dwellings.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 10 children expected from The Land Off Minshull New Road and Flowers Lane application will exacerbate the shortfall. The 7 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 3 SEN children are expected to be 2 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$158 \times £15,238.09$ (£3.2Million new primary school cost / 210) = £2,407,618 (primary contribution)
 $£1,254,543 / 1250$ dwellings $\times 850$ = £853,089 (proportionate share towards new Crewe secondary infrastructure (secondary contribution)
 $10 \times £50,000 \times 0.91$ = £455,000 (SEN contribution)
Total education contribution: £3,715,707
1.9 ha of level and serviced land reserved for Education use (shared proportionately between land owners/ownership)

No objection subject to developer contribution of £3,715,707. However, without a secured contribution of £3,715,707, 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, 158 primary children, 125 secondary children and 10 SEN children would not have a school place in Crewe. The objection would be withdrawn if the financial mitigation measure is agreed.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 850 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 255 dwellings to be provided as affordable dwellings.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2120. This figure can be broken down to 983x 1 bedroom, 681x 2 bedroom, 278x 3 bedroom, 96x 4 bedroom and 82x 4+ bedroom dwellings.

The Cheshire Homechoice data can be further split to the following:

1602x are looking for a House.

680x are looking for a Bungalow.

158x are looking for a Maisonette.

349x are looking for Flats/Bedsits.

In Crewe that are currently 94 applicants who require over 55 Accommodation. Of these 94, 10 require Extra Care and 30 require Sheltered Accommodation.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in Crewe was for 50x 1 bedroom, 149x 3 bedroom and 37x 4+ bedroom dwellings for General Needs. The SHMA also showed an annual requirement for 12x 1 bedroom and 20x 2 bedroom for Older Person's. The dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes.

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with

the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

Housing prefer that the affordable housing meets the HCA's housing quality indicator (HQI) standards.

The preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing.

If 30% affordable housing is not provided Housing object to the application unless validated viability information is provided to set out why not. As discussed below the viability has been assessed and the development of this site can only stand 10% affordable housing will an allowance for the other 106 contributions.

Archaeology

This substantial residential and landscaping development will have a dramatic impact on the landscape and any below ground remains which may be present.

After reviewing the extensive supporting documentation for this application, which included a Heritage Statement authored by Orion Heritage, and reviewing the historical information held on Cheshire Historic Environment Record, it has become clear that there are archaeological considerations which will need to be addressed for this development.

Previous consultations provided by APAS have offered some insight into the potential archaeological remains that this proposed development will impact. Earlier advice relating to application 18/6118N in 2018 noted that there are two township boundaries within the proposed development area. Furthermore it was noted that the presence of the WWII crash site within the proposed development area. Archaeological mitigation was recommended to address the township boundaries.

Further comments were made in 2017 in relation to a pre application consultation, and identified the presence of tithe buildings within the East of the application area, relating to Finger Post Farm. At the time a programme of archaeological mitigation was recommended to address these tithe buildings.

The historical statement report supplied by Orion Archaeology indicates in section 10.79 that there are no substantial archaeological remains and therefore there *No archaeological mitigation is warranted*. The report does note the presence of the WWII crash site, but neglects to mention the two township boundaries, the tithe buildings in association with Finger Post Farm, or the tithe buildings located to the West of the development area. Subsequently, there clearly is a requirement for archaeological mitigation in order to address and record these tithe buildings and township boundaries.

The area of the WWII crash site, The Wellington X3547 was recorded as crashed within the study area on 20th of March 1943. Any work in the vicinity of the crash site will require a Ministry of Defence license. There has been a previous license issued for this site, relating to the construction of the spine road, however, this has since expired and the applicant will need to apply for a new license in relation to this current proposed development. It is advised that this could form part of the program of archaeological mitigation and the license obtained on behalf of the applicant by the contract archaeological unit.

Given the presence of the tithe buildings, township boundaries and the crash site, it is clear that despite the comments in 10.79 of the Heritage Statement, there is a requirement for archaeological mitigation for this proposed development. This mitigation should include the following:

- Formal section across the northern Township boundary,
- Strip and Map of the tithe buildings associated with Finer Port Farm
- Strip and Map of the tithe buildings located in the West of the development area
- A License obtained from the Ministry of Defence

These works can be undertaken by an archaeological contractor, and may be secured by condition.

Viability

As with the adjacent application to the south, the application is subject to a viability assessment submitted by the applicant. This was assessed independently by an external consultant (The Reviewer), on two separate occasions, over the course of some 11 months. Unfortunately, whilst many matters are agreed, there has been disagreement between the two parties on a number of important points, notably some build and abnormal costs, which resulted in a stalemate position. After much discussion it was agreed, that in the interests of moving this matter forward, that the viability should be assessed by a second independent consultant (Roger Hannah).

Each party's assessment was therefore reviewed and comments upon the credibility and reasonableness of the reports made to provide advice on whether the approach adopted is in accordance with accepted industry standards. The differences are summarised in the table below. The full viability appraisal report, as with all the viability reports submitted with this application are available on the website.

	Applicant	Reviewer	RH
GDV:	£155,760,000	£147,640,441	£155,773,209
Open market sales:	£148,570,000	£122,543,080	£148,586,172
Affordable Housing:	£7,190,000	£25,097,362	£7,187,037
Build Cost	£101,630,100	£93,700,772	£98,448,181
inc contingency and fees	£105,030,100 inc garages	exc garages	inc garages
Benchmark Land Value	£10,923,000	£10,097,381	£10,133,381
Planning Obligations			
Affordable Housing provision	10%	23.95%	10%
Financial Contributions	£7,868,826	£9,194,026	£8,580,576

This second consultant has concluded that:

In line with the adopted NPPF, NPPG on viability and RICS Guidance Note (Financial Viability in Planning Guidance Note – GN 94/2012), developments must deliver a return which does not undermine deliverability of a scheme. For an open market housing scheme, a developer will require a typical profit on GDV of 20% and for any affordable housing element a typical profit of 6% on GDV. For the subject site, based on the GDV above this produces a blended profit of 19.35%.

We have taken on board both the applicant's and reviewer's comments in relation to the Benchmark Land Value and assessed this as being £10,133,381.

Adopting the agreed sales rates and applying the costs as provided by BBS, our appraisal accounting for 10% affordable housing provision and a financial contribution of £8,580,576, generates a residual land value equal to the benchmark land value.

As such the scheme is able to viably support this level of planning obligations. The imposition of any additional planning obligations will render the scheme unviable.

Based on this the applicant is proposing the following contributions:

Affordable Housing:

10% of total number of homes to be Affordable

The Affordable Housing will comprise the following tenure mix:

65% -Affordable Rent

35% -Intermediate Tenure

S106 Financial Contributions:

Highways roof tax - £4,675,000 (£5,500 per dwelling)

Travel Plan Monitoring - £5,000

Leighton Hospital Cycle Link Contribution - £212,500

Open Space Indoor Sports - £149,500

Education– Serviced Land for School provided at Nil Consideration plus a financial contribution of £721,936

NHS Contribution - £86,000

They also include a figure for extra/over Drainage Infrastructure at £2,743,726 which they feel should be included in the amount taken from the c £8.5m available. There is an ongoing discussion on this amount as officers feel this sum should not be included here and was treated as a build cost in viability. This sum could therefore be available to split between Education and the NHS. Members will need to be updated on this matter and the final figures in the s106 confirmed at that stage.

As Members will appreciate these contributions are not fully policy compliant, and do not meet the recommendations of Housing (30% affordable), Education (£3,715,707 – although a serviced school site is being provided) and the NHS (£1,011,600). However it must be highlighted that the contributions towards Highways - a significant cost, are being met.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS

This outline application relates to part of two allocated sites – LPS 4 Leighton West, and LPS 5 Leighton in the adopted Local Plan Strategy and in principle is considered acceptable.

The development forms part of a comprehensive development of LPS 4 and LPS 5 (which includes the approved development off Flowers Lane) and needs to be seen in the context of development proposals for land to the south, also in LPS 4 also on this agenda. Both applications are closely linked to the North West Crewe Package a series of highway works already approved, which provide access to this site.

The proposals are considered to be acceptable in terms of Highways, Landscape, Public Rights of Way, Public Open Space and Environmental Considerations subject to agreed mitigation works.

Additional information on some Ecology matters has been submitted for assessment, and Members will be updated on this in any update report.

Drainage proposals have been discussed extensively but at the time of writing this report has yet to be finalised. Members will be updated on this matter before Committee.

The application is subject to a viability appraisal, which is accepted, and concludes that a fully policy compliant scheme is not viable on this site when all the Section 106 requests are considered, including the required contribution to the highway works.

Whilst not all the 106 Section contributions are being fully met, on balance the application is considered acceptable and will bring forward this important Local Plan Strategy site to help deliver housing and infrastructure for Crewe.

SECTION 106

A section 106 agreement will accompany the application and is required to secure the following:

S106	Amount	Triggers
Affordable Housing	10% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	£721,936 (TBC) and provision of a serviced site for a school	TBC
Health	£86,000 (TBC)	TBC
Indoor recreation	£149,500	On first occupation
Outdoor recreation	Private Management Co.	On first occupation
Public Open Space	Private Management Co.	On first occupation
Highways contribution Towards NWCP	£5,500 per dwelling (£5,500 x 850 units = £4,675,000)	TBC
Highways contribution Leighton Hospital Cycle Link	£212,500	On first occupation
Travel Plan monitoring	£5,000	On first occupation

RECOMMENDATION

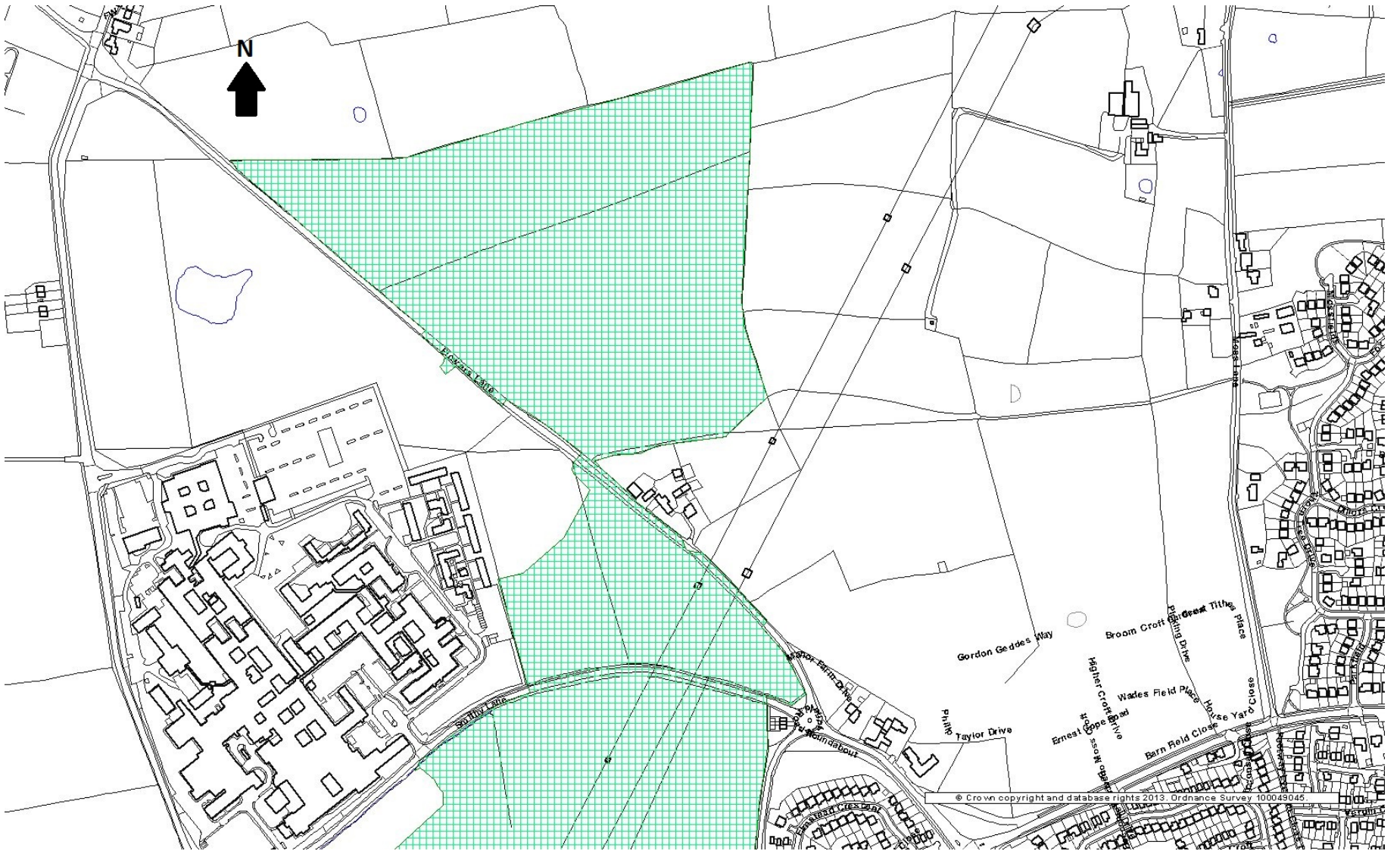
Approve subject to a Section 106 contribution and the following conditions;

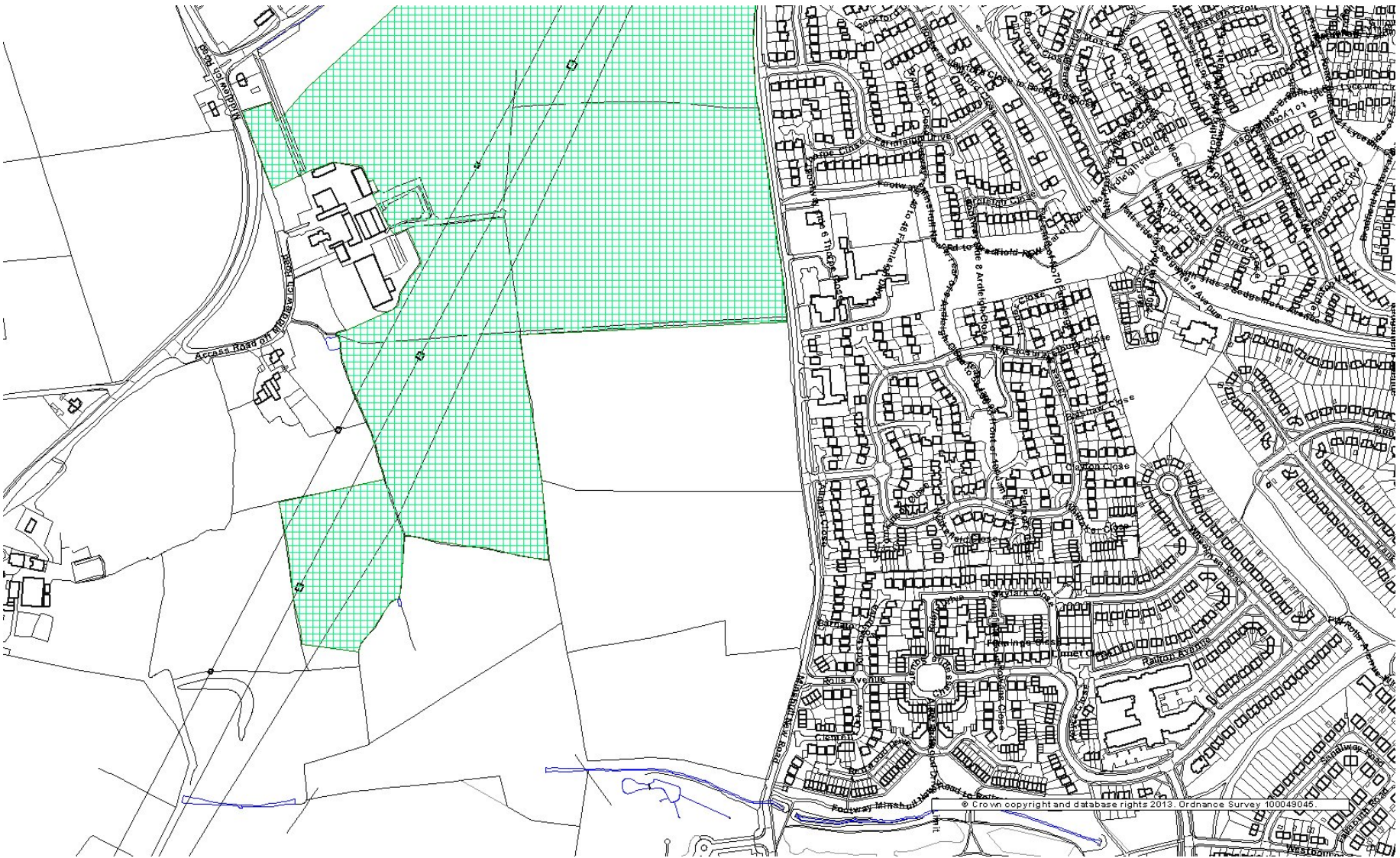
1. Outline – matters to be reserved
2. Outline – timescales
3. Approved plans
4. Phasing plan
5. Materials
6. Landscaping
7. Landscape implementation
8. Submission of an AIA at reserved matters stage
9. Tree/hedgerow protection plan
10. Surface water drainage system
11. Foul and surface water on separate systems
12. Implementation of the NW Crewe Package before first occupation
13. Implementation of highways infrastructure prior to occupation
14. Provision of pedestrian links N & S of Flowers Lane
15. Future RM application to provide unimpeded access to adjacent development to the south
16. Construction/Environmental Management plan
17. Travel plan
18. Public Rights of Way Management Scheme
19. Electric vehicle infrastructure
20. Ultra Low Emission Boilers
21. Phase II ground investigation
22. Verification report
23. Soils assessment
24. Unexpected contamination
25. Reserved matters applications to be supported by an updated badger survey and mitigation strategy.
26. Submission of a wildlife friendly lighting scheme with reserved matters applications.
27. Submission of a detailed strategy for the delivery and 25 year management of the habitat creation measures detailed on the submitted Ecological Mitigation Plan (drawing reference G7362.020A prepared by TEP) with the relevant reserved matters application. The strategy to include compensatory hedgerow planting for any hedgerows lost.
28. Each reserved matters application to be supported by proposals for the incorporation of features including, bird (swift, house sparrow) and bat boxes, hedgehog domes, brash and log piles, gaps in garden fences for hedgehog and native species planting,
29. Submission and implementation of 25 year habitat management plan with any subsequent reserved matters application.
30. Retention of all trees with bat roost potential unless otherwise agreed by the Council at the reserved matters a stage.
31. Archaeology
32. Levels
33. Restriction on uses/floor-space in local centre
34. Urban design coding submitted as part of RM submission in line with the Cheshire East Design Guide.

Informatives;

- Public Rights of Way
- Water Course
- Environmental Protection matters

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





Application No: 20/2925M

Location: ADLINGTON GOLF CENTRE, LONDON ROAD, ADLINGTON,
SK10 4NG

Proposal: Construction of an Adventure Golf Course with associated works

Applicant: Adlington Golf Centre Ltd

Expiry Date: 20-Nov-2020

SUMMARY

The site lies within the North Cheshire Green Belt. National and local policy affords significant protection to the Green Belt. Whilst the existing use of the land is as a golf course, and the proposal for an Adventure Golf Facility would fall within the same use, the proposal would involve the provision of a substantial number of structures and significant engineering operations to re-profile the land. Whilst the provision of buildings (which would also include the themed structures) could be considered as 'appropriate facilities' for outdoor sport and recreation as well as the associated engineering operations, this is subject to their impact on openness.

Taken as a whole, the various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt. The benefits of the proposal in terms of promoting the health and wellbeing of users and the positive impact on the local economy including tourism are not enough to outweigh the significant harm to the Green. The proposal is therefore contrary to the advice of the NPPF and Development Plan Policies PG 3 of the CELPS and saved GC1 of the MBLP.

There would also be harm to the landscape, which in this case, carries significant weight against the proposal. The proposed development is more akin to a theme park than part of a golf course and so along with the lack of detail; it is considered that the proposals are contrary to policies SE 1 and SE 4 of the Cheshire East Local Plan Strategy.

The site lies within the Manchester Airport Safeguarding Zone. Insufficient information has been submitted with the application to determine the likely threat to aircraft from birdstrike, which is a material consideration. Approval of the scheme contrary to the advice of the Safeguarding Authority for Manchester Airport would be contrary to the advice the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002.

Comments from the Council's Arboricultural Officer are awaited and will be reported to members by way of an update.

There are no objections on the grounds of residential amenity, ecology, highways, public rights of way, flood risk or heritage assets. However, these considerations do not outweigh the harm to the Green Belt, landscape impact and impact on airport safeguarding and so the application is recommend accordingly.

RECOMMENDATION**REFUSE**

SITE DESCRIPTION

This application relates to land associated with Adlington Golf Centre, which is located to the south west of Adlington Business Park in Poynton. Adlington Golf Centre currently comprises of a driving range, academy course, a pitch and putt course and a graduate course with a clubhouse building and car park. This application relates specifically to the original 9 hole graduate golf course situated to the north east of the existing golf centre. The site measures approximately 4.5 ha in size. The land sits directly to the west of the proposed Poynton Relief Road which would run on a north to south alignment. The site remains fairly open with some variance in levels across the site. Adlington Bridleway No.42 runs along the northern and western boundaries to the site providing access to Shirdfold Farm which is located approximately 70 metres to the north. The site lies within the North Cheshire Green Belt and Manchester Airport's Safeguarding Area.

PROPOSAL

Full planning permission is sought to construct an Adventure Golf Course with associated works in place of the original 9 hole graduate course, which has been replaced by a newly opened 9 hole graduate course located to the south of the golf centre. The original graduate course had to be replaced as a result of the proposed Poynton Relief Road as it severed the course. The applicant is seeking to re-purpose the remaining land to the west of the proposed road with an 18 hole Adventure Golf Course based on Australian themes as well as a service hut of approximately 10 metres x 5 metres, with ground engineering works.

RELEVANT PLANNING HISTORY

00/1519P – EXTENSION AND IMPROVEMENTS OF EXISTING DRIVING RANGE FACILITIES, NEW CAR PARKING PROVISION AND NEW 9-HOLE GOLF COURSE AND ACCESS – Approved 05-Oct-2000

01/1640P - CONSTRUCTION OF NEW ACCESS ROAD (TO SERVE ASSOCIATED DEVELOPMENT WITHIN STOCKPORT BOROUGH), SECURITY LODGE AND LANDSCAPING – Approved 01-Oct-2004

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG3 – Green Belt
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN 1 - Infrastructure
SE 1 - Design
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 7 – Heritage Assets
SE 13 - Flood Risk and Water Management
SC 1 – Leisure and Recreation
EG 2 - Rural Economy

CO2 – Enabling Business Growth Through Transport Infrastructure

Macclesfield Local Plan (Saved policies)

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
GC1 – Green Belt

Adlington Neighbourhood Plan (Stage 7 – Neighbourhood Area Designation) Adlington has been designated as a 'Neighbourhood Area', which is a very early stage in the Neighbourhood Planning process and can be afforded limited weight at this stage.

Other Material Considerations

The National Planning Policy Framework 2019 (NPPF)
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
National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Protection – No objection subject to informatives relating to construction hours and contaminated land

Flood Risk Manager – No objection subject to a condition that the development is carried out in accordance with the submitted Flood Risk Assessment (FRA)

Highways – No objection

Manchester Airport (MAN) – Object on the grounds of flight safety. The proposed lake as the potential to increase birdstrike risk to aircraft.

Public Rights of Way (PROW) – No objection - Although the proposed development appears to be adjacent to a Public Right of Way, namely Bridleway No.42 in the parish of Adlington, it is unlikely the development will impact on the adjacent PROW it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

Sport England – Do not wish to comment

VIEWS OF ADLINGTON PARISH COUNCIL

No comments received.

OTHER REPRESENTATIONS

One representation has been received from the neighbouring Stockport Metropolitan Borough Council offering no objection to the proposals.

OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework (NPPF) affords the Green Belt significant protection stating at para 144:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

NPPF Para 145 states that a Local Planning Authority should regard the construction of new buildings in the Green Belt as inappropriate development unless it meets with one of the exceptions listed. One such exception is:

“b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”

NPPF Para 146 (b) states that, amongst other things, other certain forms of development including ‘engineering operations’ are not inappropriate development provided they also preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy PG 3 of the CELPS and saved Policy GC1 of the MBLP similarly afford significant protection to the Green Belt and resist inappropriate development. Both policies permit proposals for outdoor sport and recreation where they preserve openness. However, saved Policy GC1 is more restrictive than the NPPF and CELPS PG 3 in that excepted buildings will only be permitted where they are ‘essential’.

The proposal does not involve a change in the use of the land as it would remain in use as a golf course. However, the proposal does seek permission for some significant engineering operations including a re-profiling of the land to facilitate its use as a ‘themed’ Adventure Golf Facility. Added to this, there would be a substantial number of structures erected to accompany the theme of each hole, some of which would be sizeable. It is indicated that these would be centred around an Australian theme, so for example, the course would feature scale versions of Ayers Rock and the Sydney Opera House.

The provision of buildings (which would also include the themed structures) could be considered as ‘appropriate facilities’ for outdoor sport and recreation. However, this is subject to their impact on openness. The engineering operations are not inappropriate development in the Green Belt either, again, subject to the impact on openness.

The proposal would include the construction of a single storey 'service hut' building, which would serve as the point of sales area with a small office for administration purposes. Whilst this building is shown on the submitted plans, it is only shown indicatively albeit it would have a footprint of approximately 10 metres by 5 metres. There are no detailed drawings of it, for example elevations or floorplans. Thus, whilst the supporting information describes the service hut as a modest sized building, without the benefit of such detail, it is difficult to accurately assess the impact on openness.

With regard to the layout of the site, again, this is only really shown indicatively with 'sketch proposals'. However, it does show that the facility would typically include pathways, greens and the various proposed themed structures on and in between the holes. It would also include varying boundary treatments, again to accommodate the theme of the facility. The structures would be of varying height, size and scale.

The largest structure would be a scale model of Ayers Rock on hole 15. Again, the plans are not detailed and just show a sketch drawing. However, this indicates that it would measure some 24 metres in length with an overall height of nearly 6 metres. On hole 16, there would be a water tower to mimic a gold mine. This structure would have a height of approximately 4 metres in height. However, the scale shown on the drawings is inaccurate. Other notable structures include a bridge on hole 5, which would measure approximately 16 metres in length, 2 metres wide and would have a height of approximately 3 metres and hole 4 which would have a replica of Sydney Opera House structure measuring approximately 3.7 metres in height. There would be various other themed structures of a smaller size ranging from a 'Ute', kangaroo, 'dunny' and boomerangs.

In terms of their impact on openness, this needs to be considered in the context of the proposed land levels, as the engineering operations would comprise of a cut and fill exercise in order to create a central lake feature and to re-profile the land to create the 18 holes. This would in part reduce the overall height of some of the structures relative to the existing ground levels. However, taken as a whole, the various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt.

For this scheme to be granted planning permission, the identified harm to the Green Belt (and any other harm, which will be explored further) must be *clearly outweighed* by other considerations and whether there are any 'very special circumstances' which exist to outweigh the identified harm.

The applicant has not put a case forward for very special circumstances, but has noted the benefits such proposal would have on the health and wellbeing of users and the positive impact on the local economy including tourism. It is acknowledged that the proposal would provide additional recreational facilities which would assist the health and wellbeing of the community as well as the local economy. However, the weight of these other considerations is not enough to outweigh the significant harm to the Green already identified contrary to the advice of the NPPF and Development Plan Policies PG 3 of the CELPS and saved GC1 of the MBLP.

Landscape Impact

The application has been supported by a Landscape and Visual Appraisal (LVA). The LVA identifies that the site lies within 'agricultural and wooded areas' and that the site itself comprises intensively managed amenity grassland and scattered trees, very much how one would expect a golf course to

appear in the landscape. The LVA identifies that an industrial estate lies to the north, actually the east and that to the north and north west is the former Woodford Aerodrome, now being partly developed as Woodford Garden Village.

The LVA identifies the National Character in which the application site lies which is the 'NCA 61, Shropshire, Cheshire and Staffordshire Plains, as well as that in the Cheshire East Landscape Character Assessment LCT 11: Higher Wooded Farmland and specifically LCA 11a- Adlington'. The appraisal also identifies that the application site is located within the boundary of the Cheshire East Green Belt – Policy PG 3.

The Council's Principal Landscape Architect has reviewed the LVA and assessed the proposal in terms of their landscape impacts. The LVA makes an assumption that the proposed adventure golf course will not be incongruous. However, this is something that the Council's Principal Landscape Architect disagrees with and is not appropriately reflected in the LVA. The proposed development will involve extensive earth modelling over a relatively large area, illustrated on the Cut and Fill Drawing, which shows that the most elevated parts of the surrounding arc will be in excess of 7 metres above the central part of the adventure course. While this would indeed mean that parts of the proposed development may be below the existing ground levels, it results in a large and extensively remodelled landscape that would appear incongruous in the surrounding landscape character area and is not a feature that is representative of golf courses generally or even the Higher Wooded Farmland Landscape type.

Added to earth remodelling, the separate items to be installed include Pinnacles, 12 quarry rock pieces set into the ground, no dimensions are given for the boulders or type of rock; Wave Rock, little detail is given to explain what this is or its final appearance; Cattle, which includes a model of a cowboy on a horse and a herd of cattle painted onto plywood – dimensions not given; a model of the Sydney Opera House – reinforced concrete; Sydney Harbour Bridge; Spiders and Bats – built into a room in what appears to be a substantial area; Ayers Rock, which appears to be approximately 18 metres in length and in excess of 5 metres in height, as well as a number of other items relating to Australia and a waterbody. While these sketches are illustrative they do not provide accurate dimensions or details of construction and final appearance. Likewise, the proposed Landscape Plan offers very little information on what landscape planting is actually proposed and so no accurate assessment can be made with regards to the appropriateness or details, numbers or species.

All the proposed structures are based on Australian themes and as the LVA states the Australian theme may make it (the Adventure Golf Course) incongruous in the Cheshire Countryside. This must be considered in light of the existing golf course, described in the LVA as a Graduate Course, which is amenity grass and scattered trees.

CELPs Policy SE 4 – Landscape of the Cheshire East Local Plan Strategy indicates that all development should conserve the landscape character and also seek to enhance the historic, natural and man made landscapes that contribute to local distinctiveness. Developments should incorporate landscaping that reflects the local character. Particular attention should be paid to design and landscape character so the appearance and distinctiveness of the countryside is preserved and enhanced. Policy SE1 – Design requires development to make a positive contribution to their surroundings and Policy PG 3 seeks to protect the openness of the Green Belt and countryside.

In its current form, the Council's Principal Landscape Architect considers the proposed development to be incongruous. While the immediate surrounding landscape is a golf course and agricultural land, the

proposed development is more akin to a theme park than part of a golf course and so along with the lack of detail; it is considered that the proposals are contrary to policies SE 1 and SE 4 of the Cheshire East Local Plan Strategy.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA). It identifies 5 trees for removal to accommodate the proposed adventure golf course. The AIA concludes that these tree losses could be appropriately mitigated for with replacement planting as part of a landscape strategy. It also concludes that retained trees would be able to be protected with suitable measures. This is currently being reviewed by the council's Arboricultural and Forestry Section and their comments will be reported to members by way of an update.

Ecology

The Council's Nature Conservation Officer (NCO) has reviewed the application with regard to the following species:

Great Crested Newts - This protected species is known to occur at a number of ponds in this broad locality. The application site however offers very limited habitat for great crested newts and the proposals would not result in the fragmentation or isolation of great crested newt habitat. Considering the scale and nature of the proposed development and its distance from the nearest ponds, the potential impacts of the proposed development are limited to a 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 consultant has recommended the installation of an amphibian fence for the duration of the works. The NCO has advised 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 and the impact on the scheme on this species is acceptable.

Bats - A single tree has been identified as having potential to support roosting bats. However, the said tree is located outside of the application site and so would not be affected by the proposed development. Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, if planning permission is granted, a condition should be attached requiring any additional lighting to be agreed.

Badgers - Whilst this species is known to occur in the wider locality, no evidence of a sett was recorded during the latest survey of the application site. This species is not reasonable likely to be significantly affected by the proposed development.

Conditions are recommended requiring the submission of details of lighting, protection of nesting birds and accordance with proposed great crested newt mitigation measures. Subject to this, the scheme is found to be acceptable in terms of nature conservation and compliant with CELPS Policy SE 3 and saved MBLP Policy NE 5.

Manchester Airport Safeguarding

The Safeguarding Authority for Manchester Airport has assessed the proposed development against the aerodrome safeguarding measures. The creation of the lake as part of the proposals has the potential to increase the risk of Birdstrike to aircraft using Manchester Airport. The application is not supported by any details as to how the site operators would prevent geese and other bird species from that are hazardous to aircraft from becoming established at the site as well as visiting feeding water birds. The pond features also includes an island, which are highly likely to be colonised by nesting geese. Without details of planting and a bird management plan, insufficient information has been submitted with the application to determine the likely threat to aircraft from birdstrike, which is a material consideration. As such, approval of the scheme contrary to the advice of the Safeguarding Authority for Manchester Airport would be contrary to the advice the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002.

Highway Implications

The proposed course would be open between 09.00 and 21.00 hrs Mon-Sun and would employ 8 new staff to operate the course. The existing Adlington Golf Centre car park has 163 spaces would be used for the parking requirements of the new adventure course. The Head of Strategic Infrastructure (HSI - Highways) has confirmed that no highways objections are raised on the basis that the proposed new adventure golf course is located at an existing golf centre. The HSI has confirmed that the scheme does not raise any highway concerns in regards to traffic impact or parking. The scheme is found to be acceptable in terms of highways and parking.

Residential Amenity

The nearest residential property, 'Shirdfold Farm', is located some 70 metres of the northern boundary of the proposed Adventure Golf Course. Given that the lawful use of the site is already as a golf course, it is not considered that the proposal would materially harm neighboring amenity by reason of noise. The proposals are also of sufficient distance away so as to not cause material harm by reason of loss of light, visual intrusion or loss of privacy.

Public Rights of Way (PROW)

The proposed development lies adjacent to a Public Right of Way, namely Bridleway No.42 in the parish of Adlington. The Council's Public Rights of Way Unit has confirmed that it is unlikely that the development will impact on the adjacent Bridleway. However, it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

Flood Risk and Drainage

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The application is supported by a Flood Risk Assessment. In the absence of any objection from the Council's Flood Risk Manager, the scheme is found to accord with Policy SE 13 of the CELPS and saved Policy NE 20 of the MBLP.

Heritage Assets

The closest designated heritage asset is the Grade II Listed Lostock Hall Farmhouse to the north. However, the proposed site is far enough away from the building and its curtilage not to directly affect its setting and therefore will be acceptable in this regard. The proposal accords with CELPS Policy SE 7.

CONCLUSIONS AND PLANNING BALANCE

The site lies within the North Cheshire Green Belt. National and local policy affords significant protection to the Green Belt. Whilst the existing use of the land is as a golf course, and the proposal for an Adventure Golf Facility would fall within the same use, the proposal would involve the provision of a substantial number of structures and significant engineering operations to re-profile the land. Whilst the provision of buildings (which would also include the themed structures) could be considered as 'appropriate facilities' for outdoor sport and recreation as well as the associated engineering operations, this is subject to their impact on openness.

Taken as a whole, the various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt. The benefits of the proposal in terms of promoting the health and wellbeing of users and the positive impact on the local economy including tourism are not enough to outweigh the significant harm to the Green. The proposal is therefore contrary to the advice of the NPPF and Development Plan Policies PG 3 of the CELPS and saved GC1 of the MBLP.

There would also be harm to the landscape, which in this case, carries significant weight against the proposal. The proposed development is more akin to a theme park than part of a golf course and so along with the lack of detail; it is considered that the proposals are contrary to policies SE 1 and SE 4 of the Cheshire East Local Plan Strategy.

The site lies within the Manchester Airport Safeguarding Zone. Insufficient information has been submitted with the application to determine the likely threat to aircraft from birdstrike, which is a material consideration. Approval of the scheme contrary to the advice of the Safeguarding Authority for Manchester Airport would be contrary to the advice the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002.

Comments from the Council's Arboricultural Officer are awaited and will be reported to members by way of an update.

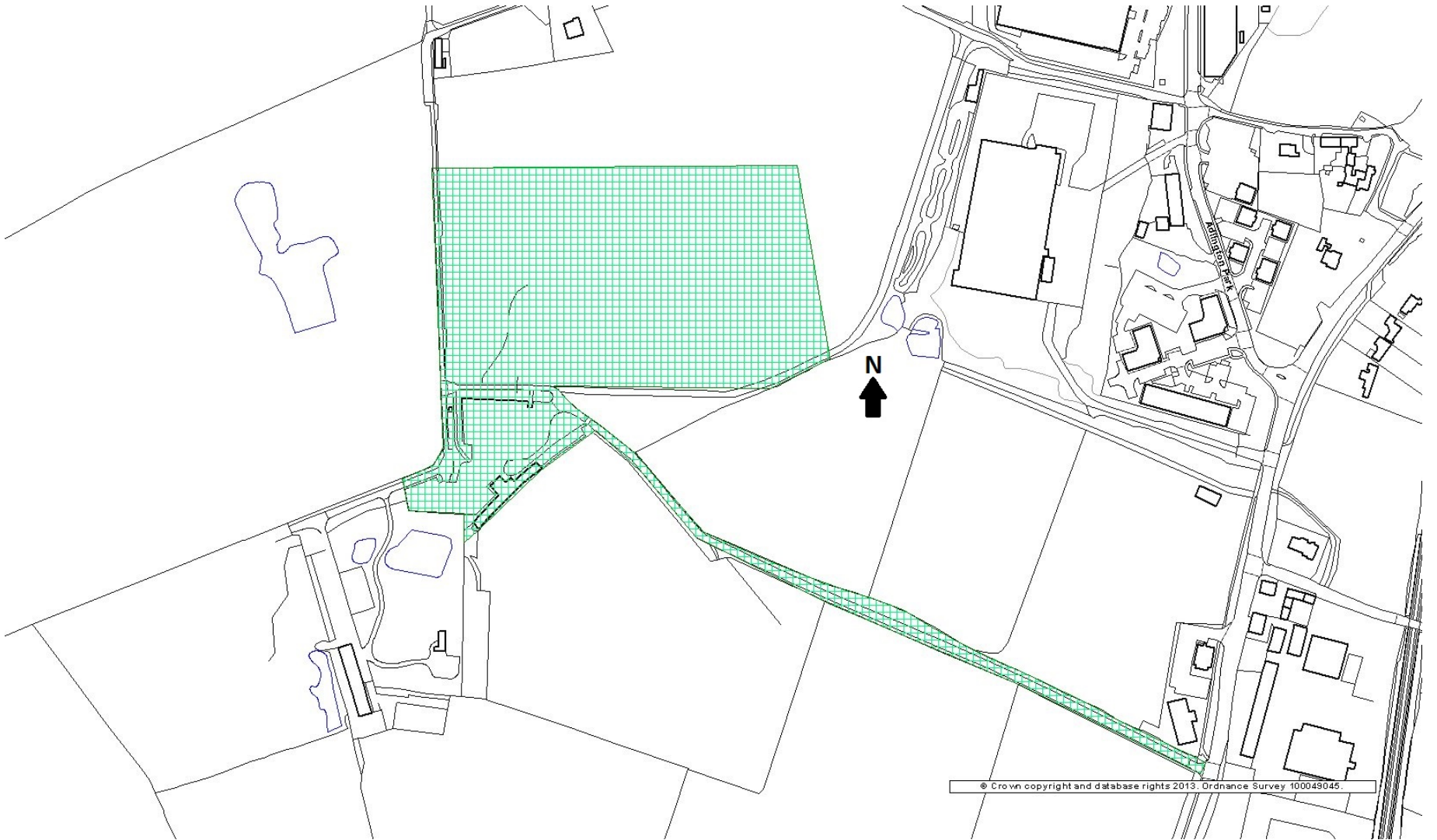
There are no objections on the grounds of residential amenity, ecology, highways, public rights of way, flood risk or heritage assets. However, these considerations do not outweigh the harm to the Green Belt, landscape impact and impact on airport safeguarding and so the application is recommend accordingly.

RECOMMENDATION

Refuse for the following reasons;

- 1. Green Belt - The site lies within the North Cheshire Green Belt. The proposed development, whilst not inappropriate development by definition, would lead to a loss of openness and encroachment in the Green Belt. The various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt. There are not considered to be material considerations that clearly outweigh the harm to the Green Belt by reason of loss of openness and other identified harm. The proposal is therefore contrary to the National Planning Policy Framework, Policy PG 3 of the Cheshire East Local Plan Strategy and saved Policy GC1 of the Macclesfield Borough Local Plan.**
- 2. Landscape Impact – The proposal would result in the introduction of large features which would appear incongruous in the landscape and countryside, contrary to Policies SE 1 and SE 4 of the Cheshire East Local Plan Strategy.**
- 3. Airport Safeguarding – Insufficient information has been submitted with the application to determine the likely threat to aircraft from birdstrike, which is a material consideration. Approval of the scheme contrary to the advice of the Safeguarding Authority for Manchester Airport would be contrary to the advice the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002.**

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



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Working for a brighter future together

Strategic Planning Board

Date of Meeting:	18th November 2020
Report Title:	Performance of the Planning Enforcement Service First Two Quarters 2020-2021
Portfolio Holder:	Councillor Toni Fox - Planning
Senior Officer:	David Malcolm- Head of Planning

1.0 Report Summary

- 1.1 The purpose of this report is to provide the Strategic Planning Board with information relating to the activities and performance of the Council's planning enforcement service during the period 1st April 2020 - 30th September 2020 including a status report on those cases where formal enforcement action has already been taken.

2.0 Recommendation

- 2.1 Members are requested to note the content of the report.

3.0 Reason for Recommendation

- 3.1 The information contained within the report is to update Members on performance only.

4.0 Background

4.1 Introduction

- 4.2 Members will no doubt have read many reports which highlight the impact which the current pandemic has had and continues to have on service delivery. Planning enforcement has not escaped this. The early part of the reporting period was impacted upon most significantly i.e. in April when the country was in full lockdown and officers were unable to make any visits other than those considered to be an emergency. Officers in Planning Enforcement, as they have across the Council, have displayed great flexibility and resilience during this time and continue to do so. Whilst,

in accordance with corporate guidance officers continue to work from home they are now able to carry out the majority of visits whilst still having careful regard to social distancing guidelines and a site visit protocol which has been put in place.

- 4.3 Other than during the early stages of lockdown, there has been no discernible downturn in the volume of cases being received however due to current circumstances investigations can be more protracted. Throughout this reporting period 550 new cases have been received compared to 561 cases during the same period in 2019.
- 4.4 Added to this, since early August a significant proportion of officer time has been taken up by one single case which relates to an unauthorised material change of use of land to a caravan site within the Green Belt in Mobberley.
- 4.5 The service specific Enforcement Policy has been reviewed and now approved. It will be placed on the Council's website where it will be available for viewing.

Report Format

- 4.6 The information contained in this report is divided into three sections:
- 4.7 Section 5 provides a summary of investigative activity and formal enforcement action undertaken during the period 1st April 2020 – 30th September 2020.
- 4.8 Section 6 provides an update of those cases where formal enforcement action has been authorised and has taken place (see Appendix 1).
- 4.9 Section 7 advises on future reports.

5.0 Reported Information

CHART 1

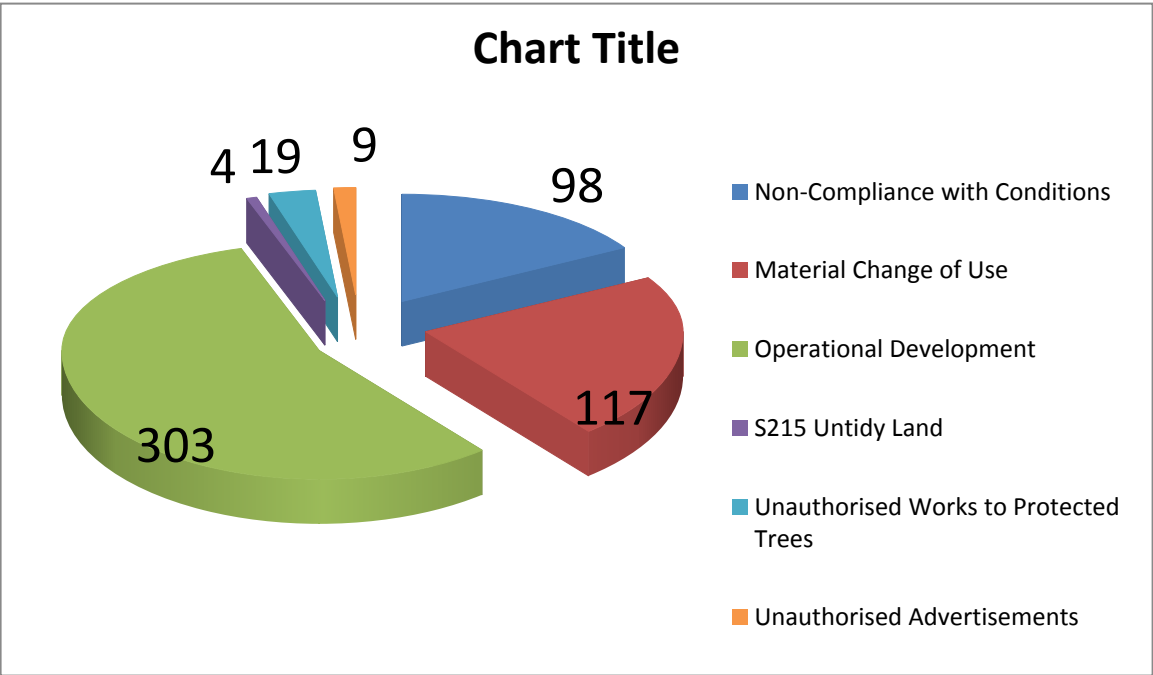
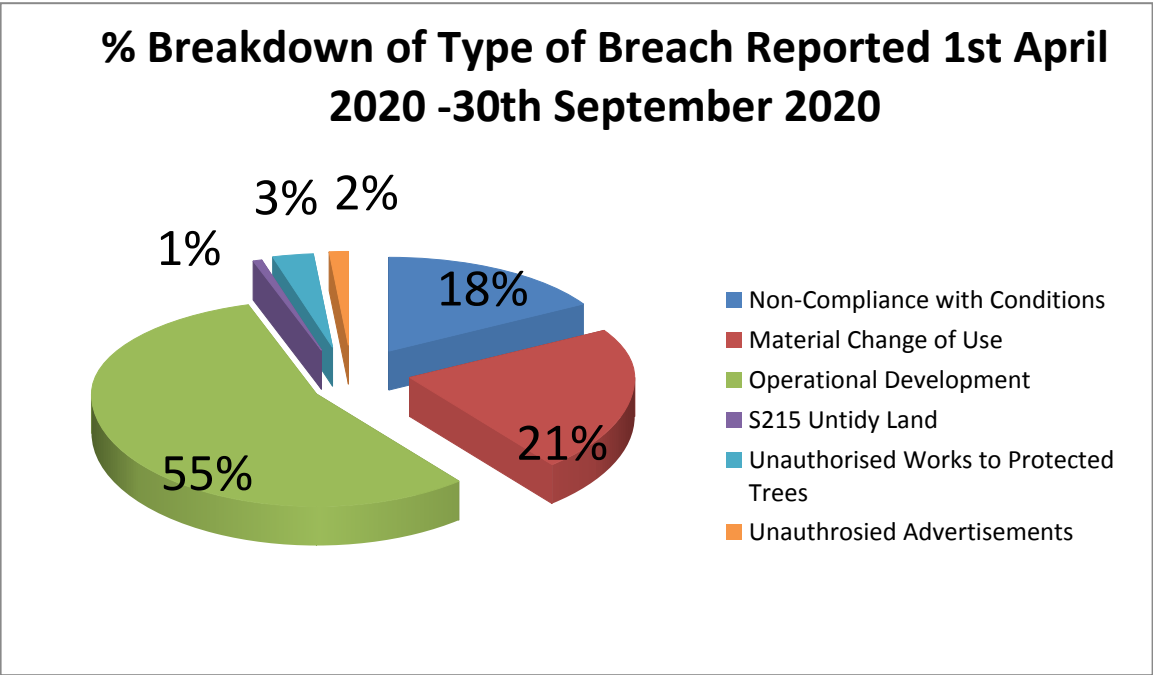


CHART 2



5.1 Incidences of reports of alleged unauthorised operational development have increased by 9% since the last report was presented. It appears that the lockdown period has seen an increase in the construction of outbuildings in gardens.

- 5.2 150 of the alleged breaches reported during this period were closed because no breach was identified i.e. 27%. Overall during the reporting period 165 cases were closed owing to no breach being identified. Chart 3 provides a more detail breakdown of all reasons for closure.

CHART 3

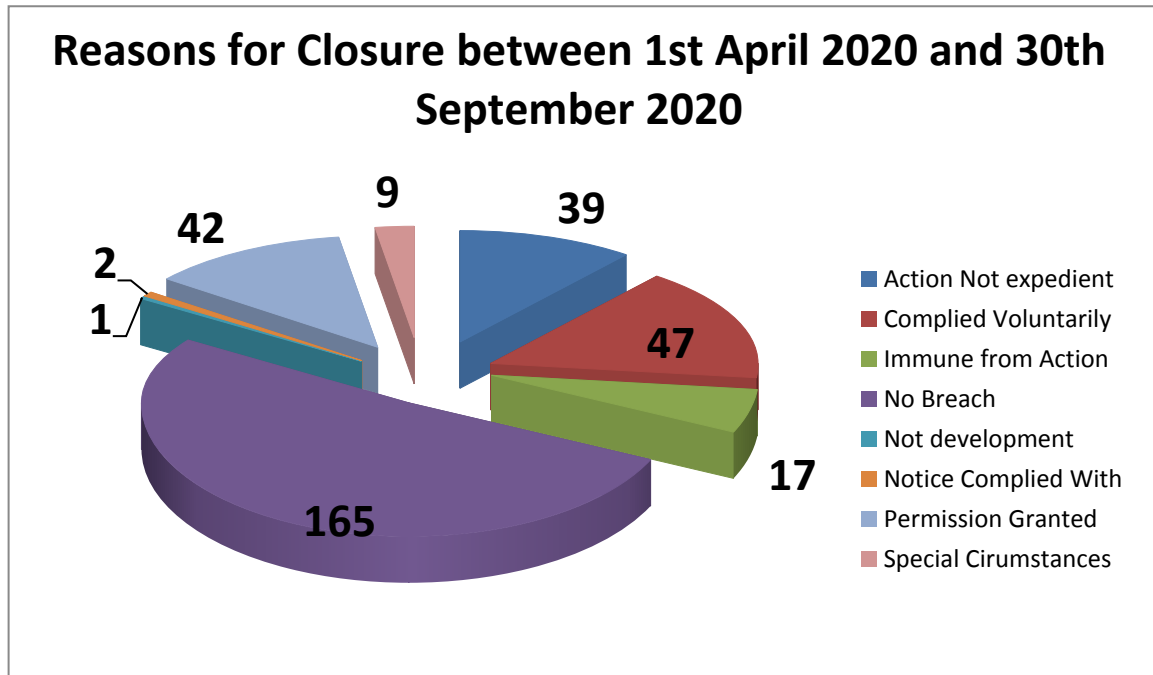
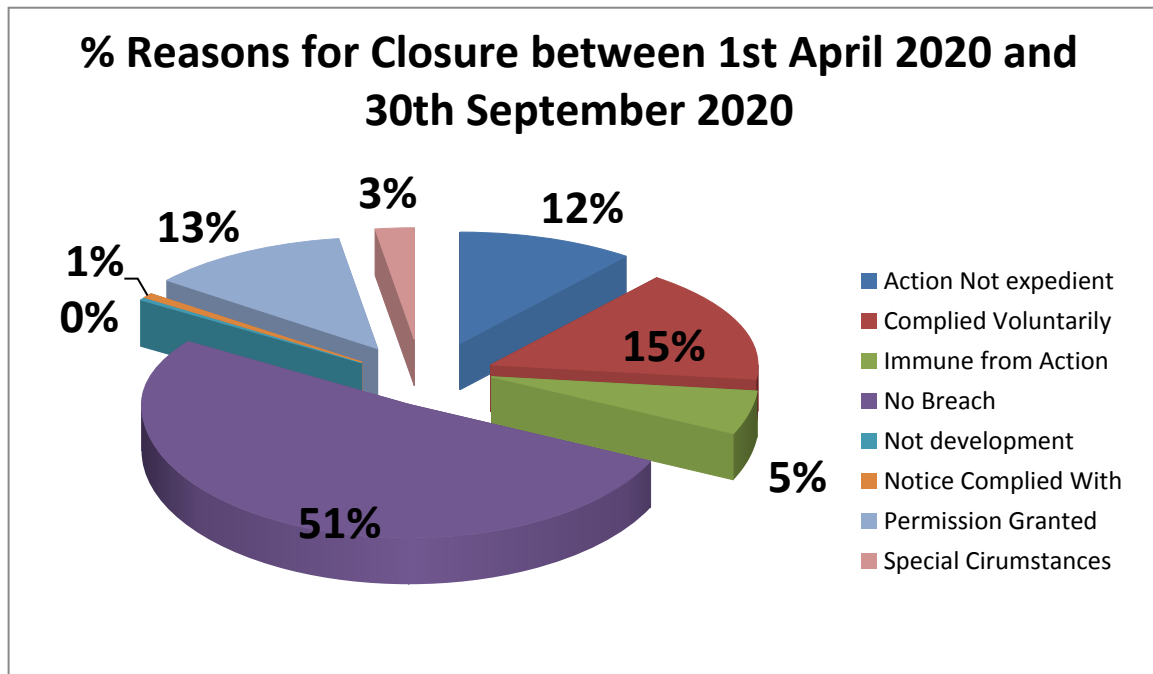


CHART 4



- 5.3 51% of overall cases closed during the reporting period did not equate to a breach of planning control. In many instances this is because the development itself is effectively granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst this may be unpalatable to a complainant the Local Planning Authority has no power to take any action under these circumstances. In other circumstances it may be because there is insufficient evidence to prove that a material change of use has occurred. Any decision to take enforcement action must have an evidential base sufficient to be relied upon at any resultant appeal as well as having regard to local and national planning policy.
- 5.4 Enforcement cases are given an initial priority when they are received based on the apparent harm being or likely to be caused. The priority determines the timescale within which officers endeavour to carry out their first visit. (It is not always necessary to carry out a site visit). Chart 5 provides a breakdown of allocations.

Priority 1 – High - Site visit within one working day

A report of an alleged breach will only be allocated as a P1 where it appears to officers of the Council that irreparable harm is being, or is likely to be, caused to an historic/ecological asset or where there is the potential for irreparable harm to the environment, or members of the public. These include:

- Unauthorised works to listed buildings
- Unauthorised demolition in a Conservation Area
- Development causing immediate and irreparable harm to an area of land which has special protection.
- Development causing serious danger to the public (This does not include unsafe working practices or parking of operatives or delivery vehicles on the highway. These are matters that the Council cannot control and should be reported directly to the Health and Safety Executive or the police respectively.)
- Unauthorised works to, or affecting, trees covered by a Tree Preservation Order, or in a Conservation Area.

Priority 2 – Medium – Site visit within 5 working days

A report of an alleged breach will be allocated as a P2 only where a significant degree of harm is likely to or is occurring in the opinion of officers of the Council. These include:

- Building work that is already in progress
- Development which is potentially immune from enforcement action within 6 months (following a period of 4 years in relation to building works already undertaken and 10 years in relation to a material change of use).
- Development causing serious harm to its surroundings or the environment

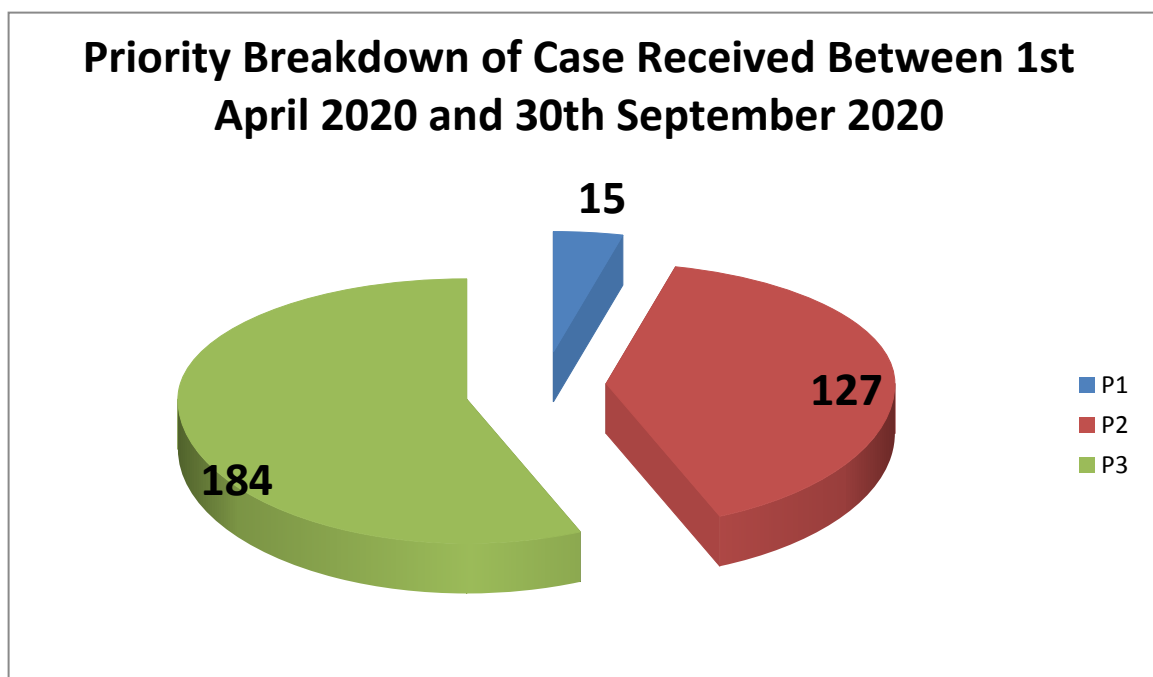
- Breaches of Condition/non compliance with approved plans which is considered by officers of the Council to be causing serious harm
- Development which represents a clear breach of planning policy and is unlikely to be granted planning permission.

Priority 3 – Low – Site visit within 15 working days

In all other instances and where no significant degree of harm is likely to result the Council will allocate a report of an alleged breach as a P3. These include:

- Other building work which is complete, e.g. an extension which already has a roof on it.
- Development not causing significant harm to its surroundings or the environment - where the breach is technical in nature or is a minor deviation from a planning permission.
- Advertisements.
- Breaches of condition/non compliance with approved plans causing no significant harm to, or no harm to, the character or appearance of an area e.g. where a window has not been glazed with obscure glass and the development is not yet occupied.
- *Development which is likely to be permitted development, - the erection of sheds, outbuildings, porches, rear single storey extensions. (See link below)
- *Minor domestic development e.g. fences, satellite dishes (see link below)
- Untidy Land, i.e. where land is having an adverse impact on the appearance of an area. (This does not extend to land which is merely overgrown).

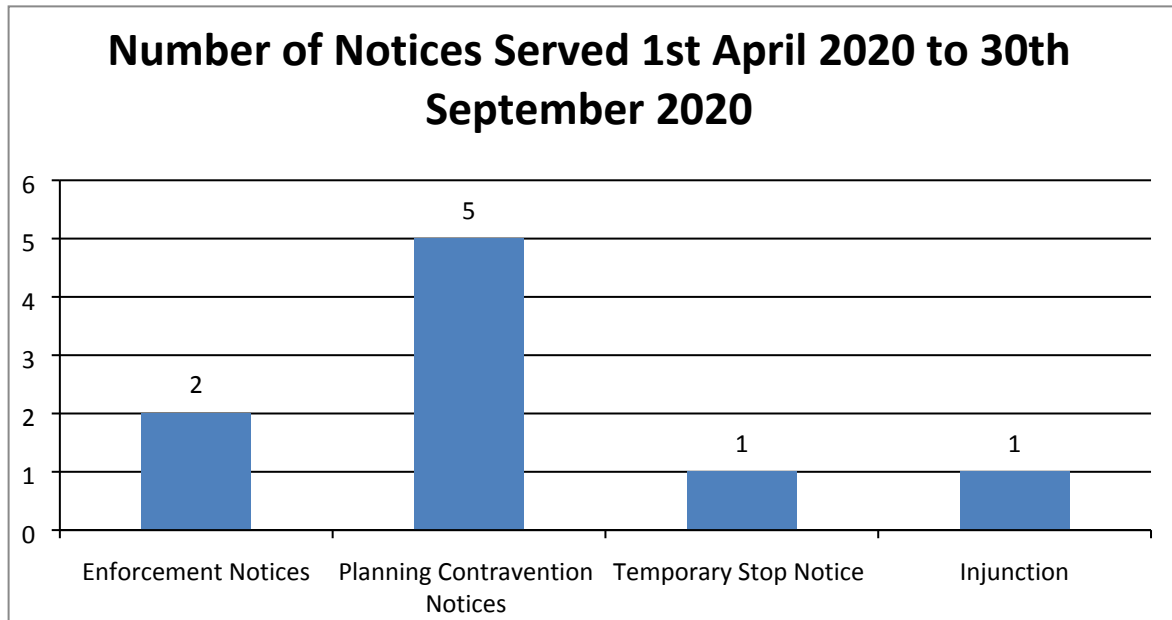
CHART 5



5.5 NOTICES SERVED

- 5.6 A total of 8 notices have been served during the reporting period. Chart 6 breaks those down by type. Of those enforcement notices issued one is currently under appeal. As previously referred to the Injunction is subject to committal proceedings in the high court.

CHART 6



- 5.7 During full lockdown courts were closed and have only more recently recommenced dealing with regulatory cases. It is only now that it is becoming realistic to progress outstanding cases where prosecution is considered to be an appropriate action. This has resulted in a delay in progressing some cases to this stage and other cases which were pending have also suffered a delay.
- 5.8 The ongoing pandemic will continue to have an impact on the end to end enforcement process but all reasonable steps will be taken to keep any delays to a minimum albeit there are instances where time tables are outside the control of the LPA - for example court or appeal proceedings.

5.9 Service Improvement

- 5.10 Work is underway to provide additional information for customers on the Planning Enforcement web pages of the Cheshire East website. This will not only inform them of the process but also signpost customers to other services/agencies which may be better placed to assist them with their enquiry where it is not a matter which falls under the jurisdiction of planning enforcement.

- 5.11 Work is also underway to improve the online form for reporting alleged breaches of planning control. Adapting its look and feel to ensure that relevant information is captured to assist in prioritising a case and also to filter out at an early stage those enquiries which fall outside the remit of planning enforcement.

6.0 Update on Formal Enforcement Action Already Taken

- 6.1 Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, Appendix 1 attached to this report details the status of those cases (in Ward order) where it was appropriate to take enforcement action and serve a formal notice.

- 6.2 The Appendix contains 54 cases. A breakdown on the status of the 54 cases at 22nd October 2020 is as follows

- 3 have already been closed
- 2 are the subject of active legal proceedings
- 4 have resulted in successful convictions
- 20 were the subject of appeals which were dismissed
- 2 were the subject of appeals which were part allowed and part dismissed
- 5 are the subject of an appeal and a decision is awaited
- 2 enforcement notices have been withdrawn

7.0 Future Reports

- 7.1 The next report will be presented in April 2021 and will contain information for the last two quarters of 2020/2021.

8.0. Implications of Recommendation

8.1 Legal Implications

- 8.1.1 No direct implication

8.2 Finance Implications

- 8.2.1 No direct implication

8.3 Policy Implications

- 8.3.1 No direct implication

8.4 Equality Implications

8.4.1 No direct implication

8.5 Human Resource Implications

8.5.1 No direct implication

8.6 Risk Management Implications

8.6.1 No direct implication

8.7 Rural Communities Implications

8.7.1 No direct implication

8.8 Implication for Children & Young People/Care for Children

8.8.1 No direct implication

8.9 Climate Change -

8.9.1 No direct implication

8.10 Public Health Implications

8.10.1 No direct implication

8.11 Ward Members Affected

8.11.1 All wards are affected

9.0 Access to Information

9.1 The following document is appended to this report

Appendix 1 – Status report on cases where formal enforcement action has been taken.

10.0 Contact Information

10.1 Any questions relating to this report should be directed to the following officer.

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: Deborah.ackerley@cheshireeast.gov.uk

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Site Address	Ward	Breach	Type of Notice	Current Status
Edgefields, Hough Lane Alderley Edge	ALDERLEY EDGE	Unauthorised erection of 2no. connected buildings	Enforcement Notice	Enforcement Notice issued 1 st April 2019. Compliance due by 3 rd October 2019. Appeal lodged 1st May 2019. Appeal in progress.
Holashaw, Hassall Road, Hassall	ALSAGER	Unauthorised material change of use for stationing of a residential caravan	Enforcement Notice	Enforcement Notice issued 17 th July 2020. Appeal lodged. Decision awaited.
Brookfield Stables, Watery Lane, Astbury	ASTBURY	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 th November 2016. Appeal dismissed. Initial site visit established notice not complied with. Successful prosecution December 2018 Fined £500 plus VSC. Stables not removed further prosecution under consideration.
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Area of hardstanding removed further visit required to establish if area has been seeded for grass.
Pool House Clarke Lane Bollington	BOLLINGTON	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued on 5 th February 2019. Compliance due 8 th May 2019. Appeal dismissed. Compliance due 1 st May 2020. Site visit required to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice.
George and Dragon, 61 Rainow Road,	BOLLINGTON	Untidy Land	S215 Notice	Untidy Land Notice issued 1 st March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 th November 2019 and none of the defendants were present. The defendants were convicted in their absence and each fined £800 with a Victim

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Macclesfield				surcharge of £80.00 each. Each defendant was ordered to pay £851.56 towards the Council's costs. Further site visit undertaken and the Notice has not been complied with. Planning application currently under consideration for the demolition of the pub and erection of houses. Pursuing compliance with the Notice.
Land at Dragons Lane, Moston	BRERETON RURAL WARD	Unauthorised area of hardstanding	Temporary Stop Notice	TSN issued 22 nd July 2020 to prevent further hardstanding being created. Unauthorised area of hardcore now removed. CASE CLOSED
The Chase Plumley Moore Road Plumley	CHELFORD	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 th December 2019. Compliance due 14 th April 2020. Appeal lodged 7 th January 2020. Appeal dismissed on 24 th August 2020. Compliance due by 24 th February 2021.
Woodend Nursery Stocks Lane Over Peover	CHELFORD	Unauthorised change of use of land to agriculture, horticulture and the parking of vehicles, formation of hardstanding, lighting columns, ticket machines and barrier.	Enforcement Notice	Enforcement Notice issued 21 st January 2020. Compliance due 28 th June 2020. Appeal lodged 5 th February 2020. Appeal in progress.
Wood Platt Cottage, Chelford Road, Marthall	CHELFORD	Unauthorised change of use of land to an unauthorised waste transfer site	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019, Compliance due 10 th June 2019. Notice partly complied with. Pursuing compliance with the Notice.
Wood Platt Cottage, Chelford	CHELFORD	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019, the Notice was upheld. Compliance due 10 th September 2019. Notice not complied with. Pursuing compliance with the Notice.

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Road, Marshall				
Hawthorn House, Free Green Lane, Over Peover	CHELFORD	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 th January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice.
Land North of Pedley Lane, Timbersbrook	CONGLETON EAST	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice. Landowners convicted in their absence fined £220 each, £250 costs each and Victim surcharge £34 each. Further contact to be made requiring response to PCN.
34 South Bank Grove, Congleton	CONGLETON EAST	Untidy Land	S215 Notice	S215 Notice served 9 th June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	COOLE PILATE	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 th January 2016 Compliance due November 2017. Further application submitted to amend condition in relation to temporary residential unit and business unit. Application refused, appeal lodged. Appeal dismissed in relation to temporary residential unit. Condition No. 5 requires its removal July 2020. Site visit required to check compliance and any necessary further action.
Coppenhall House, Groby Road, Crewe	CREWE EAST	Unauthorised material change of use of a stable building to B8 warehouse and distribution with ancillary	Enforcement Notice	Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice.

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		offices.		
403 Groby Road, Crewe	CREWE EAST	Unauthorised material change of use to a B2 use	Enforcement Notice	Enforcement Notice issued November 2019. Appeal dismissed. Compliance due March 2020. Notice complied with CASE CLOSED .
4 Hall O Shaw Street	CREWE EAST	Untidy Site	S215 Notice	Untidy Land Notice issued 15 th September 2016. Notice not complied with. Conviction secured. Continued failure to comply with notice. Further prosecution instigated, conviction secured. Further site visit required.
Rear of 91 Hall O'Shaw Street, Crewe	CREWE EAST	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. New Notice issued 01/12/15 as a result of new information of land ownership. Notice came into effect on 3 rd January 2016 and allowed a period of one month for compliance. Permission for redevelopment of site but not implemented. New site owners, some works carried out. Further site visit required.
Land at Maw Green Road, Crewe	CREWE EAST	Untidy Land	S215 Notice	Notice served 27 th September 2019. Land alleged to have been sold. If land has been sold further notice required. Recent planning application for a single dwelling refused. Case to be reviewed.
24 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity.
20 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
Land adjacent to Riverswood, Strines Road, Disley	DISLEY	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 th June 2015. Appeal dismissed Compliance due September 2016. Site visit undertaken, the Notice has been partly complied with. Pursuing compliance with the Notice.
Ladera, Back Lane, Eaton	GAWSWORTH	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 th May 2019. Appeal lodged 17 th July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 th March 2020 by the appellant. Partial award of costs awarded to the Council. Compliance with the Notice due 17 th September 2021.
Mere End	HIGH LEGH	Unauthorised	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed

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Cottage, Mereside Road, Mere, Knutsford		erection of dwelling house and detached garage		for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.
Land at Spinks Lane, Pickmere	HIGH LEGH	Unauthorised Change of use of land from agricultural use to the siting of residential and touring caravans	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order.
Aston Park House, Budworth Road, Aston By Budworth	HIGH LEGH	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 th May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 th June 2017. Appeal withdrawn 9 th January 2018. Partial award of costs awarded to the Council. Enforcement Notice to be complied with by August 2018. Pursuing compliance with the Notice. Successful prosecution 2018, 250 hours community service £65k costs. Full payment of costs remain outstanding.
Aston Park House, Budworth Road, Aston By Budworth	HIGH LEGH	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued 18 th May 2017 requiring works to alleviate damage to the dwelling. Appeal lodged 20 th June 2017. Appeal withdrawn 9 th January 2018. Partial awards of costs awarded to the Council. Enforcement Notice to be complied with by March 2018. Notice complied with. CASE CLOSED
Land opposite 162 Moss Lane Macclesfield	MACCLESFIELD SOUTH	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a storage container and hardstanding	Enforcement Notice	Enforcement Notice issued 2 nd August 2019. Compliance due 4 th January 2020. No appeal lodged. Notice not complied with. Pursuing compliance with Notice.
Land Opposite	MIDDLEWICH	Unauthorised operation	Enforcement Notice	Enforcement Notice issued 5 th August 2015. Appeal dismissed. Prosecution for non-compliance February 2019. Found guilty, fined £200 with £30 VSC. Notice still not

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Five Acre Farm, Cledford Lane, Middlewich		development, erection of a building and boundary walls		complied with further proceedings required. Registered owner now deceased, case to be reviewed.
Land at Moss Lane Mobberley	MOBBERLEY	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 th October 2019. Compliance due 29 th May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice.
Castle Hill Farm, Castle Mill Lane, Ashley	MOBBERLEY	Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles	Enforcement Notice	Notice issued 11 th August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due
Land at Broadoak Lane, Mobberley	MOBBERLEY	Unauthorised hardstanding and use of the land for the siting of residential caravans	Injunctions	An injunction was granted on 13 th August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1 st September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14 th and 15 th October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal lodged. Further significant works undertaken to the property meaning notice no longer capable of compliance Notice withdrawn. Current retrospective application under consideration.
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal lodged. Walls subject to the notice removed, Amended walls erected, Notice withdrawn as no longer relevant. Current retrospective application under consideration.
Elm Beds Caravan Park,	POYNTON EAST AND POTT SHRIGLEY	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open. Legal advice currently

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Poynton				being sought.
Panache, 1 London Road, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 th November 2019. Compliance due 6 th May 2020. No appeal lodged. Site visit undertaken to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice.
Land adjacent to 5 Rushmere Close, Adlington	POYNTON WEST AND ADLINGTON	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 th February 2015. Appeal lodged. Appeal decided 29 th September 2015. Appeal dismissed. Compliance due 29 th June 2016. Notice partly complied with. Pursuing compliance with the Notice.
Mottram Wood Farm Smithy Lane Mottram St Andrew	PRESTBURY	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10 th June 2015. Notice due to be complied with by 10 th May 2018 (special circumstances for lengthy compliance date). Notice not complied with. A planning application, reference 20/1452M is currently under consideration for the retention of the cabin for the processing of alpaca wool in association with the alpaca breeding enterprise.
Land at Willot Nurseries, Wilmslow Road, Prestbury	PRESTBURY	Unauthorised material change of use to residential and residential garden, with areas of hardstanding, pond, building and walls.	Enforcement Notice	Enforcement Notice issued 28 th September 2020. Notice comes into effect on 2 nd November 2020.
30 Lime Close, Sandbach	SANDBACH TOWN	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners. Requires review.
Land at Gaw End Lane Lyme Green	SUTTON	Unauthorised change of use of land to	Enforcement Notice	Enforcement Notice issued 12 th December 2018. Compliance due 10 th May 2019. Appeal lodged 27 th March 2019. Appeal dismissed. Compliance due by 10 th January 2020. Notice not complied with. Pursuing compliance with the Notice.

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		agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate		
The Wharf, Bullocks Lane, Sutton	SUTTON	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 th October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished.
Rush Cottage, Gore Lane, Chorley, Alderley Edge	WILMSLOW WEST AND CHORLEY	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 th November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 th January 2018. Notice not complied with. Pursuing compliance with Notice.
Lode Hill, Altrincham Road, Styal, Wilmslow	WILMSLOW LACEY GREEN	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hard standing to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council not being able to pursue the removal of the hard standing. Legal advice being sought.
Fairview Stanneylands Road Styal	WILMSLOW LACEY GREEN	Unauthorised material change of use of land from agriculture to the importation of material, storage of non agricultural items, storage container and	Temporary Stop Notice (TSN) and Enforcement Notice	TSN issued on 18/07/2018 to stop further material being imported and deposited on the land. The TSN was complied with. Enforcement Notice issued. Appeal dismissed. Compliance due 28 th July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice.

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Wilmslow Garden Centre, Manchester Road, Wilmslow	WILMSLOW LACEY GREEN	hardstanding. Erection of a conservatory showroom building, associated decking, balustrade, glass screen and hardstanding	Enforcement Notice	Enforcement Notice issued on 28 th August 2019. Compliance due 27 th April 2020. No appeal lodged. A planning application, reference 20/0442M, was submitted in February 2020 for retention of the decking and balustrade is currently under consideration. Planning application for retention of the decking was refused. Notice partly complied with. Pursuing compliance with the Notice.
Six Acres, Wirswall Road, Wirswall	WRENBURY	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 th December 2014. Notice had been complied with but now possible further offence. Case to be reviewed.
Six Acres, Wirswall Road, Wirswall	WRENBURY	Construction of a building and creation of a hard standing	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Warrant of entry required to carry out a compliance inspection. Notice not complied with. Successful prosecution May 2017 fined £500 and ordered to pay all of prosecution costs within 12 months - £7k. Further warrant required for additional compliance visit. Additional operational development taken place. Compliance remains outstanding case under review pending further action. .
Greenacres, Lower Hall Road, Norbury	WRENBURY	Erection of an outbuilding	Enforcement Notice	Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.
Land at Little Island Livery,	WYNBUNBURY	Unauthorised erection of a	Enforcement Notice	Enforcement Notice issued 21 st August 2019. Compliance due 23 rd January 2020. Appeal lodged 19 th September 2019. Appeal in progress, awaiting decision.

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Haymoor Green Road, Wymbunbury		timber building used for grooms accommodation and raised decked area		
Bank House Farm, Audlem Road, Hatherton	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 27 th September 2018. Notice not complied with. Authorisation for prosecution proceedings, proceedings ongoing.
Avenue Lodge, London Road Doddington	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 25 th February 2019. Currently subject to an appeal, awaiting appeal decision.
Gorsty Hill Golf Club, Abbey Park Way, Weston, Crewe	WYBUNBURY	Untidy Lane	S215 Notice	Notice issued 10 th January 2019. Building removed, foundations remain.