

Application No: 11/2340M

Location: RIETER SCRAGG / LANGLEY WORKS, LANGLEY ROAD, LANGLEY, MACCLESFIELD

Proposal: Outline application for redevelopment of site for a mixed use, comprising residential development (Maximum 77 dwellings), Class B1 office/light industrial units, (Maximum 836sqm gross), Public Open Space and New Footpath links (REVISED SCHEME). All matters reserved.

Applicant: The Andrew and John Downes Partnership

Expiry Date: 31-Oct-2011

Date Report Prepared: 20 July 2012

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Compliance with National Planning Policy Framework, the Local Plan and the Development Brief (January 2000)
- Housing supply
- Impact on the Green Belt and Area of Special County Value for Landscape
- Loss of employment land / removal of un-neighbourly use from the Village
- Density, design & layout
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Impact on landscape, trees and ecology
- Open space provision
- Impact on highway safety and traffic generation
- Viability issues
- Heads of Terms

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The Reiter Scragg site is situated to the south of Langley village, within the parish of Langley and Sutton. It is a small village of approximately 200 houses located around

3km to the east of Macclesfield. Access to the village from Macclesfield is from Langley Road.

There is a limited range of facilities accessible by foot or bicycle, including two small shops, a public house, Methodist Church, Village Hall / community facilities, and play area. The closest school is Hollinhey Primary School approximately 1.2 miles away.

The site is designated a Major Development Site in the Green Belt and is situated within an Area of Special County Value for Landscape as defined by the Macclesfield Local Plan 2004.

DETAILS OF PROPOSAL

This revised application seeks *Outline* planning permission for the redevelopment of the site to create a maximum of 77 dwellings/apartments (including 18% affordable housing) and B1 employment (office/light industrial units) totalling 836 sq m gross. In addition, public open space, new footpath links, and the retention of the Old Mill Building are proposed.

The developer seeks agreement to the *principle* of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

The proposed parameters for the residential element would comprise the following:

- 12 no. 3 storey apartments (max height 8.5m above ground floor level at the reservoir bank)
- 8 no. 2.5 storey semi-detached houses (max height 8.5m)
- 11 no. 2 storey terraced houses (less than 8.5m)
- 16 no. 2 storey semi-detached houses (less than 8.5m)
- 4 no. 2 storey link-detached houses (less than 8.5m)
- 26 no 2 storey detached houses (less than 8.5m)

It should be noted that the number of dwellings/apartments proposed in this application has been reduced from 101 (as originally submitted) to 77 following discussions and negotiations with the applicant over an extended period. The Illustrative layout plan is **revision N**, which indicates the applicant's commitment to the development.

The rural enterprise hub proposes 6 units / 836 sq m. 4 of the units would be single storey and 2 would be two storey (less than 7.5m).

The originally proposed amphitheatre and the shop have been omitted from the proposals.

RELEVANT HISTORY

- | | |
|----------|---|
| 01/1664P | Demolition of existing industrial buildings & replacement with erection of mixed use development including industrial units, 90 residential dwellings incorporating affordable dwellings, new access, alterations to existing access, provision of play area, open space, new footpaths & landscaping.
Refused 01/10/01
Reasons for refusal: <ul style="list-style-type: none">▪ Contrary to the Development Brief dated January 2000▪ Harm to Green Belt▪ Highway / parking issues▪ Insufficient information submitted with the application |
| 02/1628P | Demolition of existing industrial buildings & replacement with erection of mixed use development including industrial units, 93 residential dwellings |

incorporating affordable dwellings, new access, alterations to existing access, provision of play area, open space, new footpaths & landscaping.

Refused 04/11/02

Reasons for refusal:

- Contrary to the Development Brief dated January 2000
- Harm to Green Belt
- Highway / parking issues
- Insufficient information submitted with the application

Appeal withdrawn 09/06/03

05/1098P Residential development of 44no. Affordable two storey dwellings
Approved 06/02/06

06/2767P 44 No. affordable dwellings, including repositioning of dwellings on plots 1-8 and additional minor amendments to the development as approved previously by virtue of planning consent 05/1098P
Approved with conditions 15/05/07

POLICIES

National Planning Policy Framework 2012

Regional Spatial Strategy

DP1 Spatial principles applicable to development management
DP2 Criteria to promote sustainable communities
DP4 Sequential approach to making the best use of existing resources
DP5 Objective to reduce need to Travel and increase accessibility
DP7 Criteria to promote environmental quality
DP9 Objective to reduce emissions and adapt to climate change
RDF2 Spatial priority for development in rural areas
RDF4 Maintaining the general extent of the Region's Green Belt
W3 Supply of Employment land
L2 Understanding Housing Markets
L4 Criteria on targets for regional housing provision
L5 Affordable housing provision
RT2 Strategies for managing travel demand and regional parking standards
RT9 Provision of high quality pedestrian and cycle facilities
EM1 Objectives for protecting the Region's environmental assets
EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply

Local Plan Policy

Green Belt

GC1 – New Buildings

GC4 – Major Developed Sites

Built Environment

BE1– Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children's Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land

Employment

E1 - Employment Land Policies
E4 – General Industrial Development

Transport

T2 – Integrated Transport Policy

Environment

NE1 – Landscape protection and enhancement of Areas of Special County Value
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments

Housing

H1 – Phasing policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing
H8 – Provision of Affordable Housing
H9 – Occupation of Affordable Housing
H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space

Implementation

IMP1 – Development Sites
IMP2 – Transport Measures

Other Material Considerations

- Interim Planning Policy: Release of Housing Land (Feb 2011)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- North West Sustainability Checklist
- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Ministerial Statement – Planning for Growth (March 2011)

CONSULTATIONS

The following consultation responses are a summary. Full copies of the consultation response are available at Committee should Members wish to read the comments in full.

Archaeology

No objection, subject to a condition requiring a programme of archaeological mitigation in order to record surviving aspects of the 19th-century mill complex

British Waterways

No comment

Forestry

No objection.

Housing

The Sutton Rural Housing Need Survey (2011) indicates that there is a need for 38 affordable dwellings in the Parish. No objection is raised to the provision of 18% of the total number of dwellings being affordable, based on the acceptance of the Financial Viability Appraisals submitted by the applicant, and externally assessed by Lambert Smith Hampton on our behalf.

A tenure split of 65% affordable rented and 35% intermediate tenure is required, this equates to 14 affordable houses, with a tenure split of 9 for rent and 5 for intermediate tenure, based on the current numbers.

Highways

No objection, subject to conditions, the completion of a s.106 agreement to upgrade bus stops, and the completion of a s.278 agreement to provide footway works on Langley Road. (Discussed in further detail below)

Environment Agency

Initial objection withdrawn. No objection raised in respect of the revised proposal (rev N), subject to conditions.

Environmental Health

No objection, subject to conditions.

Landscape

No objection, subject to conditions and the requirement of a s.106 agreement to secure a Landscape and Habitat Management Plan

Nature Conservation

No objection, subject to conditions.

Natural England

No objection.

Public Rights of Way

The new footpath links are welcomed. Further improvements to the condition of Sutton Public No. 15 in the form of a new footbridge and steps would benefit residents of the proposed development and other uses.

SUSTRANS

No objections

United Utilities

No objection, subject to conditions

VIEWS OF THE PARISH COUNCIL

Sutton Parish Council uphold their objection to the application on the following grounds:

- The proposals conflict with The Framework, the Local Plan and the Development Brief
- The proposals well exceed the development area identified on Plan 5 of the Development Brief (2000)
- The RSS indicates new housing should be concentrated in Crewe, not the Green Belt
- The number of dwellings/apartments is considered excessive
- The development harm the openness of the Green Belt and the character of the countryside
- The development will increase the housing stock in Langley by 50%, which will destroy the character of a small rural community.
- The 3 storey apartment block is out of character
- The development will urbanise the village
- The footpaths will harm the character of the Green Belt
- Insufficient open space is proposed, The Rural Enterprise Hub should be omitted from the scheme to provide more open space
- The single access point is inadequate

VIEWS FROM THE SUTTON PARISH PLAN STEERING GROUP

The Steering Group make the following comments:

- 97% of residents consider the preservation of the Green Belt is important
- An appropriate housing density is recommended
- 50% of residents are in support of a small development of affordable housing
- 24% of businesses said they were likely to need more accommodation in the next 3 to 5 years. They therefore support the proposed Employment Hub
- Improvements to play facilities and Langley Playing Fields are required
- Concerns are raised in respect of road safety

OTHER REPRESENTATIONS

Original Scheme

36 letters of objection were submitted in respect of the original proposals (2011). The proposed amphitheatre and village shop were heavily criticised, but as they were removed from the proposals, they are not listed below.

The following representations have been made:

OBJECTIONS

Scale, density, design & character

- The scale of the development is disproportionate to the village
- The development would increase the size of the village by 50-75% This would damage the close rural community
- The development would result in the village evolving too quickly
- The density of the development – particularly having regard to the recently constructed 44 dwellings on Cock Hall Lane

- Far from espousing the 'sensitive and imaginative' design principles advocated in the 2000 Development Brief, the proposal raises the prospect of a rather dull high-density housing estate, more suited to the suburban sprawl of Manchester than to an attractive small village on the fringe of the Peak District.
- The apartment block is totally out of character with the village, it is excessive in scale, will block out sunlight, and will overlook properties on Cock Hall Lane. It should be reconsidered.
- The buildings should not exceed 2 stories in height
- Proposal does not comply with 'By Design' and does not create character, a place with its own identity
- Proposal would split the village in two, the new and old Langley, leading to a loss of identity

Green Belt

- The proposals exceed the existing building footprints contrary to the Development Brief & green belt policy
- The development is 'Inappropriate', and no 'Very Special Circumstances' have been submitted to justify the development
- The development would harm the green belt and the character of the countryside

Development Brief (January 2000)

- The brief proposed that future development on the site should focus on employment and tourism uses, with some affordable housing.
- The housing development alone extends well beyond Area A of Plan 5 of the Development Brief, and the proposed Rural Enterprise Hub is completely outside the existing industrial building plot

Infrastructure

- There is insufficient infrastructure to support the development
- Can the sewers cope with the additional demands? If additional drains are required, they may damage the roots of protected trees
- Will the development result in flooding?

Type of housing

- There is no provision for sheltered accommodation for elderly people, which is urgently required
- Not all the affordable housing on Cock Hall Lane was taken up by local residents. Is there a need for additional affordable housing?

Residential amenity

- The development will create an unacceptable level of noise
- Proposal will generate light pollution
- New footpath would result in a loss of privacy & security to neighbouring properties
- The proposed industrial units will result in a loss of privacy

Ecology, trees & landscape

- The proposal may harm the fishing pond & stream
- The development would have an adverse impact on wildlife and protected species

- There would also be visual intrusion on to houses in Hall Terraces and Cock Hall Lane, and unnecessary destruction of mature trees subject of a preservation order, which are currently a visual amenity for the village.

Traffic generation

- Proposal will result in significant increase in traffic in the villages of Langley and Sutton, which will change the character and 'feel' of these villages
- The additional traffic will have a huge impact at the junction of Byrons Lane and London Road at rush hour, and will result in congestion
- The development will have an adverse effect on traffic flow along Church Lane (a narrow lane with poor visibility), as people will drive their children to school in Sutton.
- The development is unsustainable, as it would house residents some distance from employment and transport links
- Langley would become a commuter village
- The volume of additional traffic movements will disrupt local residents
- Additional traffic may result in safety issues

OTHER

- There is no provision for allotments
- The proposal does not create sufficient employment opportunities
- What will happen to the existing businesses?

SUPPORT

- Rural enterprise hub will help safeguard employment in the village
- Additional affordable houses are required
- Larger family homes are encouraged to allow families to grow
- Retention of trees encouraged
- A smaller scale development of 50 houses would be acceptable

COMMENTS

- The speed limit on Langley Road should be reduced to 30 MPH
- A cycle lane should be introduced
- It is very difficult to understand how the Council can consider this application when the Sutton Parish Plan has not been formulated nor published.

Revised Scheme (Re-consultation 12th June 2012)

A further 19 letters of objection were submitted in respect of the revised proposals. The concerns raised in respect of the original plans were re-iterated. In addition, the following new comments are made:

- Although the reduced number of houses is welcomed, 77 dwellings/apartments is still too dense in relation to the current size of the village
- The development will be on undeveloped green belt land
- If the Committee are minded to approve this scheme, there should be a condition attached to say that if there is no demand for the industrial units that the developers will not receive permission to convert the area into additional housing, above the maximum agreed as part of any initial planning consent
- The 3m wide tarmac path in the public open space is inappropriate for a rural area with a network of smaller paths, which are dressed with natural stone if at all. There is no need for the footpath to be so wide

- The area designated for public open space is currently a wild green field (previously grazed many years ago). It is full of wildlife, including badgers, foxes, birds and small rodents. Ideally it should be left as wild meadow
- 77 dwellings/apartments will create more than 14 children of primary school age
- There must be alternative means to design a retaining wall for the reservoir other than an apartment block
- The placement of a bus shelter in front of Brighton Crescent is unacceptable. It would be an unnecessary eyesore
- The LPA can secure greater housing stock in far more suitable locations than Langley
- Better road crossings/footpath links are required

APPLICANT'S SUPPORTING INFORMATION

- Ecological Supporting Information
- Barn Owl Survey
- Phase 1 Desk Study / Preliminary Risk Assessment
- Flood Risk Assessment & Update
- Arboricultural Assessment
- Reservoir Assessment
- Waste Management Strategy
- Sustainability & Climate Change Assessment
- Noise Report
- Updated Planning Statement & Counsel opinion
- Updated Employment Land Report
- Heritage Statement
- Draft Heads of Terms v3
- Summary of Viability Appraisals
- Amended Affordable Housing Statement
- Updated Transport Assessment
- Design and Access Statement
- Open Space Strategy and Accompanying Compartments
- Review of Traffic Conditions on Langley Road and Formal Crossing Requirements

OFFICER APPRAISAL

Principle of Development

The proposed development needs to be considered with regard to the Green Belt and Employment policies contained within the Macclesfield Borough Local Plan, and policies contained within National Planning Policy Framework 2012 (The Framework).

Paragraph 14 of The Framework states:

'At the heart of The Framework is a presumption in favour of sustainable development'....'For decision-taking this means' (unless material considerations indicate otherwise)... 'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
- *Specific policies in this Framework indicate development should be restricted'*

In January 2000, the Local Authority adopted the Reiter Scragg, Langley Development Brief which advises:

'The Council considers that retaining the site in predominantly employment uses is the most sustainable form of development'.

'Outdoor based tourism and leisure related uses are also considered to be a sustainable form of development'.

'The site could be development for a single or mixed uses'

Affordable housing on Cock Hall Lane was also considered acceptable, as a result 44 affordable dwellings were approved on Cock Hall Lane in 2006, which have since been built.

The Development Brief is a material consideration. It is considered that little weight can be attached to it, as:

- It significantly conflicts with the guidance in The Framework;
- It pre-dates the Development Plan;
- It has not been updated in accordance with policy GC4;
- It has not been subject to a sustainability appraisal;
- It is 12 years out of date.

The site is designated a Major Development Site within the Green Belt (policy GC4) and an Area of Special County Value for landscape (policy NE1) within the Local Plan. There is no reference in The Framework to Major Development Sites; rather it advises at paragraph 89 that the complete redevelopment of previously developed sites in the Green Belt is *appropriate development* provided it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

Policy E1 seeks to retain existing employment areas for employment purposes, to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. As the proposed development comprises a Rural Enterprise Hub, some land will be retained for more appropriate employment for the village.

The provision of an acceptable level of affordable housing and the provision of a good quality housing development clearly are very important material considerations which may help to justify the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme. The viability appraisal and benefits provided through Section 106 contributions require careful consideration during the determination of this application.

Housing supply

Members should note (as background) that on 23rd March 2011, the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011, this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework.

Collectively, these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

'The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where

this would compromise the key sustainable development principles set out in national planning policy’.

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (The Framework) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land’.

The Framework states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply. Paragraph 47 of The Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The Framework advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The Framework clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of The Framework. In summary, it states permission should be granted unless the adverse impact of doing so significantly outweighs the benefits of the scheme and is demonstrable.

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The proposed development complies with the IPP, as it is a regeneration scheme which is part of a mixed development in a village centre.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing therefore, the presumption in favour of sustainable development should apply.
- The proposed development complies with the Interim Planning Policy as it is a mixed development located in a village centre
- The Cuddington Appeal in Cheshire West and Chester and others in Blackpool, Fylde & Worsley indicate that significant weight should be applied to housing supply arguments.
- The Framework is clear that, where a Council does not have a five year housing land supply, its housing supply policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:

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

Housing supply is a very important consideration in the determination of this application and must be given considerable weight. Overall, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply. This is considered in more detail below.

Impact on the Green Belt and Area of Special County Value for Landscape

Paragraph 89 of The Framework states that:

‘a local planning authority should regard the construction of new buildings as inappropriate in Green Belt.’

Exceptions to this are listed and the proposal would fall under:

‘...the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development.’

The site is recognised as previously developed land. A definition of ‘previously developed land’ is provided within the glossary of The Framework:

'Land which is, or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'

Under paragraph 111 of The Framework,

'...decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.'

Therefore, the development could be deemed 'appropriate', if it has no greater impact on the openness of the Green Belt. This policy differs from both PPG2 and the Macclesfield Local Plan policy GC1. As it forms part of The Framework, it should be afforded more weight.

Does the development have a greater impact on the openness of the Green Belt?

The site is currently occupied by a number of large industrial buildings, (which equate to 14,945sqm). Due to their height, mass, bulk and colour, they are very prominent in the landscape and visible from surrounding vantage points. Furthermore, there is a large amount of hard standing surrounding these buildings, providing areas for parking.

The following table indicates the existing and proposed amount of hard standing, floor space, volume and maximum height of buildings.

	EXISTING	PROPOSED		
		Residential	Commercial	Total
HARDSTANDING	15,708m ²			9173 m ²
FLOOR SPACE	14,766m ²	10,079m ²	836m ²	10,915 m ²
VOLUME	88,000-100,000m ³			68,209m ³
MAXIMUM HEIGHT	Approx.16.5m above ground level (variable)	13.5m	8.5m	

This table demonstrates that the proposed development will result in a considerable reduction in hard standing (41%), floor space (24%), volume (32%), and a reduction in building heights by 3-5.5m.

The cross section indicates that the proposed development would not exceed the height of the existing buildings, and in the majority of the cases would be up to 3 metres lower than the existing built form, which would significantly reduce the bulk and mass of buildings on site.

Whilst there is a significant reduction in built form, it must be noted that the development does extend beyond the footprint of the existing buildings, particularly to the north west / front of the site, where the Rural Enterprise Hub is proposed. The six employment units are to be sited on an informal area of hardstanding, which is currently in use for external storage. The land is previously developed and falls within the curtilage of the developed land. As such, the redevelopment of this portion of land is considered acceptable. Given the modest scale of these buildings, and the overall reduction in built mass on

site, this element of the development is not considered to harm the character or openness of the Green Belt, and complies with the guidance set out in The Framework.

The overall built form would be reduced and the demolition of the existing prominent industrial buildings would significantly enhance the character and the openness of this identified Major Development Site within the Green Belt.

The development is considered to have no greater impact on the character and openness of the Green Belt, and therefore is considered 'appropriate', in Green Belt terms, in full accordance with The Framework.

Will the development have a greater impact on the purposes of including land in the Green Belt

The Framework identifies five purposes of including land in Green Belt:

1. To check the unrestricted sprawl of large built-up area
1. To prevent neighbouring towns merging into one another
2. To assist in safeguarding the countryside from encroachment
3. To preserve the setting and special character of historic towns
4. To assist in urban regeneration, by encouraging the recycling of derelict and other land

It is considered that the development accords with these purposes, in particular, as it would recycle a redundant site into a more beneficial use.

Loss of employment land / removal of un-neighbourly use from the Village

Policy E1 seeks to retain employment land for employment purposes. However, Para 22 of The Framework states that:

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

Cheshire East's Annual Monitoring Report 2010/2011

Table 5.3 of the 2010-2011 Annual Monitoring Report indicates there is 296.69 hectares of employment land in Cheshire East. Of this, 20 hectares is committed for non-employment uses, leaving 286.69 hectares. Approximately 60 hectares is located within the former Macclesfield Borough. During this period, the annual take up rate was 1.96 hectares per year. Using the same take-up rate, it is assumed that there is a 26.35 year supply across the former Macclesfield Borough.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth

- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

The Council has commissioned an employment land review, which in part will identify the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

An Employment Land and Market Overview Expert Report from GVA Grimley was submitted with the application. In conclusion, the report advises that there is no requirement to retain this site solely for employment purposes for the following reasons:

1. The site does not provide an important contribution to the local area in terms of employment land.

The site suffers from extremely poor access which is unsuitable for modern HGV traffic. The access is compromised by the canal bridge to Byron's Lane which can only provide for one vehicle to pass at a time coupled with a height restriction making it too low for many modern HGVs. The works also has poor access to the region's motorway network.

The buildings whilst generally presenting themselves as serviceable are at or near to the end of their economic life by virtue of low eaves heights, an ad hoc layout, scale and massing of the individual units and levels. It is a tired mill complex that does not meet the modern requirements of business.

2. There is an appropriate supply of land available for employment uses.

The data presented demonstrates that there is a 35 year supply of employment land in Cheshire East. The only conclusion that can be drawn is that there is an appropriate supply of employment land.

3. There are other sites available that are of better quality.

There are other sites available within Cheshire East as a whole and also within the former Macclesfield Borough that are preferable in terms of location and better quality than the application site.

The site is remote from the motorway network and has poor accessibility.

4. The site would continue to provide employment but on a scale more suited to the area.

The application proposes a mixed-use scheme which incorporates small scale B1 office and light industrial units floor space more suited to this location.

The rural hub would offer employment in the order of 70-84 full time positions in the B1 sector based on HCA's Employment Densities Guide 2010 2nd Edition. This is in excess of the current level of employment at the site which is circa 55.

The GVA Grimley Report concludes that there are a number of issues that impact on Langley Works' ability to be occupied on a commercially viable basis or to be economically redeveloped for employment purposes. In short, the site is not suitable for continued employment use, there are other sites of better quality elsewhere in Cheshire East and the loss of this site would have no impact on the supply of employment land.

The points raised above are considered to valid. The Council is keen however to retain some employment uses on site, given that this is one of the last sites in employment use in Langley. The small scale employment uses proposed are considered more appropriate to the village, and are supported.

Policy E14 of the Macclesfield Local Plan advises that the Council:

'Encourage the relocation of businesses which create unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation. Infill housing will be encouraged on such sites'.

It is understood that the site has not been operating to its full capacity in recent years. If operations were to recommence, it is likely that it would result in considerable HGV traffic through the village, which may affect residential amenity. It is considered that the allocated employment sites listed above would be more suitable for B2/B8 industrial uses, rather than the application site, due to its central location in a small village, with a rural highway network, which is unsuitable for modern HGV traffic.

Density, design & layout

The density of the development is in the region of 50 dwellings per hectare, which is considered commensurate to the pattern of development in the surrounding area.

Whilst this is only an Outline application, with all matters reserved, the illustrative layout (Rev N) indicates how the Rural Employment Hub and 77 dwellings/apartments **could** be incorporated on site.

Following discussions with Officers, various amendments have been made to the illustrative layout, such as:

- Reducing the number of houses
- Opening up the access to the reservoir area
- Adding a variety of house types,
- Changing the car parking configuration,
- Enhancing the open space areas
- Adding a Woodland adventure playground
- Retaining the Old Mill building

We are now satisfied that the proposed level of development could be achieved on site, whilst not compromising good design standards.

The scale of the proposal – impact of height, mass, bulk, character and appearance of the area

One of the key concerns raised by local residents is that the apartments are out of character with the village, and that they are excessive in scale.

It must be stressed that this application is only seeking assurance that 77 dwellings/apartments could be provided on site. It does not necessarily mean that the apartments will be built, although the applicant has indicated that there is a requirement for a retaining structure adjacent for the reservoir, so it is likely that a large scale building will need to be erected here – although it could contain three storey townhouses as opposed to 12 apartments.

The parameters of scale indicate that the apartment block will be 3 storeys in height, (from reservoir level), not exceeding 8.5m above ground floor level at the reservoir bank. The building is comparative in scale to the existing industrial building (as can

been seen on the cross section drawings). As such, no objection can be raised in respect of its scale.

The scale of the dwellings at 2 – 2.5 storeys in height (to a maximum of 8.5m) is considered acceptable in principle, as are the single & two storey employment units (to a maximum height of 7.5m).

It is considered that at low-key Rural Enterprise Hub, and 77 dwellings/apartments are more in keeping with the character of this rural area, rather than the lawful General Industrial / Storage and Distribution uses.

Impact on residential amenity

Concerns have been raised in respect of loss of privacy as a result of the public footpath within the informal open space area. The footpath is 27 metres from the closest residential property, well in excess of the space, light and privacy distances recommended in DC38, as a result the path is not considered to raise any significant amenity issues.

Initially, Environmental Health raised concerns about the proximity of the Rural Enterprise Hub to the proposed dwellings/apartments. As a result, it was agreed that the Rural Enterprise Hub would be limited to Use Class B1 (Office/light industrial use) and the hours of operation be restricted, to prevent any noise and disturbance to neighbouring properties.

Overall, it is considered that the proposed development will improve residential amenity, replacing a heavy industrial use, with Class B1 office /light industrial units and residential dwellings/apartments.

Impact on landscape, trees and ecology

Landscape

The landscaping of the site is crucial to ensure that is an attractive place to live and work, and so that the development blends into the countryside.

Following numerous meetings, discussions and negotiations, the Landscape Officer advises that the Illustrative layout (revision N), Green Space Plan (revision E) Footpath Connections (revision D) and Open Space Strategy are now acceptable.

The Open Space Strategy sets out the principles that will inform the design of the Landscape Masterplan for the entire site and the Landscape and Habitat Management Plan (L&HMP) for all open space areas.

The Landscape Masterplan and the L&HMP must be submitted and approved as part of the reserved matters application.

The Masterplan must include the landscape design for all open space compartments identified in the Open Space Strategy, the housing development and the rural enterprise hub.

The Landscape and Habitat Management Plan should form part of a s106 agreement in order to secure appropriate on-going management and public access in perpetuity.

Forestry

The main developable area associated with the residential dwellings occupies broadly the footprint associated with the industrial complex, with the existing tree aspect contained around the periphery of the site.

The majority of the trees associated with the rural enterprise hub and the associated access/parking occupy the informal hard standing which exists on site. Apart from those trees which front the existing main access the majority of the trees associated with this area of the site are considered to be low value specimens with their loss easily mitigated by a specimen replacement planting scheme.

Any objections in principle have been addressed through negotiation with the protected tree cover on the site able to be retained and protected in accordance with current best practice BS5837:2012

Any subsequent detailed full application will require an arboricultural implication study to reflect BS5837:2012, which should include, tree protection, tree pruning/felling, levels, and services.

Ecology

Bats

Three relatively widespread bat species have been recorded as roosting within the former mill building. Maternity colonies of each species are present making these roosts of significant nature conservation value.

Breeding Birds

A number of bird species have been recorded on site. A number of these are Biodiversity Action plan priority species and hence a material consideration.

If planning permission is granted, conditions are required to safeguard breeding birds.

Ecological Enhancement

The Framework encourages Local Planning Authorities to strive to secure enhancements for nature conservation from proposed development. The submitted ecological assessment suggests the creation of a wildlife pond within the open space area. This is acceptable, and should be secured by condition.

In addition, a “wet flush” occurs in the open space area close to the site access. This area is of sufficient nature conservation value to warrant its retention as part of the development. The Landscape Masterplan submitted as part of a Reserved Matters application should show this.

Barn owls

A Barn Owl Survey has confirmed that there are no Barn Owl roosts. The detailed landscaping scheme needs to ensure that the site retains sufficient rough grassland to ensure the site continues to offer appropriate barn owl foraging habitat.

Protected Species

Bats, Breeding Birds & Barn Owls are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ('LPAs') to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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

The Framework advises LPAs to ensure that appropriate weight is attached to protected species:

'Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused'.

The Framework encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to:

'refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm'.

If there is no harm to protected species, satisfactory mitigation measures can be made, and public interest is satisfied, there is no grounds for withholding planning permission under the Directive and Regulations.

The applicant has submitted detailed ecological information, surveys and mitigation measures, and amended their proposals to retain the Mill building (which contain maternity colonies of three bat types).

The Council's ecologist has indicated that the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

1. the development is of overriding public interest,
1. there are no suitable alternatives and
2. the favorable conservation status of the species will be maintained.

1. In terms of overriding public interest, the proposals would create high quality open market and affordable housing which is required to meet our housing needs, and provide small scale employment units, which would help the rural economy, this is considered to represent overriding public interest given that the Council cannot demonstrate a five year land supply.
2. There are no suitable alternatives available.
3. The favourable conservation status would be maintained by the mitigation proposed. As a licence would be likely to be granted, it is considered that the proposals would accord with the guidance within The Framework.

Open space provision

The scheme proposes a number of areas of Public Open Space, namely:

- 'The Green' at the entrance to the site;
- The informal open space area to the north of the site;
- The reservoir area, with a path extending to public footpath No. 15;
- A woodland adventure playground &
- A wild flower/tree planting area to the south west of the site.

These Public Open Spaces make the site interesting & attractive and will ensure that the development is incorporated into the village.

The Open Space Strategy [in conjunction with the open space compartment plan] should prove a very valuable tool in ensuring the open spaces deliver maximum benefit to the new and existing community and in integrating the new development into the village. The strategy will inform the design of the landscape Masterplan and landscape and habitat management plan, to be submitted and approved as part of reserved matters. Arrangements for the long term management of the on site open spaces must be put in place and safe public access ensured in perpetuity.

Commutated sums are required in lieu of on site children's play and recreation / outdoor sports. The commuted sums will be used to make additions, enhancements and improvements to the Langley playing field facility, a short distance from the development site. The main focus of this work will be to enhance and build upon the sites existing character and assets by:

- Improving the access into and around the facility;
- Providing opportunities for informal recreation, health and fitness activities; Supporting active lifestyles &
- Providing a range of play facilities that enhance and sit well within the facility, including social and imaginative play opportunities.

Impact on highway safety and traffic generation

The site will use the existing site access point, but will provide some improvements to visibility 2.4m x 70 m in the leading direction and 2.4m x 90m in the non leading direction. This provision meets the minimum visibility standards for the speed of vehicles on Langley Road.

When considering the traffic impact of the development on the local highway network, the current lawful use of the site needs to be taken into account as it will have generated traffic movements to and from the site. This existing use is then compared to the proposed use to arrive at either + or – net traffic impact on the network. The application proposals will likely generate between 80 and 120 trips in the peak hours. If

these figures are compared to the industrial use of 110 and 90 trips, it is evident there is little or no difference in the traffic visiting the site. However, there is highway benefit in that the amount of HGVs visiting the site as a result of the redevelopment; (potentially some 70 HGVs) could be removed on a daily basis.

The applicant has assessed a number of junctions on the highway network to highlight whether there are any capacity problems that arise with the development added. The report has highlighted there is only one junction that will reach its theoretical capacity in the future year 2020 and this is the A523 Cross Street/Byrons Lane junction. This analysis is accepted, as there are existing vehicle queues forming at the junction. Whilst the capacity concerns of this junction would be a major issue if this was an entirely new development, the traffic demand is no greater than the extant use of the site. As such, a refusal on traffic impact grounds could not be substantiated.

In terms of sustainability, there is only 1 hourly bus service. However, the site is connected to the surrounding footpath network via the new paths adjacent to the access road. Overall, it is considered that the level of sustainability of the site is low and that very few non-vehicle work or business trips will be made from the site, although the national walking/cycling agreed distances are met and also there is a bus service available within a reasonable distance from the site, as such it is accepted that the site is accessible to non-car modes.

As this is an outline application, no detailed comments are provided regarding the internal layout of the site. There will need to be some changes to the alignment of the road to allow the road to be adoptable. The main access is very straight and will promote high vehicle speeds and also the bend at the eastern end of the development is too severe.

In summary, the traffic impact of the proposal is broadly very similar to the existing industrial / commercial use. As such, it does not have a material impact on the road network. The site does not provide good sustainable links, but complies with the nationally accepted guidelines for distances to access non-car mode infrastructure.

A legal agreement is required to secure a bus shelter and upgrade two bus stops.

Viability issues

Detailed Financial Viability Appraisals prepared by GVA Grimley have been submitted with the application, which sets out that it is not financially viable to provide 30% Affordable Housing in addition to the S.106 requirements.

The appraisals identify the cost of the development and expected return rate. The Land values take into account the following: -

- Residential construction cost
- Rural Enterprise Hub construction cost
- Abnormal construction costs including:
 1. Existing junction upgrade
 2. Works to Bollin Brook Head
 3. Strengthening works
 4. Temporary reservoir support
 5. Extended footway/cycleway
 6. Substation provision
 7. Ground levels
 8. Structural works to existing bat building
 9. Contaminated hotspots
 10. Piled foundations

11. Tree root protection
12. Demolition
13. Public open space works

- Contingency
- Assumed s.106 costs
- Professional fees
- Marketing costs
- Finance rate

In order for redevelopment to take place the value of the site for housing and employment must exceed existing use value.

The Council has had the developer's Financial Viability Appraisals independently assessed by Lambert Smith Hampton, who concur with the findings of the submitted Appraisals. They conclude that it would only be viable to provide 20% Affordable Housing with a tenure split 50% affordable rented and 50% intermediate, or 18% Affordable Housing with a tenure split of 65% affordable rented and 35% intermediate tenure. The Council has opted for the latter, to meet the current housing needs.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This application seeks Outline permission, with all matters reserved for subsequent approval.

The application site is a Major Development Site in the Green Belt, and Area of Special County Value for Landscape. The principle considerations are whether the proposal would have an acceptable impact on the openness of the Green Belt, whether the reduction in Employment land is acceptable and whether the scale and type of development is achievable without undermining design, amenity, highway and environmental policies.

Due consideration needs to be paid to the National Planning Policy Framework, in particular paragraphs 49 and 14 which advise:

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

And

*'At the heart of The Framework is a presumption in favour of sustainable development'....'For decision-taking this means' (unless material considerations indicate otherwise)... 'where the development plan is absent, silent or relevant policies are out-of-date, **granting permission** unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
- *Specific policies in this Framework indicate development should be restricted'*

As Cheshire East can not demonstrate a five-year supply of deliverable housing sites, this is a weighty consideration.

It is concluded that the development is 'appropriate' in Green Belt terms and would improve the openness of the Green Belt, due to the significant reduction in built form. Furthermore, it is concluded that the site is not needed and is not suitable for General

Industrial Use. In principle, it is considered the development can be accommodated on site, without any adverse impacts. As such there must be a presumption in favour of the development.

The development is considered to comply with The Framework and MBC Local Plan, and therefore a recommendation of approval is made, subject to conditions and the completion of a s.106 agreement to secure the Heads of Terms listed below.

HEADS OF TERMS

All of the contributions listed below will be spent within a 15 year period. All of the monies to be paid on the commencement of development. Should the monies not be required, or are not spent within this timeframe, they will be returned to the developer.

Affordable Housing - 18% affordable housing - with a tenure split of 65% affordable rented and 35% intermediate tenure, this equates to 14 units, with a tenure split of 9 for rent and 5 for intermediate tenure.

Community Facilities / Youth Support - £30,000 to be spent in accordance with the SPG on S106 contributions to be spent on either Community Facilities and / or Youth Support as agreed between CEC and Sutton Parish Council

Education - £84,000 to be spent at Hollinhey Primary school, to accommodate the additional pupils the development will generate

Highways – £26,000 to provide a bus shelter, and 2 new bus stops

Landscape and Habitat management plan

Open Space - £191,000 to provide £120,000 towards off site play, and £71,000 toward recreation and outdoor sport £71,000

Open Space Strategy

Public Open Space management company to maintain the POS in perpetuity

Provision of a new footbridge and steps leading to Public Footpath 15 adjacent to the reservoir

Provision of Public Art - to be agreed

COMMUNITY INFRASTRUCTURE LEVY (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;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Affordable Housing

Affordable Housing is prescribed in National and Local Planning Policy. The provision of 18% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National and Local Planning Policy.

Community Facilities / Youth Support

The commuted sum for community facilities / youth support is required to mitigate against the development, as the proposal would introduce 77 households into the village, which would add additional pressures onto the existing facilities and services. The contribution is considered to be necessary, directly relates to the development and is reasonable in scale and kind. The contribution complies with the Council's Supplementary Planning Guidance on legal agreements, and The Framework.

Education

The commuted sum for education is required mitigate the development, as the proposal would leave a 7 space deficit at the local Primary school. The contribution would assist in providing an extension to the school to accommodate the additional pupils. The contribution is considered to be necessary, directly relates to the development and is reasonable in scale and kind. The contribution complies with the Council's Supplementary Planning Guidance on legal agreements, and The Framework.

Highways

A bus shelter and 2 new bus stops are required to minimise the traffic generated by the development, and to improve the opportunity to use public transport, to promote sustainability. The contribution is considered to be necessary, directly relates to the development and is reasonable in scale and kind. The contribution complies with the Council's Supplementary Planning Guidance on legal agreements, and The Framework.

Open Space

The commuted sum (in lieu for off site provision of recreation / outdoor sport) is required, as the new residents will use local facilities, and there is a necessity to upgrade/enhance existing facilities.

The commuted sums will be used to make additions, enhancements and improvements to the Langley Playing field facility, a short distance from the development site. The contribution is considered to be necessary, directly relates to the development and is reasonable in scale and kind. The contribution complies with the Council's Supplementary Planning Guidance on legal agreements, and The Framework.

All of the contributions listed above are considered to fully comply with CIL.

Application for Outline Planning

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

1. Commencement of development
2. Time limit for submission of reserved matters (within 3 years)
3. Submission of reserved matters
4. Implementation of reserved matters (Plans/reports/surveys/statements)
5. Compliance with parameter plans
6. Maximum 77 dwellings and 836sqm of B1 office / light industrial use
7. Mechanism to ensure Rural Enterprise Hub is delivered
8. Landscape Masterplan to be submitted as part of Reserved Matters application

9. Detailed landscape schemes for each area to be submitted as part of a Reserved Matters application
10. Implementation of Open Space Compartments Plan
11. Landscaping (implementation)
12. Landscape and habitat management plan to be submitted with Reserved Matters application
13. Principles of landscape masterplan and landscape and habitat management plan to accord with Open Space Strategy and compartments plan
14. Full Arboricultural Implication Study required
15. Access to be taken from Langley Road, in accordance with the updated Transport Assessment
16. Visibility Splay requirement
17. Provision of cycle parking for Employment Units
18. Protection of nesting birds, and incorporation of features for breeding birds
19. Details of Highways, footways and cycleways to be submitted, in accordance with Manual for Streets
20. Development in accordance with ecological recommendations and mitigation outlined in application
21. Submission of a programme of archaeological work
22. Construction Method Statement
23. Pile driving
24. Hours of Construction
25. B1 office/light industrial use only
26. Information on walking, cycling and public transport to be provided in each building
27. Hours of use of Rural Enterprise Hub
28. Remediation of any contaminated land
29. Limitation on noise emitted from Rural Enterprise Hub
30. Submission of lighting scheme with Reserved Matters application
31. Ground levels to be submitted with Reserved Matters application
32. Removal of permitted development rights
33. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
34. Submission of an aquatic enhancement plan with reserved matters application
35. Submission of a detailed Flood Risk Assessment with the Reserved Matters application
36. Submission of a foul/surface water drainage scheme with Reserved Matters application
37. Submission of a scheme to manage the risk of overland flow of surface water with Reserved Matters application
38. Submission of a complete soil survey with the Reserved Matters application



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