

## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD – URGENT ITEM

**Date of Report:** 24 May 2017

**Report of:** David Malcolm – Head of Planning (Regulation)

**Title:** 15/4888N – White Moss Quarry, Butterson Lane, Barthomley, CW1 5UJ

#### **1.0 Purpose of Report**

1.1 To consider this item as a matter of urgency to allow the part withdrawal of a reason for refusal relating to outline planning application 15/4888N at the site of White Moss Quarry.

1.2 This has been brought to Strategic Planning Board as an ‘Urgent Item’ due to the impending appeal timescales and the need for a speedy decision to minimise the risk of costs to the Council. Proofs of evidence required to defend the reasons upon which the Council resolved to refuse the application are being prepared and need to be completed by 11 July 2017.

#### **2.0 Decision Required**

2.1 To agree to the part withdrawal of the reasons for refusal in respect of the impact on the local highway network and to instruct the Head of Planning (Regulation) not to contest that issue at the forthcoming Appeal.

#### **3.0 Background**

3.1 On the 14 December 2016, Strategic Planning Board considered an outline application for up to 400 dwellings with all matters reserved for future consideration and the application is subject to an Environmental Impact Assessment.

3.2 The Applicant lodged an appeal against the refusal of the application following the decision of the Strategic Planning Board. The application was refused for the following reasons:

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.*
3. *It has not been suitably demonstrated that the ecological benefits of this proposal will be at a level to surpass the expected ecological value of the site upon completion of the agreed restoration scheme. Therefore the application is contrary to Policies NE.5, NE.6, NE.7, NE.8 and NE.9 of the Crewe and Nantwich Local Plan, Policy SE3 of the emerging Cheshire Easy Local Plan Strategy and guidance within the NPPF.*
4. *Insufficient information has been submitted with the application that demonstrates the proposals will not have a detrimental impact on the Oakhanger Moss SSSI and Midland Meres and Mosses Phase 2 Ramsar and local Sites of Biological Importance. Therefore the application is contrary to Policies NE.6, NE.7 and NE.8 of the Crewe and Nantwich Local Plan, Policy SE3 of the emerging Cheshire Easy Local Plan Strategy and guidance within the NPPF.*
5. *Insufficient information has been submitted with the application that demonstrates the proposals will not have a detrimental impact on the operation of the local highway network. Therefore the application is contrary to Policy BE.1 of the Crewe and Nantwich Local Plan, Policy SE3 of the emerging Cheshire Easy Local Plan Strategy and guidance within the NPPF.*

3.3 The fifth reason refers to a lack of information concerning the impact of the proposals on the local highway network. Since the Committee determination discussions have been on-going with respect of the highway improvements required as a result of the proposals.

3.4 An updated Technical Note has assessed a revised improvement scheme that does not include any shared space but has focused on mitigating the development traffic impact at the B5077 Crewe Road/Sandbach Road/Lawton Road signal junction and also linking of the traffic signals at the Asda signal junction to aid traffic flow through this part of the network. The proposals also include the removal of the existing pedestrian crossing that is located between these two junctions.

3.5 The original Transport Assessment identified the junctions affected by the proposal, the distribution figures indicate that the majority of the generated traffic will travel towards the motorway and approximately 30% will travel towards Alsager with the town centre junctions being mostly affected by the additional traffic from this site along with the committed schemes.

3.6 As the capacity modelling has demonstrated that the proposed improvements will mitigate the traffic impact of the development and provide a small improvement to the operation of the junction. The objection cannot be sustained subject to the improvements being provided and therefore the impact on the local highway network is acceptable subject to a suitable condition requiring the applicant to fund the works via a S278 Agreement.

3.7 On this basis, it is recommended that this reason for refusal can be withdrawn.

#### **4.0 Recommendation**

4.1 To agree to the part withdrawal of the reasons for refusal in respect of highways and to instruct the Head of Planning (Regulation) not to contest that issue at the forthcoming Appeal.

4.2 The appeal will still be defended on the following grounds;

1. *The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
2. *The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.*
3. *It has not been suitably demonstrated that the ecological benefits of this proposal will be at a level to surpass the expected ecological value of the site upon completion of the agreed restoration scheme. Therefore the application is contrary to Policies NE.5, NE.6, NE.7, NE.8 and NE.9 of the Crewe and Nantwich Local Plan, Policy SE3 of the emerging Cheshire Easy Local Plan Strategy and guidance within the NPPF.*
4. *Insufficient information has been submitted with the application that demonstrates the proposals will not have a detrimental impact on the Oakhanger Moss SSSI and Midland Meres and Mosses Phase 2 Ramsar and local Sites of Biological Importance. Therefore the application is contrary to Policies NE.6, NE.7 and NE.8 of the Crewe and Nantwich Local Plan, Policy SE3 of the emerging Cheshire Easy Local Plan Strategy and guidance within the NPPF.*

## **5.0 Risk Assessment and Financial Implications**

5.1 There is a risk that if the Council continues to pursue the Appeal on lack of information grounds in terms of the highway reason for refusal, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.

5.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

## **6.0 Consultations**

None

## **7.0 Reasons for Recommendation**

7.1 To avoid the costs incurred in pursuing an unsustainable reason for refusal at Appeal

### ***For further information:***

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### ***Background Documents:***

*Application 15/4888N*