



Planning Policy Team
Cheshire West and Chester
4 Civic Way
Ellesmere Port
CH65 0BE

By email only
spatialplanning@cheshirewestandchester.gov.uk

23rd September 2016

Dear Sir/Madam

REPRESENTATIONS TO THE CHESHIRE WEST AND CHESTER LOCAL PLAN (PART TWO) LAND ALLOCATIONS AND DETAILED POLICIES- PREFERRED APPROACH

Introduction

TEM Planning is instructed to submit representations to Cheshire West and Chester (CWaC) on behalf of the principal landowner of Bostock Green Village. The Bostock Green Estate is a long term, responsible steward and part of a holding of 6,000 acres in Cheshire with a proven track record of investing and improving the communities of which it forms part. Rostherne and Bostock Green are both estate villages under this stewardship that are Conservation Areas, and recent projects include delivering a new nursery school (Tilly Tots) and community pub (the Hayhurst Arms) securing £2m of investment, over 50 jobs and a well used and loved local facility.

These representations provide comment to a number of detailed draft policies and where changes should be made (and to the proposals map) and identifies in more the future opportunities to conserve and enhance Bostock Green Village and its sustainability by supporting community facilities and the strategic economic and leisure aims of the borough to focus growth in sustainable settlements. The plan enclosed identifies land to the east of Bostock Green which extends to around 27.5ha and land to the west of Bostock Green adjoining the A533, which extends to around 15.5ha; approximate areas of both parcels are edged red on the enclosed plan.

Representations to Draft Policies

R2 Local Service Centres

Question 22 Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No, we object to this policy as drafted. If CWaC maintains its approach to designate centres as Key Service and Local Service Centres then Bostock Green Village should be designated as a Local Service Centre.

Further to our representations dated 21st April 2015 to the Local Service Centre Background Paper we maintain Bostock Green village meets a number of the sustainable settlement criteria and indeed CWaC's approach is too uniform, does not allow for sufficient future flexibility and has complete disregard to the ability of a reasonably sustainable settlement to, through site allocation and or development management to offer greater facilities and services contributing to enhancing its sustainable attributes. In fact, nowhere in national planning policy does it stipulate a Local Plan must identify or differentiate between key service centres and local service centres, simply that the extent of a town centre and primary and secondary shopping frontages should be defined. The NPPF stipulates planning policies in Local Plans should promote the retention and development of local services (paragraph 28), indeed as advocated by the Planning Practice Guidance (PPG) all settlements can play a role in delivering sustainable development (001 50-001-20160519). The approach under draft policy is completely at odds with the NPPF and PPG and intentional constraint is likely to damage existing local services and stop the delivery of new ones.

Bostock Green is an increasingly vibrant village with a strong sense of community that has and continues to improve. Investment and work by the Bostock Green Estate has in the last few years also seen the opening of the new Tilly Tots day nursery and the Hayhurst Arms Public House as well as new management and investment at the Smithy and Bostock Green Farm, all of which provide for increased local employment as wellbeing important local services in the village. The Bostock Green Estate has featured on BBC Countryfile and on Escape to the Country as an example of a community and business with a modern approach with old fashioned values <https://www.bing.com/videos/search?q=bostock+green+escape+to+the+country&qpv=bostock+green+escape+to+the+country&FORM=VDRE>. Together the variety of uses provide a vibrant heart to the rural settlement of Bostock Green making it an attractive place to live, work and visit.

By excluding Bostock Green Village we do not consider Policy R2 is in line with Local Plan policies STRAT 2. Critical to policy STRAT 2 is the aspiration of the Local Plan to promote strong, prosperous and sustainable communities by delivering ambitious development targets whilst protecting the high quality environment that contributes to the attractiveness and success of Cheshire West and Chester as a place to live and work.

Thus the exclusion of Bostock Green Village as a Local Service Centre will negatively impact on the ability to deliver an appropriate level of future growth which in turn will contribute to the longevity and the future of the Village. This has already been evidenced by the success of the redevelopment of the former working man's club to the Hayhurst Arms Public House. The landowner holds design, heritage and sustainability as critical to any future development which in turn contributes to promoting a strong and prosperous sustainable community.

If CWaC are to maintain a criteria of centre designation CWaC are requested to amend draft policy R2 Local Service Centres and the proposal map, to include:

“ Bostock Green Village”.

The site has significant potential to contribute to the borough's future leisure and tourism industry alongside providing for a greater level of sports and recreational facilities for the village and surrounding area residents. In addition, new footpaths, cycleways and bridleways can be provided to compliment the village's existing accessibility credentials connecting the River Dane and possibly the Trent and Mersey

Canal to the wider landscape and for the enjoyment of many more residents and visitors. It is especially important to plan for the opportunities alongside the proposals for HS2 that fall in the parish.

The proposed allocation of this land is in line with the overarching aspirations of Local Plan (Part One) policy ECON 3 Visitor Economy which explicitly identifies the creation of new tourism opportunities will be supported where this would enhance the existing tourism offer.

The owners are seeking to bolster the hub of community facilities already present in the village with the provision of a local shop/deli and other sports/leisure facilities combined with the ability to deliver a real contribution to the CWaC visitor economy through days and overnight visitors with the provision of sensitive lodge accommodation, nestled in this valley of the landscape. Whilst our thoughts on this are at a very early stage and these are matters we will discuss with occupiers, elected ward Members, the Parish Council and the neighbours we must as a result of this consultation process take the opportunity to set out these proposals to you now. We would welcome a further detailed discussion with officers on this matter as soon as practical.

R3- Employment Land Provision in the Rural Area

Question 25 Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No, we object to the approach of policy R3. The four sites identified serve the west of the borough, the rural area to the north and east is completely deficient in allocated rural employment sites. This in turn contradicts the spatial strategic objectives of the Local Plan Policy SO2 which seeks to support a vibrant, diverse and competitive local economy that provides a range of job opportunities to support sustainable communities.

The supporting text to Local Plan Policy STRAT 8 dictates that the plan aims to support thriving rural communities whilst protecting the intrinsic character and beauty of the countryside. It goes on to state that beyond the key service centres in the remainder of the rural area there are many small settlements which have a lower level of service provision and access to public transport but could acceptably accommodate some small scale development. A key aspect of the NPPF and PPG is tailored to supporting the rural economy, both dictate that planning policies should do so in order to create jobs and prosperity by taking a positive approach to sustainable new development. The NPPF advocates that the Local Plan should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Similarly, NPPF dictates (paragraph 19) that planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth through the planning system. Local Planning authorities should positively promote and actively encourage economic growth.

Land to the west of the A533

Land to the west of the A533 at Bostock Green presents an rare opportunity to bring forward a land in the rural north of the borough for economic development with high employment generation through a mix of

uses potentially including office-led scheme that could be complimented by a gym, retail and/or hotel/restaurant. The land has excellent access off the A533 just up from the very successful Winsford Industrial Estate, with good sustainable transport links, the land is not in the Green Belt nor in an area at high risk of flooding.

We request that CWaC amend policy R3 to include:

“E. land to the west of the A533 Bostock Green (B1 use class employment led development approximately 15.5 ha)”.

Policy GBC1 Sustainable use of land and prudent use of natural resources

Question 28: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No, we object to the approach of the context of policy GBC1. The policy as drafted groups Green Belt land with countryside land; these are wholly different land designations subject to separate national policy and guidance and the policy should be split into two policies to reflect this.

The policy’s title seeks to promote sustainable development, yet the policy itself pays no regard to the fact that there are many sustainable greenfield sites in the rural area, in many cases which are often more sustainable, better located than brownfield sites such a blanket approach to the sustainable use of land is unacceptable and not supported by national policy or guidance.

The policy stipulates that the development of garden land in identified settlements will only be permitted where this does not result in an unacceptable loss of garden land or cause harm to the character of the surrounding area. The approach to this aspect of this policy is unfounded. In the first instance it does not clarify what ‘identified settlements’ are. NPPF stipulates the purpose of the planning system is to contribute to the achievement of sustainable development this is at the heart of the NPPF upon which there is a presumption in favour of sustainable development. Therefore, the approach to this aspect of this policy should be revised rather than stipulating arbitrary parameters without basis.

We object to the reference in the policy that stipulates that development on greenfield land outside of settlements will only be permitted where necessary to meet the levels of development for new housing and employment as set out in the strategic policies for the Local Plan.

We object to the policy’s supporting text’s assertion that that the Local Plan is on target to exceed the new housing requirement is unsupported. The Local Plan housing requirement of 22,000 homes is just that, a ‘target’. Exceeding it does not go against the aspirations of national policy or guidance, in fact it is common practice now to approach it in this manner, evidenced in particular in CWaC where a recent Planning Inspector endorsed this approach “*as the housing requirement figures in CWCLP Part One are minimum figures, there would be no conflict with Policies STRAT 2 or STRAT15.*” (APP/A0665/W/15/3140241, paragraph 47)

Our suggested amendment to these elements of the policy are set out below.

The policy should be amended to read:

“Proposals for the development of land in the countryside outside of settlements for appropriate uses will be permitted where the development conforms with the achievement of the presumption in favour of sustainable development.”

GBC3 Replacement dwellings, extensions, alterations and changes of use

Question 29: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

As above we object to the holistic sweeping approach to this policy which seeks to apply a blanket policy coverage to all Green Belt land and countryside land – when the strategic approach to the delivery of land is based on different aspirations in national planning policy, whilst this may relate to STRAT 9 Green Belt and countryside, NPPF quite clearly differentiates Green Belt land policy from other land designations such as countryside.

This policy should be split into two new policies to address Green Belt land development criteria from countryside land development criteria.

- Conversions or changes of use to residential

We object to the second part of policy GBC3 which fails to acknowledge the permitted development rights applicable to agricultural buildings. Again by using a wholly incorrect classification criteria grouping all buildings in the “rural area” under one category as drafted this alone would make the Plan unsound in failing to reflect The Town and Country Planning (General Permitted Development) (England) Order 2015 (and subsequent 2016 amendments), Part Q.

Notwithstanding this, the approach to this aspect of the policy is out of line with the NPPF paragraph 28 as already summarised in these representations. There are no policy grounds for a sequential assessment approach to the reuse of buildings putting an employment use first before residential reuse.

We request this entire section of policy GB3 is deleted as it is irrelevant, unfounded, not supported by national policy or guidance and therefore unsound.

GBC5- Protection of countryside and landscape

Question 31: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No, we object and request that bullet point two is amended to read:

“....protect landscape features where appropriate”.

A generic policy requirement as currently drafted by the policy to protect essentially all landscape features is inappropriate. Landscape features can comprise hard landscape and soft landscape features some of which it may not actually be appropriate to protect.

DM10 -Visitor accommodation

Question 52: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No. We object to this policy, it stipulates that visitor accommodation will only be supported in the countryside where it meets the requirements of policy STRAT 9 and utilises existing buildings. The approach to this policy inadvertently conflicts with the approach of NPPF which at paragraph 28 seeks to support sustainable rural tourism. In the more urban areas there are limited opportunities to provide for bespoke developments that are complimentary to the landscape; in turn such developments which require visitor accommodation to be located close to the proposed leisure use, the policy should allow for provision for a development to be provided where several elements of the ‘offer’ and ‘concept’ cannot be disaggregated into parcels.

It is also important to highlight the Local Plan does not allocate any leisure facility schemes with holiday accommodation and therefore we question CWaC’s strategy for achieving the aspirations of Local Plan Policy ECON 3.

Our initial assessment of the provision of similar complimentary and complete high quality leisure and recreational facilities with holiday accommodation has yielded no results in CWaC, whilst there are only two sites that offer extensive recreation and water pursuits at Frodsham, Manley Mere and accommodation at Lakeside Caravan Park and proposals at Delemere are awaiting consideration. None of these comprise a full comprehensive destination for ‘stay and play’ leisure facilities. to Figure 1 below showing the strategic location of these facilities and it is clear to see the east of the borough is severely lacking.



Figure 1 location of watersports facilities

Land to the east of Bostock Green

This area of land extends to approximately 27.5ha. The land is greenfield agricultural land, unallocated and (save for an access) completely outside the Bostock Conservation Area. The land is not within the Green Belt. The land can be accessed via several places off Bostock Green (not all are shown on the plan attached) and the site and surrounding land is within the same ownership so that access can be accommodated with ease. The site is bounded to the east by the River Dane (which flows from south to north) and, north, south and west by existing land/properties. The land from Bostock Green descends east towards the River Dane and Trent and Mersey Canal. The area is set at a much lower topography than the properties in Bostock Green and there is extensive landscaping protecting the main views from these properties across the site.

The site is not identified within the Coal Authority (website) Reporting area; it is acknowledged the land is within the salt mineral resource area for Cheshire. Our initial considerations envisage that the area is already mined but if there are remaining rock salt deposits this could be excavated at any time before, during or after development. Indeed, we view the geological features of the site and the tourism industry of salt mining on the whole as a benefit which the proposed allocation for a leisure development and lodge accommodation on the site could contribute to.

The Flood Zone maps available on the Environment Agency's website indicate that the northern part of the site lies within Flood Zones 2 and 3 however the majority of the southern area within Flood Zone 1 (low risk). The Flood Zones are associated with the River Dane, which forms the eastern site boundary (see below).

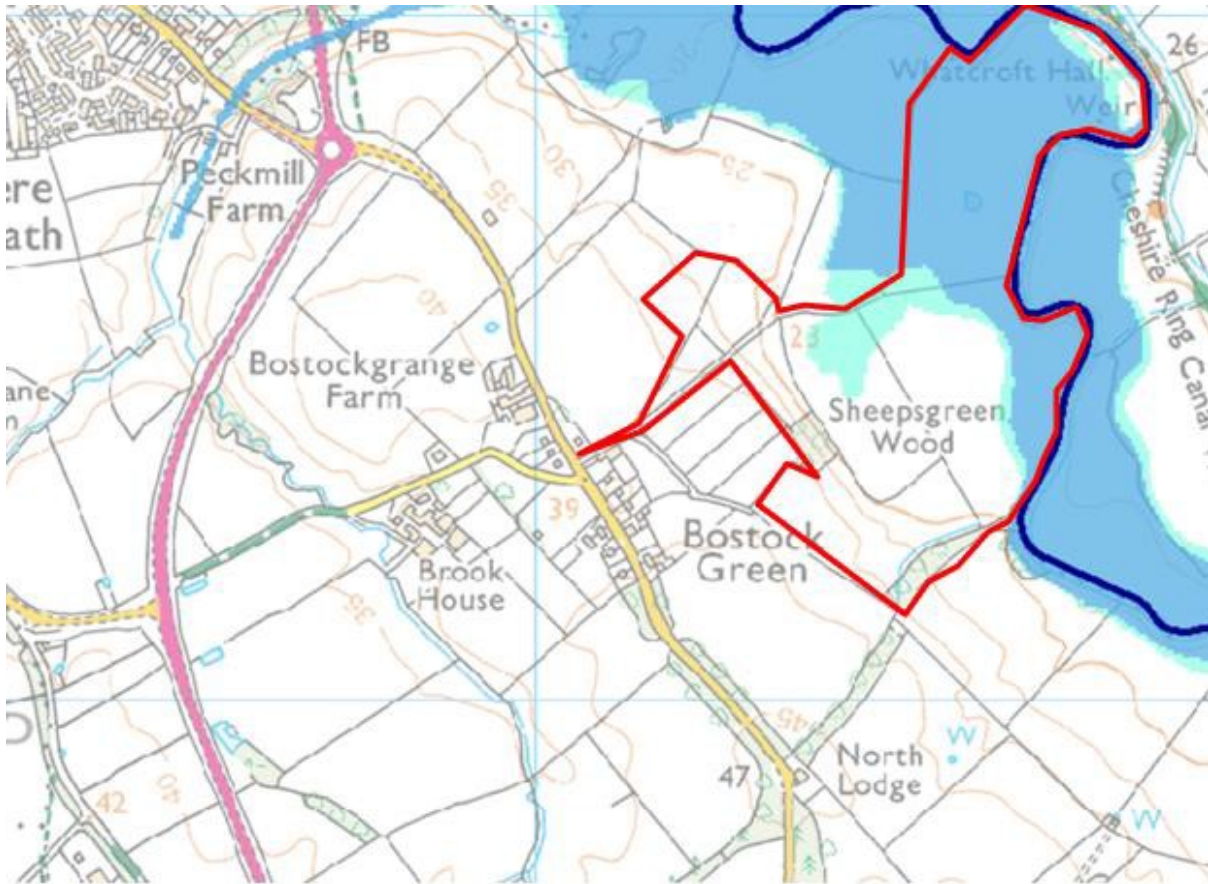


Figure 2: EA Flood Zone map (source: www.environment-agency.gov.uk)

The National Planning Policy Framework (NPPF) advocates the promotion of land within Flood Zone 1, and both the NPPF and PPG allow for numerous types of development within Flood Zone 2 and 3 without recourse to undertaking a Sequential Test or the Exception Test. Acceptable uses in Flood Zone 2 include more vulnerable, less vulnerable and water compatible uses. Acceptable uses in Flood Zone 3a are less vulnerable and water compatible, those of relevance to a leisure village proposal here including, sports, leisure, restaurant, café, mooring, holiday accommodation, deli, and cycle trails.

Due to the land ownership extent across the village initial investigations have established that any proposals would be able to accommodate any necessary replacement flood mitigation, compensation and or/protection measures, where necessary. In addition, there are major opportunities to deliver a Sustainable Drainage System across the site. **The Flood Zones in this instance are not a restriction to the proposed use for leisure and lodge accommodation.**

To make the policy sound the it requires amendment to reflect that where a comprehensive leisure/recreation scheme is proposed it should not be disaggregated:

“3. In the countryside, proposals for all types of visitor accommodation should be provided in appropriate locations relative to the visitor market that it seeks to serve. Where accommodation is

provided to support the leisure and visitor economy in line with the aspirations of policy ECON 3 proposals will be supported;”

DM13 Rural exception sites

Question 54: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

No. Development on small rural exception sites outside of areas identified as key or local service centres should be allowed. Other villages in the rural area are inadvertently being penalised by this policy, these areas also have future housing needs, without the ability to deliver future housing these rural areas will wither. CWaC’s rural areas offer an obvious opportunity for delivery of appropriate levels of new homes, delivering homes where people want to live. Rural villages offer attractive places to live for people of all ages and they provide a high quality environment, with readily accessible areas of open space, in turn it is often these rural areas that are the least affordable and also in the greatest need of housing and population to make facilities sustainable. To arbitrarily restrict delivery of new homes is inappropriate and goes against national planning policy.

National policy no longer seeks to protect the countryside for its own sake but rather supports ‘thriving rural communities’ within it (paragraph 17), whilst balancing the social, economic and environmental needs.

Planning practice guidance further reinforces this approach stressing the importance of housing in supporting the sustainability of villages and smaller settlements. It makes clear that in fact all settlements can play a role in delivering sustainable development and that blanket policies restricting housing development in rural areas should be avoided (unless supported by robust evidence) - there is nothing in this draft Local Plan that presents a convincing case to go against national planning guidance.

Notwithstanding this, policy DM13 fails to recognise the benefits associated with housing development in rural areas which are widespread. They include the ability for new families and people of all ages to play a part in and contribute towards the vitality of local communities and economies. Private housing developments provide much needed affordable housing and directly and immediately widen the choice and availability of high quality housing. New residents bring increased spending and demand for local services, especially those designed for children and young people, bringing new skills, energy and enthusiasm to local clubs and activities. Additional residents can include business owners and home based workers.

CWaC have not acknowledged that the development of new housing at a proportionate scale has an incredible ability to breathe new life into rural settlements as well as contribute to immediate housing needs. Greater consideration by CWaC to a considered approach to new housing allocations across a range of settlements will mean the benefits of new housing will be shared more widely across the majority of the authority area and not just a minority of it.

The Secretary of State and the Planning Inspectorate have too supported on many occasions now the growth of smaller settlements; acknowledging the role they play in the delivery of housing.

Housing sites in, or well related to rural villages offer a strong measure of certainty that is very rarely associated with brownfield sites or larger urban extensions. Delivery of smaller sites, will generally have less infrastructure requirements and therefore are delivered more quickly.

We request CWaC amend policy DM13 to allow for the ability to:

“...deliver rural exceptions sites in all rural settlements...”

DM15 Specialist accommodation

Question 56: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Yes, we support CWaC’s approach to the promotion of accommodation for vulnerable and older people.

DM26- Provision for sport and recreation

Question 67: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed

We support the overall approach to policy DM26, with particular regard to the provision of facilities that promote the accessibility of formal sports facilities in the rural area. However we object to the lack of formal designation in the rural areas, to meet the local community needs we recommend the policy is amended to reflect this.

DM28 Tourism and recreation use at minerals restoration sites

Question 69: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

This draft policy allows for appropriate recreational facilities at restored mineral restoration sites, we support this policy approach.

The draft policy restricts engine powered water sports and nature conservation activities on such sites. We object to this aspect of the policy. There will be a difference between the geology of each site which has been subject to mineral extraction, as a result the above land will react differently, this policy should allow for a development to demonstrate the stability of the land and if so engine powered water based activities should in turn be acceptable.

CWaC are asked to amend policy DM28 as follows :

“... to the location will be permitted. Any engine-powered water based activities will acceptable subject to confirmation of the stability of the land. There should be no harm...”

DM29 Waterways and mooring facilities

Question 70: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

We support the promotion of new mooring facilities to encourage active and engaged use of the waterways in CWaC. Therefore, we object to the assertion that draft policy DM29 will only support extensions to linear or lay-by mooring facilities at existing locations. This goes against the ethos of the NPPF and the approach to sustainable development, and in turn conflicts with the strategic priorities of Local Plan (Part One) Policy ECON 3 Visitor Economy. The enhanced use of the waterways provides a valuable opportunity to raise the profile of the superb natural resources available to residents and visitors, the policy must allow for new mooring facilities to enhance the use of the waterways, thus enhancing the tourism offer.

The second part of the policy again classifies development in the countryside with development in the Green Belt and we wholly object to this approach - assessment of built development in the countryside will follow a different approach to assessing new built development in the Green Belt and the approach is therefore wholly unsound.

We request CWaC amend this policy to read:

“Additional mooring facilities will be permitted which would not result in the obstruction of the waterways for other users.”

“Proposals for mooring facilities in the Green Belt which include built development which is not considered to be necessary (such as a hotel, restaurant etc) will not be permitted.”

DM30 Community facilities

Question 71: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

We strongly support the provision of new community facilities which is a critical part of successful plan making. The approach to this policy is however far too narrow and penalises communities where the villages have not been identified as a key service centre or a local centre (see our comments on this as above).

CWaC should amend the policy to provide support for all community based facilities. The policy should be amended as:

“Proposals for new or improved community facilities within the urban or rural areas will be supported where they are of an appropriate scale to serve the local community.”

DM37 Trees, woodland, hedgerows

Question 78: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

This policy does not allow for removal of trees if they are damaged or diseased, the policy should be amended to read:

“New development should ensure that existing trees, woodlands, traditional orchards and hedgerows are conserved, enhanced and managed where possible.”

DM52 Solar energy

Question 93: Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

We are supportive of the ability of land in CWaC to provide for solar energy.

We object to the approach of draft policy DM52’s sequential assessment, that greenfield land will only be acceptable for solar energy if brownfield land is unavailable. There is no national policy or guidance which dictates such an approach, we consider this is an idealistic approach to the use of brownfield land which is likely to have higher land values associated with it as a result of its brownfield nature e.g. at the very least industrial/manufacturing values, compared with greenfield (potentially agricultural land values) and current prices paid by the Government through the tariff are highly unlikely to attract such development and as such this policy will prevent development that almost by definition is sustainable.

Summary

For the reasons explained in full above, these representations we hope represent a positive approach to help CWaC make their policies sound and identify development to deliver them including by formally identifying land as suitable for development during the Plan period as identified (edge red and blue) on the attached plan:

- (a) allocate the land to the east of Bostock Green for appropriate leisure village, sports, recreation, community, lodge facilities; and
- (b) allocate land to the west of the A533 for mixed use development of employment- led development with potential for, retail, hotel, restaurant and gym use.

In addition, we request CWaC amend the following draft policies:

- (i) amend policy R2 and the proposals map to include Bostock Green as Local Service Centre;
- (ii) amend policy R3 to include land west of A533 for employment use;
- (iii) amend policy GBC1 to split the policy into two and to reflect the suggestions as noted above;
- (iv) amend policy GBC3 to split the policy into two and delete the second section to reflect the suggestions as noted above;
- (v) amend GBC5 second bullet point to insert “ where appropriate”;

- (vi) amend policy DM10 to allow visitor accommodation in the countryside;
- (vii) amend DM13 to allow delivery of homes on rural exception sites to support all villages;
- (viii) amend policy DM26 to reference support for formal sports facilities in the rural area;
- (ix) amend policy DM29 to allow for new mooring facilities and separate Green Belt requirements;
- (x) amend draft policy DM30 to allow for community facilities across the urban and rural areas;
- (xi) amend policy DM37 as listed above; and
- (xii) amend policy DM52 to remove the preference of brownfield land first for solar development.

We wish to take this opportunity to highlight to CWaC as per NPPF (Paragraph 150-151) Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of the local communities. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development and on that basis LPA's must work to the principles and policies set out in the NPPF including the presumption in favour of sustainable development.

As a significant single landowner with a strong interest in ensuring conservation, and sustainable communities as part of our stewardship role in Cheshire we seek several amendments to the draft policies including formal allocation of the land at Bostock Green for employment led and leisure-led visitor attraction and accommodation and in doing so we present to CWaC a truly unique opportunity to contribute to the longevity and enhancement of Bostock Green through the delivery of a spectacular development that can be an asset to the whole area.

This in turn will contribute to the strategic rural economy aspirations and the spatial vision of the visitor economy and its growth potential, placing CWaC in an enviable position to complement the scope of the attractions in CWaC and in turn those evolving in the LEP area (for example Cheshire Lakes, Chelford Quarry) and beyond with a much greater and more attractive offer.

Please confirm safe receipt of these representations.

Yours faithfully,

CAROL CLARKE
Head of Planning and Engagement
07484 093059
cc@temproperty.com