

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD REPORT

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**Date:** 28 March 2018

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

**Title:** 17/1000C - Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle link, for Land between Manchester Road and Giantswood Lane, Hulme Walfield

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### **1.0 Purpose of Report**

- 1.1 Planning application 17/1000C was considered by Strategic Planning Board on 25th October, 2017 where it was resolved to approve the application subject to the signing of a Section 106 Agreement and conditions.
- 1.2 The report is to reconsider one of the conditions relating to the secondary access which is a major issue to the applicant as set out below.

### **2.0 Decision Required**

- 2.1 To remove condition 30 from the forthcoming decision notice on planning approval 17/1000C.

### **3 Background**

- 3.1 The minutes from the meeting are as follows:

#### **RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- 17.5% of the dwellings to be affordable at 80% discounted market sale. Affordable Homes should be pepper-potted (in clusters is acceptable)
- Provision of POS consisting of 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling and a NEAP(1000sqm) /destination play

facility as indicated on the parameter plan, a Green gym with a minimum of 5 items & 4 LAPS minimum.

- A commuted sum of £3,200,000 towards Education provision along with a levelled and fully serviced site to allow the construction of a new primary school.
- S106 contribution of £150,000 for the making of any Traffic Regulation Orders and to install traffic management measures to Giantswood Lane, Mill Lane and Smithy Lane – this contribution has a trigger event of a new highway link between Local Plan site CS45 and Giantswood Lane receiving planning approval and the commencement of development of said access.
- A S106 contribution of £100,000 towards the delivery of a Toucan crossing of the A34 prior to the occupation of the 80th dwelling.
- A S106 contribution of £50,000 towards upgrade of the footway adjacent to the A34 from the Northern boundary of the site to the new underpass of the A34. The trigger event is the occupation of the 50th dwelling.
- A S106 contribution £15,000 per dwelling to the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy. £600,000 of this will be paid prior to occupation of the 30th dwelling. An additional £1.5M will be paid on the occupation of the 125<sup>th</sup> dwelling, an additional £1.3M will be paid on the occupation of the 200th dwelling. The Balance of monies (calculated as the total number of dwellings approved at reserved matters stage, minus the cumulative contributions paid) will be paid on occupation of 70% of the dwellings approved at the reserved matters application.
- A contribution of £300,000 towards the provision of a new bus service linking this site to the town centre on the occupation of the 100th dwelling.
- Ecological offsetting and sports provision.

And subject to the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Construction Management Plan to be submitted prior to commencement.
9. Travel Plan to be submitted prior to occupation of the first dwelling.
10. The main spine road for the new site will need to be designed to accommodate bus services and a minimum width of 6.5m is required.
11. Approval of a Public Rights of Way Management Scheme
12. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and

Construction – Recommendations which shall include a Tree Protection Scheme

13. Submission of a management plan for the Woodland
14. Submission of an updated Badger Survey as part of and reserved matters application.
15. Bridge design to minimise habitat losses over water course.
16. Approval of lighting to avoid impacts on bats
17. Air pollution damage cost calculation and associated mitigation works.
18. Electric Vehicle Charging points.
19. Submission of an acoustic mitigation scheme as part of any reserved matters
20. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
21. Control of soils brought onto site.
22. Measures to address contamination should it be expectantly be found during works.
23. Jodrell Bank mitigation measures.
24. Approval of levels.
25. Development to accord with the recommendations of the submitted flood risk assessment
26. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
27. Foul and surface water drained on separate systems.
28. Cycle storage and bin provision
29. No more than 40 houses can be occupied until the Council has entered into a construction contract for the full construction of the Congleton Link Road
30. **The secondary access shown on the parameters plan shall be closed to vehicular traffic once the main access off Manchester Road becomes available for use.**

3.2 The decision notice has not yet been issued as the Section 106 Agreement – whilst at an advanced stage, has not yet been signed.

3.3 The final condition (No. 30) relating to the secondary access is a major issue to the applicant as set out below, and the applicant is looking to have this condition removed before a decision is issued on the application.

**The applicants case:**

3.4 “This condition was not recommended by officers and the applicants are of the opinion that it is unreasonable and if imposed would be likely to make the site less attractive to any prospective developer. This opinion is based on the fact that in discussions with officers both before and after submission of the application it has always been made clear and accepted that the access strategy for this site would include a secondary permanent vehicular link to the site to the south east currently being developed by Bloor Homes. This link would lead to the

main site access onto Manchester Road permitted under application Ref 14/1680C. Effectively the site subject of application Ref 17/1000C would have the benefit of two access points onto Manchester Road.

- 3.5 I would draw your attention to the information contained within the Transport Assessment prepared by Croft Transport Solutions and submitted in support of the application. I have enclosed a copy of the Transport Assessment for reference. (Copy attached to application file).
- 3.6 Prior to the application being submitted, Crofts prepared a Technical Note dated January 2015 entitled 'Consideration of Access Strategy' for the site which included the secondary access as an integral part of the overall scheme. This was subsequently agreed with highway officers before commencing work on the application. It is reproduced at Appendix 1 in the Transport Assessment. The proposals in the application were based entirely on this access strategy and the use of the secondary access into the Bloor Homes site is referred to in several paragraphs in the TA. It is also included in the calculations for junction capacities.
- 3.7 Under para 2.5.3 in the Transport Assessment it is clearly stated that in addition to the primary site access there would be a vehicular connection to the consented land to the south of the application site. Thus the application site would be served also by the consented access into the Bloor site along Manchester Road as well as the primary access. The Transport Assessment points out in para 2.5.4 that the now adopted Local Plan Strategy requires provision to be made for managed linkages through the site between Manchester Road and Giantswood Lane and this secondary access is designed to meet this criterion.
- 3.8 Section 6 of the Transport Assessment deals entirely with the assessment of the traffic impact of the proposed development based on extensive modelling in respect of various junctions. Para 6.7.5 states that the first phase of 40 dwellings will be accessed via a spur from the already consented residential development to the south of the application site and therefore capacity assessments of this junction were included. Paras 6.8.24 to 6.8.26 and Table 6.8 provide justification for the capacity of the access consented as part of 16/1680C including traffic from the current application site.
- 3.9 The use of the secondary access clearly forms a key part of the Transport Assessment and overall access strategy for the site and fulfils the Local Plan Strategy's requirement for linkages between sites. There is no suggestion in any of the documentation submitted with the application that the secondary access would only be a temporary measure. Whilst it is accepted that the primary access into the site from Manchester Road has been designed in technical terms to serve the proposed development of 500 dwellings, primary school and shop, to limit this development to only one access is not logical when two

well designed main access points exist onto Manchester Road. To limit one access to 500 dwellings and the other to circa 100 dwellings only makes no sense. In practical terms residents of the Bloor development would have to exit onto Manchester Road, turn left and then turn left again to access the primary school and shop if the secondary access was closed to vehicular traffic.

- 3.10 In summary, the use of the secondary access into this site is an integral part of the overall access strategy as demonstrated by the Transport Assessment. It also has the support of Cheshire East's highway officers for the reasons set out above. On that basis the applicants request that you refer this matter back to the Chair and Vice Chair of the Strategic Planning Board to have the condition rescinded prior to a decision notice being issued and to allow the site to be marketed unfettered by such a restriction.”

#### **4. Updated position – Officer appraisal**

- 4.1 This matter has been discussed with colleagues in Highways and they have confirmed that they concur with the applicant's assessment, as it will allow direct vehicular access from the Bloor site to proposed retail facility and school negating the need for vehicles to traverse the A34 Manchester Road. In effect there are two issues with the proposed link:
- Safe access onto Manchester Road (A34) and
  - Internal circulation within the site
- 4.2 Based on the vehicular flows set out in the applicant's Transport Assessment, Highways have confirmed they have no objections to both access points being used to access the two sites, the Bloor Homes site already consented, and the application subject to this report. There are no concerns on highway safety grounds, as set out in their comments on the application.
- 4.3 Having a link between the two sites allows for better internal circulation, and would allow occupants of the Bloor Homes site to access the school and retail facilities without the need to use the A34.

#### **5 Recommendation**

- 5.1 To remove condition 30 from the forthcoming decision notice on planning approval 17/1000C

#### **6 Financial Implications**

- 6.1 There are no financial implications.

#### **7 Legal Implications**

- 7.1 None

#### **8 Risk Assessment**

8.1 There are no risks associated with this decision.

## **9 Reasons for Recommendation**

9.1 To delete Condition 30 from the list of recommended conditions.

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

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

- *Application 17/1000C*