



# Strategic Planning Board Updates

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**Date:** Wednesday, 26th August, 2020

**Time:** 10.00 am

**Venue:** Virtual Meeting

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The information on the following pages was received following publication of the Board agenda.

**Planning Updates** (Pages 3 - 14)

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Please contact Sarah Baxter on 01270 686462  
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**APPLICATION NO:** 19/5934N

**LOCATION:** Basford East Land, David Whitby Way, Weston

**PROPOSAL:** Approval of Reserved Matters following Outline Approval 14/4025N - Outline application for the erection of up to 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modelling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe

## **KEY ISSUES**

### **Layout / Design - Update**

Character **GREEN**

Whilst the contemporary approach is welcomed to the design of house types, concerns were raised by the Design Officer about the lack of architectural distinctiveness and variation given the scale of the site. This required enhancement to reinforce the structure of the scheme and add to the overall quality of the development

Satisfactorily amended, worked up and detailed house type drawings have now been submitted for the first phase of the development. The Design Officer has advised that detailing of house types has been suitably refined and enhanced to incorporate greater variations in materiality and architectural features. This has included textured brickwork/render, the use of feature windows, additional fenestration and balconies.

On this basis, and as set out in the report, a planning condition as recommended can be imposed requiring working designs to be agreed for each plot within each subsequent phase and character area of the development. Such an approach is considered appropriate given the scale of development in that it will take several years to implement, and ensures flexibility in finalising the detailed design of plots in later phases.

In terms of assessment against BfL 12 criterion "Character", the scheme can now be awarded green, as the architectural distinctiveness of proposed house types and apartment buildings will satisfactorily reinforce the sense of place offered by the natural features and strong structure of the scheme .

Design Conclusion

It is considered that important issues concerning his refinement of the detailing/materiality of the house types which are critical in achieving a high quality development have been resolved. As a result the design of the scheme has therefore developed to a point where it is considered to be acceptable, when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

## Housing

The Housing Officer has confirmed that a satisfactory Affordable Housing Statement has now been submitted setting out full details of provision which will be secured within the development. This states that 123 affordable homes (27%) on this site, which is significantly more than the requirement specified by the S106 Agreement (15%). The unit mix and tenure is summarised as follows;

Tenure	Units	Numbers
Affordable Rent	1 Bed Apartments (50.8sqm)	34
	2 Bed Apartments (57.8sqm)	22
	2 Bed Houses (72.8sqm)	11
	<b>Total</b>	<b>67</b>
Shared Ownership	2 Bed Homes (65.6–72.8sqm)	22
	3 Bed Homes (83–86sqm)	34
	<b>Total</b>	<b>56</b>
Open Market Sale	3 Bed Homes (83–96sqm)	214
	4 Bed Homes (118–151.4sqm)	112
	<b>Total</b>	<b>326</b>
<b>Total</b>		<b>449</b>

The Statement sets out that all properties for rent will be offered through a choice based lettings scheme in accordance with The Contract for Web-Based Lettings and Services and Information between Onward Homes and Cheshire East Council.

In addition, shared Ownership properties will be marketed as part of the wider sales and marketing approach for market sale. All shared ownership applicants will need to the eligibility criteria for Shared Ownership as set out in the HE Capital Funding Guide, with a household income of less than £80,000 and be otherwise unable to buy a suitable property to meet their needs on the open market.

The tenure of the affordable units as described above is consistent with the provision of the S106 Agreement.

**RECOMMENDATION**

**APPROVE subject to the following conditions;**

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials for each phase
4. Implementation of highway surfacing treatment
5. Submission/approval of working designs for elevations of each plot within each phase of the development (subsequent to first phase)
6. Submission/approval of detailed specification of hard/soft landscape scheme for feature squares and spaces, and courtyards including surfacing treatment, lighting and street furniture for each phase
7. Specification of planting along secondary streets on a plot by plot basis within each phase
8. Submission of details of landscaping for each phase
9. Implementation of landscaping
10. Details of construction and specification of landscaped bunding
11. Details of boundary treatment and retaining gabion walls
12. Noise mitigation – Implementation
13. Implementation of ecological mitigation detailed in the Ecological Management Plan
14. Updated badger survey to be submitted prior to commencement.
15. Hedgehog mitigation measures– Implementation
16. Submission of CEMP for the safeguarding of water courses during the construction phase.
17. Submission of detailed designs of the ponds.
18. Details of lighting – minimise impact on bats
19. Details of Community gardens including parking provision

20. Design detail, specification and implementation of MUGA, NEAP and play area/features
21. Arrangements to enable future provision of school drop-off area
22. Cycle storage details – Apartments
22. Details of specification, surfacing and lighting of pedestrian /cycleway and PROW

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

**APPLICATION NO:** 20/1709N

**LOCATION:** A500 NEWCASTLE ROAD, BARTHOMLEY

**PROPOSAL:** Dualling of the existing 3.3km stretch of the A500 between Junction 16 & Meremoor Moss Roundabout (Resubmission of planning permission ref. 18/3766N including proposed amendments to the approved design)

### **Further consultation responses received since the committee report**

#### **Cheshire Wildlife Trust (CWT)**

CWT have provided a further response advising that they welcome the clarity provided by the updated ecology information however they advise that the Biodiversity Impact metric evaluation of the site should include all temporary impact areas as well as retained areas i.e. the metric calculations should correspond exactly to the red-line boundary of the application. They therefore advise that the metrics should be resubmitted to account for the time of re-creating habitat in areas used for material storage, vehicle movements and other activities.

#### **CEC Ecology**

##### Non-statutory Designated Sites

##### *Town House Farm Wetland Potential Local Wildlife Site (pLWS)*

To compensate for the impacts of the consented development upon the pLWS it is proposed to plant an area of broad leaved trees and the removal of poplar and replanting a more diverse mix of native tree species within part of the site. This would then be managed in accordance with a management plan secured by condition.

Confirmation has now been provided by the applicant that this current revised scheme would not result in any additional impacts upon the pLWS.

In order to minimise the impacts on the proposed widening the Councils Ecologist recommend that in the event that planning permission is granted a condition should be attached which requires the submission of a construction method statement designed to minimise construction phase impacts on the potential Local Wildlife Site.

##### Veteran Tree

The proposed scheme would result in the loss of a veteran alder tree. Veteran trees receive specific protection though paragraph 175c of the NPPF as irreplaceable habitats. The Councils Ecologist advises that in accordance with the mitigation hierarchy the proposals must be amended to allow the retention of this feature.

The applicant has now provided justification for the loss of this tree.

#### Ponds

The proposed development will result in the loss of a single pond. The April 2020 ES states that four ponds would be provided to compensate for this loss. Only two new wildlife ponds are however shown on the submitted Environmental Master Plans along with a number of attenuation features. The applicant has confirmed that the reference to the creation of 4 new ponds was an error and confirmed that 2 new compensatory ponds would be provided for the single pond lost. The Council Ecologist advises that this is acceptable.

#### Bats

During the determination of the original application it was anticipated that the proposed development would result in the loss of a number of confirmed and suspected bat roosts associated with trees. Updated bat surveys have been undertaken to inform this revised application and these have identified roosts in different locations to those considered during the determination of application 18/3766n. The revised scheme would result in the loss of a reduced number of bat roosts in comparison with the consented scheme. The roosts lost to the scheme are all of widespread species and are mostly minor in nature supporting single or small number of bats. One roost lost however may potential be a maternity roost of greater nature conservation value, however the number of bats present was still relatively low.

In the absence of mitigation the loss of the roosts would result in a low-moderate adverse impact upon the species of bat present.

#### **Important**

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

#### Alternatives

The site already has permission for the duelling works. It is clear that there is no alternative way a development could be provided on this site without having an impact on the GCN habitat. Taking this into account it would be reasonable to conclude that there are no satisfactory alternatives.

#### Overriding public Interest

As outlined in the original report the proposal will secure economic benefits, helping to deliver HS2, transport benefits, meeting wider Council Policies/objectives and providing greater amount of replacement habitat than



that to be lost. Therefore it would be reasonable to conclude that the proposal is helping to deliver important economic benefits.

### Mitigation

In order to mitigate the impacts of the proposed development upon roosting bats the applicant proposes to provision of bat boxes and the timing and soft felling of trees supporting confirmed or potential roosts. The Councils Ecologist advises that this would be adequate to maintain the favourable conservation status of the species of bat concerned, however if planning consent is granted a condition is required to secure the submission of a more detailed mitigation method statement for the felling of trees supporting bat roosts.

The original Environmental Statement (ES) assessed the level of bat activity recorded as being of between Local-district importance. The ES however only assessed the value of bats on a species by species basis. The Councils Ecologist advises that the number of species recorded would be sufficient for the study area to be considered of County value. The number of bat species recorded during the survey undertaken to inform the assessment of this scheme does, however, to a large extent reflect the very extensive area that was surveyed as part of the assessments.

Increased light levels, severance of habitats and construction related disturbance resting from the scheme may have an effect on the foraging and commuting activities of bats.

Bats were recorded as crossing the existing A500 at a number of points. To ensure that the widened road does not present an increased barrier to the movement of foraging and commuting bats bat 'hop overs' are proposed. The Councils Ecologist recommends that the detailed planting specification for these be secured by means of a condition in the event that planning permission is granted.

Bats may potentially be moving through the existing culverts below the road. To ensure that the barrier effect of the extended culverts is minimised it must be ensured that the extended culverts are no lower or narrower than the existing. Designs of the proposed culverts and bridge crossings have been submitted and the applicant has confirmed that these are of the same dimensions as the consented scheme.

On the basis of the above it is considered that the requirements of the Habitats Directive would be met, and the proposal would positively contribute to the conservation and enhancement of biodiversity and geodiversity in accordance with policy SE 3 of the CELPS and policy H8 of the HNP.

### Biodiversity Net Gain

The applicant has undertaken an updated biodiversity metric calculation to assess the residual losses and gains of biodiversity resulting from the revised

proposed development. Local Plan Policy SE 3(5) requires all development proposals to aim to positively contribute to the conservation of biodiversity.

The submitted metric spreadsheet shows a net loss of 5.43 biodiversity units.

It is proposed that the residual loss of biodiversity resulting from the scheme be offset by means of a commuted sum. The costing of a biodiversity unit is always problematic.

Officers are in the process of revising the costings per biodiversity units. Our current costings for the creation of a unit of species rich grassland, subject to 30 years management including a contribution to land purchase costs is £13,918. In addition to this a fee of £7,500 is required to cover the cost of officer time in delivering the off-sett and the production of a management plan.

Therefore, assuming the loss of 5.43 units is considered to be accurate the Councils Ecologist advises that 6.43 units should be secured to ensure the scheme delivers an overall gain for biodiversity in accordance with Local Plan Policy E3. A commuted sum is required calculated as follows:

$6.43 \text{ (units lost)} \times \text{£}13,918 \text{ (cost per unit)} + \text{£}7,500 \text{ (Management fee)} = \underline{\text{£}96,992.74}$

## Conditions

The following areas need to be addressed by planning conditions in the event that planning permission is granted:

Submission of ecological mitigation and compensation method statement, informed by the ES produced in support of the application, which includes:

- Construction mitigation method statement in respect of safeguarding of the *Town House Farm Wetland and Monneley Meadows Potential Local Wildlife Sites*
- Habitat creation method statement for species rich and marshy grassland.
- Specification for the re-establishment of in channel vegetation in the watercourses affected by the proposed development.
- Water vole mitigation and compensation strategy including de-culverting works and detailed design for habitat creation.
- Submission of detailed mitigation method statement of the removal of trees supporting bat roosts.
- Detailed design of new wildlife ponds.
- Timing of works to safeguard nesting birds
- Pre-commencement badger survey and submission of resided mitigation strategy.
- Detailed design for culverts to maximise permeability by wildlife including bats, water vole and otter.

- Submission of Construction Environmental Management plan to include: dust mitigation measures, restriction of working hours to avoid night time working, appointment of an on-site ecological clerk of works.
- Provision of Wych Elm as a food plant for White Letter hairstreak
- Inclusion of planting of larger specimen trees on southern side of carriageway at Bat Crossing Point 5 to form bat hop over.
- Detailed planting specification for delivery of tall woodland planting where the road is at grade or within an embankment to function as a deterrent to low flying barn owls and for bat hop overs.
  
- Submission and implementation of a 25 year habitat management plan and ecological monitoring strategy. For the avoidance of doubt this plan to include management to the Town House Farm Wetland Potential Local Wildlife Site.
- Wildlife friendly lighting scheme (as above).
- Implementation of the scheme in accordance with the Environmental Master Plans (Rev. 3 dated 4<sup>th</sup> August 2020).

## **Appraisal**

The majority of mitigation measures as identified above can be secured by appropriate planning conditions which could be secured as per the planning approval for the earlier application.

The area outstanding and requiring further changes/revisions is the biodiversity metric calculation, which assess the residual losses and gains of biodiversity resulting from the revised proposed development.

Given that the impacts of the proposal are now known, it is just the level of financial contribution towards mitigation measures which is still to be agreed. To this end it is recommended that this matter be delegated back to officers in consultation with the Chairman in the event that the application is approved at planning committee.

## **S106 Legal Agreement**

As the Council cannot enter into a legal agreement with itself, reference to entering into a section 106 agreement has also been removed. It has therefore been agreed that in the event that the Council resolves to grant planning permission this would be subject to this payment being made prior to the issuing of a decision notice. In the event that the consented development is not implemented the payment would be returned to the applicant. (This was the mechanism used for the previous approved scheme).

Receipt of mitigation payment for biodiversity off-setting (currently £96,992.74 - however the final amount to be confirmed in liaison with the Councils Ecologist once further information has been received).

**Recommendation**

**Approval delegated to Head of Planning in consultation with the Chairman of Strategic Planning Board to confirm the final amount of biodiversity off-setting.**

**And**

**Referral to the Secretary of State**

**And**

**Subject to the following conditions**

- 1. Time limit**
- 2. Plans**
- 3. Materials**
- 4. Drainage strategy**
- 5. Contaminated land**
- 6. Remediation strategy**
- 7. Verification report**
- 8. Ongoing contamination**
- 9. Foundation Design / Piling**
- 10. Management scheme of the PROW**
- 11. Landscaping scheme provided**
- 12. Landscaping scheme implementation**
- 13. Tree Protection measures**
- 14. Retention of existing trees/shrubs**
- 15. Detailed tree felling / pruning specification**
- 16. Programme of archaeological work**
- 17. Full design and construction details of any required improvements to M6 junction 16**
- 18. Carried out in accordance with the Flood Risk Assessment**
- 19. Construction Management Plan**
- 20. Wildlife friendly lighting scheme**
- 21. Implementation of the proposed ecology scheme/measures in accordance with the Environmental Master Plans included with the Addendum ES.**
- 22. Submission of ecological mitigation and compensation method statement, informed by the ES produced in support of the application, which includes:**
  - Construction mitigation method statement in respect of safeguarding of the *Town House Farm Wetland and Monneley Meadows Potential Local Wildlife Sites***
  - Habitat creation method statement for species rich and marshy grassland.**
  - Specification for the re-establishment of in channel vegetation in the watercourses affected by the proposed development.**
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