

Strategic Planning Board

Updates

Date: Wednesday 26th October 2022
Time: 10.00 am
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

4. **21/1249M - LAND WEST OF LONDON ROAD AND SOUTH OF, GAW END LANE, LYME GREEN:** Full planning permission for the erection of 42 dwellings including access and associated works (Pages 3 - 6)

5. **21/6385N - LAND EAST OF BROUGHTON ROAD AND NORTH OF, BIDVALE WAY, CREWE:** Construction of 104 affordable homes with new access from Broughton Road and ancillary open space (Pages 7 - 10)

6. **22/0670C - LAND EAST OF VIKING WAY, CONGLETON, CW12 1TT:** Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline (Pages 11 - 14)

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APPLICATION NO: 21/1249M

LOCATION: Land West Of London Road And South Of, GAW END LANE, LYME GREEN

PROPOSAL: Full planning permission for the erection of 42 dwellings including access and associated works

CONSULTATIONS

The following consultation response has been received since the preparation of the report:

ANSA / Greenspaces: No objection subject to financial contributions towards Public Open Space (POS), Recreation Open Space (ROS) and Indoor Sport and Recreation. £126,000 would make enhancements additions and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow, £42,000 would go towards Recreation Open Space at Congleton Road Playing Fields and £11,800 towards Macclesfield Leisure Centre.

ADDITIONAL REPRESENTATIONS

A further representation has been received objecting to the proposal on the grounds summarised below:

- The proposed drainage plan is not acceptable. A discharge into a shallow agricultural ditch is not an acceptable way of disposing of runoff water
- Contaminants will affect nearby pond and drinking water for wildlife
- A hydro brake of SL/s suggests a higher anticipated flow, however, at SL/s would equate to an output of 18,000L/h or 432,000L/d which would cause flooding of the ditch and adjacent field
- A court injunction can be obtained to block any such proposed discharge into the ditch
- The proposal is contrary to LPS 17 and the figure of around 300 homes should be adhered to and has already been fulfilled
- This section of London Road already present dangers in terms of road safety with the speed limit being ignored
- Proposal does not provide green buffers with London Road or Rayswood Nature Reserve
- No mitigation for trespass or illegal entry into Rayswood Nature Reserve
- If approved, it will constitute wilful maladministration by overriding LPS 17

OFFICER COMMENT

Public Open Space and Recreation

The application triggers the requirement for the provision of open space, outdoor sport and recreation and indoor and outdoor sports in line with Policies SE 6 and SC 1 - 3 of the Cheshire East Local Plan Strategy (CELPS). The applicant has submitted a 'Public Open Space Plan' but none of the spaces highlighted are appropriate. They are for the most part areas provided or retained as buffers to the main road or surroundings, contain retained trees or are required as part of good planning and design, but which do not provide well designed and located POS. In the absence of appropriate on-site provision, commuted sums are required for offsite provision to mitigate the impacts that the development would have on local provision.

With respect to Public Open Space (POS), a financial contribution of £126,000 would be used to make additions enhancements and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow. Turning to Recreation Open Space (ROS), a financial contribution of £42,000 would be used to make additions enhancements and improvements to Congleton Road Playing Fields in line with the Council's Playing Pitch Strategy. Lastly, in respect of Indoor Sport and Recreation, a financial contribution of £11800 would be made towards Macclesfield Leisure Centre to provide an additional 1.8 stations (exercise equipment) to meet the demand generated by the proposed development.

These would mitigate the impacts of the proposed development in lieu of onsite provision and would make the scheme policy requirement in these areas in accordance with both the requirement of LPS 17 and Policies SE 6, SC 1, SC 2 and SC 3 of the CELPS.

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.

The provision of financial contributions in lieu of public open space, recreation open space and indoor and outdoor sport provision are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy. These elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development proposed.

Other Matters

The additional comments made by representation has already been dealt with in the main body of the report.

In deferring the application, Members sought further clarification regarding flood mitigation. The Lead Local Flood Authority (LLFA) and United Utilities has confirmed that subject to conditions and compliance with other legislation outside of the planning forum (i.e. building regulations and land drainage consents), the scheme is acceptable in terms of its impact on drainage and flood risk. The detailed drainage design details would be secured by imposition of condition. Further, the biodiversity and ecological impact has been assessed as being acceptable subject to mitigation as explained in the main report.

RECOMMENDATION

APPROVE the application subject to a s106 legal agreement and the conditions and heads of terms on pages 28-29 of the Agenda Reports Pack as amended by this update to include additional heads of terms as follows:

- **Public Open Space off site contributions of £126,000 to make enhancements additions and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow and £42,000 Recreation Open Space PPS/PPOS at Congleton Road Playing Fields**
- **Indoor Sport contribution of £11800 towards Macclesfield Leisure Centre**

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APPLICATION NO: 21/6385N

LOCATION: Land East Of Broughton Road And North Of, BIDVALE WAY, CREWE

PROPOSAL: Construction of 104 affordable homes with new access from Broughton Road and ancillary open space.

CONSULTATIONS

Utilities Comments: They write;

Following our review of the submitted drainage documents; the revised Flood Risk Assessment & Drainage Strategy, prepared by Ironside Farrar Limited, Ref: 30524/FRA/SRG, Dated August 2022, the plans are no longer acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. The previous drainage strategy used to discharge to the watercourse to the east of the site, however following the LLFA stating the watercourses are "Unsuitable" the discharge point has changed to the combined sewer, which United Utilities accepts. The issue is that the site is proposed to be adopted and proposes a surface water pumping station, which United utilities believes is no longer required due to the invert level of the combined sewer being approximately 2m lower than the watercourse. The foul water for the whole site is able to discharge via gravity to the combined sewer so it stands to reason that the surface water can also achieve a gravity connection. The proposed surface water drainage scheme is likely needed to be amended which could affect the layout and scale of the development.

United utilities may wish to not adopt this scheme if it proposed to discharge surface water with a potential unnecessary surface water pumping station. We would recommend that the

LLFA are consulted on this application to satisfy themselves that S12 of the Non statutory technical standards for sustainable drainage systems has been satisfied.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION: Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall

include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 12 l/s;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

(vi) Evidence that surface water cannot drain via gravity, Should surface water pumping station be proposed.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

OFFICER APPRAISAL

Flood Risk/ Drainage

A consultation response has now been received from United Utilities (above) following its review of the proposed drainage strategy for the scheme.

United Utilities importantly confirm that a connection to discharge foul and surface water into the combined sewer in Broughton Road is acceptable. This is further to the LLFA's confirmation that using existing ditches on the site (ordinary water courses) for surface water drainage is not acceptable given the potential for off-site flooding. The LLFA have also advised that there is no other alternative or feasible option of draining surface water from the site other than via the combined sewer.

The primary issue raised by United Utilities (UU) in its response relates to technical issues concerning the detailed design of the surface water drainage system and specifically questions the proposed need for, and UU's future adoption of, a pumping station to discharge surface water into the mains sewer.

The applicant has advised that discussions are continuing with UU and are confident that the issues raised by UU can be resolved and maintain that a pumping station is necessary for this site. However in the event agreement cannot be reached, the applicant states that it will provide the pumping station to discharge surface water via a connection into UU's adopted network in Broughton Road which will then be managed / maintained by a private management company.

United Utilities have nevertheless recommended that a planning condition be imposed requiring that full details of the drainage system serving the development

be approved prior to the commencement of development. This is also a requirement of the LLFA and is already listed in the Recommendation at the end of the report.

Affordable Housing

In conjunction with the Registered Provider (Taurus Housing Group), the applicant has amended the proposed split of the affordable units to 59% Affordable Rent – 62 plots and 41% Shared Ownership / Intermediate Sale - 42 plots and . As this is a 100% affordable scheme, the Housing Officer advised that this tenure split is acceptable but is also closer to the 65/35 ratio preference of CELPS policy SC5.

The applicant has also supplied an updated Affordable Housing Statement that has also accepted by the Housing Team.

The proposal complies with Policy SC5 and the affordable housing provision will be secured by way of Section 106 Agreement.

CONCLUSION

The recommendation remains the same as set out in the main report

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APPLICATION NO: 22/0670C

LOCATION: Land East of VIKING WAY, CONGLETON, CW12 1TT

PROPOSAL: Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline

CONSULTATIONS

ANSA – No formal comments received, but from discussions it is understood some further design changes will be needed. These it is considered can be readily achieved but the condition (no.9) is required.

Environmental Protection – They have confirmed the revised Noise Assessment that reflects the amended layout is acceptable and recommend the mitigation measures outlined are approved by condition.

Nature Conservation - Revised comments have been received to reflect additional ecological information and revised phasing plan submitted in support of the application. No objections are now raised subject to confirming that the northern footpath is either unlit, or lighting is minimised.

KEY ISSUES

Ecology – It is recommended that a condition be added requiring details of any proposed lighting on the northern footpath to be agreed.

Public Open Space – At the time of writing this report no revised formal ANSA comments have been received, however as stated above these matters can be addressed by condition.

Urban Design – Further updated plans have been submitted and are assessed below:

24-10-22											
Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making the most of what's there	6 A Memorable character	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home

The main issue with the scheme throughout has been the design not fully embracing and strengthening the approved spatial design code to deliver a place of true distinctiveness. The latest amendments have led to some further enhancement, but the scheme could still do more to fully embrace the design opportunity presented by the spatial design code to create a more distinctive development. This would have further enhanced the quality and sense of distinctiveness of the development as well as its liveability.

However, it should also be recognised that these latest changes and earlier amendments, will help invoke a much stronger sense of place than was originally proposed and will therefore lead to a better performing development.

There are still certain specific changes listed below to be addressed to further improve the scheme:

- Enhancement of the detailing of buildings in the Home Farm interface character area
- Improvement to the street scene to the main gateway frontage into the scheme off Viking Way, by re-considering building scale and roofscape, particularly north of the Avenue
- Improvement to the siting of plots 35/6 to better contain the street edge
- The use of chimneys more extensively across the site to punctuate the roofscape
- Ensuring that, where possible, meter housings are not sited prominently on houses

In addition, as advocated by the Landscape officer, it is recommended that there are conditions relating to:

- submission of a landscaping scheme. This should include final working details of all SuDS within the scheme.
- submission of boundaries information
- submission of a landscape management plan.

Further conditions are recommended in relation to:

- approval of facing and roofing materials including treatment of key focal and landmark buildings within the scheme
- submission of details of wayfinding, interpretation and public art including the detail of the various installations and their location.

Landscape – Following the submission of revised proposals no objections are raised subject to 4 recommended conditions:

- Submission of Landscape Details
- Landscaping Conditions (Implementation)
- Boundary Treatments
- Submission of Landscape Management Plan.

Whilst there has been a detailed landscaping scheme and boundary treatment plan submitted, the Landscape Architect still feels some further amendments are required hence the need for those two conditions.

Trees – Revised Forestry Officer comments have now been received as expected with the main details as below.

The application has now been supported by an Arboricultural Impact Assessment (AIA) and Method Statement by Tyler Grange. The survey has identified 3 individual high quality A Category trees, 7 individual, 5 groups and 3 woodlands of moderate quality B Category trees, 5 individual and 8 groups of

low-quality C Category trees and 2 Hedgerows. Of these a small section of low-quality groups G12 and 2 trees within G3 and 4 within G4 will be removed to accommodate the proposal and there are no objections to the removals proposed.

The canopy spread of individual boundary trees in woodland W1 will be reduced to provide clearance from the northern boundary greenway alignment and associated cut and fill works. The reductions of mature high canopy trees in particular within the area of W1 extending north to south towards the greenway alignment is considered excessive and unjustified.

No levels changes are indicated in this location on the latest submitted levels plans, and the proposed footpath is not close to the tree line, yet the plan is annotated 'cutting back of canopies as shown to provide clearance from northern boundary greenway alignment and associated cut and fill works.

The proposed line of tree protection indicated fails to respect the RPA's of trees along this section and has been removed back to the fence line. This cutting back description also applies to the section of woodland overhanging the footpath to the west of plots 61 and 62 and given that ground clearance of trees in W1 is reportedly 4.5 metres which is ordinarily considered adequate for a pedestrian pathway, it's unclear why such an extreme reduction (which does not accord with current best practice) is required.

A minor incursion into the RPA of veteran tree T1 is noted and calculated to equate to approximately 6% of the extended RPA and plotted in recognition of the tree's veteran status. Having regard to the trees condition and retrenchment visible within the upper crown of the tree, it is accepted rooting could be restricted to the northwest and therefore the extent of incursion indicated is unlikely to have a significant detrimental impact.

The relationship of the retained tree cover with residential property across the site is considered acceptable. Notwithstanding this, the proposed management of some of the sections of priority habitat woodland which overhangs the site boundary is questionable and the proposals should be amended to allow for crown raising where necessary, but not overall canopy reduction as suggested. The tree protection fencing should also be realigned to respect RPAs of trees in W1 which extend north to south towards the greenway alignment.

The above comments have led to a further revised Arboricultural Impact Assessment to be submitted which reduces the canopy loss for trees in W1.

Flood Risk – Detailed layouts have been submitted albeit these are to discharge the condition on the outline approval and not for this reserved matters scheme.

CONCLUSION:

There are no suggested changes to the recommendation, but additional conditions should be added to the main report as detailed below:

12. Submission of Landscape Details
13. Landscaping Conditions (Implementation)
14. Boundary Treatments
15. Submission of Landscape Management Plan
16. Details of lighting to be submitted / in accordance with plans
17. Approval of facing and roofing materials (including treatment of key focal and landmark buildings)
18. Submission of details of wayfinding, interpretation and public art (including the detail of the various installations and their location)