

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 23rd March, 2016</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 24 February 2016 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite on 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **15/3531C LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH - Reserved matters application for proposed erection of 232 no. dwellings including roads, sewers, boundary treatments and garages and associated works for Mr Simon Artiss, Barratt Homes Manchester Division (Pages 11 - 26)**

To consider the attached report.

6. **15/5407M HARMAN TECHNOLOGY SITE AND ADJOINING LAND, ILFORD WAY, MOBBERLEY, CHESHIRE - Hybrid planning application for mixed-use redevelopment seeking: A: Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B: Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C: Outline planning permission for construction of up to 290 dwellings, Class B1 business park, associated infrastructure, landscaping and other associated works (means of access) for Argonaught Holdings Ltd c/o LPC Living (Pages 27 - 56)**

To consider the attached report.

7. **15/4089C FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE - Residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road for Mr Andrew Garnett (Pages 57 - 74)**

To consider the attached report.

8. **Cheshire East Borough Design Guide Consultation Draft (Pages 75 - 104)**

To consider the attached report.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 24th February, 2016 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor H Davenport (Chairman)

Councillors B Burkhill, T Dean, D Hough, J Jackson, D Newton, S Pochin,  
M Sewart, J Wray and G M Walton

**OFFICERS IN ATTENDANCE**

Adrian Crowther (Principal Planning Officer)  
Nicky Folan (Planning Solicitor)  
Paul Hurdus (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Paul Wakefield (Principal Planning Officer)  
Gaynor Hawthornthwaite (Democratic Services Officer)

114 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hammond, Rachel Bailey,  
L Durham, S McGrory.

115 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness in respect of application 15/5401M Councillor  
G Walton declared that as the Ward Member he had attended a number of  
Parish Council meetings and on and off site briefings. However, he had  
not made any comments or expressed a view on this application.

With regard to application 15/5401M Councillor J Jackson declared that  
she had worked for Astra Zeneca for a period of time and was still a  
member of Club AZ and that she had not made any comments on the  
application or taken part in any discussions.

In the interests of openness in respect of application 15/5063N Councillor  
J Wray declared a pecuniary interest on the grounds that he was a board  
member of Wulvern Housing and would, therefore, leave the room prior to  
consideration of the application.

116 **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That subject to the following amendments, the minutes of the meeting held on 27<sup>th</sup> January 2016 be approved as a correct record and signed by the Chairman:

Minute 109 – The third reason for refusal should be deleted, as this reason is no longer applicable.

That subject to the following amendments, the minutes of the meeting held on 18<sup>th</sup> February 2016 be approved as a correct record and signed by the Chairman:

Minute 113 – Final paragraph, page 3 and first paragraph, page 4 should read:

A presentation was given by the Head of Planning Strategy relating to the key changes to Strategic Policy **followed by a debate by Members.**

A further presentation was given by the Head of Planning Strategy and **Spatial Planning Officers** on site Specific Recommendations, which provided a brief overview on each town.

A number of comments were made by Members of the Board in respect of the Cheshire East Local Plan Strategy **and site Specific Recommendations** – Proposed Changes.

117 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

118 **15/5401M - ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY, MACCLESFIELD, SK10 4TF: FULL PLANNING PERMISSION FOR THE DEMOLITION OF A NUMBER OF SPECIFIED BUILDINGS; AND OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR A MIXED-USE DEVELOPMENT COMPRISING THE FOLLOWING: UP TO 38,000 SQM OF LABORATORY, OFFICES AND LIGHT MANUFACTURING FLOORSFACE (USE CLASS B1); UP TO 1,500 SQM OF RETAIL, CAFÉ, RESTAURANT, PUBLIC HOUSE AND / OR CRÈCHE FLOORSFACE (USE CLASSES A1, A3, A4 AND D1); UP TO 275 RESIDENTIAL DWELLINGHOUSES, WHERE UP TO 60 UNITS COULD BE FOR RETIREMENT / CARE (USE CLASSES C2 AND C3); UP TO A 100 BED HOTEL (USE CLASS C1); SPORT AND RECREATIONAL FACILITIES INCLUDING AN INDOOR SPORTS CENTRE OF UP TO A 2,000 SQM (USE CLASS D2); UP TO 14,000 SQM OF MULTI-STOREY CAR PARKING PROVIDING UP TO 534 SPACES (SUI GENERIS); A**

**WASTE TRANSFER STATION OF UP TO 900 SQM OF (SUI GENERIS); PUBLIC REALM AND LANDSCAPING; OTHER ASSOCIATED INFRASTRUCTURE FOR MR JOE BROADLEY, ALDERLEY PARK LIMITED**

The Board considered a report and written and verbal updates regarding the above application.

(Councillor Y Bentley (on behalf of Nether Alderley Parish Council), Dr C Doherty read out a statement on behalf of Mr C Brindsmead, CBE, (supporter), who had registered to speak, but was unable to attend the meeting) and Mr G Halman (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the Board be MINDED TO APPROVE the application subject to referral to the Secretary of State and that the details of the Section 106 Agreement be Delegated to the Head of Planning (Regulation) and Chairman and Vice Chairman to secure:

**HEADS OF TERMS OF S106 AGREEMENT**

- **Alderley Park Re-investment Reserve**  
The new land value realised from the residential development to be re-invested in the Life Science Park.
- **Traffic Measures**  
Financial contribution towards the A34 Congleton Road/A537 Chelford Road junction of £250,000.
- **Education**  
£1,147,287 (Although it needs to be noted tis is subject to change depending on the exact numbers of properties developed on site)
- **Improvements at Nether Alderley Parish Hall to the sum of £145,000 and Over Alderley Parish Hall**
- **Affordable Housing**  
Off site sum of £2,100,000
- **Provision of “Life Science Park Employee Accommodation”**  
21 units are proposed based on 275 dwellings
- **Public Rights of Way improvements**  
£19,904.60

And 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. Development in accord with approved plans/documents
4. Phasing condition
5. Submission of samples of building materials/public realm works for each phase

6. Landscaping - submission of details for each phase (including enhanced landscaping at Mereside Car park)
7. Landscaping (implementation)
8. Landscaping to include details of boundary treatment
9. Tree retention
10. Tree protection
11. Tree Pruning/Felling Specification
12. Phased Arboricultural Impact Assessment and Method Statement complying with "BS 5837:2012
12. Submission of Construction and Demolition Management Plan
13. Contaminated land report for each phase
14. Verification report for remediation strategy to be submitted
15. Measures to deal with contamination if found
16. Piling or other foundation designs using penetrative methods to be approved.
16. Noise mitigation scheme to be submitted
17. Scheme to minimise dust emissions to be submitted
18. Construction & Environmental Management Plan to be submitted with each phase
19. Electric Vehicle Infrastructure to be provided
20. Travel plan to be implemented
21. Parking provision
22. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted
23. Site to be drained on a total separate system
24. Public Rights of way improvements
25. Wheelwash facilities to be provided
26. Lighting to be agreed for each phase
27. Recording of historic landscape
28. Condition/method statement for repair of heritage assets to be agreed, and implemented to retain on site
29. Sports pitch specifications
30. Indoor sports facilities to comply with NGB/SE standards
31. Viability to demonstrate the sustainability of the sporting provision.
32. Management and maintenance plan
33. Landscape and Ecology Management Plan
34. Submission of updated protected species assessment and mitigation strategy with each reserved matters stage application.
35. Implement the bat mitigation strategy.
36. Trees and bat roosts at the Serpentine to be retained and no development to take place with 10m on the bank.
37. No development within the Ancient Woodland  
Detailed plans at RM to ensure no loss of semi natural habitat
38. Volume restriction on development
39. Liaison Committee
40. Waste minimisation strategy to be submitted
- 41 Bat boxes
42. Levels on site

*Following consideration of this application, the meeting adjourned for lunch from 12.35 pm to 13.15 pm.*

- 119      **15/0400M - LAND OFF EARL ROAD/EPSOM AVENUE, HANDFORTH DEAN, CHESHIRE, SK9 3RL: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FIVE UNITS TO BE USED FOR CLASS A1 (NON-FOOD RETAIL) PURPOSES AND TWO UNITS TO BE USED FOR USE CLASS A1 (NON-FOOD RETAIL OR SANDWICH SHOP) AND/OR USE CLASS A3 AND/OR USE CLASS A5. CREATION OF CAR PARK AND PROVISION OF NEW ACCESS FROM EARL ROAD, TOGETHER WITH LANDSCAPING AND ASSOCIATED WORKS FOR ORBIT INVESTMENTS (PROPERTIES) LTD**

The Board considered a report and written and verbal updates regarding the above application.

(Ms N Roe (objector) and Mr G Bee (Agent) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be REFUSED for the following reasons:

The proposal seeks to provide a retail use on a site allocated for employment purposes. The existing warehouse and office buildings on the site are currently occupied, and it has therefore not been demonstrated that there is no reasonable prospect of the site being used for employment purposes, as required by paragraph 22 of the NPPF. The development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan and policy EG3 of the Submission Version of the emerging Cheshire East Local Plan Strategy.

- 120      **15/3531C - LAND BOUNDED BY OLD MILL ROAD AND M6 NORTHBOUND SLIP ROAD, SANDBACH: RESERVED MATTERS APPLICATION FOR PROPOSED ERECTION OF 232NO. DWELLINGS INCLUDING ROADS, SEWERS, BOUNDARY TREATMENTS AND GARAGES AND ASSOCIATED WORKS FOR MR SIMON ARTISS, BARRATT HOMES MANCHESTER DIVISION**

The Board considered a report and written and verbal updates regarding the above application.

(Councillor S Corcoran (Ward Member), Councillor C Lowe (on behalf of Sandbach Town Council), Councillor B Moran (Neighbouring Ward Member) and Mr S Artiss (Applicant) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be DEFERRED to enable Officers to seek additional information relating to:

- Wildlife corridor and boundaries
- Ecology
- Sandbach Town Neighbourhood Plan

*Following consideration of this application, Councillor M Sewart left the meeting and did not return.*

*The meeting adjourned at 15.35 pm for a short break.*

121        **15/5063N - LAND WEST OF, BROUGHTON ROAD, CREWE: RESIDENTIAL DEVELOPMENT (USE CLASS C3) CONSISTING OF 81 NO. NEW AFFORDABLE DWELLINGS COMPRISING 10 NO. THREE BED HOUSES, 45 NO. TWO BED HOUSES, 6 NO. TWO BED APARTMENTS AND 20 NO. ONE BED APARTMENTS IN THREE TWO STOREY APARTMENT BLOCKS WITH ASSOCIATED INFRASTRUCTURE INCLUDING A NEW ESTATE ACCESS OFF BROUGHTON ROAD FOR WILLIAM FULSTER, MCI DEVELOPMENTS LIMITED AND WULVERN HOUSING**

*Prior to consideration of this application, as stated in his declaration, Councillor J Wray left the meeting and returned following consideration of application number 15/5063N.*

The Board considered a report and written update regarding the above application.

Mr B Fulster (Applicant) and Ms G Mellor (on behalf of Wulvern Housing – Applicant) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans, including, materials, levels, boundary treatments
3. Delivery of affordable housing
4. Grampian condition mitigation for Lesser silver diving beetle and Mud snail
5. Mitigation for Breeding Birds in accordance with submitted details
6. Reptile method statement
7. Submission of landscape scheme
8. Submission of drainage scheme
9. Arboricultural method statement and tree protection measures

10. Dust Management and site welfare plan in accordance with details provided
11. Noise mitigation scheme
12. Details of lighting to be submitted
13. Details of construction management plan
14. Electric vehicle charging points to be provided for dwellings
15. Travel plan to be submitted
16. Phase II investigation to be submitted
17. Bin Storage
18. Cycle Storage

Informatives:

1. Hours of construction
2. Contamination informative
3. Environment Agency contamination informative

122      **UPDATE FOLLOWING THE REFUSAL OF APPLICATION 14/3892C LAND WEST OF CREWE ROAD, SANDBACH: OUTLINE APPLICATION FOR REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 200 HOMES AND A COMMUNITY FACILITY**

(Councillor B Moran (Neighbouring Ward Member) and Mr J Minshull (Supporter) attended the meeting and spoke in respect of the application)

The Board considered a report regarding an update to the reasons for refusal relating to planning application 14/3892C, which had been determined by the Strategic Planning Board on 3<sup>rd</sup> June 2015. Since the refusal of this application an appeal had been lodged and it was now necessary to update the reasons for refusal to reflect the current policy position.

**RESOLVED**

That for the reasons set out in the report, the appeal be defended on the following grounds:

1. *The Local Planning Authority considers that having regard to the cumulative impact of developments in Sandbach that the proposed development would be contrary to Policy PC1, PC3 and H1 contained within the Sandbach Neighbourhood plan and that the development when taken cumulatively with other developments in Sandbach would prejudice the local plan making process. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*
2. *Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it*

*is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

123      **UPDATE FOLLOWING THE REFUSAL OF APPLICATION 14/5921C LAND OFF LONDON ROAD, BRERETON: A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL AND COMMERCIAL (OUTLINE)**

The Board considered a report regarding an update to the reasons for refusal relating to planning application 14/5921C, which had been determined by the Strategic Planning Board on 15<sup>th</sup> April 2015. Since the refusal of this application an appeal had been lodged and it was now necessary to update the reasons for refusal to reflect the current policy position.

**RESOLVED**

That for the reasons set out in the report, the appeal be defended on the following grounds:

- 1. The proposal is an unsustainable form of development as it is located within the Open Countryside and is contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework.*
- 2. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network. The proposed development is therefore contrary to Policies GR1 and GR5 of the Congleton Borough Adopted Local Plan First Review and guidance contained within the NPPF.*
- 3. The Local Planning Authority considers that having regard to the location of the proposed development which would not be directly related to the settlements of Brereton or Brereton Heath as defined by key map C20a and key map C20b contained within Brereton Neighbourhood Plan, the proposed development would be contrary to policy HOU01 which restricts development within the Parish of*

*Brereton to the settlement boundaries of these locations only. As a result the development would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*

*4. The proposal is contrary to Policy PG2 of the Cheshire East Local Plan Strategy Submission Version March 2014. The site is located in the parish of Brereton which is identified as an 'other settlement and rural area' for the purposes of this policy where growth should be confined to small scale infill, change of use or conversions or affordable housing developments. The proposed development is of a significant scale which does not reflect the function and character of Brereton and is therefore contrary to the principles of Policy PG2.*

And that authority to enter into a s106 Agreement to secure any necessary contributions be delegated to Head of Planning (Regulation) in consultation with the Chairman/Vice Chairman of the Strategic Planning Board.

124      **UPDATE FOLLOWING THE REFUSAL OF APPLICATION  
14/1189C LAND OFF ABBEY ROAD, SANDBACH: OUTLINE  
APPLICATION FOR 165 DWELLINGS**

(Councillor B Moran (Neighbouring Ward Member) had registered to speak on this application, but chose not to speak at the meeting.

Mr J Minshull (Supporter) attended the meeting and spoke in respect of the application)

The Board considered a report regarding an update to the reasons for refusal relating to planning application 14/1189C, which had been determined by the Strategic Planning Board on 3<sup>rd</sup> June 2015. Since the refusal of this application an appeal had been lodged and it was now necessary to update the reasons for refusal to reflect the current policy position.

**RESOLVED**

That for the reasons set out in the report, the appeal be defended on the following grounds:

- 1. The Local Planning Authority considers that having regard to the cumulative impact of developments in Sandbach that the proposed development would be contrary to Policy PC1, PC3 and H1 contained within the Sandbach Neighbourhood plan and that the development when taken cumulatively with other developments in Sandbach would prejudice the local plan making process. As a result the development would be contrary*

*to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.*

- 2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.*

The meeting commenced at 10.30 am and concluded at 4.50 pm

Councillor H Davenport (Chairman)

Application No: 15/3531C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Reserved matters application for proposed erection of 232no. dwellings including roads, sewers, boundary treatments and garages and associated works.

Applicant: Mr Simon Artiss, Barratt Homes Manchester Division

Expiry Date: 09-Nov-2015

### **SUMMARY**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

The application is therefore recommended for approval, subject to conditions.

### **RECOMMENDATION**

Approve subject to conditions

### **BACKGROUND**

The application was deferred from the SPB meeting on 24 February 2016 to enable officers to seek additional information relating to:

- Impact upon trees within the wildlife corridor;
- Identification of a buffer zone to the wildlife corridor;
- Clarification on noise mitigation;
- Compliance with the Sandbach Neighbourhood Plan.

These matters are addressed with the report below.

### **PROPOSAL**

The application seeks approval for all reserved matters for the residential part of outline planning permission 12/3948C. The outline permission included consent for up to 250 dwellings. The current reserved matters application now proposes 232 dwellings.

## **SITE DESCRIPTION**

The application site comprises an area of open farmland, which is bound to the east by the M6 motorway, to the south by the Sandbach wildlife corridor and to the north east by Old Mill Road (A534). The part of the site that is the subject of this reserved matters application is located within the Settlement Zone for Sandbach, and is shown on the Congleton Borough Local Plan proposals map as an employment commitment. However, previous permissions for employment uses have now expired, and policy E2 of the Congleton Borough Local Plan, which relates to committed employment sites, is not a saved policy. Consequently, most of the site is currently an unallocated site within the Settlement Zone.

## **RELEVANT HISTORY**

12/3948C - Outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access – Approved 09.03.2015

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

### **Development Plan**

#### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR16 (Footpath, Bridleway and Cycleway networks)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

## **Emerging Policy**

### Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

### Sandbach Neighbourhood Plan (January 2016)

A referendum will be held on Thursday 24 March 2016 to decide the question below:

*“Do you want Cheshire East Council to use the Neighbourhood Plan for Sandbach to help it decide planning applications in the neighbourhood area?”*

Given the stage of the Neighbourhood Plan, it is a material consideration in the determination of the current application. Policies relevant to the proposal include:

Policy PC3 - Policy Boundary for Sandbach  
Policy PC4 - Biodiversity and Geodiversity  
Policy PC5 - Footpaths and Cycleways  
Policy H2 – Design and Layout  
Policy H3 – Housing Mix & Type  
Policy IFT1 – Sustainable Transport, Safety and Accessibility  
Policy CC1 – Adapting to Climate Change

The requirements of policies PC3, PC5, IFT1 and CC1 were addressed as part of the policy assessment at the outline stage. The remaining relevant policies are considered below.

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

### **CONSULTATIONS**

**Natural England** – No objections

**United Utilities** – No objections subject to the site being drained on a total separate system

**Environment Agency** – No further comments to those made at outline stage.

**Flood Risk Manager** – No objections subject to condition relating to disposal of surface water / drainage

**Environmental Health** – No objections subject to conditions relating to submission of environmental management plan, implementation of noise mitigation scheme, travel planning, electric vehicle infrastructure, and contaminated land, and a s106 agreement to secure contribution towards Action Plan in AQMA.

**Streetscape (open space)** – Concern about amount of open space

**Head of Strategic Infrastructure** – No objections

**Public Rights of Way** – No objections

**Sandbach Town Council** - Object due to proposed access being impractical and dangerous; safe site access requires inclusion of a roundabout at junction of Congleton Road/A534. Additionally, Members have concerns regarding air quality in this area.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle.

14 letters of representation have been received objecting to the proposal on the following grounds:

- Other brownfield sites available
- Noise & disturbance
- Pollution & ground contamination
- Impact on infrastructure / services
- Impact on wildlife corridor
- Loss of agricultural land
- Houses not needed in Sandbach
- Increased congestion
- New jobs needed, not housing
- Conditions on outline not addressed by the application
- New T-junction is dangerous
- Enhanced safe pedestrian route to town centre needed
- Mediocre design
- Impact on AQMA
- Impact on PROW

## **APPRAISAL**

The key issues are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

## **APPLICANTS SUBMISSION**

The applicant has submitted a letter outlining the various benefits delivered by this scheme, which include:

- Delivery of enhanced roundabout to junction 17 (estimated start July 2016) to enable access to employment site by 50<sup>th</sup> dwelling.
- Upgrade of existing footway to north side of Old Mill Road to shared footway / cycleway
- Footway / cycleway to south side of Old Mill Road

- New pedestrian refuge to Old Mill Road
- Shared cycleway / footway from the site to High Street

They also provide the following information:

- The need for the acoustic fence will not be on commencement of development. Dwellings closest to Old Mill Road will be constructed first, with dwellings further into the site along the North East boundary not envisaged to be built until 2021 – 2023.
- With commencement in circa July 2016 and a 40 week build programme, means that access to the commercial area will be in place in the first half of 2017.
- Turning dwellings to face onto commercial area would result in loss of additional 6 dwellings, which is not viable.
- 35 affordable dwellings provided as:
  - 12 x 1 bed apartment
  - 6 x 2 bed apartment
  - 9 x 2 bed house
  - 8 x 3 bed house
- An arboricultural method statement will be provided, and as part of this there will be the temporary erection of a fence during construction in order to avoid harm to wildlife corridor / protected trees.
- Open space provided as:
  - 1,000 sq.m NEAP and 1,000 sq.m 'kick-about'. This combined single open space totals 3,428 sq.m;
  - A parcel of open land to the front of the site (northern corner) totaling 944 sq.m;
  - 2 further smaller parcels of land in the west of the site, one abutting Old Mill Road (414 sq.m) and another area of incidental open space totaling 260 sq.m. Both of these will be grassed with some landscaping;
  - The buffer zone which wraps around the woodland area separating new housing from the woodland. This area amounts to 11,643 sq.m;
  - Public access to the wildlife corridor will also be provided.
- The outline permission secured:
  - 15% of new homes to be Affordable (with an agreed split of 50/50 rented/intermediate
  - Primary School Education Contribution of £292,850
  - Secondary School Education Contribution of £539,309
  - Air Quality Mitigation Contribution of £10,000
  - Wildlife Corridor Crossing Contribution of £500,000 to facilitate the future development of land to the rear of the site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Character & Appearance**

The local area is characterised predominantly by two-storey properties of varying design, age and materials. However, the application site is detached from all existing development by Old Mill Road and landscaping to the north and by distance and the wildlife corridor to the south. As such the area does not provide a strong design lead for the new development to follow. The proposal seeks to construct two-storey, two and a half and three-storey detached, semi-detached and terraced dwellings, and apartments in both brick and render. The proposal will provide a mix of 1, 2, 3 and 4 bed properties. The appearance of the proposed dwellings is fairly standard and is perfectly acceptable in the context of the local area. The inclusion of

three-storey buildings is considered to be acceptable given the inclusion of commercial uses within the outline approval. Commercial buildings are likely to be of a larger scale to domestic properties as and when they come forward.

The design has employed the use of character area zones to enhance a legible layout form. The use of character areas is important to provide a sense of place and to define routing of public realm areas.

The arrival junction is designed to give a focal point to the development and draw attention to the change in road space priority from vehicles to pedestrians. The orientation of buildings will front the road and a collaboration of buildings and woodland creates an arrival square and gives the site entrance a sense of place. It is intended to utilise block paving at this focal point to emphasise the road hierarchy and to control vehicular movement.

The wildlife corridor is a major feature of any development on this site. The 'Woodland Edge' character area forms a transitional edge between the woodland and new development. Buildings will predominantly front onto the green infrastructure. Utilising the existing landscape and woodland boundary of the site, the woodland edge settlement will tie the woods into development retaining views and links into the established landscape whilst providing natural surveillance. The layout has been planned to maximise the larger properties along these edges giving a lower density at the periphery of the development.

Along the Old Mill Road frontage the applicants have sought to retain spacing between properties to allow visual links through the development towards the woodland. The proposed building facade along this route will be treated to allow the new development to lend into the surrounding context. A mature hedge currently runs along the road's grass verge. It is intended that this will be retained and the introduction of further landscaping planted behind to reinforce the vegetated boundary.

This character area of the main street is formed by the development's road alignment. The main street is a 5.5m wide road and it is intended that two metre wide pedestrian footways will run either side of this road to allow the public realm to filter through the site. The layout has been designed to front this road offering an attractive street scene and natural surveillance to a well trafficked route by both cars and pedestrian. Varied building heights are proposed to add some visual interest.

To avoid excessive vehicle speed on this road the horizontal alignment has been deflected, changing the direction of travel breaking the length of straight road. Where this has been incorporated the surface treatment to the road has been changed with a feature shape being employed. At these points a variety of building forms have been used including detached and mews style to provide visual interest to the street scene.

Overall, the proposed development is considered to be adequately in keeping with the wider character of the area, and complies with policies GR2 and GR3 of the local plan and H2 of the Neighbourhood Plan.

### **Amenity**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank

elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with the nearest existing properties will all meet the distances above, due to the distances to these nearest neighbours from the boundaries of the site. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is limited and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

### **Air Quality**

No further air quality issues are raised from those identified at the outline stage. Conditions relating to a travel plan and electric vehicle charging infrastructure were attached to the outline permission. A contribution of £10,000 towards implementation of the Air Quality Action Plan in Sandbach was also secured in the s106 agreement on the outline consent.

### **Noise**

The acoustic information submitted by the applicant considers the impact of road traffic noise on the site from the M6 and A534. When assessing the acceptability of environmental noise levels we look to BS8233:2014 and World Health Organisation guidelines which suggests the following limits:

Garden Areas: 50 dB LAEQ 16h

Living rooms and bedrooms: 35 dB LAEQ 16h (daytime)

Dining Rooms: 40 dB LAEQ 16h

Bedrooms: 30 dB LAEQ 8h (night time)

Environmental Health also note that BS8233:2014 recognises that in noisier areas (such as areas adjoining the strategic highway network) a higher external noise level of 55 dB LAEQ 16h may be considered acceptable *where there are other factors such as convenience of living, and efficient use of land resources.*

It is a planning balance decision whether there are such other factors, however it is noted that the report makes recommendations based on achieving the higher noise level within garden areas.

The submitted information shows that internal noise levels can be achieved with suitable glazing and acoustic ventilation systems in place. External noise levels (to the higher noise level) can be achieved in most garden areas with suitable mitigation and layout design.

However there remain a number of garden areas to the East of the site where, even with mitigation in place, noise levels will remain above even the higher noise level. To some degree this will be ameliorated if the commercial development to the east of the site is brought forward.

As such, noise levels within the external amenity area of these plots are not in compliance with the standards above and are not supported by Environmental Health. However, they do accept that factors other than noise do impact on the planning process, and that there are only a few gardens areas with noise levels above the standard's "higher level".

Environmental Health advise that the impact should be considered in the context of the number of houses proposed and it is therefore only a small proportion of properties that are affected.

Having regard to the low numbers of properties affected in the context of the scheme as a whole, and the fact that the commercial development will virtually eliminate all noise concerns as and when it is constructed (Members should note that the outline permission included a condition restricting/phasing the provision of the housing until serviced commercial sites are provided), it is considered that the noise mitigation set out in the submitted acoustic report can be accepted in this case.

Accordingly Environmental Health recommend conditions requiring the implementation of the submitted acoustic scheme and its maintenance in perpetuity and details of a scheme of acoustic attenuation relating to the internal noise levels of properties along the eastern boundary of the development.

### **Ecology**

#### Ecological Buffer

An ecological buffer zone adjacent to the wildlife corridor marked on a site layout plan has now been provided as required by Condition 19 of the outline permission. The intention for this area is to provide an undeveloped area between the wildlife corridor and the proposed housing to protect the wildlife corridor.

The nature conservation officer has raised concern about layout of plots 211 to 227 and its interaction with the adjacent wildlife corridor. These units back directly onto the woodland/wildlife corridor which can potentially result in an adverse impact on the wildlife corridor through garden waste being tipped into the woodland over the garden boundary. The nature conservation officer suggested that this specific part of the proposed development should be redesigned to avoid houses backing directly onto the woodland. The applicants have looked at redesigning this but have not managed to achieve a viable way of doing it, and therefore the layout remains as proposed and management measures will be put forward to protect the wildlife corridor from garden waste. Management arrangements will include provision of a broad hedgerow to the rear of the gardens, annual monitoring of non-native species, monthly monitoring to cleanse the area and check for fly-tipping, costs to dispose of any fly tipping recovered from residents. The nature conservation officer advises that the implementation of this strategy should be made the subject of a condition.

#### Badger survey

The badger surveys of the site have recorded an outlying badger sett which located within the vicinity of the proposed houses. It is likely that this sett would require closure under the terms of a Natural England License to allow the development to proceed lawfully. Additionally, badger setts are also located within the woodland spurs adjacent to the development. As development, including the woodland path is proposed with 20m of the sett entrances it is likely that there is a risk of disturbance of the setts as a result of the proposed development. To minimise the potential disturbance to the sett the applicants consultant is proposing to temporarily close any sett entrances which fall within 20m of the proposed works until development is completed. The nature conservation officer advises that the proposed mitigation is acceptable.

As the usage of this site by badgers appears to change regularly, it is advised that if planning consent is granted a condition should be attached requiring an updated badger survey, impact assessment and mitigation proposals to be submitted to the LPA prior to the commencement of development if works do not commence within 6 months of the date of the submitted survey.

### Bluebells

Bluebell, a partially protected plant species and a Local BAP species, was recorded as being associated with hedgerow 5 on site. It appears feasible for these plants to be retained within the development.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. There will be a loss of hedgerow from within the site, however, the landscape masterplan includes proposals for the creation of new native species hedgerows. If planning consent is granted it must be ensured that these are planted and managed appropriately to ensure they contribute to the nature conservation value of the site. This may be dealt with by means of a landscaping condition.

### Woodland Management Plan

If planning consent is granted it is recommended that a condition be attached requiring the submission of a 10 year woodland management plan to ensure the appropriate management of the woodland.

### Nesting Birds

If planning consent is granted conditions are recommended to safeguard nesting birds and ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development.

Subject to the above conditions it is considered that the proposal will have an acceptable impact upon nature conservation interests in accordance with policies NR3 and NR4 of the local plan and policy PC4 of the Neighbourhood Plan.

### **Trees / landscape**

Offley Wood and associated areas of woodland run east-west along the southern boundary of the development site, with two fingers of woodland extending into the site. This woodland is protected by a Tree Preservation Order. There are also a number of scattered hedgerow trees within and adjoining the site.

There have been extensive exchanges with the applicant about arboricultural matters, focussed on concerns regarding the relationship between the development and the woodland, and in particular proposed alterations to ground levels with potentially significant impacts on tree root protection areas and the future management of the woodland.

The key points to note are:

- The layout will result in some direct tree losses within the site. However, no healthy TPO trees are identified for removal and mitigation planting is proposed.
- Whilst the layout achieves some separation from the woodland by using roads and public open space, some residential plots are located close to the woodland edge and this may give rise to future conflicts over issues such as shading and leaf fall.

- The final layout will result in extensive ground modelling over the site with substantial ground raising to create level development areas. This will create areas of very steep slopes into the woodland edge with potential incursion of both raised ground and machinery into root protection areas. If the necessary tree protection fencing is maintained the working areas around the woodland will be greatly restricted.
- The proposals include a surfaced footpath within the TPO woodland and lengths of boundary fencing within tree root protection areas. The design is a standard specification and its final position will be dependent upon avoiding trees within the woodland (to be no closer than 3 metres from nearest tree stems) and existing levels.

The Forestry Officer recommends the following conditions in the event of approval to ensure protection of the TPO woodland and other retained trees:

- Submission of an amended Arboricultural Method Statement (including arboricultural supervision and monitoring and detailed special construction measures for proposed road batters and other operations proposed in tree root protection areas) in accordance with BS5837:2012.
- Submission of a Tree Protection Scheme (in accordance with BS5837:2012).
- Submission of a 10 year management plan for the Offley Wood Woodland together with details to secure its implementation, prior to commencement.
- Submission and approval of the location, engineering specification and method statement for the proposed woodland footpaths, prior to commencement.

Subject to these conditions the proposal is considered to have an acceptable impact upon trees/woodland in accordance with policy NR1 of the local plan and policy PC4 of the Neighbourhood Plan.

In terms of the landscape impact, it was noted at the outline stage that the site lies on the boundary of the urban area of Sandbach and a major transport corridor which therefore form part of the site context. The landscape sensitivity of the site to the proposed development was therefore identified as medium to low. The extent of change as a result of the proposed development is identified as medium due to the permanent loss of agricultural land and some internal hedgerows, but not high due to the limited visibility of the site; the retention of existing features typical of this landscape type, such as the topography, boundary hedgerow, hedgerow trees and safeguarding of tree belts to the periphery of the site and the scale of the proposed development. Therefore, the overall landscape impact is assessed as moderate due to the medium to low sensitivity combined with the medium magnitude of change.

### **Highways**

The Head of Strategic Infrastructure has commented on the application and noted that the access to the site is proposed as a priority junction with a ghost island right turn lane from Old Mill Road. Capacity assessments have been undertaken on the junction design and it will work within accepted capacity limits. The A534 is an important road corridor and the proposed junction arrangement does not add undue delays to this principal route and as such is an acceptable type of junction design for the proposed development. The junction works will be delivered via a S278 agreement along with the associated ghost island works on the A534, a Grampian condition is required to secure these access works.

The layout submitted has been subject to pre-application discussions, the layout does meet the required highway standards in regards to carriageway widths and whilst being informal in places the minimum operational standards are met. Clearly, the nature of the site being split between the areas of open space does limit the design of the highway infrastructure, however the design submitted is of an acceptable design.

The level of car parking across the site accords with CEC parking standards and as such is accepted.

The internal road submitted is one that is suitable for adoption by the Authority and no highway objections are raised. Conditions relating to the completion of the access junction, wheel wash and site compound details, bin storage and cycle storage are recommended.

It should also be noted that, although only indicative at the outline stage, the proposed access arrangement, including new T-junction was presented to Members at the time of the outline application, and was considered to be acceptable at that time.

### **Public Right of Way**

The PROW team initially objected to the proposal as it directly affected the public right of way. However, further to a meeting between officers of the Public Rights of Way team and representatives of the applicant, an application for a Diversion Order, under the Town and Country Planning Act 1990, for Public Footpath No. 11 in the Town of Sandbach has been received. The information contained within this application is satisfactory in relation to their previous concerns and they have now withdrawn their objection to the proposal.

### **Contaminated land**

The Contaminated Land team has no objection to the proposal and recommends the same condition (updated phase II investigation) that was attached to the outline permission, and does not need to be repeated on the reserved matters.

### **Flood Risk**

The Flood Risk Manager has reviewed the proposals and there are no objections in principle to the proposed development on flood risk grounds. Conditions are recommended requiring the details for the disposal of surface water to be submitted. This was a matter covered by conditions on the outline permission, therefore additional conditions are unnecessary for the reserved matters.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

As part of the outline approval the applicant entered into a s106 agreement securing the provision of 15% affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has confirmed that the affordable housing (35 units) will be provided as 12 x 1bed apartments, 6 x 2 bed apartments, 9 x 2 bed houses, and 8 x 3 bed houses. The agreed tenure split in the S106 agreement is 50% affordable rent and 50% intermediate. It is proposed that the apartments will be the affordable rented element (18 plots out of 35) and

the houses to be the Intermediate affordable dwellings. It is proposed to provide the affordable units in four clusters to allow for a satisfactory degree of pepper potting.

### **Open Space**

#### Public Open Space and Children's Play Area

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 246 new homes (as originally submitted) creates a deficiency in quantity of play facilities, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1, however the legacy SPG1 remains relevant in the absence of a new Cheshire East Borough wide SPD. Therefore when developments of 75+ dwellings are proposed, a NEAP standard play facility is required having a minimum area of 1000 sq m. Ansa can confirm that the NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable and suitable for all ages along with a skate park facility. The Open Space Study 2012 sets out that children and teenager provision is reasonably well distributed around Sandbach except for northern and central Sandbach.

The NEAP should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. Ansa request that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards. Management arrangements will also be required.

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone separating the NEAP from residential properties facing the play area should be provided with low level planting to assist in the safety of the site. A NEAP is proposed and is shown on the latest site layout.

#### Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, the proposed development will generate a need for approximately 8,000sqm of AGS.

Although it is accepted that some of the AGS can equate to informal open space it is difficult to distinguish or quantify this typology within this development from wildlife habitat and ecological buffer. AGS should be usable for formal or informal recreation.

There is a kickabout area of 1,000sqm shown on the latest site layout, together with a wider area of a further 1,000sqm surrounding the kickabout area and the NEAP. Added to this, there is a smaller area at the northern corner of the site of approximately 900sqm and the buffer zones to the wildlife corridor, which provide opportunities informal recreation, and these amount to over 11,000sqm of potential amenity space.

This open space package is considered to meet the objectives of the Interim Policy Note (2008) on open space requirements. Full details and management arrangements will be required.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Sandbach town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

## **PLANNING BALANCE**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

The application is therefore recommended for approval, subject to conditions.

However, since the last SPB meeting the Secretary of State has received a request to intervene from a third party. The Council therefore cannot issue a decision until the Secretary of State's determination on call-in is concluded. This determination will be completed once there is a resolution from the Committee.

## **RECOMMENDATION**

**The application is recommended for approval subject to conditions.**

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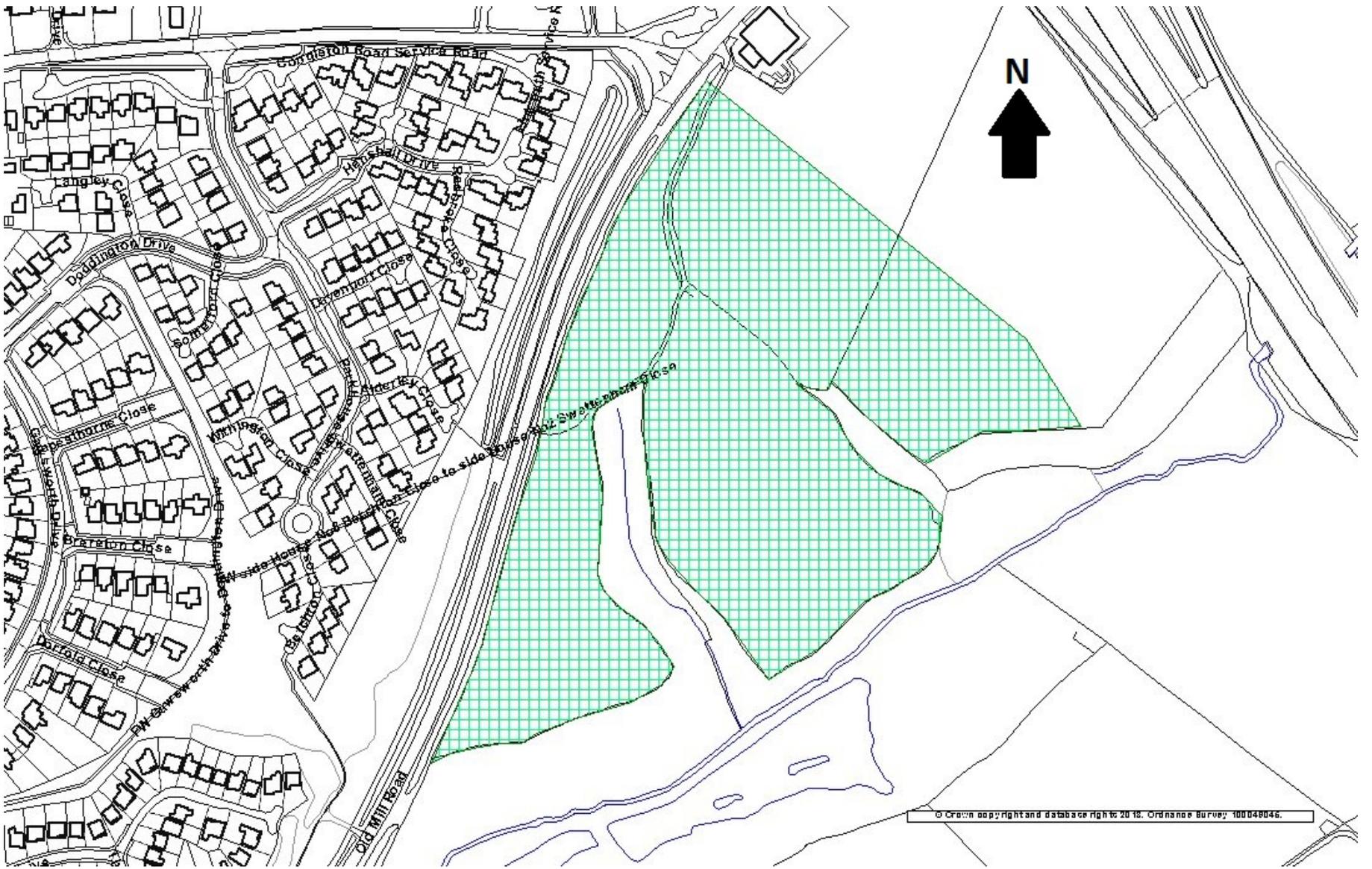
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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## Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. To comply with outline permission
2. Time limit following approval of reserved matters
3. Development in accord with approved plans
4. Submission of samples of building materials
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Implementation of noise mitigation scheme
8. Updated badger survey to be submitted
9. Nesting birds survey to be submitted
10. Provision of features for nesting birds and roosting bats to be provided
11. Access and ghost island works on the A534 to be provided
12. Wheelwash facilities to be provided
13. Submission of an amended Arboricultural Method Statement (including arboricultural supervision and monitoring and detailed special construction measures for proposed road batters and other operations proposed in tree root protection areas)
14. Submission of a Tree Protection Scheme (in accordance with BS58387:2012).
15. Submission and approval of a 10 year management plan for the Offley Wood Woodland, and ecological buffer zone, together with details to secure its implementation, prior to commencement
16. Submission and approval of the location, engineering specification and method statement for the proposed woodland footpaths, prior to commencement.
17. Implementation of strategy for protection of Offley Wood
18. Scheme of acoustic attenuation (internal noise levels) to be submitted



Application No: 15/5407M

Location: HARMAN TECHNOLOGY SITE AND ADJOINING LAND, ILFORD WAY, MOBBERLEY, CHESHIRE

Proposal: Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C. Outline planning permission for construction of up to 290 dwellings, Class B1 business park, associated infrastructure, landscaping and other associated works (means of access).

Applicant: Argonaught Holdings Ltd c/o LPC Living

Expiry Date: 26-Feb-2016

#### **SUMMARY**

The site is for a mixed use, employment and housing. The site is split into two halves, the Harman Technology site which is previously developed land and is designated as an employment site. The eastern site is within the Green Belt where open space is proposed and it is considered that Very Special Circumstances exist to justify the change of use.

The proposal will result in the loss of the vast majority of the geographical extent of the western site for housing, however it will increase the level of employment on site from existing levels with the introduction of the business park. The loss of the employment site as a whole is therefore acceptable in the context of the proposed development and end use for the site.

The western site is previously developed land (PDL), where the Government's aims are clear and these proposals align with the intention to encourage the use of brownfield land to boost housing supply.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide an area of public open space including a playing pitch, play area and allotments for future residents and existing community.

- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, new businesses and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact can be mitigated through a commuted sum.
- An education contribution to ensure that the proposal does not negatively impact on education services locally.

The adverse impacts of the development would be:

- The loss of the employment site and employment land as an existing designated site and as a future allocation.
- The loss of agricultural land, to open space provision.
- The proposal does not provide affordable housing provided by a Registered Social Landlord, however 10% starter homes (80% of market value) are proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged due to the provision of housing on a brownfield previously developed site and the retention of an existing well established business on the site and the provision of a B1 business park. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **SUMMARY RECOMMENDATION**

**Approval subject to legal agreement and conditions**

### **PROPOSAL**

The application is a hybrid application and proposes full planning permission for the alteration and demolition of existing buildings which form part of the site and full permission for the erection of new employment buildings for Harman Technology. Permission is also sought for the demolition of the remaining buildings which are surplus to requirement for Harman Technology. The outline element of the proposals is for the construction of 290 dwellings, on the site alongside a proposed new B1 business park to the north of the site. To the east of the main developed site, the proposals also include a large area public open space in the form of a playing field and play area and allotments. The housing layout is in outline format, with access only to be agreed at this stage and the principle of development for 290 dwellings, plus B1 business park. A large amount of planting and boundary landscaping will be retained

as part of the proposals. The application is broadly a resubmission of a previously refused application (14/0114M) which now at appeal.

### **SITE DESCRIPTION**

The application site extends to approximately 22.9 hectares and provides an assortment of bespoke industrial, warehouse and office space, which is largely vacant. The industrial site is occupied by Harman Technology Limited. Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under Policies E3 and E4. These policies allow for offices (Class B1(a)), research and development (Class B1(b)), and light industrial (Class B1(c)), general industry (Class B2), warehousing (Class B8), high technology (Class B1(b)), and light industry (Class B1(c)) usage. The adjacent field, which also forms part of the application site, is not used, and is within the Green Belt. The site is surrounded to the south and south west by housing as part of Mobberley village. Mobberley Brook and a small waste water treatment works bound the site to the north east, separated by a line of trees as part of a landscape buffer. Open countryside surrounds the rest of the site.

### **RELEVANT HISTORY**

Iford's have been manufacturing (specialising in black and white photography) on the Mobberley site for 106 years. The original Iford's site and premises fronting Town Lane have since been redeveloped as part of the Barratt housing scheme. The remaining site to the north was purpose built between 1980 and 1982 and reflected the campus style of a large corporate business in the 1980s. Iford were placed in receivership in August 2004, however following a management buy-out, the new company (now known as Harman Technology Ltd) continues production of black and white film and fine art inkjet papers. At the height of the operation there were some 1700/1800 staff on site. Now there are approximately 200. The current industrial/warehousing accommodation and layout is inefficient and does not currently meet the company's modern day requirements. The application proposals seek to consolidate the Harman's operation and provide new modern efficient accommodation for their business.

This application is a resubmission of the following application, with amendments:

14/0114M, Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C. Outline planning permission for construction of dwellings, associated infrastructure, landscaping and other associated works (means of access).

The application was refused by Strategic Planning Board in November 2014 for three reasons including one for the lack of affordable housing. An appeal has now been lodged, however in preparation for the appeal the affordable housing reason was subsequently removed. The application therefore proceeds to Public Inquiry scheduled for 03.05.2016 with the following two reasons.

- 1. Although it is accepted that extensive noise mitigation measures can be provided to achieve a satisfactory indoor living acoustic environment, the site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft, to a satisfactory level for outside living / amenity areas, which shall remain above*

*57dBA Leq, 16 hour, the threshold for the onset of significant community annoyance. This is contrary to Paragraph 123 of the National Planning Policy Framework: Avoid noise from giving rise to a significant adverse impact on health and quality of life. It is considered that the new development is not appropriate for its location, due to the effects of pollution on health and general amenity. Therefore, the development is contrary to Paragraph 120 of the National Planning Policy Framework.*

- 2. The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and would therefore be contrary to the National Planning Policy Framework.*

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Borough Local Plan Policy:**

The part of the application site currently occupied by Ilford's is allocated as an industrial site and is within the settlement boundary for Mobberley. The open areas to the north and east are allocated as Green Belt. The Mobberley Conservation Area is to the east of the industrial site, and includes within it the proposed open space/recreation field. Therefore the relevant Local Plan policies are considered to be: -

Policy BE1: Design Guidance  
Policy BE3: Development adjoining conservation area  
Policy BE4: Conservation areas  
Policy DC1: New Build  
Policy DC3: Amenity  
Policy DC5: Natural Surveillance  
Policy DC6: Circulation and Access  
Policy DC8: Landscaping  
Policy DC9: Tree Protection  
Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation  
Policy DC37: Landscaping  
Policy DC38: Space Light and Privacy  
Policy DC40: Children's Play Provision and Amenity Space  
Policy DC41: Infill Housing Development  
Policy DC63: Contaminated Land  
Policy E1: Retention of existing and proposed employment areas  
Policy E3: Business  
Policy E4: General Industrial Development  
Policy T1: Integrated transport policy  
Policy T2: Provision of public transport  
Policy T3: Improving conditions for pedestrians  
Policy T4: Provision for people with restricted mobility  
Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
Policy NE2: Landscape character areas  
Policy NE14: Natural habitats  
Policy NE11: Protection and enhancement of nature conservation interests  
Policy NE17: Nature Conservation in Major Developments  
Policy NE18: Accessible areas of nature conservation from residential properties  
Policy H1: Phasing policy  
Policy H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing  
Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
Policy GC1: Green Belt boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
SC3 Health and Well-being  
SC4 Residential Mix

SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process. At its meeting on the 28 February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight. Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 49. Housing supply policies
- 50 and 54. Wide choice of quality homes
- 56-68. Requiring good design

80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Other Material Considerations
- Cheshire East Strategic Market Housing Assessment (SHMA)
  - Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
  - Conservation of Habitats & Species Regulations 2010
  - Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
  - North West Sustainability Checklist
  - Ministerial Statement – Planning for Growth (March 2011)
- Sport England Design Guidance Natural Turf for Sport 2011

### **Other material policy considerations**

Interim Planning Statement: Affordable Housing

-Strategic Housing Market Assessment (SHMA)

-Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

## **CONSULTATIONS**

**Highways** - In the previous application, the recommendation was to approve the application subject to a financial contribution towards improvements at Brook St/Hollow Lane junction.

The traffic impact of this application is increased as it involves the 290 units and also a B1 Business Park of 7,020 Sq.m. As in that previous application the main traffic impact is at the congested junctions in Knutsford, the assessment of the Brook St/Hollow Lane junction submitted in the TA is not accepted as it relies on very old base flows and does not include any of the recent committed developments that have an impact at this junction. It is considered that the submitted junction assessment significantly underestimates the congestion and delay that will occur at this junction.

The use of Smith Lane is proposed as the main access to the Business Park, as this is a rural lane it is not of suitable highway standard to provide access to a large business park. An alternative access to the site is possible through the existing Harman's site and using the current main site access.

In summary, this application will have an impact on the wider road network and the applicant has not proposed any mitigation measures for its developments traffic impact and this is a

reason to object to the application. In addition, a further reason for objection is the use of Smith Lane that is not of a suitable standard to provide access to a Business Park.

**Environmental Health** – Noted that this is similar to the previous application for which significant comment concerning the impact of noise was made. This application includes a revision to the indicative masterplan which has moved the residential development out of the most northern part of the site. This means the residential properties will not be in the area of the site which is the worst affected by aircraft noise. Whilst noise levels across the site are far from ideal for residential development, and is contrary to the Government policy of reducing exposure to Aircraft Noise, if the planning committee were minded to approve the application appropriate conditions could be incorporated to provide a degree of mitigation.

Conditions are also suggested for noise during demolition and construction, lighting waste management.

No objection is raised to concerns over air quality or due to the proximity of the site to the existing waste water treatment works. Similarly no objection is raised due to issues over contaminated land.

**Manchester Airport** – No objections subject to conditions and informatives, relating to building heights, drainage and flood risk and the introduction of ponds, earth movements (received 19/02/2016)

**Public Health England** – Based on the information provided, PHE has no significant concerns regarding risk to health of the population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice (received 27/01/2016)

**Sport England** – The proposal does not fit within Sport England's statutory remit, however, if new playing pitches are to be created, considerations and recommendations should be given to the local playing pitch strategy or built sports facility, in addition such facilities should ensure they are fit for purpose, should be designed in accordance with Sport England design guidance.

**HSE** – No comment

**Natural England** – No comments to make (received 16/12/2016)

**Environment Agency** – No objections subject to conditions and informatives.

**Public Rights of Way** - The development, if granted consent, would affect Public Footpath No. 11 and Public Footpath No.13 Mobberley, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. However, these footpaths mostly follow the perimeter of the development and could therefore be accommodated on the current alignment.

In addition we currently have an outstanding Definitive Map Modification Order (DMMO) application (REF MA/5/250) to add two routes as public footpaths (shown as blue lines on the attached plan). This application affects the land on the east side of the development, which is the proposed sports pitch and public open space area. Currently these routes are

not legally recognised footpaths as they are not shown on the Definitive Map, however as we have received this application to add them to the map we are under a statutory duty to investigate it. If it is shown that public footpath rights exist then an Order will be made to add them to the Definitive Map.

**United Utilities** – Queries regarding how the playing pitches will be accessed, by vehicles and by pedestrians as the UU access road divides the two sites, and UU have not given permission for the track to be crossed by third parties to access the playing pitch site. Concerns relating to the proximity of the waste water treatment works for neighbour amenity. Suggest conditions in relation to drainage.

### **VIEWS OF THE PARISH COUNCIL**

**Mobberley Parish Council** – The PC believe that the proposed application would be in conflict with the current employment allocation for most of the site. The site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft. 5 year supply issues council confident that they can deliver 5yr + 5% in Local Plan. Increase in the village of 20-25% housing stock. This would also run counter to the Parish Plan. It is of paramount importance to maintain the character of the village and its village status. The low level of affordable housing proposed is not justified by the information provided on ground pollution and other essential demands on the developer. The type of housing proposed within the application does not reflect the needs of the area. The layout plans are mainly for family accommodation. There is insufficient representation of dwellings for single and elderly people, which, as the Parish Plan divines, is what is most required in the area. The site is proposed for employment use, in the current Local plan .The emerging Local Plan and its core strategy has been criticised by the Inspector for having insufficient employment land allocated, if this site was developed for predominately housing use, it would require replacement land being allocated within the green belt.

The open space and playing field would be on Green Belt land, which would not, of itself, be an inappropriate use. However, the development and parking associated with this open space would be disproportionate and constitute inappropriate development. Additionally, this land forms part of and is also the setting to the Mobberley Conservation Area. The change from agricultural use to a management regime for this land would introduce an unacceptable urban influence into the rural area, which would not preserve or enhance the character or appearance of the Conservation Area and, thereby, cause harm. The roads and footways around the site are inadequate to cope with the increase of traffic that this proposal will invariably bring. The application does not adequately address how these problems will be resolved.

Our local school is already oversubscribed, as are the schools in Knutsford. Although there has been a recent expansion of the Mobberley Primary School from a 2/3 form intake to a one form intake, this would only cater for the anticipated demand with the existing level of development in the Village. As such, it would not cater for the increase in children that would accompany the current scheme. Crucially, bearing in mind the formula for deciding who can attend the Village School, allowing the development proposal would effectively exclude children living in the centre of the Village, who now qualify for admission.

## **OTHER REPRESENTATIONS**

Councillor Comments – Detailed comments received from Elected Member Councillor Macrae for Mobberley Ward, relating to site allocation and land designation, future employment land and needs, local housing needs and affordable housing, open space and community facilities, transport and highways infrastructure, education needs, environmental protection. Strongly objects to the application.

## **REPRESENTATIONS**

222 letters of objection have been raised in respect of the application. The main themes for objection can be summarised in the following points:

- Land ownership issues
- Noisy location for housing
- Additional traffic generation
- Overdevelopment of the site
- Too large scale for Mobberley
- Highways danger for pedestrians
- Not enough infrastructure and facilities for residents such as doctors
- Education concerns
- Pollution (noise, contamination)
- No affordable housing
- No longer a village but a town
- Smith Lane not sufficient

## **APPLICANT'S SUPPORTING INFORMATION**

- Flood zone mapping
- Energy audit
- Bat Inspection
- Statement of Community Involvement
- Phase 1 and 2 environmental site assessment
- Transport Assessment
- Interim Travel Plan
- Noise Summary
- Phase 1 habitat survey
- S106 heads of terms
- Design Code
- Design and Access Statement
- Flood Risk Assessment
- Geo-Environmental Statement
- Amphibian Survey
- Employment Report
- Heritage Statement
- Landscape and Visual Impact Assessment
- Arboricultural Report
- Air Quality Assessment
- Amended TA

- Amended LVIA
- Air Quality Addendum
- Amended Design and Access Statement
- FRA Addendum

Planning statement conclusions

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Sustainability
- Housing Supply
- Affordable Housing
- Viability
- Landscape Impact
- Trees
- Public Rights of Way
- Design
- Ecology
- Contaminated Land
- Noise
- Employment Land
- Highways
- Accessibility of playing pitch
- Conclusions

### **PRINCIPLE OF DEVELOPMENT**

#### Loss of Employment Land

The site is split into two distinct sites, the site for the proposed development (west site) is specifically designated as an area within the Macclesfield Borough Local Plan as being an area where general industry will normally be permitted under policy E4. Policy E1 states that employment areas will normally be retained for employment purposes. This application does propose a predominantly residential scheme, however does retain the Harman business within the site albeit on a smaller more efficient scale in terms of buildings towards the southern part of the site, however will employ the same number of staff. The proposals include a B1 business park to the north of the site which forms part of the outline application as at this stage there is no end user lined up for this part of the proposals. The B1 business park will cover an area of 25,200sq.m. with the existing employment use to be retained covering an area of 30,508sq.m.

Overall, however there will be a net loss of employment floorspace of 12,147sq.m notwithstanding this a large area to be lost is disused due to the scale of the buildings on the site. The overall loss of employment land will equate to 23%. It is considered that this level of loss is acceptable, as the site will result in higher levels of employment through the introduction of the business park and additional businesses will be able to move onto the site.

Therefore it is considered that the principle of loss of part of employment floorspace is acceptable in lieu of a more efficient scheme. It is clear that this proposal does involve the

loss of an employment site, however the Council did not consider this to be a reason for refusal on the previous application.

#### Previously Developed Land

The site is previously developed, it contains a number of buildings, many of which are large industrial sheds as well as some office buildings. The redevelopment of previously developed land for a mixed use development to include residential development is an acceptable form of development, and is encouraged through local and national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

*'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'*

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. This scheme has an appropriate balance of retaining an existing business in full, creating additional B1 use through the business park and the delivery of housing. Therefore accords with the aims of the development plan and national planning policy paragraph 17.

#### Open Space, Playing Pitch, Allotments

The east site is located within the Green Belt where there is a presumption against inappropriate development. This area of the site is to provide open space for the development itself along with a playing pitch and community allotments which were a desirable by the community through the consultation carried out by the applicants.

The eastern site will undoubtedly provide a contribution towards community benefit through the provision of these facilities, for the occupants of the new site and members of the local community. The NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt'. This proposal however requires consent for the use of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, *Very Special Circumstances* must exist to justify the departure from Green Belt policy.

This is a use that maintains openness and is encouraged under paragraph 81 which states that 'local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.'

It is therefore considered that on balance the provision of the playing pitch, open space and allotments within the Green Belt are acceptable as they maintain openness and allow access to the countryside and provide community benefit, and therefore Very Special Circumstances exist. The proposals also include changing rooms and play equipment, these are considered to be associated with the proposed use and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

### **Housing Land Supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015 the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing and Viability**

Heads of terms have been submitted with the application with regard to affordable housing. The application proposes 10% of the units to be market housing at 80% of market value.

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 290 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 87 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Mobberley, Chelford and Alderley Edge is for 16x 1 bed, 17x 2 bed, 11x 3 bed and 13x 4+ bed dwellings plus 9x 1 bed and 22x 2+ bed for older persons. The majority of the demand on Cheshire Homechoice is for 9x 2 bedroom dwellings therefore a mix with a majority of 2x Beds on this site would be acceptable. 57 units should be provided as Affordable rent and 30 units as Intermediate tenure.

However, in this case the applicants have submitted a viability assessment which demonstrates that the affordable housing required in order to be policy compliant would render the scheme unviable alongside other financial obligations required by the scheme. Therefore the proposal is to offer 10% of the dwellings at a 20% discount to market value. Given the viability issues it is considered to provide social sustainability and is on balance an acceptable level of contribution in order to make the scheme financially viable and deliver the other obligations required by the scheme.

### **Open Space Provision**

Due to the size of the site there is a requirement for open space as part of the proposal. The scheme includes the provision of at least one LEAP, one LAP, football pitch, tranquil area, allotments and a linear park, together with management arrangements. There is also the provision of changing facilities comprising showers, toilets and a changing room. The proposals therefore provide additional community facilities for the existing community and to serve the dwellings as part of the proposals. The open space on the main part of the site has not been agreed as this is outline stage only and refinements to the layout can be made as part of the reserved matters application. Therefore the proposals broadly comply with policies RT1, RT2 and RT5 of the Macclesfield Borough Local Plan and contribute to the social sustainability of the scheme.

### **Education**

A proposal of 290 dwellings will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable requires an education contribution. This has

been calculated as follows and is now contained within the revised heads of terms for the proposed section 106 agreement.

The development of 290 dwellings is expected to generate:

55 primary children (290 x 0.19)  
44 secondary children (290 x 0.15)  
3 SEN children (290 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond for Special Education Needs (SEN) provision in the immediate locality.

To alleviate forecast pressures, the following contributions would be required:

$3 \times £50,000 \times 0.91 = £136,500$  (SEN)

Total education contribution: £136,500

Therefore this proposal meets the requirements of the CEC education department and will make a contribution to educational needs arising locally as a result of this development therefore the proposal is socially sustainable with regard to educational requirements.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will not make an affordable housing contribution it will make a contribution in terms of starter homes and general housing. The proposal will however provide education contribution and public open space contribution. These contributions do provide significant community benefit. It is unfortunate that the scheme is unable to provide a policy compliant affordable housing contribution however this has been demonstrated through a viability appraisal which shows that this contribution cannot be afforded by the scheme. Although it is finely balanced this proposal will be sustainable socially by providing other community benefits and starter homes at a market discount rate. The Council cannot demonstrate a 5 year supply of housing, and therefore a market provision of 290 dwellings is undoubtedly providing significant social benefit. The employment area of the site including the new B1 business park will provide employment. Therefore the proposals are socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

The site is within a sensitive location on the edge of the Green Belt, therefore it is important that the proposals do not have a greater landscape or visual impact than the current situation.

There are no landscape designations within the application area, which lies in an area identified as Urban in the Cheshire Landscape Character assessment 2009. Although the application site is not located within the Green Belt, the surrounding agricultural land to the west, north and east is within the Green Belt. The assessment identifies that there are a number of footpaths that cross the application site, as well as other footpaths in close proximity to the site. The assessment includes a landscape impact assessment and visual

impact assessment, based on the indicative Masterplan. The Landscape Officer broadly agrees with these assessments.

With regard to mitigation, the assessment indicates that existing trees and hedges will be retained where possible and that the existing visual buffering will be supplemented; this also identifies the value of the existing peripheral vegetation, these are identified on the site and its context section of the Design and Access Statement 'Existing Trees and hedgerow' as well as the 'Constraints & Opportunities' plan, although shown on the Initial Masterplan, the existing structural vegetation including trees and woodlands needs to be incorporating this information on a Parameters Plan which could then be conditioned. The peripheral vegetation has a significant and important impact on the site and the loss of some of this could have an immediate and detrimental impact on the proposals, similarly the loss of trees and hedgerows around the site would not be acceptable. This however would be a matter for the detailed planning stage to ensure appropriate retention and additional planting.

Overall the proposals do not have a more detrimental impact on the landscape than the current situation, therefore the proposals accord with policies DC8 and NE2 of the MBLP.

### **Trees**

The Arboricultural Report identifies 34 trees within the application site which have potential to be affected by the proposed development. Of these, 7 have been assessed as High (A) category trees and 11 Moderate (B) category trees. The remainder are either low (C) category or are unsuitable for retention due to poor quality/condition. With reference to the Indicative Masterplan, the Report identifies 5 individual trees and 8 groups of trees that will be required to be removed to accommodate the residential layout. Removal of small section of a further group (G17) to the north of the site and a section of hedgerow (H14) adjacent to Smith Lane will be necessary to accommodate access provision and buildings for the B1 business park to the north of the site and a section of hedgerow (H31) to the west.

The majority of proposed tree removals to accommodate development are semi mature specimens of various species which include Willow, Alder, Birch, Sycamore, Pine and Cypress which have been assessed as low (C) category trees associated with the landscaping of the existing facility. In addition there are also two moderate (B) category Willow groups proposed for removal. It is agreed that these trees whilst presenting some contribution to amenity within the site are not visually significant within the wider landscape

The report identifies a mature moderate (B) category Ash which has been identified as having features associated with Veteran Trees. This tree was originally proposed to be removed to accommodate the development, however following discussions with the agent, this tree will now be retained due to its potential veteran status, and the layout to be submitted with the reserved matters application will design the scheme around the specimen. The NPPF states that planning permission should be refused for development resulting in the loss of irreplaceable habitats which include aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (para 118), therefore its retention aligns with the requirements set out in the NPPF.

With regard to mitigation, substantial replacement planting will be provided within the site and it is recognised that there is scope to offset most of the arboricultural impact within the linear park and to the west of the site. There is a substantial belt of mainly semi mature trees of

various species (G6) located along the western section of the site which have been planted as a buffer to screen the existing built infrastructure from properties along Smith Lane. The majority of these trees are shown to be retained within open space provision which is to be welcomed.

To the north and north eastern boundary of the site stands a woodland belt (G18) associated with Mobberley Brook. Whilst the majority of the woodland appears to be located outside the application site it interfaces with a number of proposed Plots and rear/side gardens along the northern boundary. As part of the design process any reserved matters application shall take full consideration of the proximity of structures to the woodland with due allowance and space for the future long term retention of trees. It is considered with appropriate mitigation and the retention of as many trees as possible and additional planting the proposal will be acceptable and be in accordance with the development plan.

### **Public Rights of Way (PRoW)**

There are two PRoW within the development site, the Mobberley Public Footpaths Nos. 11 and 13, run around the perimeter of the site, with fencing tight to the paths and, in particular on the western side of the site, a route which doglegs between boundaries. The application plans suggest that this would continue with, in places, backs of gardens facing on to the paths.

Instead of maintaining this approach and viewing the paths as constraints, the developer could view the routes as opportunities by designing them into the green infrastructure and amenity facilities of the site. A re-aligned path would offer a much more pleasant route for residents of the proposed and existing housing, forming options for circular walks close to peoples' homes – a demand which has been recognised under the Council's statutory Rights of Way Improvement Plan. Such proposals could include a more sinuous route, wider path, surfacing, removal of fences, destination signage, green infrastructure and amenity facilities and natural surveillance from houses and highways. These improvements can be dealt with at reserved matters stage, where integrated footpaths and green infrastructure links should be key in the final design ethos of the site. Any future diversions of footpaths would be subject to their own discrete process.

United Utilities (UU) have provided detailed comments in relation to the ownership of the vehicular access which divides the eastern and western sites. This track is under the ownership of UU and is not within the red line boundary of the development site. UU have provided details of the title deed to demonstrate that this is the case. However, the proposal does involve crossing the access track – which is not within the ownership of the site – in order to access the open space, play area, playing pitch and allotments. At the time of writing the report, permission has not been given by UU for this crossing point to be used, for either vehicles or pedestrians. This therefore could affect the deliverability of the eastern site, if access could not be gained to it. It is therefore required within the Section 106 agreement for a suitable trigger (which is to be agreed), for the development of the eastern part of the site to be completed prior to the residential site being completed. In order to guarantee that eastern site is developed and for the access rights over the UU land to be resolved.

The issues relating to land ownership and any land dispute are not a material planning consideration, providing the information provided on the certificates is correct. In this case the

UU land does not form part of the red-line therefore the Council is satisfied that this is a civil matter between the site developers and UU.

With regard to pedestrian access across the UU track, the applicant claims that this path has historically been used by pedestrians and should become a formal Public Right of Way. An application has been submitted by the applicants to the Council with evidence from those who use the path for it to be made into an official PRow. This process is ongoing and has not been determined. Notwithstanding the outcome of this process, in any event, the eastern site will require vehicular access from west to east, for the reasonable use of the allotments, and playing pitches. There must be access for emergency vehicles especially for playing pitches. Therefore the access issue must be fully resolved by the parties.

### **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species of species of conservation importance. The Council's ecologist has commented on the proposals and has reached the following conclusions:

#### Great Crested Newts

Great Crested newts, a European protected species are known to occur in a high proportion of ponds at Mobberley. A number of ponds are located within 250m of the proposed development and a small population of Great Crested Newts has been recorded at a pond on the opposite side of Smith Lane.

The habitats on site which consist primarily of areas of hard standing, amenity grassland and buildings are of limited value for Great Crested Newts. The submitted ecological assessment advises that the proposed development is not likely to have a significant impact upon a Great Crested Newts provided the woodland and hedgerows along the western boundary of the site are unaffected by the proposed development. This recommendation has been incorporated into the submitted indicative layout plan with the vast majority of this habitat being retained. It is noted that the removal of a section of hedgerow may be required to facilitate an access point, this is however unlikely to have a significant impact upon Great Crested Newts.

To avoid a potential impact upon Great Crested Newts it is recommended that if outline planning consent is granted that a condition be attached requiring the retention and enhancement of the woodland and hedgerows along the western boundary of the site in accordance with the submitted indicative plan.

#### Common Toad

This UK Biodiversity Action Plan species, which is a material consideration, is also likely to be present on site. It is advised that the retention of the habitats described above is also likely to mitigate any significant potential impact upon this species.

#### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. The proposed development is likely to result in the loss of two short sections of hedgerow to facilitate the proposed site access points. It should be ensured at the detailed design stage that any loss of hedgerows is compensated for through the creation of replacement native species hedgerows.

### Bats

A number of trees around the site have been identified as offering potential to support roosting bats. Based on the submitted indicative layout plan it appears likely that these trees will be retained as part of the proposed development.

A further tree (Tree 10) which will be lost to the proposed development was initially identified as potentially being suitable for roosting bats. A further more detailed survey of this tree however ruled out any potential roosting by bats.

### Badgers

Whilst no evidence of badgers on site was recorded during the 2013 survey or the latest updated survey. It is advised that badgers are not reasonable likely to be present or affected by the proposed development.

It is concluded that, subject to suitable mitigation, retention of habitats and suitable conditions the proposals will not have a detrimental impact on European or UK BAP species. Therefore the proposals accord with European, National and Local planning policy.

### **Loss of agricultural land**

The proposed development at Ilford Way includes the provision of public open space on land to the east of Harman Technology, on what is currently a privately owned agricultural field. It is noted that Policy GC13 (Agricultural Land) of the Macclesfield Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (Grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the agricultural field is Grade 3 and due to its limited size and the existing site constraints (i.e. surrounded by development) it does not offer a significant contribution to the high quality agricultural land in the area. In conclusion, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation.

### **Design**

The proposed development is at outline stage, save for the Harman Technology part of the proposals. These are detailed and are contemporary in design. The proposed Harman Technology area is laid out sufficiently and has adequate levels of car parking. The hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site.

The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage.

### **Highways**

Many objections have been received from local residents in relation to increased traffic and highways issues. This was also the case on the previous application when the

recommendation was to approve the application subject to a financial contribution towards improvements at Brook St/Hollow Lane junction.

The application is in outline form with the main access points to be agreed at this stage. However highways have now raised objections to the use of Smith Lane access for the new element of this scheme which is the business park. It is considered that this access is not suitable for such intensive use as this is currently an emergency access only, and Smith Lane is very narrow and not suitable for the amount of use a business park would generate.

The previous application did not include the business park to the north and therefore the existing Town Lane access to serve the development was agreed. The applicant has now agreed to remove the Smith Lane access as the access point to the employment area with the main Town Lane access serving the entirety of the site – both residential and employment. This can be secured by condition, with the final details of the internal arrangement being dealt with at reserved matters stage.

As with the previous application highways have expressed concern about the Brook Street/Hollow Lane junction and the submitted TA. This was previously resolved through a contribution to mitigate any traffic impact at this main junction in Knutsford. Due to the increased traffic movements compared to the previous application, due to the introduction of the business park, a greater financial contribution is now required to provide appropriate mitigation. The increased contribution can now be secured through a Section 106 agreement to make junction improvements to mitigate the impact of the development on the wider road network. This sum has been agreed at £406,692.

With this proposed mitigation and not using Smith Lane access, it is agreed that the proposals are acceptable in highways terms, therefore the proposal will accord with the development plan.

### **Accessibility**

Mobberley has some facilities and services and is considered within the Cheshire East Local Plan Submission Version as a Local Service Centre which is described as:

*Local Service Centres are small towns or large villages which provide a range of services and facilities to meet the needs of local people, including those living in nearby settlements. They typically have a range of shops, health and leisure facilities, and employment opportunities.*

It is considered therefore that the proposal is within a sustainable location with access to services and facilities to meet the needs of the local people. It is considered that it could therefore accommodate some growth, and would not be considered to be unsustainable in accessibility terms, the proposals will be subject to a sustainable travel plan which will be secured through the Section 106 agreement.

### **Noise**

Due to the location of the proposal site, noise is of significant concern particularly that generated from runway 2 of Manchester Airport. Noise impact on amenity of future residents formed a reason for refusal on the previous application, however at that stage, it was considered by officers of the Council that the impact could be mitigated through a variety of measures to be installed into the development. It was concluded by officers that the proposals

accorded with policy DC3 of the Macclesfield Borough Local Plan. The detailed comments from the Environmental Health Officer in relation to noise are below:

The proposal site is within an established settlement zone of Mobberley village, however the area is severely impacted by noise as it is located within the Preferred Noise Route for departing and arriving aircraft to Manchester International airport located 1760m (just over 1 mile) from the end of runway 2. The proposed noise sensitive residential development is located within the Preferred Noise Route (PNR) for arriving and departing aircraft to Manchester International Airport (The PNRs are designed to contain aircraft for the initial potentially more noisy stages of flight). The airport's regular mode of operation is for aircraft to depart to the southwest towards Mobberley and Knutsford with arriving aircraft approaching from the northeast over Stockport. The Airport operates in this direction for approximately 80% of movements.

The site was the subject of a similar application (14/0114M) which environmental health made significant comments concerning the impact of aircraft noise. In addition to the aircraft noise, there are also concerns around the potential for noise from the new and existing business uses to cause a significant adverse impact to residential amenity to the new residential uses.

The application is accompanied by a number of supporting documents with respect to noise; including an acoustic report (1 November 2013 ACIA Engineering Acoustics) together with two supporting statements (Ilford Way/T3093/261115 Temple Acoustics – dated November 2015) and a statement from Savills summarising the combined noise reports.

As detailed in the supporting noise reports, the development site falls within 57 – 60 (16 hour daytime) aircraft noise contour. The Air transport White Paper (ATWP) (The Future of Air Transport, DoT, December 2003) confirms that 57 dB LAeq (16 hour daytime) is the onset of significant community annoyance

The ATWP describes the Department of Transport's policies for the appraisal and management of environmental impacts from aerodromes, including noise. The basic aim stated is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

It is agreed that aircraft noise can be adequately mitigated for internal living spaces through the use of engineering solutions (glazing, high density roofing materials and mechanical ventilation systems). There is no way to adequately protect external amenity areas from aircraft noise.

During the assessment of the previous application the developer offered a compromise solution to the problem of mitigating external areas in the form of a design guide for the residential units. The solution provided an acoustic canopy to a proportion of the rear gardens, together with a nearby "area of relative tranquillity" in the proposed public amenity space.

This includes individual "noise canopies" Noise Zone Canopy for a section of the private amenity space of the dwellings immediately adjacent to the facade facing into the garden area with an "acoustic shelter" designed to reduce the levels of aircraft noise immediately below it. The acoustic shelter shall have an imperforate roof constructed from clear or only moderately

tinted material that allows penetration of sunlight. The roof shall cover an area of no less than 12 m<sup>2</sup> and be formed from materials with a minimum resistance to the transmission of sound of Rw 15 dB.

When considering this approach against the current guidance, the following is contained in BS8223:2014 (guidance on Sound Insulation and Noise Reduction for Buildings), in particular for areas where noise levels are not ideal;

The noise impact may be partially off-set if the residents of those dwellings have access to:

- a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or;
- a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur, and/or;
- a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings, and/or;
- a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquility) that is nearby (e.g. within a 5 minutes walking distance).

Noise is required to be assessed and judged in each case in the context of wider sustainable objectives and the effects of the specific sources. This application includes a revision to the indicative masterplan which has moved the residential development out of the most northern part of the site. This means the residential properties will now not be in the area of the site which is the worst affected by aircraft noise.

As such it is considered that whilst noise levels across the site are far from ideal for residential development, and is contrary to the Government policy of reducing exposure to Aircraft Noise, if the planning committee were minded to approve the application appropriate conditions could be incorporated to provide a degree of mitigation.

### **Air Quality**

A number of representations received do relate to air quality and air pollution that the proposed development would bring along with emissions from vehicles and aircraft. In addition to this United Utilities have raised concerns regarding amenity of future neighbouring residents to the Waste Water Treatment Works to the north east of the site, which as proposed in the masterplan will have development in very close proximity. Following these concerns, an odour assessment was required, which has been reviewed in relation to the Waste Water treatment Works. The Council has not dealt with any odour complaints concerning the works, however existing properties are located a greater distance away from this site than the proposed residential properties, which are to be located immediately adjacent to the sewage treatment works. It is reasonable to foresee that by introducing sensitive receptors to this location may give rise to odour complaints.

The applicant has submitted an odour assessment in accordance with IAQM guidance and during several representative site visits noted no odours from the WWTW when the wind is blowing towards potential receptors. As a result of this assessment there is no requirement to condition mitigation for odours. Therefore the proposals will accord with policy DC3 of the MBLP.

### **Contaminated Land**

Due to the nature of the site which has an industrial manufacturing use there is always potential for contamination of the land to have occurred over the passage of time. A number of objections from concerned residents were received in relation to this. There was originally a holding objection from Environmental Health based on insufficient information in relation to radioactive material. The information provided explains that *'over the past ten years all the more hazardous (radioactive) sources on site have been disposed of by registered experts'*, and all remaining radioactive sources are permitted and controlled under other legislation. In addition, after discussions by the Environmental Health Officer and site operatives and upon reviewing historical records presented to the Environmental Health team, they are satisfied that all sources used on the site since its inception are/were sealed sources and in solid form, and have been disposed of appropriately. In addition to this, site investigation information does not indicate any evidence of on-site waste disposal in the past. It would be expected that all radioactive materials are to be removed and relocated or disposed of in an appropriate way prior to demolition on site.

With regard to other types of land contamination, whilst surveys have been done on the site, greater survey work is required, which is detailed through conditions to be placed on the decision notice. Environmental Health have removed their objections subject to conditions. Therefore the proposals through appropriate survey work and mitigation accord with policy DC63 of the MBLP.

### **Flood Risk**

Policy DC17 of the Macclesfield Local Plan relates to water resources and states that development will not normally be allowed which would be in an area liable to flooding and which would lead to an inadequate surface water run-off provision.

Policy SE13 of the emerging Local Plan also states that developments must integrate measures for sustainable water management to reduce flood risk by making sure that development avoids areas of flood risk except in circumstances where a sequential and exception test indicate development is necessary. In these cases, development must be safe without increasing flood risk elsewhere. Furthermore, the emerging policy states that new development must be designed to be safe, taking into account the lifetime of the development, and the need to adapt to climate change. The NPPF supports the above policies by stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

An addendum to the FRA has been submitted to address the changes to the scheme. It concludes that this will be no worse in terms of flood risk than the previous scheme which was recommended for approval by officers. Two Flood Risk Assessments were produced to support the two separate elements of the proposed redevelopment of the site, one for the residential element and the other for the Harman site.

In relation to the new Harman development, the proposed site is not currently within an Environment Agency defined flood zone. A review of the Master Plan shows that the scheme is to be constructed outside of the currently defined flood risk areas and therefore the risk to the proposed development is considered to be negligible. As the scheme is likely to result in impermeable areas (roads and buildings) there will need to be consider some issues regarding storm water drainage so as not to create a flood risk to surrounding areas. A review of the EA indicative flood mapping and other relevant data indicates that the site is located outside any predefined area that is deemed to be at risk from flooding by rivers and other surface water bodies. There is a potential moderate groundwater flooding risk at the site, however, no evidence of historical flooding has been recorded. Furthermore, a pluvial risk within a small area in the north of the site has been identified, increasing the elevation of this localised area will alleviate any likely pluvial flooding issues.

The Environment Agency have not raised any objections in relation to the scheme. The recommendations of the FRA do include SuDS, however these will need to be carefully considered in the proposed drainage scheme, as Manchester Airport do not consider ponds to be acceptable in this location due to attracting birds within close proximity to the flight path. United Utilities have requested a drainage condition be added to the decision notice in the event of a recommendation for approval.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The proposed development has been carefully considered with regard to public health and the proposed effects of the development on the environment. It is considered that through appropriate and effective mitigation, levels of harm would be acceptable and would not warrant refusal of the application.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development will retain the existing Harmans business on site, albeit in a more compact format. The site currently employs 209 members of staff (according to the application forms) and this will be retained. The proposals ensure that the business can continue to operate from this site and from Cheshire East. The retention of businesses is key within the Borough and the more compact nature of the proposed Harmans site should ensure that the business will be more sustainable into the future.

The proposals however do lead to the loss of a wider employment site which is regrettable however as part of the decision making process a balanced decision must be reached taking into account all aspects of the proposals. The retention of the Harmans business and the addition of the business park is welcomed and means an increased number of employees will be based at the site. The designated area of B1 land to the north of the site is an efficient use of the land. The proposals will therefore increase levels of employment on the site compared to the existing situation and through the demolition and construction process will provide employment. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**

The addition of business use and housing of 290 units will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable. A number of objections have been received regarding pressure on existing services, however a positive outcome of this pressure and the boost in population can create more demand for these services, increasing the likelihood that they will be retained into the future and improvements made.

### **Economic sustainability conclusions**

The proposals will result in additional employment on the site along with an economic boost locally through the increase in population and in the shorter term the construction of the site. It is considered that whilst a large area of the employment site will be lost, a great deal of this space is not utilised, and the proposals make more efficient use of the site whilst providing a large amount of market housing on a brownfield site.

### **Section 106 agreement**

The application will be subject to a Section 106 agreement, to secure the following:

- Education contribution of £136,500
- Highways contribution of £406,692 towards highway improvements at the junctions of the A537 Brook Street and Adams Hill
- Landscape Management (to include Public Open Space)
- Provision of starter homes
- Trigger for open space to be completed prior to the construction of part of the residential site (trigger point to be agreed)
- Sustainable Travel Plan
- Phasing of the development to secure employment land is developed.

### **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (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) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy. The recreation / outdoor sport space is necessary, fair and reasonable, as the proposed development will provide up to 290 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance. The development would result in increased demand for primary school places in Mobberley, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development. As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already

congested and the required mitigation is directly related to the development and is fair and reasonable.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, the vast majority being letters of objection with some letters of support from Harman employees. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. Whilst it is clear that the proposed development is not popular locally, the proposals do represent sustainable development in the round, and therefore in accordance with policy 14 of the NPPF should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **PLANNING BALANCE AND CONCLUSIONS**

The site is split into two halves, the Harman Technology site which is previously developed land and is designated as an employment site. The eastern site is within the Green Belt where open space is proposed. The site is for a mixed use, employment and housing.

The proposal will result in the loss of the vast majority of the geographical extent of the site for housing, however will increase the level of employment on site from existing levels with the introduction of the business park. The loss of the employment site as a whole is therefore acceptable in the context of the proposed development and end use for the site.

The western site is previously developed land (PDL), where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the Housing and Planning Bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot currently demonstrate a 5 year supply of housing. Therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

It has been demonstrated through the application that additional information, and amendments can overcome issues raised by members of the public and consultees to achieve a solution. In this case this has been achieved through the use of planning conditions and obligations to secure mitigation to offset the harm of the proposed development.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic

sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide an area of public open space including a playing pitch, play area and allotments for future residents and existing community.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, new businesses and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact can be mitigated through a commuted sum.
- An education contribution to ensure that the proposal does not negatively impact on education services locally.

The adverse impacts of the development would be:

- The loss of the employment site and employment land as an existing designated site and as a future allocation.
- The loss of agricultural land, to open space provision.
- The proposal does not provide affordable housing provided by a Registered Social Landlord, however 10% starter homes (80% of market value) are proposed.

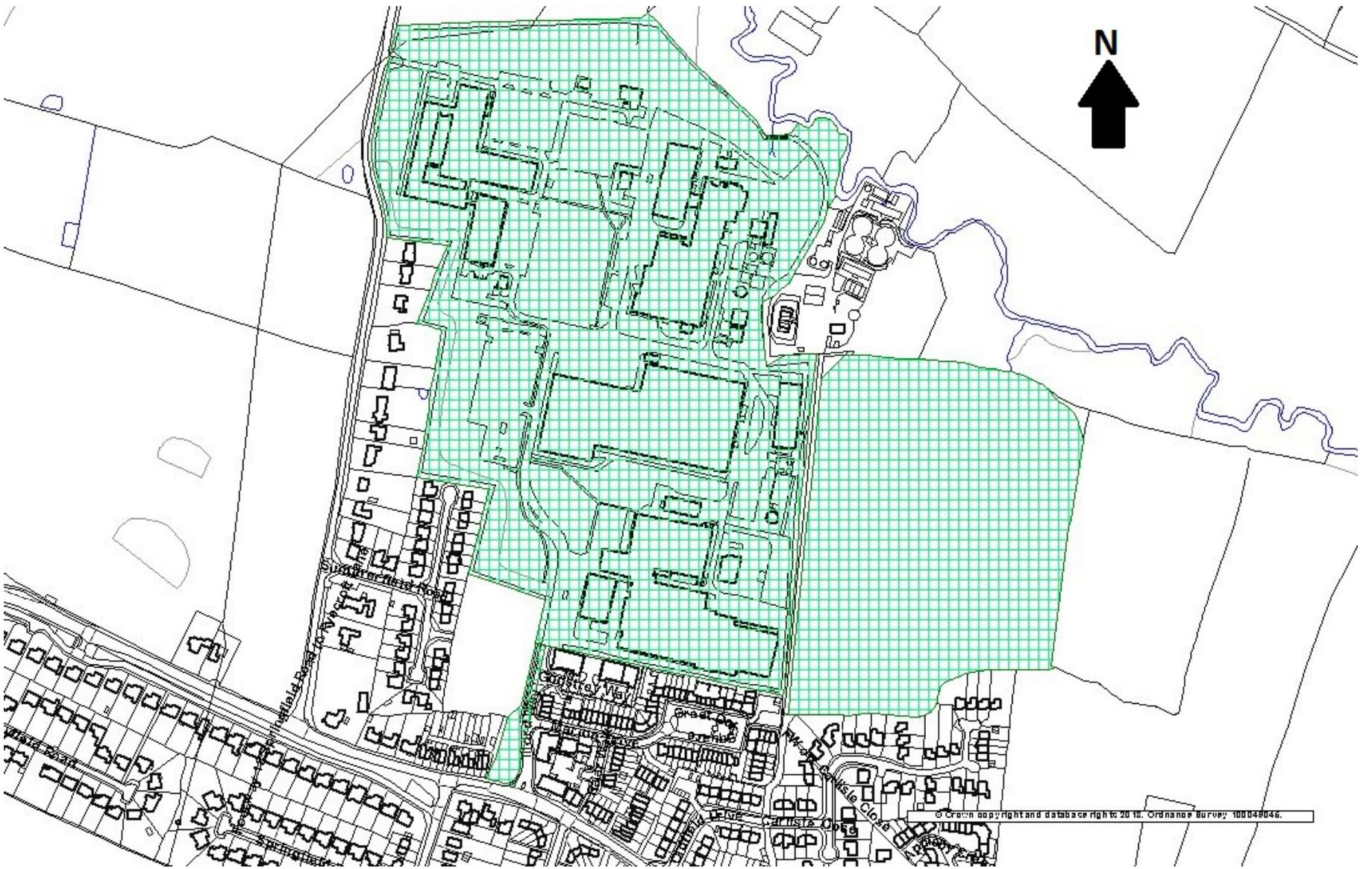
On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged due to the provision of housing on a previously developed site and the retention of an existing well established business on the site and the provision of a B1 business park. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **RECOMMENDATION**

**Approve subject to completion of a section 106 and the following conditions:**

- 1. Commencement of development (phasing)**
- 2. Time limit for submission of reserved matters (phasing)**
- 3. Submission of reserved matters (appearance, landscaping, layout and scale)**
- 4. Implementation of reserved matters (phasing)**
- 5. Outline residential scheme in compliance with design code**
- 6. Outline residential development in accord with approved plans**
- 7. Full industrial redevelopment in accord with approved plans**
- 8. Details of ground levels to be submit**
- 9. Reserved Matters to include Site Construction Environmental Plan**
- 10. Reserved Matters to include noise mitigation scheme**
- 11. Review of noise mitigation scheme**
- 12. Industrial Noise Condition (from all fixed plant and machinery)**
- 13. Industrial Noise Condition (Noise measurements and assessments)**
- 14. Travel Plan**
- 15. Electric car charging points**
- 16. Construction Management Plan (hours of work/deliveries/Pile foundation/site compound)**
- 17. Decontamination of land**
- 18. External materials (for each phase)**
- 19. Surface materials (for each phase)**
- 20. Boundary treatments (for each phase)**
- 21. Landscaping for industrial scheme**
- 22. Landscape implementation for industrial scheme**
- 23. Landscape management for industrial scheme**
- 24. Tree protection**
- 25. Service / drainage layout**
- 26. Arboricultural Impact Assessment**
- 27. Protection of breeding birds**
- 28. Breeding bird enhancements**
- 29. Lighting details to be approved**
- 30. Details of bins and serving**
- 31. Restriction – No use of Smith Lane access**
- 32 Access laid out for each phase**
- 33. Secure cycle storage**
- 34. Public right of way safeguarding**
- 35. Surface water details**
- 36. Foul surface water details**
- 37. Other relevant requested UU/EA conditions**

**38. Informatives**



Application No: 15/4089C

Location: FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE

Proposal: Residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road

Applicant: Mr Andrew Garnett

Expiry Date: 09-Dec-2015

#### **SUMMARY:**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development .

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

## **RECOMMENDATION:**

APPROVE subject to conditions

## **REASON FOR DEFERRAL:**

At the Southern Planning Committee meeting of 2<sup>nd</sup> March 2016, Members resolved to defer this application to consider further information on housing needs for affordable rent and social rent in this area (need for older persons, people with disabilities, single people and family sized units); further information from the Education Department about where the children from the development will be educated and how the financial mitigation shortfall will be mitigated; further information regarding internal room size standards. This is an updated report which deals with these considerations.

It has been referred to Strategic Planning Board as the date of the next Southern Planning Committee Meeting is the day before the funding for the scheme from the Holmes and Communities Agency (HCA) expires. The application needs to be determined before then to allow the appropriate funds to be drawn down.

## **PROPOSAL:**

Full planning permission is sought for residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road, Congleton.

## **SITE DESCRIPTION:**

The site is located to the east of Congleton Town Centre and is accessed off both Bromley Road and Brunswick Street, which form two boundaries to the site. The north of the site is bounded by the 'Biddulph Valley Way' and beyond this lies an area of employment land. To the west there is a footpath linking Bromley Road to the walk to the north. Although access can be taken from the two roads to the south and east, there is a line of residential properties between the majority of the site and the road which have their rear gardens backing onto the boundary of the application site. Whilst the main area of the site itself is relatively flat, the surrounding land and the entrance to the eastern side of the site is at a different level with the land falling away to the north down a steep wooded embankment before meeting the footpath which forms the northern most boundary. The land to the east is at a higher level and the access road into the site from this point, descends down from Bromley Road into the centre of the site. The site was formerly occupied by a factory building providing approximately 7230sq.m floorspace used for the production of cardboard cartons. However, the site has since been cleared and despite various marketing exercises, the site has now been vacant for almost eight years.

The site falls within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review.

**RELEVANT HISTORY:**

09/3651C - Outline Planning Permission for the Development of the Site for Residential Purpose, Comprising 63 Dwellings – Approved 16-Jan-2015

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

**Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 9 Energy Efficient Development  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy SC 4 Residential Mix

**Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

**CONSULTATIONS:**

**Environmental Health:**

No objection subject to the additional Phase II contaminated land investigation works being undertaken concurrently with the site enabling/clearance works as the removal of these obstructions will mean a more thorough investigation can take place. The proposed noise mitigation is acceptable however, some industrial noise will be audible from some properties. Further conditions relating to construction hours, dust control, noise mitigation, travel planning and lighting recommended.

**Highways:**

No objection subject to conditions.

**Green Spaces (Ansa: Environmental Operations):**

**Amenity Greenspace (AGS)**

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 84 new homes will not require any further AGS. Whilst there is obviously a need to provide green spaces within the boundary of the new site, there is not a requirement for additional provision in line with the Interim Policy Note for the provision of new open space.

The proposed sketched layout illustrates some linear open space forming a buffer on the boundary of the site. This land contains some boundary trees and would be classed as a semi natural typology. This type of open space is not a requirement by policy. It is recommended that these areas are transferred to a management company for future management and maintenance.

### **Children and Young Persons Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission in accordance with the submitted details there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study/Council's adopted local standards.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. The financial contributions sought from the developer are;

£16,207.89 for enhancements

£52,834.50 for maintenance of the enhancements for a 25 year period

### **Education:**

No objection subject to financial contributions. The proposed development will generate:

13 primary children (72 x 0.19 – 1 SEN (Special Educational Needs))

11 secondary children (72 x 0.15)

1 SEN child (72 x 0.51 x 0.03%)

To date, the development is forecast to increase existing and forthcoming pressures to both primary and secondary provision in the immediate locality, and SEN provision. Existing capacity can accommodate 1 primary child, therefore creating a partial primary education claim.

To alleviate forecast pressures, the following contributions would be required:

12 x £11,919 x 0.91 = £130,155.48 (Primary)

11 x £17,959 x 0.91 = £179,769.59 (Secondary)

1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £355,425.07

Without a secured contribution of £355,425.07, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

### **United Utilities:**

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer and subject to submission of a surface water drainage scheme.

**Public Rights of Way Unit (PROW):**

No objection - The proposed site is adjacent to the Biddulph Valley Way, a linear country park and part of the National Cycle Network. The proposed development site could offer scope, through the dedication of land, to improve access to the Bridleway and Biddulph Valley Way, as sought by the local community. Such improved access would be beneficial for potential new residents and the surrounding community, in gaining active travel route options to schools and local facilities and to the countryside surrounding Congleton.

**VIEWS OF THE CONGLETON TOWN COUNCIL**

No objection subject to the applicants of the new properties to be subject to the criteria set out by Homechoice.

**REPRESENTATIONS:**

Representations have been made by 4 neighbours and Bromley Farm Community Development Trust expressing the following comments:

- Vehicles will block access to neighbouring properties
- Antisocial behaviour caused by pedestrian access
- One of the trees to be retained should be removed
- Site is prime for affordable housing
- Site has been an eyesore for years
- Is good to see development of a brownfield site rather than a greenfield site
- Houses should be offered via Cheshire Homechoice criteria and process
- Design is sterile
- Trees should be retained and supplemented
- The developer should contribute towards upgrading the Biddulph Valley Way, Bromley Farm Community Centre and Park
- Noise of adjacent commercial premises affecting new residents
- Previous site clearance has resulted in change in levels and waste that needs to be removed including asbestos

**APPRAISAL:**

**PRINCIPLE OF DEVELOPMENT**

The principle of residential development on the site has been accepted previously by the grant of an outline application for 'residential development' (planning ref; 09/3651C).

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. Such material considerations relate to the loss of an employment site, whether the development represents a sustainable form of development, highways and the impact on the character and appearance of the area and residential amenity.

## **Location**

The proposals seek to utilise previously developed land, inside the settlement zone and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

## **Housing Land Supply**

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 84 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

## **Employment Land**

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and in its present form represents the inefficient use of land. There has not been a material change in the circumstances that would result in different conclusions being drawn on this issue. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable but must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

## **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the

total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

This is a proposed development of 84 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Congleton is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 1 and 2 bedroom dwellings therefore 1 and 2 bedroom dwellings on this site would be acceptable.

The significant benefit of this scheme is that all 84 no. units will be affordable. As such, the 30% usually expected is far exceeded. There is a commitment from the Riverside Group, who is a registered provider to take the scheme forward and manage the affordable units. The tenure split will provide 40 affordable rented units and 44 for shared ownership. The mix of properties provided is also acceptable and generally reflects the housing need in the area. However, Members of the Southern Planning Committee sought further details of the housing needs for affordable rent and social rent in this area (need for older persons, people with disabilities, single people and family sized units)

In response to this, the Council's Strategic Housing Manager has confirmed that the SHMA shows that there is a need in Congleton for older persons accommodation (figures from the SHMA for Congleton below). Information from the Cheshire Homechoice is also included as although this does not include older persons accommodation, it does support the applicants submitted mix. Approval of this mix was given by Strategic Housing in August 2015, prior to submission of the application.

SHMA – 27 x 1 bed, 10 x 3 bed, 46 x 4 bed, 37 x 1 bed older persons  
Cheshire Homechoice – 189 x 1 bed, 128 x 2 bed, 67 x 3 bed, 8 x 4 bed

The need for older persons accommodation has been discussed in more detail with the registered provider ('Riverside') and they confirmed that they cannot re-address the mix on the scheme as there is a risk that the development will lose funding if approval is not given before the end of the current financial year. With the upcoming changes to HCA funding meaning that there is no longer available funding for affordable rent, this would mean that the 40 rented units may be lost.

However, Riverside are proposing that the ground floor flats within the proposed apartment blocks are allocated to older people. In total there are 8 ground floor flats on this site, 4 of which are 1 bedroom. Riverside have confirmed with their neighbourhoods team that this would be a feasible option for them and they have also confirmed that the spec of the units can be adapted to older people during the build e.g. with the inclusion of walk in showers etc.

The Strategic Housing manager has checked recent planning approvals for Congleton to see if any of these are likely to satisfy the demand for older persons accommodation and note that Outline application 13/2746C for Black Firs Park, Congleton - which was approved in 2014 would provide 4 x 1 or 2 bedroom bungalows as part of the development of 180 dwellings. These bungalows are actually included in the property mix of the s106 and so should be delivered.

An additional point that that was noted at the Southern Planning Committee meeting was the appropriateness of securing the affordable housing by condition. Whilst affordable housing can be secured by condition, it is usually secured by way a s106 legal agreement. This is because some lenders do not accept the mechanism for securing the social housing provisions unless they are in the form of a legal agreement. The applicant and Riverside have confirmed that securing the affordable by condition will be acceptable to them and their lenders and this is a practice that is exercised by the Planning Inspectorate when they allow an appeal which includes affordable housing provision. As such, the use of condition in this case is acceptable as it will assist in securing the HCA funding.

The Strategic Housing Manager has stated that they support the application. Taking this into account, the scheme is found to be acceptable in this regard.

### **Viability and Deliverability**

The applicants state that the site is subject to abnormal costs including the cost of providing 100% affordable housing and the site acquisition and remediation costs. On this basis, the applicant states that the development cannot bear the cost of any additional planning obligations / financial contributions which is evidenced by a financial viability appraisal. This has been independently assessed by an external viability consultant and confirmed as being accurate, robust and reasonable.

The guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

*"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

Whilst it is clearly unfortunate that the development cannot bear the cost of any obligations in accordance with the usual policy requirements, a higher level of affordable provision would be secured which is a significant social benefit. The assessment confirms that the site abnormal costs with an assumed Gross Development Value (GDV) of only 7% increase over and above the existing use value, means that the applicant cannot realistically provide any obligations or other financial commitments to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed affordable housing.

The Council's Financial Viability Consultant has confirmed that the figures contained within the Viability Appraisal are reasonable. The 7% figure for GDV is below the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Accordingly, there is clearly a need to forego any additional obligations / contributions in order to make the scheme viable including those requested by the Bromley Farm Community Centre.

### **Public Open Space Provision**

The Greenspaces section (ANSA) has confirmed that owing to the amount of existing amenity greenspace / children's play space accessible to the proposed development (within 800 metres), there is sufficient open space to accommodate the development and no further provision is required as a result of this development.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme.

### **Education**

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 84 units is expected to generate 13 primary, 11 secondary children and 1 special educational needs child.

Owing to recent development in the area coupled with the size of the proposed development, there will be a deficit in local school places both at primary and secondary level. In order to offset this deficit, the development would normally provide financial contributions towards these local schools to facilitate additional school places. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme. The Council's Education department has confirmed that they would withdraw an objection if a viability case has been proved, which it has in this case.

Members of the Southern Planning Committee wanted further clarification as to where the children generated by the development will be educated and how the financial mitigation shortfall will be mitigated. The Council's Education Department has confirmed that in the event that the development were to proceed without the requested financial contributions, then the burden of school provision may lie with the local authority depending on capacity at any given time. However, this must be weighed against the significant benefits of the scheme.

The children generated by the proposed development would be schooled within the 2 mile radius for capacity which are: Daven Primary School (catchment), Astbury St Marys CE Primary, Black Firs Primary School, Buglawton Primary School, Havannah Primary School, Marfields Primary, Mossley CofE Primary School, St Marys RC Primary and The Quinta Primary. The secondary schools within 3 miles considered were Congleton High School (catchment) and Eaton Bank Academy.

It is important to note that unless the financial contributions are foregone, this scheme is not viable and this brownfield site is likely to remain redundant and any benefits from developing it will not be realised. Further, there is already an extant permission on the site in outline form which granted approval for the erection of up to 63 residential units without the requirement for any education contributions. Subject to reserved matters, this scheme remains capable of being implemented. However, the outline scheme (owing to viability) only secures 13% affordable housing and therefore does not provide the same social benefits that this 100% affordable scheme does.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will not make an education or public open space contribution, it will make a very significant contribution to the provision of affordable housing, especially in an area where it is desperately needed. On balance, such contribution will provide significant community benefit and whilst it is unfortunate that the scheme is unable to provide contribute towards education and open space, it has been robustly tested through a viability appraisal which shows that further contributions cannot be afforded by the scheme. Although it is finely balanced, it is considered that this proposal will be socially sustainable by providing much needed affordable housing.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design Considerations**

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on two sides with commercial properties to the other site boundary and the Biddulph Valley Way.

In this case the proposal has been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more

sustainable environment for the future residents of the site. The amendments include additional detailing on house types, staggering of the dwellings within the layout, the removal of some car parking from frontages, improvements in the road layout with a hierarchy of surfaces and road widths and also a mix in the palette of materials including reference to local stone.

The amendments to the layout have also enabled the scheme to link in with the Biddulph Valley Way by providing 2 points of pedestrian access. This is an important connection and this amendment is welcome. Following the amendments to the scheme it is now considered that an acceptable design/layout has been achieved. It is considered that the proposed development accords with policy GR1 and GR2 of the Local Plan.

### **Trees and Landscaping**

Most of the site is hardstanding although there is some existing vegetation on the periphery, most of which is identified for retention. Levels vary across the site with an embankment to the east and sections of retaining wall to the south.

The proposals would provide site permeability with a footpath access from Brunswick Street to the south west in addition to the main pedestrian and vehicular access from Bromley Road and the pedestrian links with the Biddulph Valley Way. The amended layout would provide scope for soft landscaping and there are areas of open space that would help to soften the visual appearance of the scheme. The site is well contained and would not impact negatively on the wider landscape.

With respect to trees, following discussions, the scheme has been supported by an updated Arboricultural Impact Assessment and Method Statement (AMS). The submission confirms tree removal proposals. However, the Council's Tree Officer has confirmed that there are no significant concerns in this respect. Replacement planting could be secured in the landscape works. Details of tree protection measures are provided with an AMS and the proposals appear reasonable. An implementation condition would be appropriate.

### **Highways**

In terms of access, it is proposed that all of the properties are accessed from the Bromley Road access to the east with the existing smaller access to Brunswick Street being retained for pedestrian purposes. The proposal would utilise the existing vehicular access directly off Bromley Road. This site was previously in industrial use. With regard to the principle of residential development on the site, The Head of Strategic Infrastructure (HSI - Highways) has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being used for industrial use.

Following initial comments regarding the visibility requirements and general geometry of the access and internal roads, the applicant submitted some amended plans. The HSI has confirmed that the proposed vehicle access is considered acceptable for the proposed level of development. However, he has noted that the applicant had previously proposed the realignment (and narrowing) of Vaudrey Crescent at its junction with Bromley Road.

The HSI considers that such improvements are necessary to facilitate a suitable scheme to allow an appropriate offset between the realigned junction and the proposed site access. The only debate was as to the material within the build-out, which the applicant suggested would be grassed and the highways maintenance team indicated ought to be hard standing. The grassed layout would provide a better placemaking scheme and the hard standing would reduce maintenance costs for the Council. The latest layout plans from the applicant remove the build-out entirely and that is not acceptable to the Head of Strategic Infrastructure. The HSI therefore proposes a condition that the infrastructure will be provided with the alignment as per the original submission (MCI Drawing Bromley Rd/Access) with the surfacing to be agreed with the Cheshire East Council. Subject to this, it is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

In terms of parking provision, it is important to note that this scheme is for 100% affordable units where the likelihood of car ownership will be less than that of an open market housing scheme. Additionally, the site is located in a highly sustainable location where it is near to Congleton Town Centre and other public transport links serving the wider area. The parking provision is therefore considered to be in this case.

Whilst highways have recommended a condition upgrading a nearby bus stop to provide a shelter, this is not required or necessary to make the development acceptable in planning terms and further, it has been demonstrated that the development cannot bear the cost of such.

### **Ecology**

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value and concurs with the conclusion of the applicant's ecological assessment. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981. Subject to the recommendations within the assessment being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

### **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. Thus, the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

Turning to the residential amenity of the future residents of the development, the distance advised between principal windows is usually 21.8 metres. Certain plots would fall short of this; however, there would not be a significant failure to meet this guideline. Where there would be a significant failure, the applicant has indicated that certain windows would be obscurely glazed to prevent direct overlooking. Subject to this, the proposed would not materially harm the amenity afforded to these neighbouring dwellings.

Members of the Southern Planning Committee requested further information on the internal room standards of the proposed residential units. In March 2015, the Department for Communities and Local Government (DCLG) issued guidance on internal room standards under the 'Technical housing standards – nationally described space standard' document'. This advises on the size of internal spaces that should be aspired to in new dwellings including gross internal floor area, bedrooms and storage spaces.

The proposed dwelling units comprise a range of 2 and 3 bed houses. For two-storey 2 bedroom dwellings accommodating 3 persons, the advised gross internal floorspace is 70 square metres. For bedrooms, it is advised that double bedrooms have a floor area of 11.5 metres, with the main double achieving a width of 2.7 metres with the second twin or double bedroom measuring 2.5 metres wide. In this case, the smallest 2 bed houses would have a floorspace of 68 square metres. The main double would have a floor area of 11.5 metres with a width of 3.3 metres. The smaller double / twin bedroom would have a floor area of 10.4 square metres and would be 2.4 metres wide.

For two-storey 3 bedroom dwellings accommodating 4 persons, the advised gross internal floorspace is 84 square metres. In this case, the smallest 3 bed houses would have a floorspace of 82 square metres. The main double would have a floor area of 11.6 metres with a width of 2.5 metres. The smaller double / twin bedroom would have a floor area of 11 square metres and would be 2.5 metres wide. The single bedrooms would have a floor area of 5.5 metres with a width of 2 metres. The advice for single bedrooms is that they measure 7.5 metres floorspace and 2.1 metres wide.

Thus, the proposed internal sizes do largely meet the advised room standards and where they fail to meet them, the failure is only marginal. A refusal would not be sustainable on this basis. The dwellings would meet with the advised internal storage dimensions included within the nationally described space standard.

Each family dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the character of the area. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Noise**

The development is in an area affected by industrial noise to the north, and road traffic noise to the south. As such, the application is supported by an acoustic report which was commissioned to examine whether the development could be adequately mitigated in terms of noise. The report outlines a specific set of mitigation measures. In particular a 1m high earth bund, and 2m acoustic fence to the north to provide a degree of protection to properties in close proximity to the industrial uses. In addition, specific ventilation systems to habitable rooms have been recommended to avoid the need for residents to open windows and compromise the acoustic integrity.

Whilst it is far from ideal to develop residential properties in such close proximity to commercial uses, it has been demonstrated that mitigation is available to ensure noise levels meet the relevant standards. However, the methodology used to determine this is not capable

of accounting for irregular noise (such as crashes and bangs etc) regularly associated with such industrial uses.

Industrial noise will in all likelihood be audible at the new properties, and in external amenity areas, and the Council needs to be aware of the fact that if complaints were received in the future about the industrial noise this may be an extra regulatory Burden on the industry. However, it is important to note that such noise will be unlikely to occur at sensitive times and also the area already contains a number of residential properties which co-exist with the existing commercial operations within the area without complaint. Thus, having regard to the proposed mitigation and the benefits of providing a much needed affordable housing, the scheme is found to be acceptable in this regard.

### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application which concludes the risk from flooding is minimal. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Contaminated Land**

The Council's Environmental Protection Unit have been consulted with regard to contamination. The Contaminated Land team has raised no objections to the submitted Phase II ground investigation but recommend conditions to agree further mediation details. Subject to this, the scheme is acceptable in this regard.

### **PLANNING BALANCE & CONCLUSIONS**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development .

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

### **APPROVE subject the following conditions:**

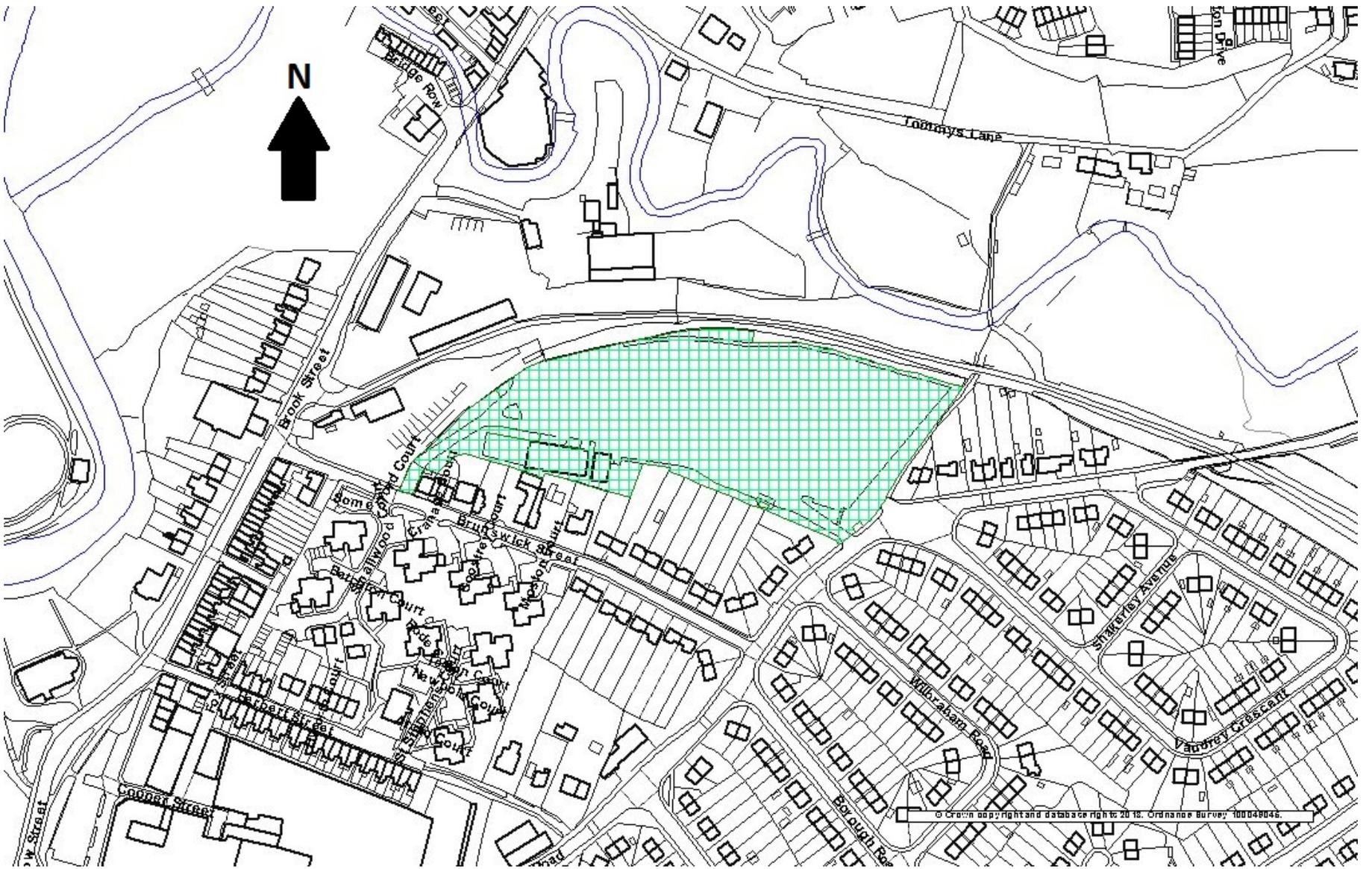
1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Hours of piling limited
4. Accordance with submitted noise mitigation scheme
5. Accordance with submitted Construction Method Statement and Dust Management Plan
6. Drainage – Foul and surface water drainage connected on separate systems
7. Accordance with submitted flood Risk Assessment and Drainage Strategy
8. Construction of approved access including submission of plans detailing realigned junction layout of Bromley Road/Vaudrey Crescent, a suitable footway/cycleway link to Brunswick Street
9. Ecological mitigation to be carried out in accordance with submitted statement
10. Phase II Contaminated land report to be updated to further inform the Remediation Strategy and shall be carried out and the results submitted to, and approved in writing by the LPA
11. Bird breeding survey
12. Incorporation of features for breeding birds
13. Materials to be submitted and approved
14. Accordance with landscaping scheme including management details and boundary treatments
15. Landscaping implementation
16. Accordance with updated Arboricultural Impact Assessment and Method Statement (AMS)
17. Parking to be provided as per approved plan prior to first occupation
18. Removal of permitted development rights Classes A-E
19. Obscurely glazed windows on selected plots
20. Affordable Housing including older persons accommodation

\* \* \* \* \*

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning**

**Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.**



## CHESHIRE EAST COUNCIL STRATEGIC PLANNING BOARD

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<b>Date of Meeting:</b>	<b>23 March 2016</b>
<b>Report of:</b>	<b>David Malcolm – Head of Planning (Regulation)</b>
<b>Subject/Title:</b>	<b>Cheshire East Borough Design Guide Consultation Draft</b>
<b>Portfolio Holder:</b>	<b>Cllr Ainsley Arnold Planning and Housing</b>

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### 1.0 Purpose of Report

- 1.1 Under the Council's Constitution, Draft Supplementary Planning Documents (SPDs) are required to be reported to Strategic Planning Board, prior to reporting to the Portfolio Holder before a decision is made to undertake public consultation. A report is being presented to the Portfolio Holder on, this matter on 29<sup>th</sup> March 2016, seeking approval to undertake public consultation.

### 2.0 Recommendation

- 2.1 That Strategic Planning Board recommend to the Portfolio Holder that officers be authorised to conduct public consultation on the Cheshire East Borough Design Guide SPD Consultation Draft and the accompanying Sustainability Assessment and Habitat Regulations Assessment

### 3.0 Reasons for Recommendation

- 3.1 The design guide has been through extensive informal testing and iteration involving a variety of stakeholders, primarily within Cheshire East Council. It has also been presented to elected members at joint officer/member workshops and also to representatives of the development industry via separate tailored events.
- 3.2 Officers feel confident that the Draft Borough Design Guide SPD and the associated SA/HRA is ready to be consulted upon publically.

### 4.0 Report Summary

- 4.1 Cheshire East is a unique and treasured place, but one experiencing significant pressure for change. Securing high quality design and protecting the character of Cheshire East are key Council and community priorities. In response, the Council will be implementing a number of measures, including the preparation of a Design Guide, which will be adopted by the Council as a Supplementary Planning Document (SPD) to the Local Plan.
- 4.2 e\*SCAPE Urbanists were appointed to assist the Council in preparing the Design Guide. They were specifically chosen because of their local knowledge, being based just outside Macclesfield, and because they have

a practical understanding of modern housing development, through working with a number of the main housing developers.

- 4.3 The Design Guide comprises two documents. The first volume defines what is special about Cheshire East as a place and the process developers need to follow to deliver and explain design quality within proposals. Volume 2 builds on the content of volume 1 and sets out guidance on achieving quality in respect to a range of topic areas ranging from urban design through to achieving quality of life for occupants of new development.
- 4.4 During the Guide's preparation there has been extensive engagement with internal stakeholders, in addition to engagement and training for Councillors and Development Management officers. There has also been some soft testing of the guide and meetings with Developers and Agents, both at the commencement of the project and recently to unveil the Design Guide in its draft form. The Guide was also presented to the Parish Conference on 10<sup>th</sup> December and discussed with participants at the Neighbourhood Planning Conference on 4<sup>th</sup> March. A consultation statement outlining the informal consultation and engagement that has been undertaken is attached as Appendix 1
- 4.5 Officers feel confident that the Design Guide should be consulted upon publically. A Sustainability Assessment (SA) and Habitat Regulations Assessment (HRA) has been undertaken and this generally gives a positive assessment of the Design Guide SPD, but recommends some minor amendments/additions which will be incorporated as part of the amendments after the public consultation. The SA/HRA will also be consulted upon publically alongside the Draft Design Guide.
- 4.6 The consultation period shall be 6 weeks, commencing on 5<sup>th</sup> April, with the intention of then amending as required and seeking adoption within the requirements of the Council's constitution as soon as possible thereafter.

### **5.0 Wards Affected**

5.1 All

### **6.0 Local Ward Members**

6.1 All

### **7.0 Policy Implications**

7.1 The Guidance will form part of the Local Plan, supporting initially the saved policies within the Legacy Local Plans. Once the Local Plan Strategy (LPS) has been adopted, the SPD will be updated to relate to policies within the LPS and subsequent site allocation and Development Management Policies.

- 7.2 The future impacts of the Design Guide SPD cut across 4 of the 5 Core outcomes of the Council's 3 year corporate plan (Outcomes 1, 2, 4 and 5).

### **8.0 Implications for Rural Communities**

- 8.1 The design guide has been developed to consider the design implications of development for both rural and urban communities. This should mean that developments in rural communities will also be better designed and be required to relate far more positively to the character of the place. Where development is not of the requisite quality, then the Design Guide SPD, in support of Local Plan Policy, provides justification to refuse instances of poor design as part of the planning balance.

### **9.0 Financial Implications**

- 9.1 The guide has been prepared using consultants via a Cabinet budget allocation of £50,000. It is anticipated that the total cost of preparing the design guide will not exceed this. There are additional costs required to undertake the press notices as required in the Local Plan Statement of Community Involvement (SCI) over and above preparation costs for the Design Guide itself. This amounts to £1576, which will be taken from the Development Management advertising budget.

### **10.0 Legal Implications**

- 10.1 The Cheshire East Borough Design Guide SPD will be a material consideration in the determination of planning applications for new housing development.
- 10.2 As a proposed SPD there are requirements in terms of public consultation and Sustainability Assessment and Habitat Regulations Assessment. The Draft SPD must be consulted upon for at least 4 weeks and comments should be taken into account in adopting the SPD and details set out in an adoption statement. As noted above, the SA/HRAs have been prepared and will be consulted upon alongside the Draft Design Guide SPD.

### **11.0 Risk Management**

- 11.1 The process undertaken in preparing the Design Guide by specifically targeting and engaging with internal and external stakeholders, Councillors, Parishes and Developers and agents, and the undertaking of some soft testing of the Guidance as it has evolved has reduced the potential for requiring significant alteration to the Design Guide post consultation, before adoption.

### **12.0 Background and Options**

- 12.1 Cheshire East has a high quality built and natural environment, which is an important part of what makes the Borough attractive and successful. However, this also makes it a focus for development interest and the

associated pressure for change, whilst the Local Plan Strategy sets out ambitious plans for growth. It is crucial for the quality of new development to be high, so as not to erode the character of the Borough and undermine its success and the quality of life it provides.

- 12.2 The Local Plan Strategy identifies the future production of a Design Guide SPD to support its design policies. However, the design guide has been brought forward in response to the number of development applications being proposed in advance of the Local Plan being adopted.
- 12.3 There will be a requirement in the short term for the SPD to relate to the Saved Policies in the Legacy Plans in order that it can be adopted in advance of the Local Plan, but the intention is that, ultimately, it will relate to the new Local Plan.
- 12.4 The design guide focuses on new housing. It has been divided into 2 volumes: volume 1 sets out the character of Cheshire East and the process for delivering design quality, whilst volume 2 provides the practical design guidance on a range of topics that impact on design quality.
- 12.5 Volume 1 is a very important document and has been written to provide the context for not only housing design but also any future additional design guidance.
- 12.6 An important element in securing the Council's design objectives is to set out concisely the varying elements of the character of Cheshire East. This forms a solid basis to inform both the detailed design guidance, but also to enable developers and designers to gain a sound understanding of the place.
- 12.7 The guidance also places significant emphasis on process, steering developers toward designing new development in the appropriate way, including the use of Design Codes. It also sets out expectations in regard to how Design and Access Statements are prepared and their content.
- 12.8 The second volume of the design guidance is topic based and leads users through various layers of design thinking and best practice.

- i working with the grain of the place,
- ii urban design,
- iii street design, green infrastructure and landscape,
- iv sustainable design and lastly,
- v quality of life.

Each chapter is concluded by case studies of best practice and a quality checklist, to assist the assessment of a proposal and its performance. The guide has been written to dovetail with Building for Life 12, the industry standard on designing better quality homes and neighbourhoods.

- 12.9 The Design Guide has been developed involving a number of stakeholders with a general stakeholder group covering multiple disciplines, and a technical working group including highways and adoption, drainage and open space and streetscape. These working groups have been invaluable in building consensus in relation to topics that previously have been areas of disagreement, often resulting in poor quality design solutions.
- 12.10 Members and officers were introduced to the Design Guide at three workshop sessions in October, whilst the developers and agents had a preview of the guide at two recent events, following which we have received some feedback. It was felt important to gauge their reaction to the guide at this stage. The Design Guide was introduced to communities at the Parish Conference event on the 10th December. Neighbourhood Planning Groups had the chance to discuss the Design Guide at the recent Neighbourhood Planning conference held on 4<sup>th</sup> March.
- 12.11 It is considered that, the Draft Design Guide SPD and associated SA/HRA should now be consulted upon with the Cheshire East community.

### **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer or via the following link:

<http://preview-cheshireeast.contensis.com/planning/cheshire-east-borough-design-guide.aspx>

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**Cheshire East Borough Council**

**Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning (Local Planning) (England)  
Regulations 2012**

**Draft Cheshire East Borough Design Guide Supplementary Planning  
Document**

## **Interim Statement of Consultation**

**March 2016**

## **1: Introduction**

- 1.1 This document summarises pre-consultation work undertaken in the preparation of the Draft Cheshire East Borough Design Guide Supplementary Planning Document (SPD), ahead of full public consultation. It also provides a summary of the extent of the current pre-public consultation.

## **2: Purpose of Supplementary Planning Documents**

- 2.1 Local Planning Authorities may prepare Supplementary Planning Documents (SPDs) to provide greater detail on Local Plan policies. The National Planning Policy Framework (NPPF) supports the production of SPDs where they can help applicants to make successful planning applications.
- 2.2 The SPD cannot set out new policy but will expand up on the Council's existing policies as set out within the adopted Macclesfield Borough Council Local Plan (2004), the adopted Congleton Borough Council Local Plan (2005) and the adopted Crewe and Nantwich Local Plan (2005), as well as the design policies of the emerging Cheshire East Borough Council Local Plan Strategy.
- 2.3 It is intended that the SPD will be used to provide detailed design guidance; ensuring development is responsive to the context and environments into which they are set.

## **3: Pre-SPD Consultation Stages**

- 3.1: As part of the SPD preparation process, to ensure appropriate and proportionate Stakeholder involvement in advance of full formal public consultation, focused pre-production work was undertaken with a variety of internal and external stakeholders.
- 3.2: A full list of the stakeholders, actions and outcomes in relation to the development of the draft SPD are detailed in Appendix 1.

## **4: Availability of Documents**

- 4.1: The Draft SPD together with all supporting documentation is available from the Council's website [\[INSERT LINK\]](#). Documents are also available for inspection at the following Council Offices; **Delamere House**, Delamere Street, Crewe, Cheshire, CW1 2JZ, **Macclesfield Town Hall**, Macclesfield, Cheshire, SK10 1EA and **Westfields**, Middlewich Road, Sandbach, CW11 1HZ during their normal opening hours.
- 4.2: An information leaflet is also available at all the libraries throughout the Borough during their normal opening hours.
- 4.3: In accordance with the Regulations the Borough Council may make a reasonable charge if a hard copy of the draft SPD is requested. No charges are incurred to download these documents from the website or to inspect them in any of the locations mentioned above.

## **5: How to Comment on the Draft Supplementary Planning Document**

5.1: Representations are invited between 5<sup>th</sup> April 2016 and 17<sup>th</sup> May 2016. All representations must be received by 18<sup>th</sup> May 2016.

5.2: Representations can be submitted in the following ways:

By completing the online questionnaire [\(insert link\)](#)

By e-mail: [Designguide@cheshireeast.gov.uk](mailto:Designguide@cheshireeast.gov.uk)

By post:

Environmental Planning

Po Box 606

Municipal Buildings

Earle Street

Crewe

Cheshire CW1 9HP

5.3: Representations may be accompanied by a request to be notified at a specific address of the adoption of the Cheshire East Borough Design Guide Supplementary Planning Document (SPD).

## **6: Next Steps**

6.1: Following the consultation on the draft SPD, all comments received will be taken into account in finalising the SPD, where appropriate. Adoption of the document as a final SPD will then be subject to approval in line with the Council's Constitution.

6.2: In line with Regulation 12(a), this Interim Statement of Consultation will be finalised upon adoption of the SPD. The final statement will include a list of the persons/bodies consulted during the preparation of the SPD, a summary of the main issues raised by those persons/bodies and how those issues have been addressed in the SPD.

6.3: Once adopted, the SPD will then be a Material Consideration in the determination of planning applications.

# **Appendix 1**

## **Pre-SPD Consultation**

## **7: Appendix 1: Statement of pre-consultation engagement**

- 7.1: Before seeking to consult publically, there has been a strong desire on the part of the Council to ensure that the Design Guide had been through a robust process of development and refinement, principally through internal stakeholder engagement. This was seen to be critical to the Guide's success and it being fit for purpose, and ensure consistency of approach within Cheshire East Council.
- 7.2: To promote this approach, very early on in the process two stakeholder groups were established - Environment and Place with a broad range of participants across the Environmental Planning function and a technical services group with participants from highways, streetscape, waste and open space management. The participant list grew as the design guide evolved and new stakeholders were identified and engaged. Furthermore, because highway design and car parking are such crucial aspects of residential design there was a strong focus on adopting a collaborative approach with highways, with a view to providing guidance that fulfilled a joint planning and highway guidance function.
- 7.3: We were also keen to engage with the development industry as key users of the guide, both very early in the process and at the culmination of preparing and refining the draft guidance, whilst 'soft testing' has been undertaken between these 2 main stages by using the guidance in discussions with developers on live schemes and by securing comments upon the guidance from selected developers.
- 7.4: Once the guide was sufficiently far developed through the input of the stakeholder groups, it was firstly brought to the attention of members in informal training sessions and subsequently tested in workshops, participated in by Development Management, Environmental Planning, Highways and open space staff along with the Councillors. This proved a valuable capacity building and testing platform for the draft guide and led to further refinement.
- 7.5: All of these pre-consultation stages, which are summarised In the table below, have helped to strengthen the guidance and encouraged greater collaboration, particularly within Cheshire East Council but also with developers and others within the sector.

<b>Consultation/engagement programme</b>			
<b>Event/activity</b>	<b>Participants</b>	<b>Key Issues raised</b>	<b>Response (in the consultation draft)</b>
<p><b>Tuesday 17th March 2015</b> – developer event - launch of design guide process</p> <ul style="list-style-type: none"> <li>• Seminar presentation and Q&amp;A session</li> <li>• Overview of content of the guide, character assessment</li> <li>• Run through of guidance produced thus far</li> </ul>	<p>Over 40 representatives of the development industry including developers, agents and consultants</p>	<p>Striking a balance between historic character, vernacular and the requirements of modern, larger scale developments, including use of standard house types</p> <p>Ensuring a pragmatic approach to parking and an acceptance that parking is a fundamental requirement for new housing</p> <p>Ensuring that the design requirements are commercially realistic and based upon what homebuyers are seeking,</p> <p>Resources required within CEC to implement the guide once adopted</p> <p>How practical was the idea of developing a Design Review Panel and how would it be able to review all major projects in the Borough</p>	<p>Sections written into the guide discussing character, reinterpreting vernacular and sense of place (Vol 2 p 7, p 16, p 24/25), Volume 1 sets out the character of different parts of Cheshire East in extensive detail, focusing on the ‘layers’ that help to define places (Volume 2 (pp 14-65)</p> <p>Parking section within volume 2 (p 20-24) developed in conjunction with highways and identifies the need for pragmatic approach to resident and visitor parking. Design guide advocates mixed parking solutions.</p> <p>As above. Principles within the Design Guide reflect those in Building for Life 12, the nationally agreed standard for well designed homes</p> <p>Not a matter for the guide but identified as a fundamental requirement for successfully implementing the Design Guide</p> <p>The Design Review Panel would review a selection of projects, based on their sensitivity, location and/or scale (Volume 1, p69, para iii/44 to iii/49)</p>
<p><b>Friday 27th March 2015</b> – Technical Services and Highways workshop</p> <ul style="list-style-type: none"> <li>• Prior issue of draft document for comment</li> <li>• round table discussion</li> </ul>	<p>Attendees included representatives from Highways Development Management, technical and adoptions, open space</p>	<p>Reference to Council adopting 6Cs Highway Design Guidance</p> <p>The need to consider commuted payments for non-standard highway elements (areas of paving and trees in</p>	<p>Guidance developed co-jointly with Highways and specifically refers users to additional guidance in the 6Cs (p 32)</p> <p>Section included in Guide relating to adoption and a standard set of materials palettes details, agreed with highways are set out in the Guide (pp 44-50)</p>

<p>around the topic areas of highways, parking, open space and public realm and adoption</p>	<p>management and streetscape</p>	<p>adoptable areas)</p> <p>Importance of choosing the right species for landscape, particularly trees in adoptable areas and early blossoming species for use by bees etc.</p> <p>Practicalities of materials for highway over and above that already accepted – e.g. concerns about sourcing materials, cost, maintainability etc.</p> <p>Need for an appropriate street hierarchy within the guide that meets highways as well as urban design objectives</p> <p>CEC seeking solutions that avoid vertical deflection</p> <p>Parking standards need to reflect the local plan including enlarged garage sizes to make usable (3x5.5 metres)</p> <p>Sustainable urban drainage – advice needs to reflect national law/policy and should be a focus on above ground solutions wherever practicable</p> <p>SUD adoption needs to be set out in the guide</p>	<p>Information developed in Landscape section to set out materials principles trees within streets and open spaces (pp 75-78)</p> <p>As above. Materials palettes agreed with Highways based on character areas within the Borough and from mainstream suppliers.</p> <p>Street hierarchy refined in accordance with discussions with Highways and included (Volume 2 pp 33-38)</p> <p>Design guide does not include vertical deflection as point of principle</p> <p>Parking section reflects the Local Plan and advocates a mix of solutions to achieve the standards (Volume 2 pp 20-24)</p> <p>Initially a detailed section of the guide was developed but this has been reduced to balance the guide with focus on SUDs within place making, steering users to the Councils technical documents on Flood Risk and SUDs (pp 60-61)</p> <p>As above</p>
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<p><b>Thursday 2nd April 2015 – Environment and Place Stakeholder workshop</b></p> <ul style="list-style-type: none"> <li>• Prior issue of draft document for comment</li> <li>• round table discussion around environmental planning issues such as heritage, landscape, ecology, open space, play provision, development management, drainage health impact, community safety and public art.</li> </ul>	<p>Attendees included representatives of Environmental Planning, open space, community health, flood risk, Development Management</p>	<p>Tweaks to settlement character area boundaries suggested – specifically incorporation of Timbersbrook and The Cloud into Gritstone Edge Settlement Character Area.</p> <p>Need to include cross reference to conservation area appraisals within character assessment</p> <p>Rooting issues for trees in pavements and affecting drainage</p> <p>Role of management companies and responsibility in regards to open space and landscape features</p> <p>Ensure consistency in the guidance between landscape, open space and highway objectives and ensure a positive approach to landscape structure including health impacts</p> <p>Need to reflect art strategy in the Design Guide and connections between public realm, landscape and open space and role of public art in place shaping</p> <p>SUDs – need for high level approach to change thinking and encourage innovative approaches to SUDs – need to provide link to Flood Risk Management Strategy and concerns of combining SUDs approach with ecological mitigation/POS</p>	<p>See Cheshire East Settlement Character Areas plan Volume 1, Page 17, Fig ii:04</p> <p>Included in volume 1 (p 17) and in volume 2 (p 65)</p> <p>As above</p> <p>Guidance substantially redrafted to address this issue with commuted sums specified for trees within the highway (p 43) and open space ( pp 80-81)</p> <p>Guidance within the GI/Landscape section has been substantially redrafted to address these issues. This has entailed working with representatives of the open space and landscape teams in terms of final content of this section of the guide (chapter iv Green Infrastructure and Landscape Design).</p> <p>Guidance re-worked following discussion with the public arts team, including section included (p 60) but with references running through volume 2 of the Guide</p> <p>As above for the Tech Services and Highways Workshop on 27/3/15</p>
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		<p>provision</p> <p>Ensure health impact is incorporated into the guidance and reference to requirement for Health Impact Assessments</p>	<p>Quality of Life section provided in Volume 2 with specific reference to HIAs (p 93)</p>
<p><b>Tuesday 23<sup>rd</sup> April 2015</b> Presentation to Development Management</p>	<p>Majority of the Development Management Team</p>	<p>Include description of what needs to be included with applications</p> <p>Needs to be in a format that is easily updated and there needs to be a format for ease of sharing</p> <p>Needs to be schedule of materials (positive and negative)</p> <p>What about smaller scale development and development in heritage sensitive locations.</p> <p>Need for training to implement the guide</p>	<p>Chapter iii of Volume 1 Best Practice Design Approach includes section on requirements for applications and Design and Access Statements (pp 69-71)</p> <p>Document has been designed to enable it to be an interactive document. Hyperlinks included to other sources of guidance</p> <p>Materials specified for streets and public realm (Volume 2 pp 44-50) and for landscape (pp 69-78). Case studies provided for each chapter in Volume 2.</p> <p>Guide geared toward larger scale development but character and process information in volume 1 and guidance in volume 2 also applicable to smaller scale of development</p> <p>Not a matter for the guide itself but identified as a fundamental requirement for successfully implementing the Design Guide</p>
<p><b>Wednesday 24th June 2015</b> – follow up Environment and Place workshop</p> <ul style="list-style-type: none"> <li>Follow up to discuss</li> </ul>	<p>Previous attendees but also public art and HCA representatives</p>	<p>Usability – big document. Needs to be broken down</p> <p>Guidance should act as the minimum standard but also be aspirational. Shift from cost to quality.</p>	<p>Now broken into 2 volumes and intention to make it as interactive as possible electronically</p> <p>The whole thrust of the guide is to elevate quality, create aspiration but to also marry this against practicality. This reflects BfL12 – no specific change</p>

<p>further refinements to the Design Guide</p> <ul style="list-style-type: none"> <li>• Latest working draft of document circulated in advance</li> <li>• Round table discussion focusing on amendments/additions from earlier draft</li> </ul>		<p>In respect to SUDS there needs to be enough flex to enable new working practices and new legislation. The importance of SUDs should be elevated in conjunction with GI</p> <p>In DM terms difficult to sift through the guidance to determine wither should approve/refuse – use of a summary or checklist?</p> <p>More clarity in terms of the status of illustrative masterplans, parameters plans and the content and level of detail</p> <p>Need to summarise key issues from character assessments</p> <p>Strategic role of public art and role of public artists in design teams needs to be explicit</p> <p>Need to address competing demands on open space within the GI/landscape section, including specific impacts on ecology</p> <p>GI/Landscape section needs to provide advice on local food production</p> <p>Need to stress the links between GI, movement and healthy living and identify principles relating to pedestrian routes</p> <p>Management regimes for more natural areas including benefits for ecology as</p>	<p>As above for Tech. Services workshop 23/3/15</p> <p>Checklists and case studies added to each chapter of Volume 2</p> <p>Chapter iii of volume 1 refined to clarify the level of information to be included in parameters information and level of detail for illustrative masterplans (pp 70-71)</p> <p>Key character area and settlement design cues summarised in relation to each character area and sample settlement (Volume 1 pp 14-65)</p> <p>Guidance re-worked following discussion with the public arts team, including section included (p 60) but with references running through volume 2 of the Guide</p> <p>Guidance within the GI/Landscape section has been substantially redrafted to address these issues. This has entailed working with representatives of open space and landscape team in terms of final content of this section of the guide (chapter iv Green Infrastructure and Landscape Design).</p> <p>Section relating to footpaths in Street Hierarchy amended (Volume 2 p 35), Recreation and Health benefits associated with GI open space set out in GI section (Vol 2 p 58), also referenced in chapter vi (pp 92-93)</p> <p>As part of the re-working of the GI/Landscape section Landscape Management guidance strengthened</p>
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		<p>part of integrated approach to landscape design and provision.</p> <p>Further refine content in relation to local food production</p> <p>Sustainable design – some concern that district heating may be unrealistic except the largest developments. Importance of future proofing for district heating</p> <p>Importance of interaction of settlement edges with countryside – what happens at interface</p> <p>Public art policy gap.</p>	<p>including, specific reference to promoting biodiversity at the start of the chapter (vol 2 pp 56-7 and Landscape management (Vol 2 pp 80-81)</p> <p>Enhanced section relation to local food production included (Volume 2 pp61-62)</p> <p>Checked guidance on district heating with Regeneration major projects team (sustainability) – references to Local Plan Policy with no thresholds – felt appropriate to retain as is.</p> <p>Incorporation of Rural Interface Studies (Positive/Negative examples) for each settlement character area (Volume 1, Chapter ii) and (Volume 2, Chapter ii, para ii/57, page 19) with additional general references throughout the rest of the document.</p> <p>SPD cannot introduce new policy but amendments incorporated as stated above and in relation to Environment and Place workshop 2/4/15</p>
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<p><b>Wednesday 24th June 2015</b> – follow up Technical Services workshop</p> <ul style="list-style-type: none"> <li>Follow up to discuss further refinements to the Design Guide</li> <li>Latest working draft of document circulated in advance</li> <li>Round table discussion focusing on amendments/additions from earlier draft</li> </ul>	<p>Attended by representatives of ANSA in relation to open space, streetscape and refuse and drainage and flood risk</p>	<p>Ensure appropriate street tree and open space species, including spring flowering and bee attracting species</p> <p>Further refinement in relation to adoption and commuted sum payments</p> <p>Suggestions of case study visits to Cambridge and Bristol</p>	<p>Specific section on soft landscape amended in conjunction with landscape and open space to address concerns about species and general principles in relation to tree planting (Vol 2 pp 75-78)</p> <p>Guidance further refined as part of re-writing of chapter iv. (p 80)</p> <p>Case studies included within design guide Volume 2 for each chapter but no scope for case study visits</p>
<p><b>Monday 13th July 2015</b> – Follow up Highway Workshop</p> <ul style="list-style-type: none"> <li>Follow up to discuss further refinements to the Design Guide</li> <li>Latest working draft of document circulated in advance</li> <li>Round table discussion focusing on amendments/additions from earlier draft</li> </ul>	<p>Attended by various staff from Development Liaison, technical and adoptions in Highways</p>	<p>Technical amendments to street hierarchy text and drawings</p> <p>Refinement of materials palette for street types</p> <p>Refinements in relation to adoption information</p> <p>Refinements to information on technical requirements of street design</p>	<p>Street hierarchy section amended, including diagrams and cross sections (Vol 2 pp 32-40).</p> <p>Materials specifications for streets and associated public realm amended (Vol 2 pp 44-50)</p> <p>Amendments to information on adoption (vol 2 p 43)</p> <p>Amendments to section relating to technical requirements (vol 2 pp 41-42)</p>
<p><b>August 2015</b> – Developer testing of Design Guide by Barratt Homes</p> <ul style="list-style-type: none"> <li>Latest draft of the</li> </ul>	<p>Discussion with Technical Team (Layout Planners/Housing Designers)</p>	<p>Overall happy with approach and methodology to design - clear and concise guidance on best practice approach</p>	<p>Design Guide is intended to improve the quality of the public realm within housing developments. A hierarchical approach to movement and public realm will mean a balanced use of materials between bitmacs, concrete block paving and natural stone products as set</p>

<p>design guide issued to Barratt Homes (Manchester) for review</p> <ul style="list-style-type: none"> <li>Follow up call to Barratt Manchester's Technical Team for Feedback</li> </ul>		<p>Concerns expressed over materials palettes and use of block paving/natural materials and the associated costs</p>	<p>out in the guide. Conservation Areas are more sensitive with a weighting towards natural products. (Vol 2, pp 44-50).</p> <p>Refinement of materials narrative, but no major changes (Vol 2 pp 44-45)</p>
<p><b>15th and 19th October 2015</b> - Member and Development Management technical workshops (3 workshops held)</p> <ul style="list-style-type: none"> <li>Presentations and workshop/round table discussion using a testing scheme with different groups testing the effectiveness of specific sections of volume 2 of the Guide</li> <li>Q &amp;A session at the end of each workshop</li> </ul>	<p>Attended by circa 40 Councillors and officers, including Development Management, Environmental Planning and Highways</p>	<p>Ordering of questions and wording of some of the checklists</p> <p>In the GI and Landscape checklist, Physical and ecological features should be separated</p> <p>Be careful about specifying manufacturers in the materials of streets public realm and for landscape details</p> <p>Ensure Latin names used for soft landscape specifications. Concern about limitations for variety imposed by the plants included in the guide.</p> <p>Include evidence box in checklists</p> <p>Concern about promoting connected street pattern as opposed to cul-de-sacs, which are safer and more readily policed. The guide should promote that form of development</p>	<p>Questionnaires reviewed and re-ordered where appropriate. BfL12 questions moved to bottom of the page</p> <p>It was felt that these could remain combined and so no change required</p> <p>References to manufacturers largely removed except where specific product advocated for its distinct qualities</p> <p>Plant specification substantially reduced in GI and Landscape chapter. Only tree species referenced but more about scale and character of planting rather than species. Latin names used where identified (Vol 2 pp 75-78).</p> <p>Evidence box to be incorporated into comprehensive checklist for DM use once the Guide has been through public consultation</p> <p>The diagrams on p 16 of Volume 2 of the Guide provide a simple illustration of positive urban design incorporating a connected street pattern that has significant urban design benefits set against an inappropriate cul-de-sac arrangement that results in a</p>

		<p>Concern over use of urban design language and it's meanings – use of plain English</p>	<p>far less successful urban design structure.</p> <p>The Guide is intended for use by professionals and lay-people, the language used is necessary to ensure it is a professional document and lay-users of the guide need capacity building sessions so that they can articulate their thoughts using the correct terminology. This workshop in itself assisted in that process. Additional resources will be required to ensure members are further informed on matters of design. In addition a CABE publication 'The Councillor's Guide to Urban Design' has been used as a 'Useful reference' document at the end of Volume 2 with hyperlinks to the complete document and the bibliography included, explaining the general urban design terminology.</p>
<p><b>18th November 2015 –</b> Follow up developer presentation/workshops</p> <ul style="list-style-type: none"> <li>• 2 workshops/ Q &amp;A sessions</li> <li>• Overview of the guide and its content with significant focus on Volume 2</li> </ul>	<p>Over 30 representatives of the development industry including developers, agents and consultants</p>	<p>Balance and proportionality weighing between vernacular and more recent development – guide too heavily focused on historic centres and not more modern post-war peripheral character where most new sites would be located</p> <p>Materials section in relation to highways and landscape is too prescriptive</p> <p>Concern that officers and members may apply the guide too literally and too inflexibly, with too much focus on the look of the scheme</p> <p>Concern that parking solutions illustrated need to be deliverable based on</p>	<p>Text added into guidance clarifying that vernacular should be used to understand and re-interpret the character and distil out the 'sense of place' but not slavishly copy or create pastiche. Text also clarifies that insensitive, anywhere neighbourhoods should not be used as positive precedents or as 'vernacular' to justify a design that has not been derived from a site sensitive design process. (Volume 2 p7)</p> <p>Materials palette largely unchanged, as it has already been agreed in discussion with highways and is informed by local character assessment. A hierarchical approach will mean a balanced use of materials between bitmacs, concrete block paving and natural stone products, with a stronger focus on natural materials in sensitive settings, such as conservation areas (Vol 2 pp 44-50)</p> <p>No change as this is about use of the guide. However,</p>

		<p>adoptable standards and demands of customers for enough, convenient parking</p> <p>Use of Design Codes – what scale of development will require their development</p> <p>Broadband – ensure developments or future proofed etc.</p>	<p>the purpose of the guide is to elevate quality including the attractiveness of developments in their context.</p> <p>Parking options set out in the guide have been re-assessed in terms of the Councils current parking requirements and as part of mixed solutions within a development as a whole.</p> <p>See Volume 1, Page 68, Chapter iii, Para’s ii/30 to ii/32.</p> <p>See Volume 2, Page 88, Chapter v, Para’s v/44 to v/48.</p>
<p><b>9th December 2015 –</b> Town and Parish Conference</p> <p>1 of several presentations to Town and Parish Councillors setting design Guide in context with the Local Plan and Neighbourhood Plans</p>	<p>32 Town and Parish Councils represented</p>	<p>No issues raised</p>	<p>No amendments required</p>
<p><b>4<sup>th</sup> March 2016</b> Neighbourhood Planning Workshop day</p> <p>Series of presentations and workshops on neighbourhood planning</p>	<p>55 representatives from existing or prospective Neighbourhood Planning Groups</p>	<p>How will the guidance apply in an area that straddles 2 or more character areas</p> <p>Status of the guidance in planning terms</p> <p>How can the guidance be applied at the local level and what should Neighbourhood Plans be saying about design?</p>	<p>Added emphasis to assess and interpret local character – this is embedded in the guidance. Chapter iii of volume 1 (p 66) of the Guide sets out the importance of character assessment</p> <p>Design Guide refers to it being adopted as an SPD, initially against saved Policies in the Local Plan. (Vol 1 p 11)</p> <p>P17 vol 1 refers to the Design Guide being read in conjunction with Neighbourhood Plans and Village Design Statements</p>

<b>Other comments received in writing as a consequence of the engagement</b>		
<b>Organisation</b>	<b>Key issues raised</b>	<b>Response (in consultation draft)</b>
Cheshire Police	Weak on designing out crime	Secured by design section added (vol 2 pp28-29)
Building Control, Civicance (formerly CEC)	Lifetimes Homes references a little out dated as now covered in the Building Regulations	Amended to omit specific references to Lifetime Homes but adaptability and liveable homes referred to in Chapter ii (p 27) and Chapter vi (p93)
Public rights of Way	Amendments to incorporate information relating to rights of way and inclusion of links to additional sources of information	Sections redrafted in accordance with comments, key amendments incorporated (Vol 2 p9, p 38, p57) but also other minor amendments in other parts of the Guide as required.
Advisory Team for Large Applications and Sites (part of the HCA)	Amendments to clarify function and status of design guide in the introduction;	The function and status of the guide as part of the Cheshire East design toolkit is set out (vol 1 p8)
	Emerging LP policies should refer to the Design SPD;	Emerging policies will directly cross refer to the Design Guide SPD
	introduction should set out how, via reference to national policy in relation to SPDS, the Design Guide fulfils this;	The function and status of the guide as part of the Cheshire East design toolkit is set out (vol 1 p8)
	More clarity in the use of design cues within character section;	Design cues refined within chapter ii including design cues for positive edges to new developments onto countryside (Vol 1 pp 17-65)
	setting out guidance in relation to comprehensive masterplans and what they should contain/involve;	Advice provided at vol 1 p71
	reference to use of BfL12 to structure pre-application discussion and design review;	Advice provided at vol 1 p67

<p>Flood Risk, Cheshire East Council</p>	<p>Greater reference to defined parameters and what is fixed and flexible;</p> <p>Development objectives to underpin the vision;</p> <p>Discussion on principles for strategic roads as part of larger developments Reference to phasing of GI alongside development</p> <p>Suggested amendments regarding SUDS drainage information in GI Landscape Chapter iv of Volume 2</p>	<p>Advice set out at vol 1 p70</p> <p>Set out in vol 2 p 10</p> <p>Street Design section written in conjunction with Highways and hierarchy identified in the guidance (Vol 2 p 33)</p> <p>Amendments incorporated then trimmed down in discussion with flood risk team to focus on place making issues relating to SUDs with links to forthcoming technical guidance on SUDs to be incorporated (Vol 2 pp60-61)</p>
<p>Health Improvement Team, Cheshire East Council</p>	<p>Need to include reference to policy that requires HIA on major schemes</p>	<p>Reference inserted (vol2 p93)</p>
<p>Cultural Economy, Cheshire East Council</p>	<p>Various comments and suggested amendments and insertions in relation to public art</p>	<p>1 to 1 discussion between consultant and public arts co-ordinator resulted in several amendments to the document (in particular in Chapter iv of Volume 2 p 60)</p>
<p>Development Management, Cheshire East Council</p>	<p>Making the document as usable as possible in format; more clarity on what is acceptable and what isn't, aided by graphics/drawing, indication of good and bad (use of ticks and crosses)</p>	<p>Guide split into 2 volumes; Additional information provided in relation to design cues within Volume 1 Chapter ii (pp 16-65); Checklists and case studies inserted and subsequently refined at end of each chapter (Vol 2, Chapters i-vi)</p>
<p>Open Space Management , ANSA (formerly CEC)</p>	<p>Concern about size of document; various technical comments about content of the guide</p>	<p>Split into 2 volumes, checklists provided to each chapter in Volume 2, including GI and Landscape section (Chapter iv); Chapter re-written in conjunction with Landscape officer working with consultant to address combined concerns requirements</p>

<p>David Wilson Homes, North West</p>	<p>Advice needs to be applied consistently and early to ensure that costs can be taken account early in the process</p> <p>Flexibility in approach to detailing and use of standard house types crucial and should be assessed early for each scheme and proportional</p> <p>Greater focus on vernacular design responses but less prescription about where modern design solutions would be suitable. This should be an early part of the design discussion</p> <p>Need to establish the degree of compliance for each site, depending on local circumstances. The guide provides a good starting point for discussion.</p> <p>Guide says little about commitment of other CEC departments to implement the guide -highways design, parking provision, drainage, adoption of public spaces etc. are all potentially troublesome areas. How the other departments embrace the guide will be important.</p>	<p>This is about application of the guide post adoption. The guide is intended as the framework to achieve this consistency – no amendment was required.</p> <p>Whilst the Guide does seek to achieve unique developments with their own sense of place, and encourages bespoke housing designs where they are appropriate to the site, it also accepts the potential for standard house types, to be re-modelled as an alternative to meeting the quality aspirations of the Guide (Vol 2 pp 24-25)</p> <p>The Design Guide explains the process of analysis of the local vernacular and distilling the sense of place. It explains the use of vernacular in building design as part of the contextual appreciation of a place and highlights how local tradition and character can positively influence a more contemporary approach (Vol 2 p7), The section, ‘House types - Making them Unique’ (Vol 2 pp24-25) explains that contemporary as well as more traditional designs, as long as they are justified, will address the CEC design agenda – no amendment was required</p> <p>As commented by DWH above, there needs to be consistency in how the Guide is applied. The Council aspires to make all development better and therefore, whilst local circumstances may have some bearing, it is important that high quality is achieved in all instances. This is referenced throughout the Guidance but the Foreword and Introduction of Volume 1 especially explains why this is so important, Chapter iii, in respect</p>
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<p>Jones Homes (North West)</p>	<p>Guidance may be overly detailed in places and potential conflict with guidance in the NPPF regarding not being overly prescriptive or preventing/stifling innovative design. Should include sufficient flexibility to act as a design aid, Concern that members will apply it too rigidly. Images in guide should include some more modern examples.</p> <p>Important to ensure the Guide complements other strategic objectives of the Local Plan, for example delivering 30dph on sites to ensure efficient use of land</p> <p>Design panel experience – participants</p>	<p>to use of Building for Life 12, states that the Council is seeking Built for Life accreditation on all future residential developments. This requires a minimum of 9 greens and no reds. – no amendment was required</p> <p>The Guide was developed with 2 stakeholder groups, one focusing on Environment and Place and the other on the technical services including highways, open space and streetscape. There was also direct collaboration with highway, drainage and landscape/open space to refine and re-work particular sections of the guidance, resulting in an agreed philosophy and requirements. In respect to street design, this resulted in the street hierarchy and materials specifications set out in the guide – no amendment was required</p> <p>As described above in relation to the DWH comments, the guidance seeks to encourage a vernacular driven approach but it explains the use of vernacular in building design as part of the contextual appreciation of a place not creating pastiche. It highlights how local tradition and character can positively influence a more contemporary approach (Vol 2 p7), The section, ‘Housetypes - Making them Unique’ (Vol 2 pp24-25) explains that contemporary as well as more traditional designs, as long as they are justified, will address the CEC design agenda – no amendment was required</p> <p>The guide advocates density reflecting characteristics of the site rather than applying a uniform figure for all sites and varied density within sites depending on their situation within the scheme (vol 2 p 17 and p 19) – no amendment was required</p>
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	<p>sometimes have limited and blinkered views, panels will only be useful if they have the right information including constraints plans – detailed working of the panels needs careful consideration.</p> <p>The guide place importance on pre-application process, especially as part of BfL process. Council needs to properly resource to ensure the process is credible. Important that everyone is signed up to the process.</p> <p>Concern regarding the approach to SUDS and that there is sufficient expertise to implement the guidance.</p> <p>Within character areas information over emphasis on properties over 100 years old. Should be examples illustrating current good practice.</p> <p>Concerned about the logic of building in character with an area then encouraging character areas within larger schemes</p>	<p>This is a matter for setting up and running the design review panel - no amendment was required.</p> <p>Comments noted however this is a matter for the review of the pre-application service – no amendment was required</p> <p>Comments noted but this is a matter for the Flood Risk team to address with support from Planning rather than within the Guide – no amendment was required</p> <p>The Guide highlights how local tradition and character can positively influence a more contemporary approach (Vol 2 p7), The section, ‘Housetypes - Making them Unique’ (Vol 2 pp24-25) explains that contemporary as well as more traditional designs, as long as they are justified, will address the CEC design agenda – no amendment was required. In case studies both traditional looking and contemporary design are included throughout Volume 2, Page 25 includes a series of photographs of a contemporary housing scheme with supporting narrative – no amendment was required</p> <p>Vol 2 Para ii/103 explains the reasoning behind this suggestion that larger sites should consider character areas. It highlights that character areas should be defined by the local context and opportunities but there</p>
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	<p>In terms of drive widths these should be reviewed, whilst question practicality of including garages as part of parking provision as they often get used for storage. Whilst sustainable transport is encouraged the guide needs to be realistic in terms of parking provision and its practicality</p> <p>Commuted sums for abnormal features and SUDS. Suggest updated specification on lighting that requires commuted payments. Some SUDs features could readily be maintained through resident management agreements. If commuted sums are required cannot see why permeable paving will not be adopted by CEC, particularly in areas where there is little scope for other surface water systems.</p> <p>POS suggest it would be preferable for open space to be adopted rather than via management company.</p> <p>Pleased that efforts had been made so that guide not too restrictive and limiting</p>	<p>may still be scope to utilise a more contemporary approach away from established townscape but employing base characteristics to tie the scheme together – no amendment was required</p> <p>The guide stresses that CEC intend to take a more pragmatic view to parking provision (Vol 2 p 20). The parking solutions included in (Vol 2 pp 21-24) have been considered with Highways input. External storage provision is discussed (Vol 2 pp 27/28) to ensure adequate storage space is provided either in sheds, bin storage areas or via enlarged garages as illustrated in fig ii:15 p 28 - No amendment was required.</p> <p>Noted. These are issues partly for the adopting authorities (namely highways and flood risk/drainage). Commuted payments included for trees within adoptable areas (Vol 2 Table iii:02 p 43) but for matters like detailed specification and costing for non-standard street furniture and lighting, for the time being, this will be by discussion with the Highway Authority until such a schedule is in place. The same applies to SUDS – No amendment was required.</p> <p>Within the GI/Landscape chapter, the guide does discuss options for management of open space, including the option to transfer to the Council via adoption. It stresses early discussion with CEC as to the most appropriate form of management. It also stresses the importance of management plans for POS. (Vol 2 p 81) – no amendment is required</p>
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<p>Wardell Armstrong, Environmental Consultant</p>	<p>for landscape designers but concern that it could still be restrictive in terms of creating schemes that lack 21st Century innovation and uniqueness because they become bland and the same. The guidance may need tweaking to avoid this</p>	<p>Landscaping section comprehensively amended. Amended to remove soft landscape species matrix with more generic references in relation to hedging and examples in relation to tree species, with greater focus in the guidance on form, scale, function and context (Vol 2 pp 75-78)</p> <p>Para iv/138 suggests innovation in materiality for hard landscaping within the palettes set out or different character areas.</p> <p>This gives licence to designers to create varied and distinctive landscapes that still reflect the characteristics and vernacular of different parts of the Borough</p>
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