

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 22nd November, 2017  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Apologies for Absence**

To receive any 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 5 - 12)

To approve the minutes of the meeting held on 25 October 2017 as a correct record.

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@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. **17/4521M-Full planning application for the erection of 174 residential dwellings, new roundabout onto Stanneylands Road, public open space, pedestrian/cycleway connection between Linneys Bridge and the River Dean, a new bridge crossing of the River Dean, and associated works. Land at Stanneylands Road, Wilmslow for Andrew Taylor, Barratt & David Wilson Homes North West (Pages 13 - 36)**

To consider the above application.

6. **17/3882N-Removal of conditions 29 & 31 on application 17/0341N for construction of 5 steel framed units to be part of a commercial development, Land Off University Way, Crewe for Mr Jonathan Beeson (Pages 37 - 44)**

To consider the above application.

7. **17/3896M-Outline planning application for the demolition of buildings forming no. 199 Chester Road and residential development including associated infrastructure, open space and landscaping with all matters reserved for future approval with the exception of access, Land at Chester Road, Poynton for John Brooks, Ainscough Strategic Land (Pages 45 - 68)**

To consider the above application.

8. **12/3747N-Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works, Land between Audlem Road/Broad Lane & Peter Destapleigh Way, Stapeley for Mr Carl Davey, Muller Property Group (Pages 69 - 122)**

To consider the above application.

9. **12/3746N-New highway access road, including footways and cycleway and associated works, Land off Peter Destapeleigh Way, Nantwich for Mr Carl Davey, Muller Property Group** (Pages 123 - 148)

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 25th October, 2017 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor J Macrae (Chairman)

Councillors B Burkhill, L Durham (Substitute), S Edgar (Substitute), T Fox, S Hogben, D Hough, J Jackson, S Pochin, M Sewart, L Smetham and L Wardlaw

### **OFFICERS IN ATTENDANCE**

Mr A Crowther (Major Applications Team Leader), Ms S Dillon (Senior Lawyer), Mr K Foster (Principal Planning Officer), Mr P Hooley (Planning & Enforcement Manager), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Head of Planning & Regulation), Mr J Thomas (Senior Planning & Highways Solicitor) and Mr P Wakefield (Principal Planning Officer)

In the absence of the Chairman and Vice Chairman it was moved and seconded that Councillor J Macrae should take the Chair for the meeting.

### **RESOLVED**

That Councillor J Macrae be appointed as Chairman for the meeting.

### **51 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Hammond and G Merry.

### **52 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of applications 17/3894M, 17/4256M and 17/1000C, Councillor S Hogben declared that he was a Director of ANSA who had been a consultee, however he had not taken part in the consultation.

In the interest of openness in respect of application 17/4256M, Councillor M Sewart declared that he was a member of Poynton Town Council who had made representations but he had not taken part in any discussions or voted on the application.

In the interest of openness in respect of application 17/1000C, Councillor L Wardlaw declared she was a member of Congleton Town Council, however she had not discussed the application.

In the interest of openness in respect of application 17/3894M, Councillor B Burkhill had attended a meeting of Handforth Parish Council where the application was considered however he did not make any comments on the application. As Ward Councillor he had advised the public on the protocols on what to do at meetings and how to object, however he had not voted on the application when it considered by the Parish Council.

In the interest of openness in respect of application 17/3894M, Councillor T Fox declared that she had attended a meeting of Handforth Parish Council where the application was considered but she had not made any comments on the application.

In the interest of openness, Councillor D Hough declared that he was a member of TSS and whilst applications often referred to public transport he had not made any comments.

It was noted that the majority of Members had received correspondence in respect of application 17/3894M.

**53 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 27 September 2017 be approved as a correct record and signed by the Chairman.

**54 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**55 17/3894M-OUTLINE PLANNING APPLICATION (ACCESS TO BE CONSIDERED) FOR ERECTION OF UP TO 250 DWELLINGS WITH ASSOCIATED WORKS INCLUDING THE DEMOLITION OF 15 HAMPSON CRESCENT, LAND BETWEEN CLAY LANE AND SAGARS ROAD, HANDFORTH FOR HIMOR (LAND) LTD**

Consideration was given to the above application.

(Councillor D Mahon, the Ward Councillor, Parish Councillor Ron Dixon, Chairman of Styal Parish Council, Parish Councillor Brian Tolver, representing Handforth Parish Council, Mark Knowles, an objector, Michael Thompson, an objector and John Coxon, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- Provision of 30% affordable units.
- Educational contribution towards secondary and SEN provision.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision
- Contribution for a path from the site to Meriton Park
- Management Plan for the on-site public open space and LEAP
- Contribution towards improvements on Clay Lane £18,000
- Contribution towards footpath improvements in the Dean Valley £85,000
- Delivery of the bridge over Dobbin Brook to access Meriton Park
- Contribution for monitoring of Travel Plan £5,000
- £34,500 for indoor recreation equipment

And subject to the following conditions:-

1. Standard contaminated land condition
2. Importation of soil
3. Unexpected Contamination
4. Time period to implement permission.
5. Approve reserved matters details
6. Plans
7. Details of surface water drainage
8. Pedestrian and cycle signage
9. Submission and implementation of Travel Plan
10. Pedestrian cycle routes through the site
11. Provision for hedgehogs through the site
12. Newts
13. Details of proposed culvert with RM application
14. Construction environment management plan
15. bat friendly lighting scheme
16. Ecological enhancement strategy
17. Landscape and habitat management plan
18. 10 metre ecological buffer
19. Dust control
20. Provision of Electric Vehicle Charging Points
21. Updated otter and badger survey
22. Implement noise recommendations
23. Implement landscaping scheme
24. Details and implementation of bridges
25. Details of materials
26. Details of play area
27. Retention of hedgerows
28. Boundary details
29. Submit arboricultural impact assessment
30. Implement access
31. Flood Risk Assessment

32. Levels Details

Members asked it be noted that the Reserved Matters application should come back to the Strategic Planning Board for consideration.

In the event of any changes being needed to the wording of the Board'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) 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 Board's decision.

(The meeting adjourned for lunch from 1.00pm until 1.45pm).

56 **17/4256M-OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AND STRUCTURES AND THE ERECTION OF UP TO 150 DWELLINGS WITH 30% AFFORDABLE HOMES, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM DICKENS LANE. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS, LAND AT DICKENS LANE, SPRINK FARM, DICKENS LANE, POYNTON FOR HOURIGAN CONNOLLY**

Consideration was given to the above application.

(Town Councillor Ian Hollingworth, representing Poynton Town Council, Jeff Palmer, an objector and Rebecca Thompson, the agent and the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- Financial contribution towards education:
- Primary – No. of pupils generated x £11,919 x 0.91
- Secondary – No. of pupils generated x £17,959 x 0.91
- SEN – No. of pupils generated x £50,000 x 0.91
- Financial contribution towards indoor sports – No. of additional residents x 0.427 (participation rate for Cheshire East) / 25 (average number of users per piece of health & fitness equipment) x £6,500 (cost per item of fitness equipment)
- Financial contribution towards outdoor sports - £1,000 per market dwelling
- Financial contribution towards GP practices in Poynton – Occupancy per dwelling x number of units in the development x 360
- Financial contribution towards Poynton Relief Road - £5,555 per dwelling



- Open space provision and management
- 30% affordable housing (tenure split of 65% rented and 35% intermediate)

And subject to the following conditions:-

1. Submission of reserved matters
2. Implementation of reserved matters
3. Time limit for submission of reserved matters
4. Commencement of development
5. Development in accord with approved plans
6. Noise mitigation measures to be submitted
7. Construction Environmental Management Plan to be submitted
8. Electric vehicle infrastructure to be provided
9. Scheme to minimise dust emissions to be submitted
10. Phase II contaminated land report to be submitted
11. Verification Report prepared in accordance with the approved Remediation Strategy to be submitted
12. Imported soil to be tested for contamination
13. Contamination not previously identified
14. Arboricultural impact assessment to be submitted
15. Development to be carried out in accordance with Flood Risk Assessment and mitigation measures
16. Drainage strategy including detailed calculations to be submitted
17. Details of enhancement of bat commuting habitat to be submitted
18. Bat sensitive lighting details to be submitted
19. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
20. Updated badger survey to be submitted
21. Written scheme of archaeological investigation to be submitted
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists to be provided
24. Compliance with submitted design principles and submission of design code.
25. Details of ground levels
26. Travel Plan

(During consideration of the following item, Councillor L Wardlaw left the meeting and did not return).

- 57 **17/1000C-OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR A DEVELOPMENT COMPRISING UP TO 500 DWELLINGS (USE CLASS C3), SITE FOR NEW PRIMARY SCHOOL (USE CLASS D1) AND LOCAL SHOPPING FACILITY (USE CLASS A1) TOGETHER WITH ASSOCIATED OPEN SPACE, GREEN INFRASTRUCTURE, PEDESTRIAN AND CYCLE LINKS, LAND BETWEEN MANCHESTER ROAD AND GIANTSWOOD LANE, HULME WALFIELD, CHESHIRE FOR WORTH PARTNERSHIP**

Consideration was given to the above application.

(Parish Councillor Graham Silman, representing Hulme Walfield and Somerford Booths, Town Councillor Mrs Akers-Smith, representing Congleton Town Council, Mr Colin Bodimeade, an objector and Liz Cowdray, the agent for the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

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

- 17.5% of the dwellings to be affordable at 80% discounted market sale. Affordable Homes should be pepper-potted (in clusters is acceptable)
- Provision of POS consisting of 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling and a NEAP(1000sqm) /destination play facility as indicated on the parameter plan, a Green gym with a minimum of 5 items & 4 LAPS minimum.
- A commuted sum of £3,200,000 towards Education provision along with a levelled and fully serviced site to allow the construction of a new primary school.
- S106 contribution of £150,000 for the making of any Traffic Regulation Orders and to install traffic management measures to Giantswood Lane, Mill Lane and Smithy Lane – this contribution has a trigger event of a new highway link between Local Plan site CS45 and Giantswood Lane receiving planning approval and the commencement of development of said access.
- A S106 contribution of £100,000 towards the delivery of a Toucan crossing of the A34 prior to the occupation of the 80th dwelling.
- A S106 contribution of £50,000 towards upgrade of the footway adjacent to the A34 from the Northern boundary of the site to the new underpass of the A34. The trigger event is the occupation of the 50th dwelling.
- A S106 contribution £15,000 per dwelling to the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy. £600,000 of this will be paid prior to occupation of the 30th dwelling. An additional £1.5M will be paid on the occupation of the 125th dwelling, an additional £1.3M will be paid on the occupation of the 200th dwelling. The Balance of monies (calculated as the total number of dwellings approved at reserved matters stage, minus the cumulative contributions paid) will be paid on occupation of 70% of the dwellings approved at the reserved matters application.
- A contribution of £300,000 towards the provision of a new bus service linking this site to the town centre on the occupation of the 100th dwelling.
- Ecological offsetting and sports provision.

And subject to the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Construction Management Plan to be submitted prior to commencement.
9. Travel Plan to be submitted prior to occupation of the first dwelling.
10. The main spine road for the new site will need to be designed to accommodate bus services and a minimum width of 6.5m is required.
11. Approval of a Public Rights of Way Management Scheme
12. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
13. Submission of a management plan for the Woodland
14. Submission of an updated Badger Survey as part of and reserved matters application.
15. Bridge design to minimise habitat losses over water course.
16. Approval of lighting to avoid impacts on bats
17. Air pollution damage cost calculation and associated mitigation works.
18. Electric Vehicle Charging points.
19. Submission of an acoustic mitigation scheme as part of any reserved matters
20. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
21. Control of soils brought onto site.
22. Measures to address contamination should it be expectantly be found during works.
23. Jodrell Bank mitigation measures.
24. Approval of levels.
25. Development to accord with the recommendations of the submitted flood risk assessment
26. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
27. Foul and surface water drained on separate systems.
28. Cycle storage and bin provision
29. No more than 40 houses can be occupied until the Council has entered into a construction contract for the full construction of the Congleton Link Road

30. The secondary access shown on the parameters plan shall be closed to vehicular traffic once the main access off Manchester Road becomes available for use.

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

(Prior to consideration of the following item, Councillor S Hogben left the meeting and did not return).

### 58 **PLANNING APPEALS**

Consideration was given to the above report.

#### **RESOLVED**

That the report be noted.

The meeting commenced at 10.30 am and concluded at 3.55 pm

Councillor J Macrae (Chairman)

Application No: 17/4521M

Location: Land at Stanneylands Road, Wilmslow,, SK9 4ER

Proposal: Full planning application for the erection of 174 residential dwellings, new roundabout onto Stanneylands Road, public open space, pedestrian/cycleway connection between Linneys Bridge and the River Dean, a new bridge crossing of the River Dean, and associated works.

Applicant: Andrew Taylor, Barratt & David Wilson Homes North West

Expiry Date: 07-Dec-2017

### **SUMMARY**

The site is allocated within the Local Plan for residential use and consists of the entire LPS56 allocation. The development accords with the Local Plan policy relating to its allocation by providing housing.

The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this site is included within the 5 year supply and this proposal will make a valuable contribution in maintaining this position.

The design and layout of the development are in accordance with the Cheshire East Design Guide and no issues have been identified in respect of overlooking or other amenity impacts.

It has been demonstrated the development will not have a detrimental impact on the local highway network, the trees on and around the site, to local ecology. Although some matters must be dealt with by way of conditions at this stage.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

**Approve subject to Section 106 Agreement**

## **PROPOSAL**

The application is for full planning permission for the erection of 174 residential dwellings, a new roundabout onto Stanneylands Road, public open space, pedestrian/cycleway connection between Linneys Bridge and the River Dean, a new bridge crossing of the River Dean, and associated works.

The following levels of accommodation are proposed;

8 properties – 1 Bedroom  
19 properties – 2 bedrooms  
35 properties – 3 bedrooms  
112 properties – 4 bedrooms

The properties are made up of 24 apartment and 150 dwellings with each property having access to 2 off road parking spaces.

## **SITE DESCRIPTION**

The application site consists mainly of grazing and paddock land in association with stables located on adjoining land. The part of the site to be developed for housing is generally flat and is located alongside Stanneylands Road. Mature trees are located both within the site and along its boundaries. In the north eastern part of the site the levels change significantly down the valley of the River Dean. Much of the along the Dean Valley and paddocks in the north western of the site are included within the application site but remain in the Green Belt and are not proposed to be built upon.

Stanneylands Road forms the boundary of the site to the west with the Stanneylands Hotel being located opposite the proposed access into the site. The River Dean forms the northern boundary of the site whilst Wilmslow Garden Centre and existing residential properties on Carlton Avenue form the boundary of the site to the east. The remaining small paddock and stables associated with Little Stanneylands are located at the southernmost point of the site.

## **RELEVANT HISTORY**

No relevant applications.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

### **Cheshire East Local Plan Strategy**

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  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE 13 Flood Risk and Water Management  
CO 1 Sustainable Travel and Transport  
CO 4 Travel Plans and Transport Assessments  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 3 Health and Well Being  
SC 4 Residential Mix  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions

Directly relevant to this site is the following allocation for the entire site:

- Site LPS 56 Land at Little Stanneylands, Wilmslow

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

NE3 – Protection of Local Landscapes  
NE11 – Protection and enhancement of nature conservation interests  
NE17 – Nature Conservation in Major Developments  
RT5 – Open Space Standards  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC15 – Provision of Facilities  
DC17 – Water Resources  
DC35 – Materials and Finishes  
DC36 – Road Layouts and Circulation  
DC37 – Landscaping  
DC38 – Space Light and Privacy  
DC40 – Children’s Play Provision and Amenity Space  
DC41 – Infill Housing Development

**Other Material Considerations:**

National Planning Practice Guidance (NPPG)

## **CONSULTATIONS (External to Planning)**

**Environmental Health** – No objection. Conditions have been requested relating to noise, electric vehicle charging points and contamination. These will be included on the decision notice. An Air Quality Assessment has been submitted and this issue will be dealt with by way of an update report.

**United Utilities** – No objections. Conditions have been requested in respect of surface water drainage from the site and that the site shall be drained on separate systems.

**Highways** – No objection. The comments made by the highway engineer and all highway and access matters are addressed in full later in this report.

**Housing Strategy** – No objection. The development triggers an affordable housing requirement and this matter is addressed in detail later in this report.

**Flood Risk** – No objection. Conditions have been requested relating to surface water drainage and the development being carried out in full accordance with the Flood Risk Assessment.

**Education** – No objection. This is based upon the applicant committing to pay a financial contribution for the provision of additional school places generated by the development. This is addressed in detail later in this report.

**ANSA** – No objection. This is subject to a financial contributions being agreed in respect of recreation open space, indoor recreation provision, details of the play area, and details of how the open space will be managed in the future. This is addressed later in this report.

**Countryside Rights of Way** – No objection. No public rights of way cross the site.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

*Wilmslow Town Council - Wilmslow Town Council's Planning Committee recommend refusal of this application on the grounds of the inadequate access onto Stanneylands Road both towards Styal and Dean Row, the primary access for the development should be directly from Manchester Road. In addition, this application should be refused in order to comply with Section 10 of the recently adopted Local Plan due to the lack of a sound infrastructure plan. The application should be refused until Cheshire East Council undertakes an up-to-date independent traffic assessment which challenges the published SEMMMS data which indicates that Stanneylands Road will experience a reduction of circa 60% in traffic movements which is a substantially greater reduction than the predicted impact on neighbouring routes.*

## **OTHER REPRESENTATIONS**



Approximately 815 representations of objection/comments have been received raising the following comments;

- Inadequate access into the site
- Increase in traffic and impact on highway safety
- Stanneylands Road is already congested
- The proposed roundabout will not ease congestion
- Access should be taken from Manchester Road
- Stanneylands Road is unsuitable for construction traffic.
- The bridge on Styal Road is too narrow
- Schools are already beyond capacity in the area.
- Capacity issues at local doctors.
- Impact on drainage in the area.
- Increase in flood risk as the site is prone to flooding
- Loss of trees
- Loss of Green Belt
- Removal of the site from the green belt is not legally compliant
- Loss of countryside
- Too many houses being built in the area.
- The development will have a detrimental impact on ecology
- Over-development of the site
- Inappropriate design that is out of character with the area.
- Not enough affordable housing
- Impact on privacy/overlooking
- The affordable housing will not be genuine affordable housing.
- Impact on local air quality
- A legal challenge has been made to the Local Plan.
- The footpath and cycle links should not cross local farmland.
- The footpath will be used as a 'rat run' for vehicles.
- Existing footpaths should be used.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Sustainability
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Health Provision
- Residential Amenity
- Impact on Local Highway Network / Access
- Design and Layout
- Ecology
- Trees

- Flood Risk
- Economic Sustainability
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Recommendation

### PRINCIPLE OF DEVELOPMENT

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” This is the test that legislation prescribes should be employed on planning decision making.

The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: *“approving development proposals that accord with the development plan without delay”*

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

The Council have recently released the Annual Housing Monitoring Update and this has shown that the Council now has a supply of 5.45 years.

The application site consists of the entirety of the LPS 56 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five year supply of housing. Therefore the principle of residential development is acceptable in this location and subject to all other matters being satisfied the application should be determined without delay.

In addition to around 200 dwellings the development is expected to deliver the following;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road.

- Retention of trees and woodlands at the edges of the site, with new planting to re-enforce landscape features - to properly define a new Green Belt boundary and to maintain the setting of existing properties and protect the amenities of those occupiers.

### **Site Specific Principles of Development**

- a. The development must be a high quality design which reflects and respects the character of the area and the amenities of neighbouring properties.
- b. Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows where possible.
- c. Creation of a new vehicular access to Stanneylands Road, or as an alternative to Manchester Road.
- d. Improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages.
- e. Provision must be made for public open space to the north and west of the site utilising the river valley. Any new development will be expected to make contributions to playing fields and children's play facilities where these cannot be provided on site.
- f. New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation.
- g. Provide contributions to health and education infrastructure.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- i. Provide for a long-term management strategy for land along the Dean Valley shown as Protected Open Space.
- j. Respect for the setting of listed buildings adjacent to the site.
- k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated.

## **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**

Cheshire East Local Plan Policy SC5 states in Settlements with a population of 3,000 or more the 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. A ratio of 65/35 between social rented and intermediate housing is required.

The SHMA 2013 shows the majority of the demand in the Sub Area of Handforth and Wilmslow Per Year until 2018, is for 49x 3 and 5x 4 bedroom General Needs dwellings. The SHMA also shows a need for 13x 1 bedroom and 3 x 2 bedroom dwellings for Older Persons.

This can be via bungalows, lifetime homes, cottage style flats and flats. The majority of the demand on Cheshire Homechoice is for 71x 1 bedroom, 108x 2 bedroom, 31x 3 bedroom and 6x 4 bedroom dwellings. Therefore a mix of 1, 2, and 3 bedroom dwellings on this site would be acceptable and this should include provision for older persons and those with access issues.

This is a proposed development of 174 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 52 dwellings to be provided as affordable dwellings.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. This issue will be addressed through the reserved matters application.

The affordable housing should be provided no later than occupation of 80% of the open market dwellings and this will be addressed within the s106 agreement. The s106 agreement also ensures the following;

- requires the affordable units to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Given the above the proposal complies with the requirements of Local Plan Policy SC5 and point h of Policy LPS 56.

### **EDUCATION PROVISION**

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need. This development of 174 dwellings is expected to generate the following need:

33 primary children  
26 secondary children  
2 SEN children

The development is expected to impact on both secondary school and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at

schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school and SEN school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. This is an existing concern, however the 3 children expected from this development will exacerbate the shortfall. The 2 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is expected to be 1 EYFS child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$25 \times £17,959 \times 0.91 = £408,567$  (secondary)

$2 \times £50,000 \times 0.91 = £91,000$  (SEN)

Total education contribution: £499,567

The contribution has been agreed by the applicant and will be delivered through the s106 agreement. The proposal therefore complies with point h of Policy LPS56.

### **PUBLIC OPEN SPACE AND RECREATION**

The application site includes a large area of land identified as protected open space within the Local Plan allocation. This area will not be developed with some of the land retained by the current landowner and used for his horses with the remainder of the land forming the open space serving this development. The area is more than sufficient to meet the POS requirements.

Currently the application does not detail the management of the open space area or play area. Proposals about management of the site are essential to its future development and value as amenity and recreational spaces. The POS area provides an attractive walking, cycling and leisure environment that links in with wider areas of open space in the Wilmslow/Handforth area. Given the importance of this area and the associated footpath links provided through it the s106 will allow for either a management company to manage the site or for the site to be controlled by the Council following the receipt of a commuted sum to maintain the land.

The general location of the toddler/junior play area is acceptable, however the submitted details of the play area are not deemed acceptable at this moment. This matter is one that is reasonably addressed through a condition on the decision notice and its future maintenance will be dealt with in the same way as the open space.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution is £122,000 and will be put towards the improvements to the sports facilities at Jim Everson playing fields.

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

The Indoor Built Facility Strategy has identified that any existing shortfalls for Handforth should look to focus on improvement of provision at Wilmslow Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Wilmslow Leisure Centre to accommodate localised demand for indoor physical activity.

The requirement is calculated as follows;

- 174 houses at 1.61 people per residence = a population increase of 280
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 119 additional “active population” due to the new development in Wilmslow
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional five (5) stations. Requirement for - x3 running machines (£6,500 per treadmill) , x 2 resistance / weight pieces (£3,000 per piece). Total £25,500

The applicant has accepted the need for this contribution although the level of contribution may change based on the number of houses eventually approved on site. The contribution will be delivered through the s106 agreement. The proposal therefore complies with points e and i of Policy LPS56.

### **ACCESS TO HEALTH FACILITIES**

Eastern Cheshire has the fastest growing over 65 and over 85 populations in the North West with more than one in five people being over 65 which will become nearer to one in four people by 2021. The number of very elderly people is growing even more rapidly, with a higher estimated average annual growth rate when compared to England (2.7% vs. 2.3%). The overall population is forecast to grow by 28,000 (14%) by 2035. Although deprivation levels in Eastern Cheshire are lower than the national average people living in these more deprived local areas experience worse health outcomes than those living in areas identified locally as least deprived.

The Handforth Health Centre GP practice is a 1970's single storey building in need of some improvements if the predicted patient growth over the next 10 years (37% increase) is to be accommodated. Space utilisation analysis has demonstrated that the Handforth Health Centre currently has a 44% shortfall in required space in order to adequately provide primary care services to the existing patient population. Additional growth in patient numbers will add further pressures to the GP practice, with an increase in clinical and non-clinical staff required in order to meet these future patient needs. Such an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Handforth Health Centre site.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

<b>Size of Unit</b>	<b>Occupancy Assumptions Based on Size of Unit</b>	<b>Health Need/Sum Requested per unit</b>
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1008 per 3 bed unit
4 bed unit	3.5 persons	£1260 per 4 bed unit
5 bed unit	4.8 persons	£1728 per 5 bed unit

For the planning application in question the CCG requests a contribution to health infrastructure via Section 106 of £185,796 based on the above calculation and the details provided within the planning application, i.e. 26 x 1 bed units, 19 x 2 bed units, 14 x 3 bed units, 115 x 4 bed units.

Allocated Section 106 funding will be used to contribute towards the improvement of the Handforth Health Centre premises in order to facilitate a greater level of capacity for the delivery of Primary Care services to the local population. It is envisaged that multiple Section 106 funding allocations obtained from the various local housing developments planned in the area will be pooled to maximize the potential scope of the development of the Handforth Health Centre.

### **RESIDENTIAL AMENITY**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

The separation distances between the existing properties on Carlton Drive and those proposed is a minimum of 33 metres and is up to 46 metres in places. The required distance set out in Policy DC38 is 25 metres and as such the proposals will not cause an unacceptable level of overlooking or have an unacceptable adverse impact on privacy. The vast majority of the trees along the site boundary with the existing properties are retained and they will effectively screen the development from neighbouring properties.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land or noise and vibration subject to conditions. It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

### **Social Sustainability Conclusion**

The proposals for the residential development will make an affordable housing contribution through the provision of 52 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution, health contribution and will make a contribution towards open space, indoor recreation and outdoor sport. The affordable housing provision will meet the requirements

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **IMPACT ON HIGHWAY NETWORK/ACCESS**

Discussions regarding the location of the access to the site have taken place and the applicant is unable to provide vehicular access to Manchester Road but has submitted the application for access off Stanneylands Road. This is fully consistent with the Local Plan Policy (Point c of LPS56) that states the site can be served either from Manchester Road or from Stanneylands Road.

The roundabout access into the site is a compact roundabout design and will be delivered via a Section 278 Agreement in which the technical design will be assessed. It is agreed that in principle a roundabout is a satisfactory access to the site. In addition to the roundabout there are two other small private drive accesses onto Stanneylands, these are to serve no more than five units and visibility has been provided at each of the access points.

#### **Internal Road Layout**

The main spine road is 5.5m wide with 2m wide footways and the minor roads and shared surfaces being a minimum of 4.8m wide. There are a number of junction tables indicated on the layout plan these are acceptable but they should not be raised as the speeds internally would be low. There is a road narrowing between plots 154 and 169 where the road crosses the footway, this is acceptable as the narrowing is for a short distance only. The level of parking provision for the units is 200% and is either driveway or garage parking, the number of spaces provided for each unit accords with the parking standards in the Local Plan.

#### **Traffic Impact**

Stanneylands road provides a connection with Styal Road and Manchester Road and is a rural road in parts with it serving residential development at its eastern end towards Manchester Road. It currently has problems with additional traffic using the road due to its connectivity with Styal Road and Manchester Road although there is likely to be a marked reduction in vehicles using Stanneylands Road following the opening of the A6 MARR (Manchester Airport Relief Road). The applicant has assessed the impact of the development with the A6 MARR in place and undertaken capacity assessments using the predicted flows from the SEMMMs model on Manchester Road and Stanneylands.



The level of traffic generation submitted is considered low and is not representative of traffic generation levels in Wilmslow although using CEC trip generation data the likely traffic generation for the site is 115 peak hour trips as opposed to the 90 peak hour trips in the applicants assessment. Overall, the additional trips is not considered to have a significant impact on the assessments undertaken as the capacity assessments of the site access and the signal junction at Manchester Road/Stanneylands Road have sufficient spare capacity to accommodate the additional flows.

### Accessibility

The site will have a pedestrian/cycle footway fronting the site and is to be connected to the existing footways network by a uncontrolled crossing south of the proposed new roundabout access. The provision of a shared pedestrian/cycleway between Linneys Bridge and the River Dean is also proposed, a new bridge link over the river is being provided.

### Summary

The site has been identified in the Local Plan as a strategic site, consideration has been given to the points of access to serve the site. Both Manchester Road and Stannleylands Road were identified as possible access point to the site, given land ownership constraints to gaining access to Manchester Road the Stannleylands road access has been proposed in the application.

The proposed new roundabout complies with highway design standards and is accepted as an appropriate form of access, internally the road layout is an acceptable design with suitable road widths for the level of development served.

The traffic impact resulting from the development on Stannleylands Road has been assessed and although the peak hour traffic generation arising from the development would not have led to a link capacity problem on Stannleylands Road, the introduction of the A6 MARR is forecast to reduce traffic flows even with the development in place.

The existing signal junction of Manchester Road/Stannleylands Road is currently operating over capacity, it is with the reduction in traffic from the A6 MARR scheme that it is predicted to operate within capacity. Although reduction in flows on Manchester Road are predicted, there are existing congestion issues at the signal junction, the developer has agreed to contribute to providing MOVA at the junction to optimise the cycle times and thereby improving capacity. Therefore, taking a precautionary approach and not taking into account the anticipated reduction of traffic on Stanneylands Road as a result of the A6-MARR scheme, it is considered that the proposal will have an acceptable impact on the capacity of the local highway network on the basis of the contribution for the MOVA installation.

In summary, the site design is acceptable and does provide linkages to the pedestrian and cycle network, the traffic impact is not considered severe although a financial contribution of £80,000 is required, and has been agreed, for the introduction of MOVA at the signal junction of Manchester Road with Stanneylands Road.

### Pedestrian / Cycle Access

Policy LPS56 of the newly adopted Local Plan has the following requirements;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road.

Whilst the above policy requirements are listed separately the bridge over the River Dean could perform both functions. Following the public consultation exercise carried out in respect of this application the bridge has been re-located to reduce any impact on the farmer currently tenanted the Council owned land on the opposite side of the River Dean. It is now proposed to site the bridge to the west of the initial position and the path leading from the bridge will tie into the improved footpath network secured as part of the Sagars Road application.

Two pedestrian access points will be available from Stanneylands Road into the site. One being by Linneys Bridge, and one taking advantage of the existing tree lined path already in place on the site. Both of these footpaths will join at the location of the children's play area and continue to the bridge over the River Dean. This will complete a formal footpath network from The Carrs up to Sagars Road and beyond. Once on Sagars Road easy pedestrian access is available to the shops and services in the centre of Handforth and provides pedestrian access to Handforth Station.

In respect of the direct pedestrian and cycle link it is clear that the most direct route to Manchester Road is through the site of Wilmslow Garden Centre, this being the shortest most direct route. The applicant has approached the garden centre but the owners of the garden centre are unwilling to allow any form of access over their site. The Council have also approached the garden centre separately and received the same response. Therefore as it currently stands this option is not available.

To ensure this issue could be revisited in the future the proposed layout of the site allows for a path that will be built up to the boundary between the site and the garden centre. Additionally the applicant has agreed a financial contribution to provide this footpath link in the future should the garden decide different. Alternatively the contribution will be spent on measures to further improve the pedestrian and cycle conditions between the site and Manchester Road.

The provision of the pedestrian and cycling links across the site and the provision of a bridge over the River Dean, in the revised position now shown on the plans, comply with the requirements to improve footpath links in the area. Given the preferred access across the garden centre site to Manchester Road is not possible the alternative using footpaths up to Sagars Road is considered to be appropriate pedestrian access to Handforth Station. This access is just 150 metres longer than the alternative route through the garden centre to Handforth Station and does provide the most direct currently available link.

The difficulties encountered with the garden centre have led to a financial contribution from the applicant to continue to explore a more direct future cycle and pedestrian link. The linkages provided, along with the commuted sum, ensure compliance with points 2 and 3 and point d of Policy LPS56.

## DESIGN & LAYOUT

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.”*

This approach is fully consistent with CELPS policy SE1 and the recently adopted Cheshire East Design Guide.

The local area comprises a variety of house types including modern and more traditional semi-detached and detached housing.

The site is contained within the landscape, and other than the access point into the site and it would not be prominent from public vantage points. Following discussions the proposals have been amended during the application process and various improvements have been made to the layout to create a greater sense of place and to take advantage of the mature woodland setting of the site,

The layout benefits from a consistent approach through the site to ensure that most streets enjoy views of the woodland and the sensible grouping of buildings around the site. The Buildings enclose spaces well, having been designed turn corners with active frontages. Additional detailing on house types has providing increased visual interest. The layout employs a number of methods to accommodate the required off-street car parking and this ensures parked cars will not dominate the character of the site. The highways design has been agreed with the Highways Officer and is designed to an adoptable standard.

The application has been assessed using the criteria set out in the Cheshire East Design Guide and overall is scored green, The development did have some yellows but these are generally relating to issues of detail that will be agreed through conditions on the decision notice whilst others refer to the house types not being specific to the site. Whilst the house types are of a good standard and include features that reflect the character of the area they are not bespoke to this site. The Council's Design Officer has assessed the proposal and following amendments has no objections to the proposal.

A landscape masterplan has been agreed that takes advantages of views through the site and the mature landscape setting of the site. The entrance of the site will be tree lined to frame the site and provide mitigation for trees that are lost on Stanneylands Road. A detailed landscape scheme will be submitted as part of the conditions on the decision notice.

The proposal provides a mix of 1, 2, 3, 4 and 5 bedroom properties and this is considered to comply with Policy SC4 of the Cheshire East Local Plan Strategy.

It is considered that the amended scheme is of an acceptable design/layout has been achieved it is considered that the proposed development accords with the principles of the

Cheshire East Design Guide, Policy SE1 and points a, b and J of Policy LPS56 of the adopted Local Plan Strategy .

### ECOLOGY

The application is accompanied by a comprehensive ecological assessment that addresses the following issues;

#### Grassland Habitats

An area of grassland habitat (TN24) has been identified on site which is of Local Wildlife Site/Priority habitat value. Such habitats are a material consideration for planning and this habitat would be lost as a result of the proposed development.

In order to compensate for the loss of this area of grassland the applicant is proposing to translocate the soils from the grassland in order to establish more species rich grassland within the open space area of the proposed development. A detailed method statement for the translocation of the existing soils is required and will be agreed by condition on the decision notice

#### Badgers

A number of badger setts have been recorded on site including a main sett and a number of supporting setts. In the absence of mitigation the proposed development would be likely to result in the disturbance of badgers as a result of the loss of two supporting setts and a partial loss of the established main sett. In order to mitigate the impacts of the proposed works it is likely that a number of sett entrances will require temporary or permanent closure under the terms of a Natural England license. The applicant's are also proposing the creation of an artificial sett as compensation for the loss of the existing setts.

The submitted badger mitigation method statement is acceptable to mitigate the impacts of the proposed development upon badgers. However, the precise impacts of the development and the detailed specification of the mitigation required would depend on the status of badgers on site at the time that development commenced. Therefore a condition will be attached which requires an updated badger survey and mitigation strategy to be submitted prior to the commencement of development.

#### Bats

A number of trees have been identified on site that have Moderate to High potential to support roosting bats and the submitted Ecological Assessment states that these trees would be retained as part of the proposed development. A condition will be included on the decision notice requiring all trees with bat roost potential to be retained as part of the development.

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition will be attached requiring any additional lighting to be agreed. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

#### Water Voles

A population of water voles recorded has been recorded within marshy grassland, this habitat must be safeguarded in order to avoid any impacts on this species declining protected species. The landscape plan and illustrative drainage scheme have been amended to ensure that no works take place in this area of the site.

The submitted ecological assessment states that the water vole population may be vulnerable to increased disturbance once the development is completed and recommends that proposals be developed for the creation of additional wetland habitat to allow the population to relocate in the face of increased pressure. Therefore a condition will be attached to the decision notice requiring the submission of a water vole mitigation and compensation strategy.

### Otter

An Otter spraint was recorded during the submitted survey which indicates that Otters may occasionally occur on the River Dean at this location, the proposed development is not reasonable likely to result in an offence under the habitat Regulations in respect of this species. However, as the status of this species may change over time a condition will be attached which requires an updated otter survey to be submitted prior to the commencement of works on the proposed bridge crossing. The bridge crossing itself should also be designed to ensure that it does not result in any impediment to the movement of Otters.

### Barn Owls

This protected species is known to occur in the locality of the proposed development. A detailed survey has been submitted in support of this application and no evidence of barn owls was recorded on site. Therefore this species is unlikely to be significantly affected by the proposed development.

### Priority Woodland

An area of Priority Woodland is present towards the north of the proposed housing. Habitats of this type are a material consideration for planning. An acceptable buffer zone has been provided between the proposed development and the woodland.

### Hedgerows

Hedgerows are a priority species and hence a material consideration. The proposed site access will result the loss of a section of hedgerow. However, sufficient replacement native planting is proposed to compensate for this loss.

### Nesting Birds

A number of priority bird species were recorded on site. These species were all associated with woodland, scrub and riverside habitats. There would be a loss of some scrub as a result of the proposed development, but the retention of retention of the woodland and riverside habitats and the proposed additional planting would help to reduce the impacts of the proposed development upon these species. Conditions are required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development:

### Pond

The landscape masterplan has been amended to show the retention of all ponds. The submitted bat survey recommends pond and wetland creation within 40m of linear habitat

features to provide increased foraging habitat for bats. A new wetland is proposed as part of the surface water drainage scheme.

### Moths

A number of Priority moth species have been recorded adjacent to the application site by a local naturalist. These species are mostly associated with woodland edge habitats and so their habitat would be retained as part of the proposed development. However some species present are associated with grassland habitats and so may be affected by the loss of grassland habitat to the proposed development. The grassland moth species are however fairly common throughout Britain and the loss of better quality habitat on the site would be compensated for as described above.

### Polecat

This priority species has been recorded within 1km of the application site. The retention of the hedgerows, woodland habits would help to reduce the potential impacts of the proposed development upon this species.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition will be included on the decision notice requiring details of how Boundary treatments on the site will allow for the free movement of hedgehogs.

### Ecology Conclusion

The applicant has provided the requested ecology buffers and this has had a significant influence over the layout of the site. Subject to the inclusion of the conditions referred to above the proposal will not have a detrimental impact on any protected species and therefore complies with all relevant policies in respect of nature conservation and point f of Policy LPS 56.

## **IMPACT ON TREES/HEDGEROWS**

Policy LPS 56 of the Local Plan Strategy allocates the site as a housing site. Retention of trees and woodlands on the edges of the site, with new planting to re-enforce importance landscape features are cited as some of the site specific principles to achieve the development.

The trees to the south and east of the site are protected by the (Macclesfield Borough Council [Wilmslow Little Stanneylands] TPO 1979, and [Wilmslow - Land North of Carlton Avenue] TPO 2000) and the application is supported by an Arboricultural Impact Assessment (TEP dated August 2017).

### Trees protected by the Tree Preservation Order

Existing protected trees to the south and east of the site, including the group of Pines to the North West of Carleton Avenue and Little Stanneylands. are shown for retention as part of the submitted proposals. A number of (U) category trees have been identified which have been identified for removal by virtue of their deteriorating condition.

The key requirements outlined in Section 5.3.4 of BS5837:2012 relating to buildings and spaces around them having low daylight and sunlight levels and the impact of dense shading from retained trees have largely been resolved and are considered broadly acceptable in design terms, and it is accepted that the blocks of unmanaged protected Pine may require some sensitive low impact thinning in the long term.

Special mitigation measures have been identified where proposed footpaths, an internal access road and a small area of car parking slightly encroach onto root protection areas of retained trees. It is accepted that these matters can be satisfactorily be addressed by an Arboricultural Method Statement that will be agreed as part of the conditions on the decision notice.

### Proposed Access/roundabout – Stanneylands Road improvements

Detailed discussions have taken place over a period of time on the proposed Stanneylands Road realignment. To accommodate the proposed improvements and ground level changes it will be necessary to undertake the removal of two established moderate (B) category Silver Birch and two low (C) category groups, comprised of Holly, Sycamore, Pine and Larch. Whilst it is recognised that cumulatively these trees contribute to the sylvan character of Stanneylands Road, some, in particular a group of Larch within Group G34 are structurally compromised.

Discussions with the applicant have sought to offset this loss by the provision of space for large canopy species, particularly at the new access to Stanneylands Road which has been incorporated in the design by incorporating wide grass verges with properties set back at the junction with Stanneylands Road.

### Existing Lime Avenue

Discussions with the developer have sought to retain a distinctive avenue of Lime either side of an existing track located opposite the Stanneylands Hotel. These trees present a significant contribution to the landscape and sylvan character of the area and the proposed layout retains the integrity of avenue save for the provision of an internal access to the western section of the site which will require the removal of one moderate category tree. The internal access is located where there is minimal tree loss and impact upon the collective value of the group and with provision for additional compensatory planting of high canopy species to the northern end will provide the appropriate mitigation.

A low category group of small mixed broadleaves to the north of the site will require removal for flood attenuation measures and a two early mature Oak adjacent to the river will require removal to accommodate new footpaths and a new bridge across the River Dean. It is agreed that the loss of these trees are not considered to present a significant impact upon the wider amenity of the area and that they can be adequately compensated elsewhere within the application site.

Subject to appropriate conditions the proposals will not have detrimental impact on the health of the retained trees and protection of those remaining. The layout of the site has retained all the trees located on edges of the site with the only tree loss being to create the access to the site and this will be mitigated against. The proposal complies with point 4 and b of Policy LPS56.

## **FLOOD RISK**

The site of the proposed houses is classified as Very Low Risk (former EA Flood Zone 1), which is land that has a less than 0.1% chance of flooding (less than 1:1000). The River Dean a designated Main River, this is controlled and maintained by the Environment Agency. The Environment Agency have considered the submitted Flood Risk Assessment and further submitted information and have raised no objections to the proposals. A condition has been requested for a landscape management plan, however this will not be included on the decision notice as the information required is covered by other conditions. The Council's Flood Risk team have raised no objections to the proposal.

United Utilities has commented on the application and raised no objections to the proposals. No objections have been raised in relation to flooding and drainage subject to suitably worded conditions.

### **Environmental sustainability conclusion**

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

## **ECONOMIC SUSTAINABILITY**

### **EMPLOYMENT**

The proposed development will provide employment in the short term during the clearance and construction of the development in the area.

### **ECONOMY OF THE WIDER AREA**

The addition of 174 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Handforth and Wilsmlow Town Centres to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

## **SECTION 106**



A section 106 agreement will accompany the application and is required to secure the following:

- Provision of 30% affordable units.
- Educational contribution of towards secondary and SEN provision of £499,567
- Contribution towards ROS of £122,000
- Contribution to Indoor Recreation of £25,500
- Contribution towards health provision of £185,679
- Management Plan for the on-site public open space and LEAP or transfer of this to the Council to maintain with a commuted sum to be determined.
- Contribution for monitoring of Travel Plan £5,000
- Provision of the bridge across the River Dean
- A financial contribution to be agreed for the provision of a direct pedestrian / cycle route to Manchester Road or improvements to the local cycle and footpath network between the site and Manchester Road.
- A financial contribution to be agreed for footpath improvements to the north of the River Dean.

### **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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. 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.

### **COMMENT ON REPRESENTATIONS**

The majority of the points of objection have been addressed in the main body of the report or are issues that will be considered as part of the future reserved matters application.

A number of representations objected on the grounds the site is within the Green Belt and therefore should not be developed. However, on adoption of the Local Plan the site was removed from the Green Belt and is now allocated for residential use.

The Local Plan is subject to a Legal Challenge. However this is disputed by the Council and previous case law has already established that Local Plans continue to carry full weight whilst subject to challenge.

## CONCLUSION AND PLANNING BALANCE

The site forms the entire allocated site LPS56. The proposed development accords with the Local Plan policy relating to its allocation by providing housing and all the other policy requirements. Shortfalls in health and education provision are mitigated through financial contributions to improve existing facilities. The applicant is providing further financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. There are no material considerations that justify a decision other than that in accordance with the Development Plan. In accordance with section 38(6) of the Planning & Compulsory Purchase Act 2004 planning permission should be granted. Therefore for the reasons mentioned above the application is recommended for approval.

## RECOMMENDATION

The application is recommended for **approval subject to the conditions** listed below and the completion of the s106 agreement for the measures outlined in the report.

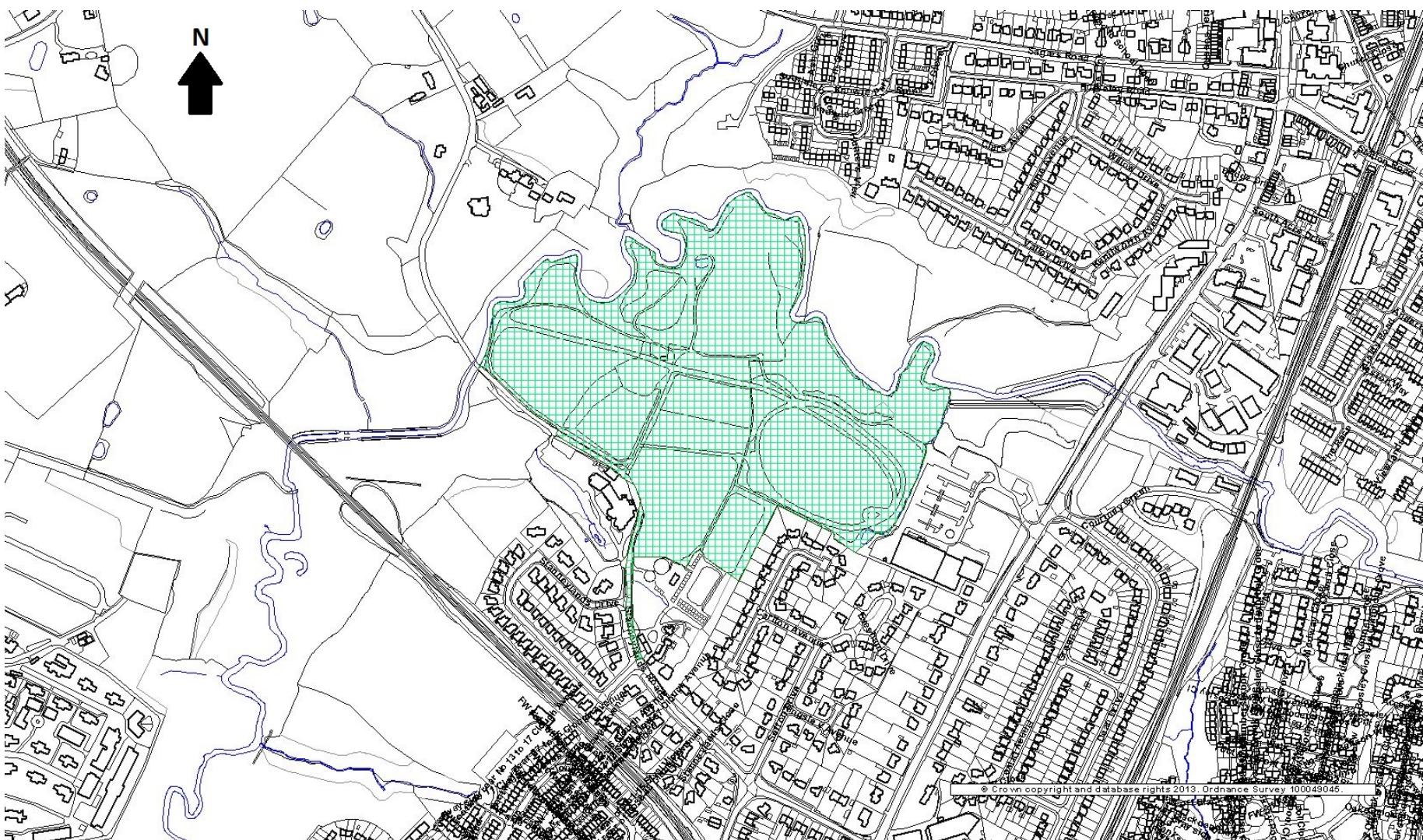
*In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation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

Application for Full Planning

RECOMMENDATION: Approve subject to completion of Section 106 Agreement

1. Contaminated Land Condition
2. Importation of Soil
3. Unexpected Contamination
4. Tree retention

5. Tree protection
6. Arboricultural method statement
7. Landscaping - submission of details
8. Landscaping (implementation)
9. Time period to implement permission.
10. Plans
11. Implement in accordance with FRA
12. Levels details
13. Pedestrian and cycle signage
14. Submission and implementation of Travel Plan
15. Pedestrian cycle routes through the site
16. Implement noise recommendations
17. Construction environment management plan
18. Provision of Electric Vehicle Charging Points
19. Details and implementation of bridge
20. details of play area
21. proposals to incorporate features for breeding birds.
22. Landscape and habitat management plan
23. Bird nesting season
24. Provision for hedgehogs through the site
25. updated badger survey
26. bat friendly lighting scheme
27. retention of trees
28. Water vole mitigation
29. Updated Otter Survey
30. method statement - gressland relocation
31. surface water details
32. materials as submitted
33. cycle facilities for apartments
34. refuse storage for apartments



Application No: 17/3882N

Location: LAND OFF UNIVERSITY WAY, CREWE, CHESHIRE

Proposal: Removal of conditions 29 & 31 on application 17/0341N for construction of 5 steel framed units to be part of a commercial development

Applicant: Mr Jonathan Beeson

Expiry Date: 24-Nov-2017

**SUMMARY**

**This Section 73 application seeks to remove conditions relating to noise mitigation on an approved commercial development.**

**The Council's Environmental Protection Officer has reviewed the proposed changes and advised that she is satisfied that these conditions can be removed agreeing that they are not necessary. The provision of the acoustic fence as required by condition 6 (now proposed condition 29) is considered to offer a sufficient degree of noise mitigation.**

**As a result of the above reasons, it is agreed that the proposed changes would not result in the proposals breaching amenity planning policies.**

**The application is therefore recommended for approval.**

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL:**

A variation of condition application is sought to remove conditions 29 and 31 from planning permission 17/0341N. Planning permission 17/0341N was for the;

*'Construction of 5 steel frame units to be part of a commercial development of B2 and B8 use that is made up of a number of commercial units total circa 164,000sq.ft inclusive of office content. Allocated staff/visitor parking, service yards and fencing to be included with each Unit.'*

The conditions sought for removal are summarised below;

Condition 29

*Prior to the occupation of the hereby development, proposals for the hours of business / activity / use of the units 1, 2 and 5 shall be submitted to and approved in writing by the Local Planning Authority. The hours of business / activity / use shall be restricted to the agreed hours unless for these units otherwise agreed in writing by the LPA.*

*Reason: In the interests of neighbouring amenity and in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.*

Condition 31

*There shall be no HGV operations on the site between the hours of 23:00 - 07:00 Monday to Saturday and not at all on Sundays or bank holidays.*

*Reason: To ensure the proposal does not create any neighbouring amenity concerns and in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.*

The applicant does not consider that these policies meet the necessary national planning conditions tests and should therefore be removed.

The applicant also originally proposed to vary condition 6 to remove the requirement to provide an acoustic fence. However, they have since withdrawn this request.

**RELEVANT HISTORY:**

**17/0341N** - Proposed construction of 5 steel frame units to be part of a commercial development of B2 and B8 use that is made up of a number of commercial units total circa 164,000sq.ft inclusive of office content. Allocated staff/visitor parking, service yards and fencing to be included with each Unit – Approved 7<sup>th</sup> July 2017

**15/0587N** - An outline planning application for the provision of shared recreational open space, children's play space, landscaping and associated works - Refused 9th July 2015

**15/0586N** - An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network – Refused 9th July 2015

**13/2159N** - Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping – Approved 15<sup>th</sup> August 2015

**10/1146N** - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16<sup>th</sup> July 2010

**P07/0017** - Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 4<sup>th</sup> April 2007

**P06/0990** - Outline Application for Five B1 Office Buildings – Withdrawn 1<sup>st</sup> December 2006

**P04/0478** - New Access Road off Crewe Green Link Road – Approved 25<sup>th</sup> May 2004

**P04/0226** - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA not required 17<sup>th</sup> March 2004

**P00/0953** - Construction of Crewe Green Link Road (Northern Section) – Approved 4<sup>th</sup> January 2001

**P00/0620** - Request for screening opinion – EIA not required 2<sup>nd</sup> August 2000



**P98/0238** - Outline application for regional distribution depot and Crewe Green Link Road – Finally disposed of 17<sup>th</sup> April 2000

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **POLICY:**

#### **Development Plan**

The following policies within the Cheshire East Council Development Plan are considered to be relevant to the application proposals;

*Cheshire East Local Plan Strategy (CELPS):*

PG2 (Settlement Hierarchy), PG6 (Spatial Distribution of Development), EG3 (Existing and Allocated Employment Sites), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions)

*Crewe and Nantwich Borough Replacement Local Plan 2011;*

E.1 (Existing Employment Allocations), E.1.1 (Crewe Business Park/Crewe Green), E4 (Development on Existing Employment Areas), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.20 (Flood Prevention), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.6 (Development on potentially contaminated land) and TRAN.9 (Car Parking Standards)

#### **Other Material Policy considerations**

*National Planning Policy Framework ("The Framework");*

17 – Core planning principles, 18-22 Building a strong, competitive economy, 56-68 – Requiring good design

#### **CONSULTATIONS (External to Planning)**

**Environmental Protection** – No objections to the removal of conditions 29 and 31

**Crewe Town Council** – No comments received at time of report

**Crewe Green Parish Council** – Object to the removal of these conditions

#### **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

To date, letters of representation have been received from 5 neighbouring properties. The main areas of concern raised include;

- Highway safety – increase in number of commercial vehicles, visibility concerns
- Amenity – Impact of noise pollution
- Design – Finish of the proposals

### **OFFICER APPRAISAL**

#### **Principle of development**

The principal acceptability of the erection of 5 steel frame units which form part of a commercial development for B2 and B8 uses on the application site was granted by the Council under application 17/0341N on the 7<sup>th</sup> July 2017. As such, the principle of the proposal has already been established. This application considers the acceptability of the following proposals only;

- Removal of conditions 29 and 31 which are both noise related

The sole consideration arising from this application is the impact of the removal of the conditions on residential amenity. Therefore the proposal is considered against the Council's relevant amenity policies only. These comprise of Policies GR6 and GR7 from the Congleton Borough Local Plan First Review 2005.

As such, matters relating to highway safety and design with regards to the overall proposals raised by objectors are not considered relevant in this instance and are therefore not considered.

#### **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site in an industrial / university area of Crewe, there are no nearby neighbouring dwellings that could be impacted with regards to loss of privacy, light or visual intrusion. The closest residential property to the site would be over approximately 80 metres away.

In relation to environmental disturbance as part of the original application, the applicant submitted an acoustic report at the request of the Council.

The Council's Environmental Protection Officer reviewed the report and in consideration of this and concerns raised by neighbouring residents, advised that they had no objections to the proposals from a noise perspective, subject to a number of conditions including;

- Before first occupation of Units 1, 2 and 5, the proposed hours of operation shall be submitted in writing and approved by the Local Planning Authority.



- Any plant and equipment shall not be placed on the facades of the building facing residential properties. A scheme for the mitigation measures of any plant or equipment will be submitted to and approved by the Local Planning Authority.
- A scheme for boundary treatment shall be submitted too and approved by the Local Planning Authority. The scheme would need to address boundary treatment which is appropriate to mitigate noise from service yards and access roads close to residential properties.

The above, or variations of the above were recommended and subsequently approved as conditions; 29, 30 and 6 of the planning permission.

The applicant seeks to remove condition 29 as recommended by Environmental Protection.

Condition 31, also sought for removal, was added by Cheshire East Council Strategic Planning Board at the time of consideration by Members. Condition 31 reads;

*'There shall be no HGV operations on the site between the hours of 23:00 - 07:00 Monday to Saturday and not at all on Sundays or bank holidays.'*

The applicant advises that the noise assessment that was undertaken with the original application assessed the potential impact of the business activity/operations/HGV movements being carried out at the site over a 24 hour period. It concluded that based on a 'worst case scenario', the noise generated by the proposed development, incorporating recommended mitigation measures (which did not include an acoustic fence), would be within the acceptable levels defined by relevant guidance and would not be significant.

As such, the applicants are unclear of the rationale for imposing the conditions 29 and 31.

The applicant's advise that the overall proposals would not only adhere to the relevant amenity policies of the Local Plan, but the conditions would not meet the necessary conditions 'tests'. This is primarily because they were not deemed 'necessary' by an experienced noise consultant based on evidenced information.

It has also been stressed that these restrictions are discouraging potential occupiers of the approved units and that that many other operators located on the adjacent Orion Park are unrestricted in relation to noise.

The Council's Environmental Protection Officer has reviewed the application proposals and advised that they is satisfied that conditions 29 and 31 can be removed, agreeing that they are not necessary.

For the above reasons, it is considered that the conditions sought for removal, if removed, would not result in the proposal breaching Policies GR6 and GR7 of the Congleton Local Plan. As such, they are not deemed necessary in this instance.

The provision of the acoustic fence as required by condition 6 (now proposed condition 29) is considered to offer a sufficient degree of noise mitigation.

## CONCLUSIONS

This Section 73 application seeks to remove conditions relating to noise mitigation on an approved commercial development.

The Council's Environmental Protection Officer has reviewed the proposed changes and advised that she is satisfied that these conditions can be removed agreeing that they are not necessary. The provision of the acoustic fence as required by condition 6 (now proposed condition 29) is considered to offer a sufficient degree of noise mitigation.

The conditions were imposed with the genuine intention of safeguarding the residential amenity of the occupiers of the nearest properties to the site. However, these conditions are hampering the commercial use of the site and it has been demonstrated that the impacts on residential amenity will be acceptable in the absence of the conditions. As such the conditions are not necessary and should be removed.

The proposal is in accordance with policies of the Development Plan designed to protect amenity and the application is therefore recommended for approval.

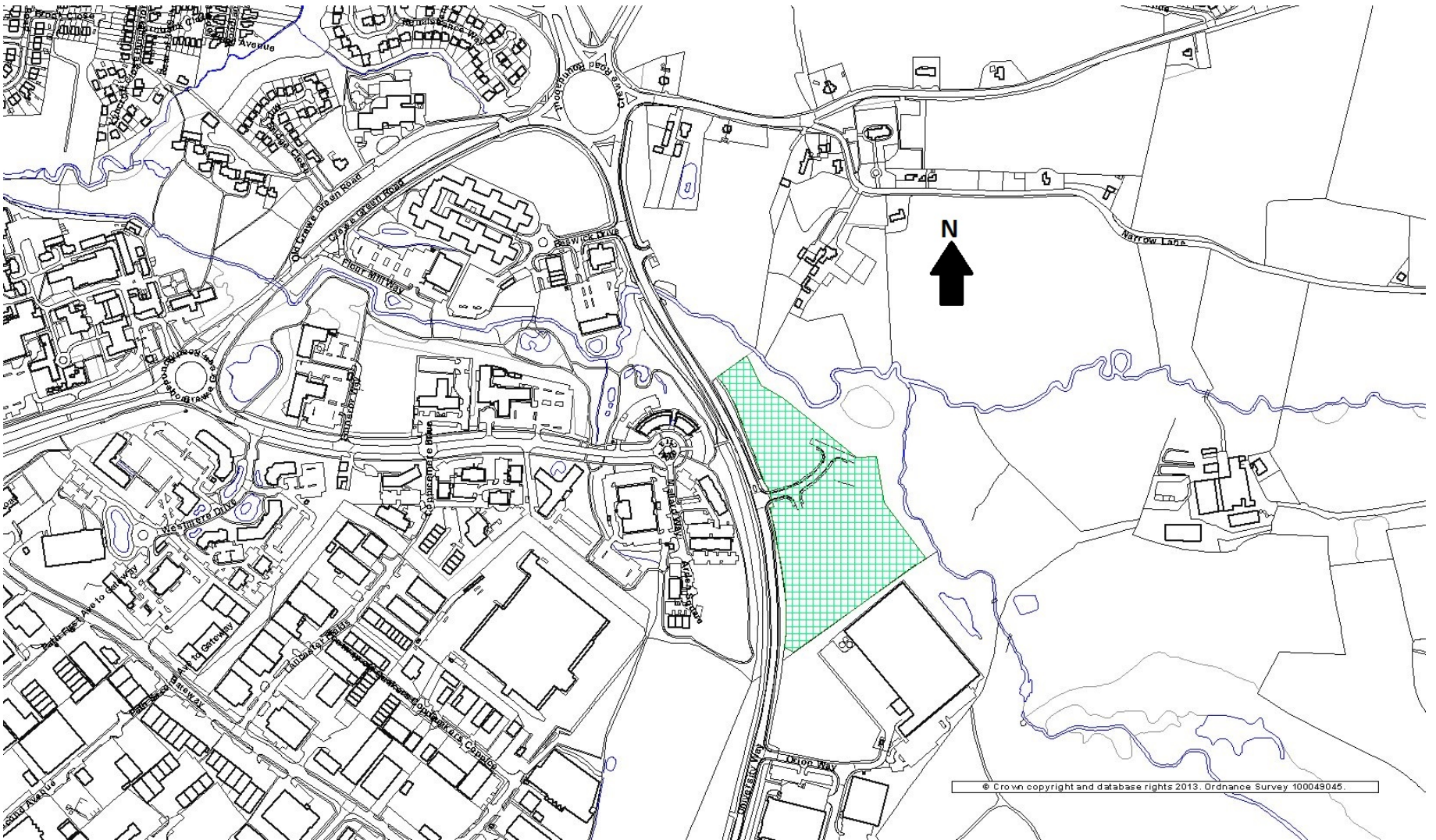
### **RECOMMENDATION**

#### **APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per discharge – 17/3996D**
- 4. Landscape – Implementation as per discharge – 17/3996D**
- 5. Boundary treatment - Implementation as per discharge – 17/3996D (unless otherwise altered by another condition of this permission)**
- 6. Retaining wall - Implementation as per discharge – 17/3996D**
- 7. Levels - Implementation as per discharge – 17/3996D**
- 8. Tree Protection – Implementation**
- 9. Arboricultural Method statement - Implementation as per discharge – 17/3996D**
- 10. Woodland and Ecological Management Plan - Implementation as per discharge – 17/3996D**
- 11. Construction Management Plan - Implementation as per discharge – 17/3996D**
- 12. Hedgerow frontage retention**
- 13. Bat mitigation strategy – Implementation**
- 14. Attenuation pond design - Implementation as per discharge – 17/3996D**
- 15. Bat friendly lighting proposals - Implementation as per discharge – 17/3996D**
- 16. Updated badger survey and mitigation strategy - Implementation as per discharge – 17/3996D**
- 17. Nesting birds survey**
- 18. Provision of features for nesting birds - Implementation as per discharge – 17/3996D**
- 19. Proposals for the safeguarding of the adjacent watercourses during the construction process - Implementation as per discharge – 17/3996D**
- 20. Details of the safe provision of route(s) into and out of the site - Implementation as per discharge – 17/3996D**
- 21. The finished floor levels should be set no lower than - Unit 1 (48.8 metres Above Ordnance Datum (AOD)), Units 2 & 3 (49.4 metres above AOD).**

- 22. Foul and surface water shall be drained on separate systems**
- 23. Piling method statement - Implementation as per discharge – 17/3996D**
- 24. Dust mitigation scheme - Implementation as per discharge – 17/3996D**
- 25. Floor Floating Method Statement - Implementation as per discharge – 17/3996D**
- 26. Electric Vehicle Charging Infrastructure - Implementation as per discharge – 17/3996D**
- 27. Phase II contaminated land report - Submission / approval of remaining aspects of condition not discharge by 17/3996D**
- 28. No plant or equipment shall be installed on the facades of the buildings facing residential properties to the northeast unless mitigation approved in writing by the LPA**
- 29. Prior submission/approval of an acoustic fence details required along the north-eastern boundary of the site (extent to be agreed)**

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



Application No: 17/3896M

Location: Land at Chester Road, Poynton

Proposal: Outline planning application for the demolition of buildings forming no. 199 Chester Road and residential development including associated infrastructure, open space and landscaping with all matters reserved for future approval with the exception of access.

Applicant: John Brooks, Ainscough Strategic Land

Expiry Date: 31-Oct-2017

### **SUMMARY**

The proposal seeks to provide around 120 dwellings on a site allocated within the Cheshire East Local Plan Strategy (CELPS) for around 150 dwellings. The application is an outline submission with all matters reserved except for the main access to the site from Chester Road. No highway safety issues are raised by the proposed access. The comments received in representation are acknowledged. However, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the Framework, the proposals should therefore be approved without delay. Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement.

### **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying on the north-western edge of Poynton. The site measures approximately 4.4 hectares in size and is positioned directly to the rear of properties fronting Chester Road. A number of residential properties back onto the northern and eastern boundaries of the site. Public Footpath 75 Poynton-with-Worth follows the length of the western boundary. The site is allocated for housing development under Policy LPS 50 in the Cheshire East Local Plan Strategy.

### **DETAILS OF PROPOSAL**

This application seeks outline planning permission with all matters reserved except for means of access for the demolition of buildings forming no. 199 Chester Road and residential development including associated infrastructure, open space and landscaping. The illustrative layout shows a development of around 120 residential units.

### RELEVANT HISTORY

None

### POLICIES

#### Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

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

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 50 Land south of Chester Road, Poynton

Macclesfield Borough Local Plan (saved policies)

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping  
DC9 Tree Protection  
DC14 Noise  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's play / amenity space  
DC63 Contaminated land

### **Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

### Poynton Neighbourhood Plan

The Poynton Neighbourhood Plan has reached Regulation 14 (the pre-submission consultation) stage, so a Draft Plan has been produced and went out to consultation in October / November 2016.

Relevant policies of the draft plan include:

HOU 1B Amount of Housing Development  
HOU 1C Criteria for assessing the suitability of potential housing sites  
HOU 1D Phasing of development  
HOU 2 Proposed Housing Site Allocations  
HOU 3A Housing mix  
HOU 3B Density of development  
HOU 3C Environmental considerations  
HOU 4A Affordable housing  
HOU 5 Design  
TAC 1 Walking  
TAC 2 Cycling  
TAC 3 Cycle Parking  
TAC 4 Disabled facilities  
TAC 7 Traffic volumes  
HEWL1 Encouraging a healthy lifestyle

### **CONSULTATIONS (External to Planning)**

**ANSA and CEC Leisure** – Comments awaited

**Education** – No objection subject to a financial contribution of £578,286 towards primary, secondary and SEN school places.

**Environmental Health** – No objections subject to conditions relating to noise mitigation, an environmental management plan, electric vehicle infrastructure, dust control and contaminated land.

**Flood Risk Manager** – No objection subject to conditions requiring accordance with the submitted Flood Risk Assessment (FRA) and drainage. Although the site is in flood zone one and not at any significant risk of flooding from a fluvial source, there is a substantial volume of surface water gathering in the western corner of the site where the proposed pumping station is to be situated. Efforts should be made to ensure that the surface water in this location is controlled and stored safely on site without blocking off access to the pumping station in the event of the pumping station malfunctioning.

**Housing Strategy & Needs Manager** – No objection. The Housing Strategy and Needs Manager initially objected to the scheme on the basis that the applicant would not be providing the required tenure split of affordable housing. The applicant has since confirmed that tenure split will be as required (65% Affordable/Social Rent and 35% Intermediate Tenure).

**Head of Strategic Infrastructure** – No objections subject to financial contribution of £5.555 per dwelling towards Poynton Relief Road.

**Manchester Airport** – No comments received.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request financial contribution of £120,986 to support the development of the two GP practices in Poynton.

**Public Rights of Way** – No objections subject to conditions relating to the PROW and access.

**Stockport Metropolitan Borough Council** – No comments received.

**United Utilities** – No objection subject to drainage conditions.

### **VIEWS OF THE TOWN COUNCIL**

**Poynton Town Council** – Recommend refusal on the following grounds:

- Contrary to LPS 50 – fails to address key matters of infrastructure, impact on local and site amenities and affordable housing
- Unacceptable increase in traffic at the junction where the proposed access would meet with Chester Road (A5149)
- Proposed access is situated dangerously close to the new junction with the A6 Manchester Airport Relief Road and access to the Oil Storage Depot
- Site should not be considered for development until A6 MARR and Poynton Relief Road are open to traffic, and future traffic patterns established
- Contrary to SD1 – unsustainable development lacking public transport
- Unsustainable development lacking public transport with the only bus service proposed to be removed from the area
- Contrary to SE1 - unneighbourly as site access road will have a detrimental impact on adjacent residential properties
- Contrary to SE3, SE4 and SE5 (bio and geo diversity, landscape, trees, hedgerows and woodland – unacceptable loss of trees, hedgerows and woodland.



- Contrary to IN1 and IN2 - application makes no attempt to assess the physical, green and social and community infrastructure needs generated by this development
- On-site physical delivery of infrastructure is not addressed – how will utilities, water, gas, electricity, telecoms and sewage enter and leave the site (any services should be placed under footways and not the carriageway)
- Contrary to SE 12 – pollution, land contamination and land instability and runoff of surface water
- Proposed development would lead to an urban sprawl and fails to satisfy one of the main purposes of the Green Belt (i.e. prevent Poynton and Woodford from merging)
- Proposal fails to comply with the Statement of Community Involvement
- Application provides both insufficient and contradictory information – how transport, connectivity and sustainability issues have been taken into account
- Contrary to SE4 and SE 5 – concerning residential mix and affordable homes

The Town Council also highlight the following planning considerations for current and future planning applications for the site:

- 120 dwellings appropriate and should include mix of house types and sizes (including elderly accommodation)
- Open space areas should be provided and well related to residential properties
- Development should create a balanced community with a mix of property types and tenures distributed across the site
- 30% affordable with variety of tenures should be provided
- Density should not exceed 30 dwellings per hectare
- Highways improvements required
- Impact on existing residents should be given particular attention
- Arrangements for health and other community and social services need to be addressed
- Improvements are needed to facilitate non-car borne movement within the town for a variety of purposes
- Developers will be expected to address the provision of public transport services to and from the site and the High School
- Careful consideration to site layout will be required to minimise woodland / tree / hedgerow losses with consideration given to a new Green Belt boundary along adjacent footpath
- Should explain how infrastructure to serve the physical, green, social and community services are to be provided for future residents and their homes and open areas.

### **OTHER REPRESENTATIONS**

Representations have been received from in excess of 38 addresses objecting to the development on the following grounds:

- Loss of Green Belt and buffer with adjoining Stockport and Manchester Authorities
- The site selection process lacks independence and clear evidence base / justification which bring into question the legitimacy of the Local Plan
- Other sites area available for development and should be considered before this one
- Proposal does not comply with the LPS Site Specific Principles

- Proposal does not comply with Local Plan Policies or the NPPF
- Impact on highway safety and close proximity of access to new junctions serving the SEMMMS Road and 4 filter lanes on Chester Road
- Increase in traffic and congestion on local highway network
- Increase in access and egress onto Chester Road
- Traffic surveys inadequate to measure future traffic once road schemes are complete
- Proposed access is inadequate and conflicts with nearby oil terminal access
- Proposal should link in with planned cycle routes
- Site is not sustainable with local amenities over 1 mile away
- People will be car dependant
- Poynton is already overcrowded
- With the development of the Garden Village at Woodford Aerodrome, there will be limited demand for houses
- Would be more difficult for residents to sell their properties
- Increase in noise, air, traffic and light pollution which will impact on health and wellbeing
- Levels of air quality already high in the area and have been miss-calculated by CEC
- Local infrastructure will not be able to cope alongside all the other developments in the area (local doctors / dentists/ clinics / schools etc)
- Should be a joined up approach with Stockport MBC and GMC Councils
- The Bird Estate does not need to be extended
- Loss of countryside and green spaces
- Loss of trees and woodland
- Loss of wildlife and impact on protected species and Biodiversity
- Submitted ecological surveys out of date
- Proposed highway layout does not meet standards (emergency service and vehicle refuse collection)
- Local shops will close as people will avoid Poynton
- Stress and trauma caused by construction of recent developments in the area will continue
- Dust during construction
- Removal of hedge and trees would compromise security of adjoining properties
- Proposed houses very small and poorly designed
- Overlooking of adjoining properties
- Impact of access on adjoining properties
- Loss of privacy / loss of outlook
- Poor open space within scheme
- Two-bedroomed houses do not suite the demographic of the area
- Poor local public transport in the area
- Plenty of brownfield sites which should be developed first
- The Local Planning Authority should demand a higher quality and less dense housing scheme in exchange for releasing Green belt
- Lack of consultation on the application
- Footpaths in the area are poor quality and badly maintained
- Heavy traffic and large vehicles makes pedestrian movement in the area dangerous
- CEC's Housing Strategy has objected
- Properties not truly affordable

- Lack of landscape buffer with existing properties
- Route of access road should be reconsidered
- Will lead to further pressure for further housing and Green Belt land release
- The land suffers from poor drainage and flooding which will be made worse for existing properties
- Submitted Flood Report is inaccurate
- Tree information inadequate
- Existing pond will become isolated and could be better integrated in the proposed development
- Proposal could be better integrated with the adjoining Bird Housing Estate
- The proposal will lead to the demise of local shops and will impact negatively on the local economy
- Application should be suspended until further survey work is carried out
- Damage caused to properties from construction
- There is potential for land contamination as there are some pig sheds on the site with asbestos roofs
- Proposal does not accord with Building for Life 12

### **OFFICER APPRAISAL**

#### **Principle of Development**

The application site is allocated as a Strategic Site for housing under Policy LPS 50 of the Cheshire East Local Plan Strategy (CELPs). Site LPS 50 states that the development of Land at Chester Road, Poynton will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new homes;
2. Incorporation of green infrastructure, including:
  - i. an appropriate level of amenity open space and children's play space;
  - ii. pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities, including improved pedestrian links to the town
3. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

Additionally, the following site specific principles of development apply:

- a. Contributions to existing, and the provision of new, public transport links to the town centre.
- b. Contributions to education and health infrastructure.
- c. Contributions towards the delivery of the Poynton Relief Road.
- d. Any application would need to be supported by a full ecological appraisal.
- e. Mitigation would be required to address any impacts on protected species.
- f. Any woodland, priority habitats or habitats of Local Wildlife Site quality on the site should be retained and buffered by areas of open space/habitat creation.
- g. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.

- h. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.
- i. Appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. In light of LPS 50, which allocates this site for housing development, the principle of developing the site for around 120 dwellings is acceptable.

Also of relevance is the draft Poynton Neighbourhood Plan (PNP). The PNP was published in September 2016 and therefore pre-dates the adoption of the Cheshire East Local Plan. Policy HOU 1B of the PNP states that development of no more than 100 units on any one site will be considered during the plan period (2016-2030). However, this conflicts with the adopted local plan which allocates the site for around 150 dwellings. As an application for up to 120 dwellings, the proposal is therefore contrary to this draft policy in the PNP. However, given that the PNP is a draft document, and the CELPS is a recently adopted document, greater weight must be afforded to the CELPS.

As per para 14 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (economic, social and environmental) and compliance with the Development Plan.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

Policy SC 5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres of the Borough, at least 30% of all units are to be affordable”. As this is an outline application for around 120 dwellings, 36 of the units will be required to be affordable, depending on the final number of dwellings on the site. The application proposes the provision of 30% affordable housing in accordance with policy SC 5.

The SHMA 2013 shows the majority of the demand in Poynton per year until 2018 is for 24 x 1 bedroom, 45 x 2 bedroom, 19 x 3 bedroom and 4 x 4 bedroom dwellings. Also the SHMA 2013 identifies a need per year of 35 x 2 bedroom older person's dwellings. These could be provided as bungalows, flats or cottage style flats.

The majority of the demand on Cheshire Homechoice is for 52 x 1 bedroom, 42 x 2 bedroom, 30 x 3 bedroom and 6 x 4 bedroom dwellings. Therefore a mix of 1, 2 and 3 bedroom dwellings on this site would be acceptable. 23 units should be provided as Affordable/Social rent and 13 units as Intermediate tenure.

The Housing Strategy and Needs Manager initially objected to the scheme as the applicant had indicated that all of the affordable units would be intermediate tenure. However, they

have since confirmed that 65% of the units will be provided as affordable/social rent and 35% of the units as intermediate tenure. On this basis, the Housing Strategy and Needs Manager is satisfied and has now offered no objection. In terms of the mix of house-types and size, this detail can be dealt with at the Reserved Matters stage. At this stage, the scheme is found to be in compliance with Local Plan Policy SC 5 and criterion g of LPS 50.

### Public Open Space

#### Outdoor

The local plan allocation for this site requires “*an appropriate level of amenity open space and children's play space*” to be provided.

Policy SE 6 of the CELPS sets out the open space requirements for housing development are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major Greenfield and brownfield development sites. The indicative site plan shows areas for some on site open space. At 65sqm per dwelling, the total amount of open space required could be up to 7,800sqm on site. The necessary outdoor sports facilities would be provided by way of a financial contribution towards off site provision. Comments from ANSA are awaited and therefore the specific open space requirements for the site will be reported as an update. This is also the case for indoor provision.

### Education

One of the site specific principles of the site allocation under LPS 50 is that the development of the site will require “contributions to education and health infrastructure”.

In the case of the current proposal for 120 dwellings, the Council's Children's Services have advised that a development of this size this would generate:

- 22 primary children (120 x 0.19)
- 18 secondary children (120 x 0.15)
- 1 SEN children (120 x 0.51 x 0.023%)

	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	Comments	
Primary Schools											
Lostock Hall Primary School	21	21	147	147	130	134	136	140	145		
Lower Park School	40	40	280	280	275	273	269	261	259		
St Paul's Catholic Primary School	17	17	119	119	116	119	118	114	118		
Vernon Primary School	50	50	367	367	374	384	399	406	415		
Worth Primary School	30	30	210	210	209	206	204	202	201		
Total School Capacity				1,123							
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									0		
Pupil Yield expected from this development									22		
OVERALL TOTAL	158	158	1,123	1,123	1,104	1,116	1,126	1,123	1,160		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					19	7	-3	0	-37		
	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	2022	2023
Secondary Schools											
Poynton High	246	246	1,230	1,230	1,165	1,164	1,166	1,180	1,202	1,235	1,249
Total School Capacity				1,230							
Developments with S106 funded and pupil yield included in the forecasts				6	Please Note: All figures quoted exclude any allowance for 6th Form Pupils						
Developments pupil yield not funded and not included in the forecasts											0
Pupil Yield expected from this development											18
OVERALL TOTAL	246	246	1,230	1,236	1,165	1,164	1,166	1,180	1,202	1,235	1,267
OVERALL SURPLUS PLACES PROJECTIONS					71	72	70	56	34	1	-31

**Table 1 – Pupil forecasts and school capacity for Poynton**

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts shown in Table 1 above both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

Special education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. Whilst it is acknowledged that this is an existing issue, the 1 child with special educational needs (SEN) expected from this development will exacerbate the shortfall.

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

- 22 x £11,919 x 0.91 = £238,618 (primary)
- 18 x £17,959 x 0.91 = £294,168 (secondary)
- 1 x £50,000 x 0.91 = £45,500 (SEN)
- Total education contribution: £578,286

Without a secured contribution of £578,286, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 22 primary children, 18 secondary children and 1 SEN child would not have a school place in Poynton and would not comply with LPS 50 in the CELPS. The

applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion b of LPS 50 in this regard.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application. The NHS has noted that there are two NHS GP practices within Poynton - Priorsleigh Medical Centre and Mcllvride Medical Practice. Both GP practices are in need of development and/or expansion if the predicted patient growth over the next 10 years is to be accommodated, together with an increase in clinical and non-clinical staff required in order to meet these future patient needs.

Such an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Priorsleigh site and internal structural changes at the Mcllvride site. Priorsleigh Medical Centre has put forward a bid into the NHS Estates and Technology Transformation Fund (ETTF) however it is acknowledged that this NHS funding will not cover the total costs of the planned future developments.

It is likely therefore that a financial contribution will be required as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development (as is the case with this outline application), it is proposed that the average occupancy of 2.8 persons is used in the initial health calculation until such time as the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For the planning application in question it is likely that the CCG will request a contribution to health infrastructure via Section 106 of £120, 960 based on a calculation of 2.8 persons x 120 dwelling units x £360. This provides an indication of the contribution required to comply with criterion b of LPS 50 of the CELPS. However, a formula based approach could be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy has been fully detailed at the reserved matters stage.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Residential Amenity**

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the north are those fronting Chester Road, namely 217-199 (inclusive) and

already benefit from long gardens allowing decent separation with the site boundary (a minimum of c18 metres). The properties to the east are those forming a housing estate with various cul-de-sacs adjoining the eastern site boundary along West park Avenue, Bittern Close and Heron Drive. Some properties 'side onto' the site with the remaining backing onto it. There is a single dwelling to the south of the site (referred to as Long Furrow), which enjoys a separation of 20 metres with southern site boundary.

It is important to note that the detailed layout and appearance of the scheme are reserved matters for consideration at a later stage. However, having regard to the indicative layout, it is considered that a scheme of this size could be accommodated on the site, whilst maintaining the required separation distances between neighbouring properties and the proposed dwellings, and between the new dwellings within the development itself. Sufficient private amenity space for each new dwelling could be secured at reserved matters stage. No significant amenity issues are raised at this stage.

### **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The air quality impacts of the proposal have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The air quality report states that a detailed assessment into the impacts of NO<sub>2</sub> and PM<sub>10</sub> during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows. The report also concludes that the potential dust impacts during construction will not be significant subject to appropriate dust mitigation measures. That being said, there is still a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to travel planning, dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. The implementation of this travel plan is also recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

### **Noise**

The application is supported by a noise impact assessment which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site. Provided that the noise mitigation measures as detailed in the supporting noise impact assessment are



applied in order to meet BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and / the Guidance Document Calculation of Road Traffic Noise; it is considered that there should be no adverse impacts on health and quality of life resulting from road traffic at this location affecting future occupants.

As the detailed design and final layout of the site, has not yet been confirmed; in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, a noise impact assessment report will be required at the Reserved Matters stage, demonstrating that all the residential properties can achieve appropriate standards. Subject to this requirement it is considered that the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Public Rights of Way**

Policy LPS 50 of the CELPS requires the creation of links within the site to connect with existing public rights of adjoining the site. Public Footpath No. 75 in the parish of Poynton with Worth runs near to the western boundary of the site. The Council's Public Rights of Way Unit (PROW) has confirmed that it is unlikely that the proposal will directly affect the footpath and have therefore offered no objection. Further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, will be required at the reserved matters stage.

### **Highways**

The application is outline with means of access to be determined. There is one point of access proposed that is a priority junction measuring 5.5 metres wide and has a 2 metre wide footway on each side which is an appropriate width of carriageway to serve the development. The proposed visibility splays at the access are consistent with the existing speed limit. There is a ghost island right turn lane provided on the A5149. The detailed internal layout and levels of car parking will be dealt with at the reserved matters stage.

Poynton has for some time had significant traffic congestion problems particularly in the town centre at the A523 London Road/A5149 Chester Road junction. There are two major infrastructure schemes that affect the levels of traffic travelling through Poynton, the A6 MARR (Manchester Airport Relief Road) that is currently under construction and scheduled to open in 2018 and the PRR (Poynton Relief Road) that has received planning approval. With these infrastructure schemes in place significant reductions in through traffic in Poynton have been predicted resulting in less congestion in the town centre.

As part of the A6 MARR scheme Chester Road has been realigned to form a new signalised junction around 80m to the west of the site access junction. The A6 MARR and PRR are both accessed by turning right at this junction and Chester Road is a left turn. This signalised junction is not the responsibility of CEC and is located within Stockport.

The applicant has derived the traffic generation of the development from The Trics database, the peak hour generation (two way) is 56 trips am and 57 trips pm. This level of traffic generation is considered lower than would be expected in CEC, although using CEC trip rates to determine the generation the number of trips would only increase trips to 70 two way trips which would make little difference in regard to the assessments undertaken.

The applicant has submitted a distribution of the traffic on the road network generated by the development and this is based upon the existing directional flows of traffic on Chester Road and not with the A6MARR and PRR being in place. The SEMMMs model outputs indicate there are substantial reductions in traffic flows using routes in Poynton as a result of the new infrastructure schemes and it is likely that significant changes in journey pattern would occur especially if the schemes provided significant journey time savings.

In regard to the capacity assessments undertaken, the applicant has provided a capacity assessment of the proposed site access junction but they have not modelled the capacity of the nearby signal junction. The results indicate that the site access works well within capacity and although there are no figures supplied for the A6MARR link road/realigned A5149 Chester Road junction the SEMMMs assessment indicated that the junction would operate within capacity in 2017.

In summary, the existing road network in Poynton is congested and the development proposals and traffic generated would only increase the congestion levels in the absence of the major road schemes the A6MARR and PRR. These schemes will help significantly in reducing traffic levels on many routes in the Poynton area and it is important that these schemes are delivered. The A6MARR is under construction and although the PRR has received planning approval it is not a committed scheme. The Local Plan policy LPS 50 reflects the benefits of the PRR in reducing congestion and requires the development to contribute to the delivery of the PRR. The Head of Strategic Infrastructure has calculated that this development would be expected to contribute £5,555 per dwelling / unit towards the construction of PRR. Subject to this, the proposal raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP and criterion c of LPS 50.

### **Accessibility**

The site access will connect with the existing footway network on Chester Road that connects with Poynton and Woodford. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with at reserved matters.

There are existing bus stops on Chester Road that provide a bus service between Hazel Grove and Poynton and currently operates as an hourly service. In addition to the bus stop, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Poynton Town Centre is approximately 1.77km from the site where the majority of shops, services and facilities are located, and are within walking distance. Poynton Railway Station is also located just 1.2km from the site. Accordingly, the location of the site is highly sustainable and accessible.

Whilst criterion a of LPS 50 states that 'contributions to existing and the provision of new public transport links to the town centre will be expected', as already stated, the access onto Chester Road will connect well with the existing footway network and the future cycle network brought by nearby developments (including the delivery of the Poynton Relief Road and the A6MARR). The Head of Strategic Infrastructure has not identified the need to upgrade

existing provision and as discussed above, the proposal will be contributing towards the delivery of the PRR.

With regard to the pedestrian and cycle connections with the adjoining residential areas, there is scope at the detailed reserved matters stage to ensure integration and connectivity with the existing housing development to the east and connections to the existing public footpath 75 to the west. The indicative layout supports this concept and as such, whilst no contributions towards public transport have been identified in line with criterion a of LPS 50, the proposal at this stage is found to adhere to the justification to LPS 50 which states that “it is important that cycle and pedestrian links between the site and the surrounding residential areas and countryside are provided to improve connectivity within and around the town”. Subject to this, it is not considered that the proposal conflicts with criterion a of LPS 50.

### **Trees**

The application is supported by a baseline tree survey and preliminary Arboricultural Impact Assessment and supplementary details supplied in response to concerns raised by the Council’s Arboriculturist. The residential aspect of the site comprises of a rectangular shaped level area of agricultural land, and an abandoned area of ground which contains early mature and semi-mature trees. The site is bordered to the South by a lapsed Hornbeam hedge and residential gardens to the North and East; a row of Lombardy Poplars run along the centre of the site, with the boundary to the West relatively open

Clearly trees are a material consideration beyond this application with the proposed access road route initially restricted by the constraints associated with 199 Chester Road in terms of where ingress and egress into the site can be accommodated. The original Arboricultural detail identified the area immediately to the rear of the proposed access as G14, an area of established trees and regenerative tree growth with a dense under-storey of brambles and shrubs, with part of the area unable to be accessed because of ground condition. The whole area including a limited number of individual trees within G14 had been assessed as Category C low value specimens.

The absence of any formative management within this group has allowed the establishment of very closely spaced trees with a collective etiolated form, and extensive dieback within the upper and lower canopies; many of the Ash located on the North Eastern boundary present a poor and unsustainable social proximity and relationship with the adjacent private residential dwellings. Following a request from the Councils Arboricultural Officer this area has been re-assessed, with a small number of moderate value Category B trees identified. There is an indication that these trees can be accommodated within the areas of proposed open space, should the site proceed to reserved matters.

The Lombardy Poplars identified as G5 within the Arboricultural Survey are visually significant within the landscape setting but the row has increasingly become fragmented over time with many of the trees exhibiting advanced signs of reduced vigour and vitality. The trees clearly have a limited useful safe life expectancy and are considered inappropriate for the long term retention, especially within a residential development. The establishing young and semi-mature Oaks identified as T2, 3, 4, 5, 6, and G6 are of moderate value arboricultural significance, and have some collective value. Some of the trees present a poor long term

social proximity to existing residential dwellings that is likely to worsen as the trees mature. Retention within the POS is considered a suitable way forward.

The Councils Senior Arboricultural Officer has confirmed that the outline application as presented is acceptable. Any future reserved matters application should be accompanied by a detailed Arboricultural Impact Assessment which reflects the discussions which have taken place in terms of accommodating the identified moderate value trees within areas of POS with adequate space available to accommodate their predicted dimensions.

### **Landscape**

As part of the application a Landscape and Visual Appraisal (LVA) has been submitted, based upon the recommendations and methodology in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition published by The Landscape Institute and the Institute of Environmental Management & Assessment in April 2013 (GLVIA3). The LVA identifies that there are a number of trees and some hedgerow vegetation along the site boundaries, some trees towards the north east of the site as well as a row of Lombardy Poplars and a pond towards the north eastern boundary.

The LVA identifies the baseline landscape character at the national, regional and county and district level, in this case Landscape Type 16: Higher Farms and Woods, and specifically the Poynton Character area (HFW3), and also identifies the settlement pattern, as identified in the Cheshire East Design Guide, which identifies the settlement pattern as North Cheshire Fringe. The site itself consists of a single pastoral field, with existing development along the northern and eastern boundaries, Long Furrow to the south and some development along the western boundary. Footpath 75 Poynton-with-Worth follows the length of the western boundary. The visual context of the site includes a field verified Visual Envelope (VE), as well as 10 photo viewpoint locations. The appraisal identifies that adjoining residents to the north along Chester Road, those to the east along West park Avenue, Bittern Close and Heron Drive, along with those at Long Furrow to the south and users of Footpath 75 Poynton-with-Worth will experience a change in view if development takes place.

The LVA includes a number of recommendations including, the incorporation of a development offset along the western boundary and along the southern boundary, that the western and southern edges should be designed according to the guidelines in the Cheshire East Design Guide, that the Chester Road frontage should be designed to respect and complement the existing development along Chester Road, that existing vegetation along boundaries and within the site to be retained, but with the probable removal of Lombardy Poplars within the site.

The Council's Principal Landscape Architect has confirmed that if the design recommendations are followed, he is in broad agreement with the LVA. The retention of existing vegetation, inclusion of meaningful offsets along the boundaries and their enhancement will be of prime importance in this proposed development, and it will be the creation of the nodal points, green corridors and retention of existing vegetation that will help create distinctive character and sense of place, as well as creating well defined streets and spaces. These are matters that will need to be secured at the detailed reserved matters stage.

Nonetheless, the indicative layout does show a green buffer along the western edge of the development where a footpath network and green corridor would be created enabling a softer transition with the Green Belt to the west. This would enable compliance with the site specific principle (criteria i) of LPS 50 which requires “appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure”

### **Ecology**

An ecological appraisal, Great Crested Newt survey and Bat survey have been submitted with the application in accordance with criterion d of LPS 50.

#### Great Crested Newts

The Council's Nature Conservation Officer (NCO) has confirmed that there is a low risk that the proposed development will have an adverse impact upon Great Crested Newts which may occur in the surrounding habitat. The risks will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within the Ecological Assessment.

#### Bats

Evidence of bat activity in the form of several minor roosts of relatively common bat species has been recorded within the property to be demolished at 199 Chester Road. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the building on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat tubes and boxes on the new buildings as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. The NCO has confirmed that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. Future reserved matters applications should be accompanied by an updated bat survey. This can be secured by condition.

#### Badger

Some signs of badger activity were recorded on site during the ecology surveys. As such any future reserved matters applications should be accompanied by an updated badger survey.

#### Habitat corridors

The submitted ecology report includes details of wildlife enhancement and habitat corridors. These suggestions are broadly acceptable. In addition, based on the submitted layout plan it appears feasible that as well as the retention of trees, native species hedgerow planting could be incorporated into the development. Plans illustrating the planting of boundary hedgerows which link the central area of the site currently containing poplars to the retained pond and proposed habitat corridor linking to the southern site boundary should be submitted to and approved in writing by the Local Planning Authority.

### Invasive Species

Within the scrubbed area to the north and east of the site is a large area of variegated archangel (*Lamiastrum galeobdolon ssp argentatum*). The applicant should be aware that under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild and an appropriate management strategy should be incorporated into the development. This could be attached as a informative to any decision.

### **Habitat Regulations**

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

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

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy. The allocation of the site under LPS 50 will enable a sustainable and planned housing land release which will facilitate and assist in the delivery of a 5 year housing land supply in the Borough. It is a requirement of NPPF the LPAs maintain a 5 year housing land supply and therefore in this particular case, thi is deemed to be of overriding public interest. There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that that if planning consent were to be granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. On this basis, it is considered that the proposal meets with test outlined in the Habitat Regs.

### Other Ecology Matters

Conditions relating to lighting and enhancements for bat and bird species through the creation of artificial bat roosts and bird boxes should be incorporated into the design of the site. Subject to this and mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with criterion e and f of LPS 50.

### **Design**

As this is an outline application with matters relating to layout and appearance reserved for approval at a later stage, there is an indicative plan to show how a development of 120 houses could be accommodated on the site. The proposal would be served by a new access point taken from Chester Road in the grounds of the existing dwelling no. 199, which would be demolished to make way for the access. This would feed a primary access road running from north to south which would then meet with a number of tertiary roads throughout the development.

The dwellings would be arranged around the internal road network with pockets of public open space within the central core of the site and towards the eastern and western boundaries. Towards the western boundary of the site, it would appear that the properties would be arranged to front out over a proposed green corridor with footpaths which would connect in with the existing public right of way. The general principles and parameters shown on the illustrative plans shows a decent spread of development with well overlooked spaces. Provided that the parameters and principles are carried through to the reserved matters stage, the proposal would achieve a well designed residential development which would accord with LPS 50.

### **Flooding**

In support of this application, a Flood Risk Assessment has been submitted in support of the application. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The FRA identifies that it will be feasible to drain the proposed development and manage surface water runoff using attenuation and/or SuDS features. The FRA also demonstrates that the proposed development can address the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties. It is noted that there is a substantial volume of surface water gathering in the western corner of the site where the proposed pumping station is to be situated. Efforts should be made to ensure that the surface water in this location is controlled and stored safely.

The Council's Flood Risk Manager and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

### **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be dealt with by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP, CELPS Policy SE12 and criterion h of LPS 50.

### **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 Poynton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **S106 HEADS OF TERMS**

As noted above, comments are awaited from ANSA and discussions regarding the potential contribution towards the Open Space are ongoing. Therefore, a s106 agreement is currently being negotiated to secure:

- Education contributions
- Indoor sports contribution
- Healthcare contribution
- Open space provision and management
- 30% affordable housing
- Poynton Relief Road contribution

### **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation, and healthcare (financial) mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

A financial contribution towards the Poynton Relief Road is necessary to make the development acceptable in planning terms in order to mitigate for its impact on the highway network.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which currently have no projected spare capacity. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

### **CONCLUSIONS**

The proposal seeks to provide around 120 dwellings on a site allocated within the CELPS for around 150 dwellings. The comments received in representation have been given due consideration in the preceding text, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the Framework, the proposals



should therefore be approved without delay. Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

### **RECOMMENDATION**

**APPROVE** subject to conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £238,618 (primary) £294,168 (secondary) and £45,500 (Special Educational Needs) = total of £578,286**
- **Highways contributions of £5,555 per dwelling towards the Poynton Relief Road**
- **Public Open Space (TBC)**
- **NHS contributions of £120,986 towards 2 GP Practices in Poynton**

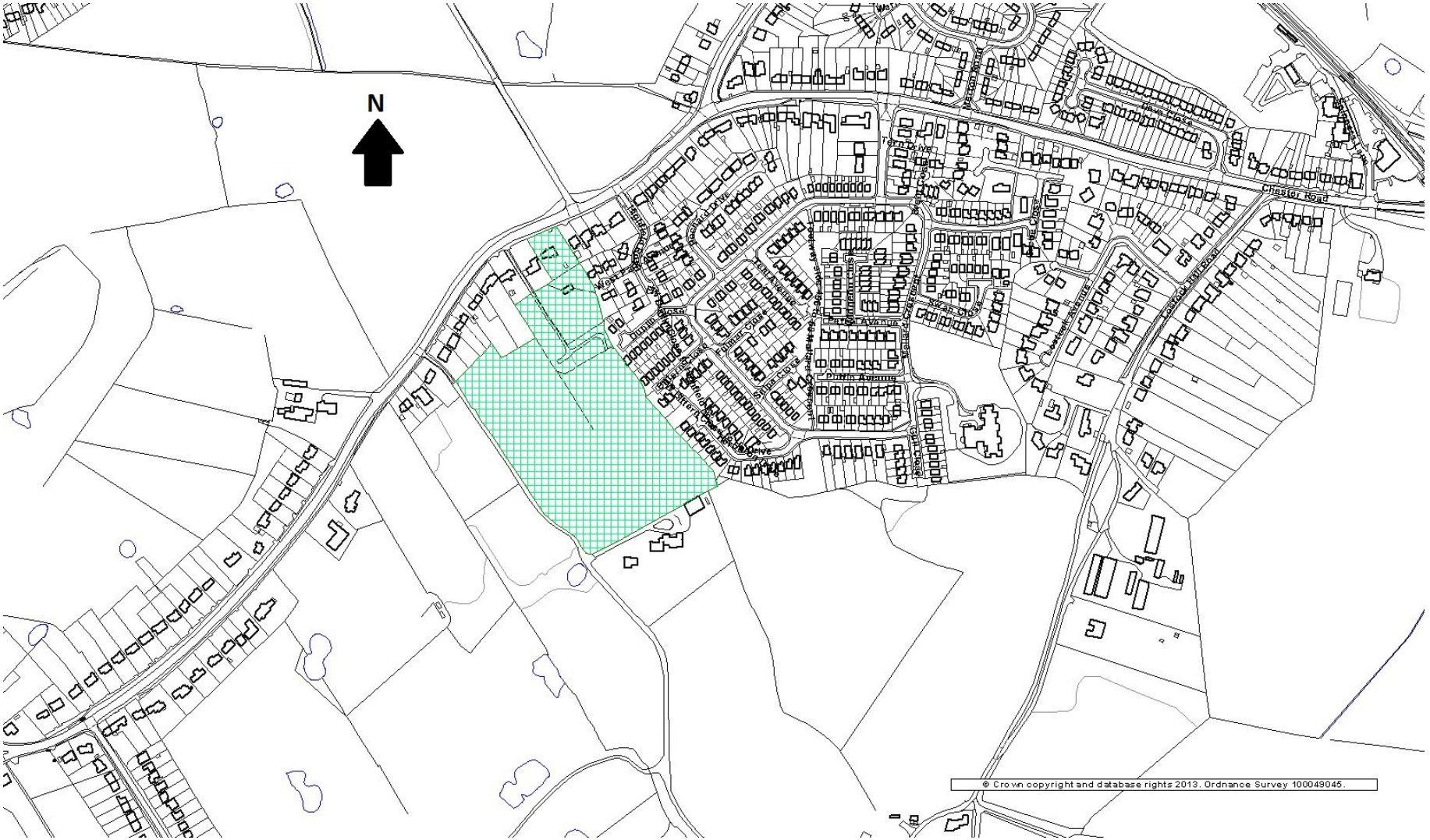
**And the following conditions:**

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Access to constructed in accordance with approved plan prior to first occupation**
5. **Submission of an Environmental Management Plan (incl dust control)**
6. **Noise mitigation to be carried out in accordance with Acoustic Report**
7. **Submission of a travel plan**
8. **Provision of electric vehicle infrastructure (charging points)**
9. **Submission of contaminated land survey**
10. **Details of drainage strategy to be submitted**
11. **Development to be carried out in accordance with submitted Flood Risk Assessment**
12. **Scheme of foul and surface water drainage to be submitted**
13. **Reserved matters application to be supported by updated Bat Survey**
14. **Reserved matters application to be supported by updated Badger Survey**
15. **Reserved matters application to be supported by a method statement for the management of invasive non-native plant species**
16. **Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report**
17. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
18. **Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted**
19. **Details of pile driving operations to be submitted**
20. **Reserved matters application to be supported by an Arboricultural Impact Assessment**
21. **Detailed lighting scheme to be submitted in support any future reserved matters application.**

**In the event of any changes being needed to the wording of the Board'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 Board's decision.

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.



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Application No: 12/3747N

Location: LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY

Proposal: Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 08-Jan-2013

#### **SUMMARY**

**The previous Appeal Decision in respect of this planning application was quashed in the High Court; the Appeal must therefore be reheard by the Planning Inspectorate. The purpose of this report is to seek an updated position from the Council's Strategic Planning Board to take forward to the forthcoming Public Inquiry.**

**Since the consideration of this proposal by the Secretary of State in 2016, there is a significantly changed position regarding the status of Development Plans in Cheshire East:**

- **The Local Plan Strategy was adopted on 27 July 2017;**
- **The Council has a demonstrable 5.45 years supply of housing land;**  
**and**
- **The Stapeley & Batherton Neighbourhood Plan has reached an important milestone in its production and can be afforded additional weight.**

**The proposed development is clearly contrary to adopted planning policy and emerging Neighbourhood Plan Policies.**

**The development retains an adverse impact on the character of the countryside and this is undiminished by the passage of time. The development also has an adverse impact on Best and Most versatile agricultural land which has already experienced necessary but significant loss in the Borough.**

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, the necessary affordable housing requirements and provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology (subject to a further bat survey), drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. Furthermore, the development would contribute to enhanced public transport provision. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, and the principles of the National Planning Policy Framework.

#### **RECOMMENDATION**

**MINDED to REFUSE**

## **BACKGROUND**

Some Members may recall this application, for the substantive parts of the site, and an associated application for the access to Peter Destapeley Way, which was submitted back in 2012. The main application (12/3747N) was refused by Committee in April 2013. The access application remains undetermined, as the matter was subject to a non determination appeal, but Committee (In June 2013) resolved that they would have been minded to refuse that application. The applications went to Public Inquiry in February 2014.

The cases were determined by the Secretary of State and dismissed on 17 March 2015.

The applicant challenged the decision in the High Court and the decision was quashed on 3 July 2015.

The Secretary of State Re-determined the decision and again dismissed the appeal on 11 August 2016.

The applicant again challenged the decision and the decision was again quashed on 14 March 2017.

The matter is now to go before a second public Inquiry starting on the 20 February 2018.

For information the original decision by Cheshire East back in April 2013 was to refuse the main application for the following 3 reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake.. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land (Grade 3a) and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The scheme as presented will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

The access application 12/3746N subject to non-determination from the minutes reads:

“That the Board would be minded to refuse the application as the proposed development was unsustainable because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management contrary to policies NE9 (Protected Species) and NE10 (New Woodland Planting and Landscaping) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 118 of the National Planning Policy Framework...”

The purpose of this report is to update Members on what has changed in the interim period, and seek a formal Council resolution to report to the forthcoming Inquiry.

As a significant period of time (5 years from the submission) has elapsed since the original application was submitted a number of the reports have been updated and further public consultation has taken place. This report includes reference to the original consultee replies and updated comments where applicable.

### **SITE DESCRIPTION**

The site is 12.43 hectares (30.72 acres) and is generally flat land located to the south of the main built up area of Nantwich. It principally comprises of two fields bounded by native hedgerows with some tree cover within them. There is a field ditch along the northern boundary and a pond close to the Broad Lane access. The majority of the land is currently in agricultural use, primarily arable and some grazing. It is bounded to the north by Peter Destapleigh Way (A5301) and the ecology mitigation/woodland landscape area for the Cronkinson Farm development to the west by Audlem Road, and to the east by the former Stapeley Water Gardens site, (currently undergoing partial redevelopment for residential purposes). The principal length of the southern boundary runs between the northern edge of the Bishops Wood residential development and the southwest corner of Stapeley Water Gardens but also extends to Audlem Road/ Broad Lane and a new roundabout access into the site.

To the north of Peter Destapleigh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community hall are also situated within this residential development. To the north of the Cronkinson Farm development is the railway line connecting Nantwich / Crewe / Chester and beyond, with the town centre to the north west.

Existing residential development is situated along Audlem Road. It comprises of a mix of properties from different eras. Within this housing is The Globe public house. Boardering the south west of the application site (and accessed off Audlem Road) is Bishops Wood housing development constructed in the 1970s. Audlem Road turns into Broad Lane south of the Bishops Wood cul-de- sac, and has ribbon residential development along it as well as Stapeley Broad Lane Primary School further to the south.

London Road is located to the east of the former Stapeley Water Gardens site and there is residential ribbon development to the south of that site. Further to the south along London Road are more dwellings together with Stapeley Technology Park, a small employment site with a mix of office uses based around the former Stapeley House.

### **DETAILS OF PROPOSAL**

The outline application is seeking approval for a mix of open market and affordable housing, employment, retail, education, public open space, allotments and green infrastructure. There are five parcels of residential development delivering up to 189 dwellings comprising of 132 open market and 57 affordable dwellings.



Parcel 1 is on the northwest side of the site and could contain up to 51 dwellings. Parcel 2 is located to its south and could have up to 62 dwellings. Parcel 3 is to the south of the employment area could deliver 15 dwellings; Parcel 4 is along the main southern boundary and could contain up to 36 dwellings. Parcel 5 is on the eastern side of application site and could provide up to 25 dwellings.

The application proposals will be a mix of 2, 3, 4 and 5 bedroom dwellings. The affordable housing mix would be based on 2 bed, and 3 bedroom homes, split between 35% intermediate tenure for sale and 65% social rented.

Parcel 5 forms part of a new village centre. Located around a village square and adjoining the village green, the residential element forms the eastern side of the village centre with the new primary school and local centre forming the western side. The village green will have both general open space (with appropriate pathways and street furniture sited on the edges) and a children's equipped play area in the form of a LEAP.

The local centre comprises of up to 1,800 sqm (19,375 sqft) and would accommodate a range of uses. It is envisaged that the local centre will comprise of 8 – 10 separate units with a single A1 unit of 1,000 sqm (10,764 sqft) and the remaining floorspace split between units ranging from 50 sqm to 150 sqm (538 sqft to 1,615 sqft).

The employment accommodation is situated adjacent to the local centre. Comprising of 3,700 sqm (39,826 sqft) in total, it is envisaged this will be divided into units based on 100 sqm (1,076 sqft).

Located on the south western side of the application site is an allotment area of 0.5 hectares. The allotments will be available to both new and existing residents.

In addition to the public open space there are two principal interlinked areas of green infrastructure. The first is along the northern boundary in the vicinity of the new village centre and the employment area. This will include the planting of a new hedgerow. At its western end, it connects to the second principal green infrastructure area which runs on a north-south axis to the east of residential Parcels 1 and 2. This reflects an existing mature hedgerow.

In terms of access, a new roundabout on Audlem Road/Broad land will be provided. This new roundabout will comprise of three arms, two for the existing highway and one for the new access.

### **RELEVANT PLANNING HISTORY**

The associated planning application:

12/3746N New highway access road, including footways and cycleway and associated works.  
Land off Peter Destapeleigh Way, Nantwich NOT DETERMINED

### **PLANNING POLICIES**

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 comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Crewe and Nantwich Local Plan is applicable for this site.

### **Cheshire East Local Plan Strategy 2010-2030**

The following are considered relevant material considerations:

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC3 – Health and Wellbeing
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 - The Landscape
- SE5 – Trees, Hedgerows and Woodland
- SE9 –Energy Efficient Development
- IN1 - Infrastructure
- IN2 – Developer Contributions

### **Saved policies in the Crewe and Nantwich Local Plan**

- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- BE.1 (Amenity)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing In The Open Countryside)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

### **Stapeley & Batherton Neighbourhood Plan**

The plan is at Regular 17 – Examination stage with the examiner asking a number of questions to which responses have been given. Relevant policies include:

Policy GS 2 – Green Spaces

Policy GS 3 – Landscape Quality, Countryside and Open Views  
Policy GS 5 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS 8 – Buffer Zones and Wildlife Corridors  
Policy GS 9 – Biodiversity  
Policy T 1 – General Transport Considerations  
Policy T 2 – Walkable neighbourhoods  
Policy T 3 – Pedestrian and cycle routes  
Policy H 1.5 Greenfield Development  
Policy H 5 – Settlement Boundary  
Policy AWB 1 – Accessible GP practices  
Policy AWB 5 – Community Infrastructure

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010

### **CONSULTATIONS:**

#### **Cheshire Wildlife Trust**

Commenting on the original submission, the Cheshire Wildlife Trust (CWT) objected to the application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Their information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.
2. The current proposal keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

#### **Cheshire Archaeology Planning Advisory Service**

Raise no objections, but in view of the archaeological potential of the site a condition is recommended requiring an agreed programme of archaeological mitigation.

### **Environment Agency**

Commenting on the original submission, The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

#### Flood Risk

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. As such we request that the following planning conditions are attached to any planning approval as set out below.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- Recommend layout of houses so that they are front facing to the watercourse. This will integrate the watercourse into the development better. It will also deter house owners from tipping garden waste into the watercourse which would cause long term damage. Would also encourage the applicant to lay out the development so that green open space is adjacent to watercourse
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.
- Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.
- No building material or rubbish must find its way into the watercourse.
- No rainwater contaminated with silt/soil from disturbed ground during construction, must drain to the surface water sewer or watercourse without sufficient settlement.

#### Ecology

- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide undeveloped buffer zone around the watercourse.
- The National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.
- Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged
- Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan

### Recommended Conditions

- Submission / approval & implementation of a scheme to limit the surface water run-off generated by the proposed development,
- Submission / approval & implementation of a scheme to manage the risk of flooding from overland flow of surface water,
- Submission / approval & implementation of a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse. The scheme shall include:
  - *plans showing the extent and layout of the buffer zone.*
  - *details of any proposed planting scheme (for example, native species).*
  - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.*
- The buffer zone shall be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land). This buffer zone shall be free from built development e.g. footpaths, fencing, lighting. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

### **Greenspaces**

- Would like to see an allotment site provided within this development (minimum of 50 plots).
- This will need a metered water supply, 8 standpipes, 2.4 metre high palisade fence surround, plus tarmac driveways.

### **Network Rail**

They have confirmed they wish their original objection to the application be maintained. The original objection is discussed in more detail below but essentially it is on the grounds of the impact of additional residents on the site on existing railway infrastructure including level crossings and Nantwich Railway station which is not addressed in the submission. They requested a financial contribution towards the upgrading of the railway crossings on safety grounds.

### United Utilities

No objection to the proposal provided that the following condition is met: -

- This site must be drained on a total separate system with all surface water flows ultimately discharging in to the nearby watercourse in accordance with the FRA submitted and with the consent of the Local Authority.

### Natural England

In their updated consultation reply they had no comments to make on the application. Members may however recall their original consultation response back in 2013 was as follows:

- Natural England objects to the proposed development.
- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England's guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England's view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
  - ☐ local sites (biodiversity and geodiversity)
  - ☐ local landscape character
  - ☐ local or national biodiversity priority habitats and species.

- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

### Highways

Raise no objections to the revised proposals, subject to the requirement for same obligations in the S106 as previously agreed and also with the added Condition to require MOVA to be installed at the site access and at the Audlem Road/Peter Destaplegh Way traffic signal junctions.

### Environmental Health

In their revised comments, no objections are raised, but they recommend a range of conditions including: requiring noise mitigation measures; submission of a Construction and Environmental Management Plan, controlling hours of construction; travel plan; Electrical Vehicular Infrastructure; Dust control; and conditions relating to contaminated land.

### Public Rights of Way

The public Rights of Way Team have confirmed their original comments are still applicable, namely:

- The Transport Assessment describes pedestrian and cyclist access to and from the proposed development site being located on the northern boundary opposite Hawksey Drive (although the Indicative Masterplan only shows this as pedestrian access). The Transport Assessment also notes the importance of the cycleway/footway facility on the northern side of Peter de Staplegh Way to the sustainability and permeability of the site. It is therefore essential that this facility can be accessed and crossing facilities for both pedestrians and cyclists to cross Peter de Staplegh Way need to be created at this junction.
- That said, consideration needs to be given as to whether this access is in the most sensible location. It should be anticipated that residents of the proposed development will seek the shortest and quickest route into and out from the site. As a large proportion of journeys will be to and from the town centre, and as the Design and Access Statement states the aim of maximizing sustainable route connections to the town centre, the most direct route along this trajectory is from the north-western corner of the development site. The pedestrian and cyclist link should therefore be considered at this location rather than or in addition to that opposite Hawksey Drive.
- The planning application for the northern access road to this site (12/3746N) proposes a cycleway/footway facility alongside the spine road. This facility would need to be continued through this development site, thereby creating the off-road link between the current and new communities of Stapeley and Broad Lane School, a request which was registered under consultation for the Council's statutory Rights of Way Improvement Plan (ref. T19 and T75). It is unclear from the Illustrative Masterplan whether such a facility is proposed.
- The Design and Access Statement, under the heading Accessibility, proposes an 'enhancement and extension of the existing public rights of way network as an integral part of

the development'. Clarification is requested on this item as there are no recorded Public Rights of Way within the current development site, as correctly stated within the Transport Statement. The Stapeley Parish Plan identified the need for the development of local, circular walks for residents to build healthy activity into their daily routines, so provision of such paths within the green infrastructure of the site may be appropriate. This aspiration was logged under the Rights of Way Improvement Plan (ref. W10). This aspiration would fit with the stated Summary of the development which refers to an 'extensive green infrastructure network...whilst allowing improved public access across the site and to the wider pedestrian network'. It is noted, however, that limited pedestrian/cyclists routes are proposed within the green infrastructure plan of the Design and Access Statement.

- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway and highway facilities. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities is proposed so that prospective residents are fully informed.

### **Education**

Revised comments are awaited, on the original submission the comment:

- Including the numbers expected from the Stapeley site then the primary schools are forecast to be oversubscribed.
- Bearing in mind that this is for 189 dwellings a development of this size would not warrant a new school and if the "greater" site is not the preferred option in the town strategy meaning a new school would not be supported. In this case education would be seeking a s106 contribution instead of the new school site offered in the event that the application on its own does ultimately get approval.
- However, if the "greater" site is ultimately developed for housing a new school would be required
- If there is the possibility of an either or clause then that would be ideal.
- On the basis of 189 dwellings alone a contribution of £347,081 towards primary education would be required.

### **Housing**

No objections on the basis 30% affordable housing is secured through a Section 106 Agreement in line with policy set out in the affordable housing section set out below.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **Nantwich Town Council**

Commenting on the original submission the Parish Council:

- Object – The Town Council considers that development to the south of Peter de Stapleigh Way should only be considered in the context of the emerging Core Strategy and Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.



- This application is clearly a device to bypass the consultation exercise and is premature. It should await the approval of the Core Strategy.

### **Stapeley Parish Council**

Extensive comments (objections) were given on the original submission, which are not repeated here, but in their revised comments to the revised information they comment:

- The existence of the Parish Council's Neighbourhood Plan, and its increasing weight in planning terms, has been ignored; consequently, assessment of how the application complies with, or contravenes, policies in the Neighbourhood Plan, has not been made by the applicant.
- Most of the documents have stated clear limitations for their use by third parties, as they have been prepared in accordance with a scope and instructions from Muller Group Properties.
- The Air Quality document appears to ignore any contribution to the area's air quality, from properties on the proposed development, and ignores Pear Tree School and the adjacent play area, as sensitive receptors, despite the wind rose of 2016. The situation is similar for properties on Bishops Wood and Broad Lane.
- The Acoustic Planning Report appears to exclude any predictions or assessment of the noise impact arising from the development's construction or occupation; rather, it focuses on noise entering the proposed development site from existing infrastructure and activities. There appears to be no consideration of acoustic impacts from internally generated noise pollution, nor the impacts upon adjacent properties from the site.
- The existing Transport Assessment and associated traffic data are significantly out of date, having been prepared some 5 years previously for the initial application.

### **OTHER REPRESENTATIONS**

#### **Reaseheath College**

Commenting on the original submission:

- The Application represents a first phase of the proposed urban extension to Nantwich at Stapeley, referred to as Nantwich South and as such is a poor choice for the future growth of Nantwich.
- The site offers little benefit to the community and the town.
- The transport issues have not been properly addressed in the linked application 12/3746N nor have they modelled the future requirements for this major scheme.

- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere as a result of this development.
- The proposed access off the Audlem Road will create major traffic congestion at the junction of Audlem Road and Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The key to a development such as this, particularly with the indication of proposals for future phases, would be sustainability. The development provides no meaningful resolution to the requirements for sustainable development. There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The scheme does not offer the town any substantive traffic movement improvements nor does it open up recreational and amenity features to the benefit of the town.
- As such the requirements of the National Planning Policy Framework are not satisfied in that development in this locality does not represent sufficiently sustainable development when compared with the alternative available strategic location at North West Nantwich which meets sustainable development requirements in respect of economic, social and environmental dimensions.
- In contrast the development at North West Nantwich would provide:-
  1. Improvements to the A51 both on site at The Green and through a contribution to the Burford Crossroads.
  2. A new North South link between the A51 and Waterlode providing traffic relief for the town centre.
  3. The delivery of a riverside walk between A51 and Waterlode in conjunction with land owned by Cheshire East Council.
  4. Development within walking distance of Nantwich Town Centre.
  5. Employment opportunities which compliment the strategic investment planned at Wardle and Basford.
  6. Enhanced public accessibility to the Shropshire Union Canal.
  7. Significant capital benefits to Reaseheath College which will allow major further investment in facilities for enhanced education and training and for community use. The positive economic impact of Reaseheath on its community in 2011 has been calculated through an external independent assessment of over £60 million for the year. Unlike other proposals the development of College land within North West Nantwich will bring substantial financial benefits to the Town and local community year after year.
- Development that would open a first phase of the unsuitable Nantwich South scheme would be prejudicial and the application is premature within the context of the current review to determine the growth points for Nantwich. The current application and the linked application 12/3746N should be refused.

An extensive and detailed objection report was received to the original submission from Mr M. Williams, the executive summary of which stated:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely planned, empowering local people to shape their surroundings....'.*
2. *The Regional Spatial Strategy still forms part of the development plan and does not define Nantwich as a spatial priority for growth and development. Cheshire East Council's Draft Development Strategy requires Nantwich to accommodate 1,500 houses for the period 2010-2030, not including the 189 dwellings in this proposal therefore the 189 dwellings are not required in order for Nantwich to satisfy the requirement for 1,500 dwellings from 2010-2030.*
3. *According to a February 2013 press release, Cheshire East Council now has a five-year housing land supply. The development proposed in this planning application is speculative, not plan-led and is not required in light of the council securing a five-year housing land supply.*
4. *This planning application proposes 189 dwellings, however, since the application was lodged 240/270 dwellings have been permitted on land off Queen's Drive in Nantwich (which may or may not be included in the 1,500 figure referred to in point 2 above). It is considered that the 240/270 recently permitted dwellings will meet the present housing needs of Nantwich. Consequently, the 189 dwellings proposed in this application are surplus to requirement, as reinforced by points 2 and 3 above.*
5. *The summary of the technical critique of the TA commissioned by Stapeley Parish Council states, amongst other things, that the proposed development 'would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions', classifies the impacts as 'severe' (as defined in the NPPF) before going on to say that on that basis alone the application 'should be recommended for refusal'. I consider that the proposed development is not sustainable.*
6. *One of the application documents alleges that the application site is 'classified as Grade 3 by the Agricultural Land Classification (ALC)'. Grade 3 agricultural land is split into Grade 3a (Best and Most Versatile) and Grade 3b (not Best and Most Versatile) and the applicant has not indicated the split between Grade 3a and 3b or whether the site is all Grade 3a or all Grade 3b. This is a serious omission and in the absence of any evidence to the contrary, the council should assume the worst-case scenario, that is, that BMV land could be impacted upon by this development.*
7. *Brownfield land at the nearby former Stapeley Water Gardens allocated for mixed-use development under policy S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan with extant planning permission for B1 office/light industry has not yet been brought forward. The proposed development would jeopardise the delivery of this allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development, in line with the council's 'Brownfield First Policy' advocated in a February press release.*

8. *The full text of the report can be read on the Council's website*

## **Local Residents - Objections**

### Principle of development and housing need

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.
- Why is development under way – site cleared, foundations pegged out etc – when planning consent has not been given.
- The residents of Nantwich have just taken part in a consultation process regarding the town strategy. Shouldn't the allocation of housing be as a result of this process and not prior to it?
- The motivation for the development seems to be the development of the Basford sidings site into an employment/technology park. Would it not make sense to create housing nearer to that site?
- Developers currently hold planning permission to develop over 10,000 houses across Cheshire East which have yet to be built (this is indicative of 'land-banking') and these provisions should be fulfilled / built before any further provision is allocated.
- The proposal includes provision of up to 39,826 sq ft of business units. There is currently 78,000 sq ft of vacant office space in Nantwich and 208,000 sq ft of commercial and light industrial space in the locality and already approved plans for additional commercial developments in the local area. There is no demand for more of these units.
- There is a total of 78,170 sq ft of office space available around Stapeley across 19 sites.
- Commercial and light industrial space totals 793,340 sq ft within a 15 minutes drive. Of this 584,813 sq ft is concentrated in two large distribution centres. Setting this aside there are 208,530 sq ft of space across about 18 sites.
- If there is a requirement in the area for workshop space it could be accommodated at Stapeley Technology Park.
- The need for housing cited in the application is based on the Strategic Housing Market Assessment document rather than the more accurate Regional Spatial Strategy document recently used by the Draft Nantwich Town Strategy.
- SHMA is based on 2009 survey representing less than 5% of the population of Cheshire East.
- Data used extracted from sources of varying time periods.

- Fails to take into account the migration out-flow
- Makes no allowance for the diverse nature of the two separate towns of Crewe and Nantwich.
- According to policy RDF1 of the RSS Nantwich is not defined as a spatial priority for growth and development.
- There is a significant number of houses on the open market and available for let at any one time in Nantwich and the local area (including Crewe) for which there is clearly low demand.
- Saturation point has been reached in Nantwich as far as houses are concerned.
- Out of proportion and out of character for a small market town.
- The site offers little benefit to the community or town.
- The development provides no meaningful resolution to the requirements for sustainable development.
- Unless there is employment growth within the area the development becomes a dormitory development.
- The current economic climate is unlikely to provide a timely completion of such a large estate thus leaving an unfinished development that will unfairly suppress the extended housing market for an extended period, making it more difficult for existing residents to pursue their relocation needs.
- No need for further retail units.
- The development will result in the ruination of Stapeley and Nantwich and the surrounding area.
- When and how was it decided that Nantwich needed to expand?
- Nantwich is a small market town and if we want larger facilities we go to Crewe. Earl Street Retail Park has reduced Crewe to a gridlock most weekends. If there is to be an employment boom at Basford perhaps Crewe needs more attention than Nantwich.
- Since the submission of the application the housing supply has changed, permissions having been granted for 240 houses on Queens Drive Nantwich and 400 houses on the Shavington Triangle. Therefore there is now no need for this further 189 houses.
- Table 2 of the application document fails to take into account the number of homes that are released onto the market by 'out-migration' .

### Greenfield

- The application is located on greenfield land outside the settlement boundary which is designated as open countryside under saved policy NE2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011. The application does not comply with NE2.
- Brownfield land at the former Stapeley Water Gardens allocated for mixed use development under policy S12.5 of the CNLP with extant planning permission for B1 office/light industry (P06/1011) has not yet been brought forward. The proposed development would jeopardise the development of the above mixed use allocation and the regeneration of the former Stapeley Water Gardens. Brownfield land in the immediate locality should be the priority for development.
- The numerous brownfield sites available across Nantwich Crewe and other parts of Cheshire East should be developed before greenfield sites.
- This land is classified as Level 5 in the Nantwich Town Strategy Draft Report paragraph 6.8, the least supported site for development. It is currently farmed, productive land. Furthermore the land has been classified as Grade 3 Agricultural Land (according to Defra Agricultural Land Classification). Poorer quality land should be used in preference to that of higher quality (PPS7).
- The development will result in the loss of open land.
- Once the land is developed it cannot be brought back into agriculture.

### Infrastructure (Health, schools)

- This Phase 1 of a potential 1,100 house development would not be a sustainable development for Nantwich owing to the pressure it would put on the roads, local schools, doctor's surgeries and Leighton Hospital.
- Stapeley (and Nantwich) are already overdeveloped following 10 years of intensive house building activity. Any further development would put excessive pressure on local services such as schools, roads and doctors.
- The proposal deals with the site's own infrastructure problems but does not address the needs of the wider area and problems that would arise elsewhere.
- The pressure on schools may cause resentment by existing residents which is the opposite of positive integration.
- The developer has stated that they will not build a school on the proposed development.
- Another primary school is not needed as there are sufficient already in the area which are not full to capacity.

- There are insufficient school places within a reasonable distance to accommodate the 184 primary-aged and 132 secondary-aged children anticipated.
- The Applicant states that the existing doctor's surgeries can take another 3000 patients. With other applications going in not yet passed this figure could rise to about 10,000
- Which senior school will all the children go to?
- Has provision been made for so many houses without it affecting the water pressure of the existing houses?

### Highways / Traffic

- The initial phase would put unsustainable pressure on the roads.
- There is no direct pedestrian access into the town centre and the scheme would generate additional car movements with very little opportunity for pedestrian footfall.
- The permissible exit points from this site are severely restricted, with no direct pedestrian or vehicular access to Peter DeStapeley Way at this point in time (which is a material consideration) contrary to the suggestions of the Transport Assessment. Therefore, the entire basis of the Transport Assessment, especially with regard to pedestrian routes and access to public transport, is incorrect, resulting in a gross underestimation of vehicle trips on an already congested network which result in an unsustainable development.
- Some of the key claims and assumptions referred to in the Transport Assessment with regard to impact on the local road network are unrealistic for an area such as Stapeley e.g. the assumption that people will walk to amenities within 800m to 2km such as the local shops and the railway station (which has no practical connections to serve working people for reaching their places of work, even in major commuter areas such as Manchester, London and Birmingham).
- The proposed development will lead to increased traffic movements along Broad Lane which is already highly congested during a.m. and p.m. peaks.
- There are already traffic incidents on a nearly daily basis during these periods and significant traffic jams (as evidenced by the 20 films and over 100 photographs available online)
- The increase in traffic of nearly 50% as described in the documents supporting the application places an even greater strain on public safety. Studies by the HSE show a strong correlation between increased traffic levels and the number of incidents for a given area. There are traffic jams and other traffic incidents and it would lead to an unacceptable increase in the risk of injury to road users and pedestrians.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of a third peak .The Transport Statement has failed to consider the existence of an additional

afternoon peak period when children are collected from four primary schools and one secondary school in the area.

- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day(3 there and 3 back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- Extra road trips made to ferry children of school age to schools outside the area places further pressure on the road system.
- If the application is agreed Muller Group should pay for a pelican crossing on Wellington Road and an upgrade on the existing crossing which services Brine Leads and Weaver to a pelican crossing.
- The town is already in need of better parking and visitor and resident amenities and to inflict higher traffics volumes on the town would be disastrous.
- The Broad Lane roundabout is not designed to the correct criteria for this type of road. The location of the proposed roundabout is unacceptable.
- The impact on nos. 24 and 26 Broad Lane is described as 'major adverse' both during and after the construction process.
- Visibility from drives is severely restricted by the bend in the road.
- Roundabouts have little calming effect on traffic.
- A roundabout is not deemed suitable in a residential area where it directly blocks access to residential properties, as it will in this case. The approach to this roundabout would create an S-bend effect on the left hand side of Broad Lane making it difficult for lorries and agricultural vehicles to negotiate.
- Wybunbury Lane will become a 'rat run' to avoid the congestion at Peter DeStapeley Way and Elwood Way.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- The construction traffic will cause congestion.
- Residents have trouble getting out of their drives at the present time and this proposal would make things worse.



- The Transport Assessment assumes that residents will walk or use public transport but the evidence does not support this.
- Assumptions set out in the Transport Assessment regarding pedestrian routes, access to public transport and the impact on local road network are not correct. They will give rise to an underestimation of the number of vehicle trips.
- At certain times Nantwich is already gridlocked.
- From the south Nantwich town is only accessible by 3 routes each restricted by a level-crossing.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse.
- It is not unusual to spend 15 minutes travelling 100 yards down Audlem Rd.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- Roads around the school are hazardous.
- No provision to turn right into the very busy London Road from Peter DeStapleigh Way.
- Traffic travelling along Audlem Rd is restricted by a 'pinch-point' at the Toll House in conjunction with residential and school parking leading to severe traffic flow problems at peak times.
- Any further development to the south of Nantwich should be deferred until it can have a dedicated connection to a robust ring-road system.
- Until the roads are improved and maybe a by-pass built for industrial traffic the development will do Nantwich more harm than good.
- The Council should consider ways in which walking and cycling can be promoted for everyday journeys such as shared footway/cycles paths, improved pedestrian/cycle crossings of Park Road and Water Lode and across Peter DeStapleigh Way at several locations.
- Speed limits should be reduced to under 20 mph.
- The potential access road to the proposed development site, Broad Lane, is an upgraded country lane, narrow in parts, which could not support increased traffic flow with its existing surface and drainage problems.
- Broad Lane has no pedestrian crossing and the majority of the housing is on the side of the road with no footpath. The footpath on the other side is very narrow and this will make it

an extremely dangerous route for children walking to Broad Lane School and Brine Lease School.

- The infrastructure cannot cope with new houses creating havoc at rush hour.
- The existing routes into and out of Nantwich across railway crossings can barely cope on most days.

### Flooding

- The water table along Broad Lane appears to be very high for much of the year. Some houses along Broad Lane, which would be affected by Option 3 (which suggests draining into a ditch adjacent to Broad Lane), flooded some years ago. The ditch was only ever intended to drain an area of open countryside, not an impervious estate with tarmac and concrete roads, drives and paths. Many houses along Broad Lane are below both road and field level and will be at extra risk if more houses are built.
- The Flood Risk Assessment concedes that 'There is insufficient topographical survey and development layout information accessible to verify that gravity drainage is feasible'

### Trees / hedges

- A group of mature Scots Pine Trees and a copper beech alongside Broad Lane will be cut down to make way for a roundabout. The trees have an outstanding amenity value and Tree Preservation Orders should be placed on them.

### Ecology

- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's.
- The fields up to Deadmans Lane is in a beautiful area of nature and should not be destroyed.
- The countryside around Stapeley has an abundance of wildlife and it would be criminal to destroy it.
- The increase in traffic would cause noise and air pollution.
- There would be an increase in light pollution from the new street lighting.
- Would destroy habitat for local wildlife.

### Other

- The new houses will devalue the existing houses.
- The design is overpopulated with too many houses for the size of the plot. I cannot see 2000 cars being able to park on this land never mind building houses as well.
- The privacy of the dwellings bordering the proposed roundabout will be severely impaired due to queuing traffic.

### **Local Residents - Support**

- It will create much needed affordable homes, shops and school.
- It will bring investment to support the Nantwich.
- Nantwich has thrived over recent years due to the increasing population which supports business and shopping in the town.
- The proposal will provide places for children to play, allotments and green spaces as well as a new school.
- A relief road to alleviate traffic problems on Broad Lane, Audlem Road and Brine Lease School is good.
- If east Cheshire needs new homes as we are told, let's have them in Nantwich where we can benefit from the investment and trade and keep the money in the town.
- Construction, investment and development are the key to economic recovery.
- It would be advantageous if a percentage of the workforce was to be from the local area.
- Development on small and brownfield sites has not so far addressed the shortage of affordable housing. The only way to address this shortage is to approve larger scale deliverable housing on Greenfield site.
- Young people have little opportunity to enter the housing market due a shortage of new affordable housing locally.

### **APPLICANT'S SUPPORTING INFORMATION:**

- Air Quality Report (and update)
- Arboriculture Report (and update)
- Noise Assessment (and update)
- Great Crested Newt Survey
- Protected Species Survey (and update)
- Contaminated Land Report
- Site Setting (photo)

- Transport Assessment
- Viewpoints (photos)
- Flood Risk Assessment (and update)
- Assessment Matrix
- Landscaping and Visual Impact Assessment
- Travel Plan
- Transport Assessment (and update)
- Planning Statement
- Statement of Community Involvement
- Retail Statement
- Design and Access Statement
- Nantwich Housing Market Report
- Archaeological Report

## **OFFICER APPRAISAL**

### **Principle of Development**

There are significant changes in circumstances that are material to this planning application, since its dismissal at appeal in March 2015 and the subsequent redetermination and dismissal by the Secretary of State in August 2016, which are pertinent to both its procedural treatment and its determination. These primarily relate to the progress of the development plan - notably the adoption of the Cheshire East local Plan Strategy but also the Stapeley Neighbourhood Plan which has successfully passed through its Examination. The Examiner's Report was received on 24 October 2017 and has indicated that the Neighbourhood Plan can proceed to Referendum; this is likely to be in February 2018.

The stage of both documents are now significantly advanced and accordingly their policies, provisions and supporting evidence should be central to the Secretary of State's consideration of this appeal. The relevance of these documents is set out below in some detail.

### **The Cheshire East Local Plan Strategy**

The Cheshire East local Plan Strategy ("LPS") is a strategic Local Plan which includes the allocation of Strategic Sites (5ha or larger). It will be followed by a more detailed second stage - the Site Allocations and Development Policies. The LPS was prepared during the period 2010-2014 and formally submitted for public examination in May 2014.

Three weeks of Examination followed in September/October 2014, following which the Inspector's Interim views were published in November 2014. These views identified that further work was required on strategic elements of the Plan and as a consequence the Examination was suspended whilst further work was carried out. This additional work was completed by July 2015, in line with the Inspector's timetable and suspension of the Examination was lifted in August 2015. A further fortnight of hearings followed in October and in December 2015 the Inspector's Further Interim Views were published. On this occasion the Inspector was broadly content with the Council's approach:

"CEC has responded to all the main concerns raised in my earlier Interim Views in its evidence, reports and statements to the examination and hearings. In general terms, the additional evidence and studies produced during the suspension of the examination seem to have addressed most of the main concerns about the adequacy of the original evidence set out in my Interim Views, published in November 2014."

As a consequence of these positive further views the Council prepared a comprehensive set of Proposed Changes - and these were the subject of formal consultation between 4 March and 19 April 2016. Representations received were then considered at 6 weeks of hearings held between 13 September and 20 October 2016.

To inform the Proposed Changes and subsequent examination hearings, the Council prepared town based site selection reports which considered sites submitted for consideration during the Local Plan making process. The Nantwich final site selection town report [PC B017] considered the site at Land off Audlem Road I Broad Lane, Stapeley [PSS804] (the subject of planning application 12/3747N) alongside other sites promoted around Nantwich. The site selection work concluded that the Land off Audlem Road I Broad Lane, Stapeley site should not be allocated within the LPS.

The Nantwich final site selection town report [PC B017] considered the sites required to meet the spatial distribution figure for Nantwich (in the order of 2050 homes) in the LPS, with a housing supply flexibility factor of 6.4%. The sites recommended for inclusion in the LPS, following the site selection process, alongside completions and commitments (as at the 31.03.16) would meet the spatial distribution figure for housing in the Plan period incorporating the additional supply flexibility factor.

In his closing remarks to the examination hearing sessions, the Inspector explained the next steps:

"At this stage, I envisage preparing a short report outlining any further work the Council may need to undertake, along with any further amendments - Main Modifications - needed to ensure that the Plan is sound and can be adopted; I aim to publish this by the end of this year."

This short report was issued on 13 December 2016. The report, headed "Inspector's Views on Further Modifications needed to the Local Plan Strategy" reached key conclusions. Firstly that the conclusions made in the Further Interim views still stood:

"I consider that no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions on the Duty to Co-operate, the overall development strategy, including the revised amount of housing and employment land proposed and the objective assessment of housing need, the settlement hierarchy, the policies for the Green Belt and Safeguarded Land, and the revised spatial distribution of development."

Secondly, he has endorsed the Council's approach to the development strategy - and all 61 strategic sites within the LPS:

"CEC also seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations. The principle of establishing a Strategic Green Gap around Crewe seems soundly based and the development strategy for the Principal Towns, Key & Local Service Centres, Other Settlements & Rural Areas and Other Sites, including the amounts of development and the strategic sites/locations, seems to be appropriate, justified, effective, deliverable and soundly based."

The Inspector went on to say that "there is also no need to consider in detail any "omission" sites at this stage in the examination" and aside from two specific modifications (to a site in Macclesfield and on Windfalls) he indicated that:

"my initial conclusion is that no other modifications are needed to the Revised Plan in the interests of legal compliance and soundness."

A schedule of Main Modifications required to be made to the Local Plan Strategy – Proposed Changes Version to make it sound and capable of adoption was consulted upon between the 6 February and 20 March 2017. This was supported by a Sustainability (Integrated) Appraisal Further Addendum Report and Habitats Regulations Assessment.

The Main Modifications Report of Consultation noted that in total, 311 representations were received from 108 parties to the Main Modifications. This contrasts sharply with the 19,541 representations received during the March 2016 consultation. No further representations were received on Main Modifications relating to Nantwich respectively. The Council responded to the key issues raised in the Main Modifications and considered implications to the LPS confirming that the issues raised during the consultation on the Main Modifications had, in the Council's view, no implications for the soundness or legal compliance of the proposed main modification(s). The Main Modifications Report of Consultation alongside all of the responses received was submitted to the Inspector for his consideration.

The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017. This concluded that, subject to a series of recommended Main Modifications, the Cheshire East LPS was legally compliant and sound and therefore capable of adoption by the Council.

A report on the Cheshire East LPS was considered by Council on 27 July 2017, along with the Inspector's final report, Main Modifications and Additional Modifications (these mainly correct minor errors and do not materially affect the Policies in the LPS and are consistent with the Main Modifications recommended by the Inspector.) The Cheshire East LPS was then accordingly adopted by Council on 27 July 2017.

### Conclusion on progress of the Local Plan Strategy

The Submitted Plan represented the culmination of considerable local consultation with 2 previous full drafts - and since submission there have been 11 weeks of Examination and another 6 weeks of consultation.

The formal consultation on main modifications has taken place - the vast majority had already been the subject of consultation through the lengthy Examination process. Accordingly there has been very little opportunity to raise any new issues in terms of that consultation process. Consultation responses received to the main modifications consultation were sent to the Inspector in anticipation of him issuing his final report on the soundness of the LPS.

The Council considered all of the responses received to the consultation on the Main Modifications and is of the view that there are no issues that impact upon the soundness of the LPS. Upon adoption, there were no unresolved objections.

All policies were fully prepared in the context of the NPPF. All have been subject to Examination hearings and where necessary changes have been proposed directly as a consequence of that process. The Inspector has reached his view on Main Modifications required to make the Plan sound and capable of adoption and these have been consulted upon.

The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017 and the Cheshire East LPS was adopted on 27 July 2017. Accordingly all Cheshire East LPS policies should be given a significant degree of weight as Adopted development plan policy.

Paragraph 12 of the National Planning Policy Framework states that: 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'

It is considered that the appeal proposal does not accord with the adopted LPS and therefore it should be dismissed. It is not considered that there are any material considerations that would indicate otherwise.

A legal challenge had been made against the adoption of the LPS by Muller Strategic Projects Ltd. Muller properties claim, in summary, that the Council failed to take into account the issue relating to incorrect air quality data when adopting the LPS. The Council is resisting the claim; it is firm in its position that the incorrect air quality data would not have resulted in any changes to the LPS – that the content of the adopted LPS would be no different. The lodging of a legal challenge does not change the legal status of the LPS. It remains part of the development plan. It is the most recent part of it and it is up-to-date, having been only recently adopted (July 2017). As required under Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions should be made in accordance with the development plan, including the LPS, unless material considerations indicate otherwise.

### Implications of Local Plan Progress

Since the Secretary of State's decision in August 2016 there has been a fundamental change in the position of the Cheshire East LPS. At that stage, the appellants could still maintain that significant objections to key aspects of the LPS remained (despite the clear indication from the Inspector in his Interim views of December 2015). Such a position is no longer credible. The Inspector has issued his clear views on main modifications, the modifications consultation has completed and representations are now known. For the most part these

modifications represented minor changes in wording- and accordingly objection to the plan has evaporated. The Council received less than 2% of the comments received at the previous stage. The Inspector issued his final report into the legal compliance and the soundness of the Cheshire East LPS on 20 June 2017 and the Cheshire East LPS was adopted on 27 July 2017.

There is now considerable certainty over the OAN, housing requirement, the distribution of development, the sites needed to fulfil the requirement and the five year supply of housing land. Of the 36,000 housing requirement, 2050 homes are allotted to Nantwich. With the flexibility factor (now endorsed by the Inspector sites totalling 2182 have now been allocated in the LPS. There is hence no need to release further land for development in the town.

Finally the Inspector has also signalled agreement with the Plan's approach to delivering a 5 year supply of housing land. He commented that:

*"CEC also seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision"*

This point is explained in more detail below, but the adopted LPS brings forward significant additional supply which will address immediate and ongoing housing need.

The consequences of all this are:

- ☐ The Housing distribution for Nantwich is established
- ☐ Sites are allocated to meet this
- ☐ Mechanisms are in place to provide flexibility
- ☐ The appeal site will remain as open countryside and subject to protective policies.
- ☐ The local plan provides a 5 year supply of housing.

Paragraph 47 of the Framework requires Councils to 'significantly boost' the supply of housing by the following five measures: (1) ensure local plans meet housing needs (2) ensure a 5 year supply of deliverable sites is identified (3) identify other housing sites for up to 15 years (4) devise a housing trajectory and (5) set guidelines on density. The Cheshire East LPS achieves all of these (after all, compliance with national policy is a test of soundness) - and therefore the Council has taken the necessary steps to significantly boost housing supply.

The requirement to boost housing supply is not an open ended one - for the obligation to meet housing need must be within the context of being consistent with wider framework policy - and therefore the provision of additional housing over and above the housing requirement must be set against other policy considerations. In Cheshire East the local plan Inspector deliberated long and hard on the right balance between jobs and homes - considering the impact for sustainable development if either was out of step with the other. This would, for example lead to unsustainable patterns of commuting into or out of the Borough - as well as having implications for infrastructure, natural environment (including Countryside and agricultural land) and the planning of local facilities.

Having identified housing need and allocated sites to meet this (with a healthy buffer) the provision of additional housing within an area of open countryside has serious adverse consequences for sustainable development.



## **Stapeley & Batherton Neighbourhood Plan**

The emerging Stapeley and District Neighbourhood Plan has been submitted and was published for consultation between 25 April 2017 and 06 June 2017, in line with regulation 16 of the Neighbourhood Planning (general) Regulations (2012). Following the consultation an independent examination was held. The Examiner's Report was received on 24 October 2017 and has indicated that, subject to modifications, the Neighbourhood Plan can proceed to Referendum; this is likely to be in February 2018.

The emerging neighbourhood plan including the policies referenced above are a material consideration and can be given weight in the light of the stage that the Plan has reached in accordance with paragraph 216 of the National Planning Policy Framework. The appeal proposal clearly conflicts with emerging Neighbourhood Plan policy in terms of the scale of housing involved and the development of countryside beyond the settlement boundaries.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

*"Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments (33), and should apply 'good' or 'best practice' standards wherever practicable".*

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	STAPELEY SITE
<b>Open Space:</b>	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	0m
	Outdoor Sports Facility (500m)	760m
<b>Local Amenities:</b>	Convenience Store (500m)	0m
	Supermarket* (1000m)	934m
	Post box (500m)	654m
	Playground / amenity area (500m)	0m
	Post office (1000m)	696m
	Bank or cash machine (1000m)	1078m
	Pharmacy (1000m)	2075m
	Primary school (1000m)	0m
	Secondary School* (1000m)	1005m
	Medical Centre (1000m)	2464m
	Leisure facilities (leisure centre or library) (1000m)	1005m
	Local meeting place / community centre (1000m)	0m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1541m
	Child care facility (nursery or creche) (1000m)	1334m
<b>Transport Facilities:</b>	Bus stop (500m)	589m
	Railway station (2000m where geographically possible)	1796m
	Public Right of Way (500m)	357m
	Any transport node (300m in town centre / 400m in urban area)	357m
<b>Disclaimers:</b>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

On the basis of the above assessment the proposal does appear to be generally sustainable in purely locational terms.

Previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

According to the Design and Access Statement, the following sustainable design principles have formed part of the development concept.:

- Provision of a mix of uses which cater for the everyday needs of the new residents including work, education, leisure, recreation and retail activities;
- Provision of a range of house types, tenures and sizes in order to cater for choice and a variety of households;
- Provision of Sustainable Urban Drainage Systems as part of the drainage attenuation proposals;
- In-built 'robustness' – the ability of the development, including individual buildings, to adapt to changes such as use, lifestyle and demography over time;
- Make efficient use of land through proposing a development with an appropriate density.
- Establish a framework which can deliver a wider residential development beyond the application boundary within the established principles, ensuring a holistic design approach.

The Council's Urban Design Officer has commented that with regard to sustainable design there appears to be very little commitment in respect to the scheme. As this is part of the promotion of a large scale scheme circa 1000 homes plus other uses then de-centralised energy and other resource management needs to be properly considered and potential future proofed. Given the mix of uses and the potential size of the scheme, this is an ideal opportunity to this a highly sustainable development.

Other issues are: proper consideration of passive environmental design, setting standards for performance in terms of building fabric, water use performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc.

The applicant has commented that they will build dwellings to code 4 (which encapsulates a range of sustainable design strategies). This is referenced in the assessment of proposals section of the planning statement submitted with the application. Furthermore, this is an outline application and a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where*

*this would compromise the key sustainable development principles set out in national planning policy.”*

The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that

*“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21,

*“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

In conclusion, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development.

### **Loss of Agricultural Land**

Policy SE 2 of the Local Plan states that best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) shall be safeguarded.

This is supported by the National Planning Policy Framework, which states that:

*“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*

In the latest Secretary of States decision letter he sets out that the agreed position by both parties is that 25% of the aggregated sites (12/3546N & 12/3547N) is Best and Most Versatile (BMV) agricultural land, and as there was no dispute that the scheme would result in the loss of some BMV land.

Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on the Appeal sites and therefore a reason for refusal could not be sustained on these grounds.

This application is now however being considered in different circumstances given the adopted Local Plan and the Council being able to provide a 5 year supply of housing, as such this policy breach contributes to the un-sustainability of using open countryside when there is no necessity in housing land supply terms., the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The Secretary of State considered this loss of BMV land to be harmful and carry “moderate weight”.

### **Network Rail’s Comments including the impact on Level Crossing**

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail placed a holding objection on the scheme due to concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the “half-barrier” type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the “half-barrier” crossings were upgraded to the “full-barrier” type. It was therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

The Secretary of State however agreed with the appeal Inspector that the financial request was not CIL compliant as the financial request was not sufficiently detailed and therefore could not:

“be considered to be fairly and reasonably related in the scale and kind and does not satisfy the final test of the Framework”.

### **Affordable Housing**

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all windfall sites and that the general minimum proportion of affordable housing required will be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Nantwich, there is a requirement for 73 new affordable units per year and that this is made up of a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the housing need information from the SHMA 2010, information taken from Cheshire Homechoice (which is the Choice Based Lettings system used to allocate social rented housing across Cheshire East), shows that for the areas of Nantwich close to and including Stapeley there are currently 523 applicants. These applicants require 183 x 1 beds, 181 x 2 beds, 92 x 3 beds and 17 x 4 beds (50 applicants have not specified how many bedrooms they require)

Therefore, as there is affordable housing need in Nantwich, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 57 affordable dwellings. The Affordable Housing IPS also states that the tenure mix split the Council require is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The information submitted suggests that the affordable housing being offered is 30%, split as 65% social rented and 35% intermediate tenure. This meets the requirements of the Interim Planning Statement: Affordable Housing, and would equate to up to 57 affordable dwellings, with 37 being provided as social rented and 20 as intermediate tenure for sale. The applicant also indicates that the affordable homes would be 2 and 3 bed homes in order to meet housing need. Although the overall percentage of affordable housing provision and tenure mix is acceptable, if the application is approved Council Housing Officers would like to see a wider range of affordable housing unit type being provided including some 1 bed & possibly a small number of 4 bed properties. This could be secured through an appropriate Section 106 legal agreement in the event that Members were minded to approve the scheme.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy. This is in accordance with the Affordable Housing IPS which states that

*“the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)”*

It also goes on to state that

*“in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”*

## **Contaminated land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land

- The application area has a history of agricultural use and there are former ponds on site which may have been infilled. Therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Preliminary Risk Assessment for contaminated land with the planning application. Although the report refers in places to out of date and superseded guidance, the conclusions and recommendations are justified.
- As such, and in accordance with the NPPF, it is recommended that the standard contaminated land Phase II report conditions are attached.

## **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government’s Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council’s Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance “Land Use Planning & Development Control: Planning for Air Quality May 2015)

This is an outline proposal for the residential development comprising up to 189 dwellings, a local centre, employment development and a primary school. Air quality impacts have been considered within the updated air quality assessment submitted in support of the application by Redmore Environmental Ltd. dated the 29<sup>th</sup> September 2017, ref. 1851r1. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 - verification
- Opening year Do-Minimum (DM) (predicted traffic flows in 2022 should the proposals not proceed)

- Opening year – Do- Something (DS) (predicted traffic flows in 2022 should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors was predicted to be **not significant** with regards to both NO<sub>2</sub> and PM<sub>10</sub> concentrations, with all of the receptors negligible effects. However, there are increases predicted to the receptors located within the town's AQMA, and it is this department's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Nantwich has an Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate demolition and construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal and there has also been a Travel Plan submitted in support of the development, albeit very outdated now.

However, Environmental protection also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore, prior to the reserved matters stage of the application the developer should submit information regarding conditions relating to Travel Planning, Electric Vehicle Infrastructure and dust control.

## Noise Impact

The proposed development is situated at the existing greenfield site on Peter Destapleigh Way, Nantwich. The site is bound by Peter Destapleigh Way (A530) to the north, new build residential properties nearing completion and agricultural fields to the east, agricultural fields to the south and existing residential properties to the west.

The applicant has submitted an acoustic report undertaken by Lighthouse Acoustics in support of this outline application. The report demonstrates that with appropriate mitigation the development can be made acceptable with respect to noise. As such this service does not object to the application subject to the following condition:

At or before the reserved matters stage the applicant shall submit and agree with the Local Planning Authority a detailed acoustic mitigation scheme demonstrating compliance with BS8233:2014 to ensure that required noise standards can be achieved internally and within private amenity spaces.

It should be noted that the above condition is based on an acoustic report submitted with the application which demonstrates that with a suitable mitigation scheme, in principle, the development can be made acceptable in terms of the impact from noise. The exact details of the mitigation scheme will depend on the final layout and other circumstances, and at this time it is not possible for this service to determine the nature of the acoustic scheme. It is for the applicant to ensure that any



acoustic mitigation scheme meets the acoustic requirements above, and is also acceptable in terms of other planning considerations (such as visual amenity).

### **Drainage and Flooding**

The applicant submitted with the original application, a detailed Flood Risk Assessment (FRA), that was recently updated in September this year. In summary, it states that:

- The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy, a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.
- It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options, described in the report to discharge surface water to the ground or to the River Weaver.
- It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697, Building Regulations and Sewers for Adoption 6th Edition.
- The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage with consideration to economic viability of off-site drainage works. This is likely to be a combination of infiltration drainage and attenuated drainage. The position of attenuation can be designed to suit the final site master plan layout. During the working design stage, the surface water modelling of the whole drainage pipe network and time concentrations will enable refinement of the attenuation design.
- The implementation of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:
  - Finished Ground floor levels in residential dwellings to be at a minimum of 150mm above surrounding ground level.
  - Flood risk to surrounding properties should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.
  - Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage as described in section 6 of this report.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Any updated comments from the Council's Flood Risk Team will be reported in any update report.

### **Design Issues**

Since the application was submitted the Council has adopted the Cheshire East Council Design Guide and the application will need to be assessed against this document to see if the

proposals demonstrate compliance . This assessment is being undertaken and will be reported to Members in an update report. The following comments are based on the previous report.

### Numbers and Density

The Council's Urban Design Officer examined the proposal and commented that with regard to numbers and density no testing layout has been furnished. Therefore, there is concern that the numbers are overly optimistic. The density indicated in the Design and Access Statement should be tested to ensure that the layout can be delivered to an appropriate quality and test the concepts and principles in the Design and Access Statement or reconsider the upper number.

Whilst these concerns are noted, the developer pointed out that the Town And Country Planning (Development Management Procedure) (England) Order 2010 applicable at the time of submission does not prescribe the need for every building to be shown on a master plan at the outline stage and it is not required or necessary to 'test' an outline application master plan in such a way. Whilst the GDPO was updated in 2015 it allows Local Planning Authorities to require further information, but only within one month of date of receipt of the application. Exact building positions will be the subject of reserved matter applications. The accompanying design and access statement and indicative master plan give the required (as per item 4(3) of the order) 'approximate location of buildings, routes and open spaces included in the development proposed'.

The developer has argued that overall the density is within recognisable parameters and achieves an average net density of 30.4 dwellings per hectare (dph). This density will allow for the formation of differing densities across the development, including higher density towards the existing urban areas in the north and around the local centre and lower densities near landscape sensitive areas. Overall, the density results in the efficient use of the site, whilst at the same time promoting densities which are appropriate to the local area and which will help assimilate the development into the surrounding areas.

### Layout

With regard to layout, the Urban Design Officer pointed out that aspects of the site only make sense or are acceptable if the site is part of a larger scheme (as indicated as future phases on the illustrative Masterplan). However, that is not part of the application and may not come forward. A case in point is the southern edge of housing (block R4) which directly abuts the southern edge of the site. If this were to remain as the southern edge of the site it would lead to a very abrupt edge to countryside and the substantial loss of an important hedge line that would make a more logical southern boundary to the site.

The originally proposed access arrangement off Broad Lane, again only made sense if the wider area is developed. The application now no longer proposes this access with all access to the site being Peter Destapleigh Way, subject to the parallel application referenced above.

The developer has responded by stating that the ability of the development to acceptably stand alone was considered at the design stage including:

- A lower density approach to the southern development parcels (item 6.55 of das)

- Village green and associated play area located to provide a green setback in the developments southern edge.
- The allotments provide a 'soft' landscape interface.
- At the reserved matter stage where there is housing adjoining the boundary, there will be supplementary planting along the sites boundaries.

### Character, Open Space and Landscape

The Council's Urban Designer commented that the site is in essence open countryside and therefore needs to be designed to create a gradual transition. The Design and Access statement makes considerable play about working with and utilising established landscape features. However, in reality how much Green Infrastructure is being retained/created in this proposed development. For example, the hedge on the southern side of the site creates a strong edge that could be compromised by development in this part of the site. On the eastern edge of the site it indicates housing backing onto the GCN compensation area with associated issues about relationship to it. In terms of ecological enhancement, there is a sense that spaces could be better connected to create a green network.

Nevertheless, the developer has argued that the development indicative masterplan actively works around the existing features to allow retention and whilst the proposed development would result in some unavoidable tree loss, the vast majority of the significant trees can be retained and this is promoted in the Design and Access Statement. Furthermore, discussions with the ecologist have confirmed that the houses backing onto the GCN compensation is not a problem, and in many ways preferable as it will promote garden areas that adjoin and compliment the GCN area. They consider that spaces are well connected with existing and proposed planting running through the development.

The Urban Designer commented that, whilst he supports the objectives in terms of creating sense of place, there is a little concern that what is being suggested is slightly out of tune with the wider area and could appear grafted into the landscape, rather than genuinely taking a lead from it. However, it is acknowledged that it is a difficult issue to balance between creating a place with distinctive character and it properly integrating into the rural setting of the site.

In response, the developer has stated that housing and the influence of an urbanised edge is an existing characteristic of the site and development will be a logical extension to this form. Furthermore, the development edge broadly follows the east / west, north / south disjointed grid of the existing field pattern and is complementary and in 'tune' with the patchwork of development in the area.

The positioning of the village green and the village centre has also given some concern to the Council's Urban Designer as it only makes sense as part of the wider proposal. In relation to the application site, it is peripheral and therefore not positively situated. There is also an argument to say that it should extend south to better balance the wider site, if that were to come forward. He goes on to say that the character is generally vernacular recreation which has to be executed extremely well in order to be effective. There are some nearby housing developments that have adopted similar approaches, which have been executed unsatisfactorily. This approach needs to extend throughout the townscape if it is to work in terms of layout of buildings and spaces, the integration of streets, the design of the landscape

and the architecture of buildings. In order to achieve this, a form of coding will be necessary. This would be particularly important if the wider area were to be developed, with the potential for a substantial area of housing to the south east.

The developer has explained that positioning of the village green and village centre is led by the need for a prominent edge of road location co-located with the school as a community focus. There is also the need to avoid existing properties being disturbed by such mixed use activity and school drop off etc, hence pulling the location away from the Peter Destapleigh Way and the western Audlem Road edge towards the eastern side of the development. The location within a development of this size is within convenient walking and cycling distance of properties in any event.

The developer has also pointed out that the Design and Access Statement includes only indicative elevations and building typology details and at this outline stage, it would be normal and acceptable for a condition requiring a design code to be applied. They consider that a wider scheme could be designed to complement the application and that the Design and Access Statement shows how a wider scheme could come forward.

The philosophy of creating focal locations and opportunities comprising built and natural features and spaces is supported by the Urban Design Officer, but is partly compromised by the issues discussed above. There needs to be the potential to at least create bespoke design opportunities in these key locations but ideally more widely, to make it a genuinely responsive scheme. However, the developer does not see how the creation of recognisable spaces is compromised in any way by these issues and considers that there is an opportunity at the reserved matters stage to create a bespoke responsive scheme.

The Urban Design Officer has commented that the allotment provision is welcomed. The local growing theme could be taken further by creating the potential for community orchards and also informal opportunities within areas of open space (as has happened at Todmorden in Yorkshire). This could be part of re-branding Nantwich as a local produce town, building on existing events such as the Nantwich Food and Drink and ensuring it is a key feature of any new developments that come forward. The developer has confirmed that this is something that could be explored at the reserved matters stage, and that the outline approval would not restrict this ambition.

### Pedestrian movement

The developer has pointed out that in the access scenario where a vehicular connection is provided onto Peter Destapleigh Way, controlled pedestrian crossings will be provided on all arms of the Peter Destapleigh Way / Pear Tree Field junction, providing strong pedestrian links between the site and established facilities within the town centre. In the access scenario where no vehicular connection is provided onto Peter Destapleigh Way, a separate pedestrian / cycle link will be provided onto Peter Destapleigh Way opposite Hawksey Drive. At this location an uncontrolled crossing point will be provided, including dropped kerbs / tactile paving. This form of crossing is considered acceptable given that the pedestrian access falls within a 30mph zone and pedestrians will only be required to cross a single carriageway road.

It is noted that the Public Rights of Way Officer has commented that it is essential that facilities for both pedestrians and cyclists to cross Peter de Staplegh Way are created at the junction with Hawksey Drive. In addition, crossing facilities should be provided at the north-western corner of the development site which provides more direct access to the town centre.

The cycleway/footway facility alongside the spine road from northern access proposed under 12/3746N should continue through the site to link to the community of Stapleley to Broad Lane School. The development should also make provision for new circular walking paths and cycle routes within the green infrastructure and destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station should be provided at junctions of the cycleway/footway and highway facilities. Cycle parking should be provided within the development and contributions should be made to addressing cycle parking shortfalls at nearby destinations such as the railway station. In addition, a travel plan should be produced for the site.

It is considered that all of these matters could also be addressed through the use of appropriate conditions and Section 106 contributions.

### Street Hierarchy and Parking

It is considered that the information is helpful in interpreting the movement strategy and defining character for different street types. It is positive that many areas are to be de-formalised and that on-street parking is suggested as being designed in as part of coherent street designs.

### Mix of Uses

The mix of uses is positive in creating a local centre for the development, there is some concern regarding the relationship of housing to the employment area. However, as the developer has pointed out, it is not unusual for housing to back onto employment, in many ways this clearly defined boundary is preferable to avoid ambiguous definition of access and parking arrangements.

The Urban Designer has suggested that the mixed use area could also include a modest number of residential units above commercial premises to further diversify the residential offer. Live/work opportunities could also be integrated, perhaps to create a buffer between employment only use and residential properties.

The developer has expressed concern, that there are commercial viability issues with this (that may ultimately constrain delivery of other community elements), albeit the intention of the employment element is to support local business and encourage a sustainable mix of uses.

### Contribution Towards Sustaining The Town Centre

The Urban Design Officer has commented that this is potentially a significant scheme and it should contribute toward reinforcing the town centre (as part of reinforcing the scheme's sustainability). There is a revised Conservation Area Appraisal for much of the town centre and forthcoming management plan. A forthcoming public realm strategy is proposed within

the Town Plan for Nantwich, which is likely to be progressed in 2013. Therefore, there will be viable projects to which such contributions could be targeted within a reasonable timeframe, concurrent with the development of this scheme.

The developer considers that additional housing will promote more spending in the town. The school, employment, open space allotments and community facilities will further enhance the facilities available to the people of Nantwich. The applicant, Muller Property Group, would be happy to engage with officers to consider an appropriate commuted sum payment as a contribution towards public realm improvements in the town centre. However, given that, at the present time, there is no planning policy to support such a request, it is not considered that a contribution, would meet the requirements of the C.I.L. Regulations.

Having considered the responses of the developer to his initial concerns, the Urban Design Officer confirmed at the time that he had no objection in principle to the proposal and that the majority of the matters raised above can be addressed at the Reserved Matters stage. As noted at the start of this section, with the adoption of the Design Guide this needs to be re-assessed, and this will be done in the update report to Members. However, a condition requiring a Design Code to be submitted and approved prior to the submission of the first Reserved Matters should be attached to any permission granted. The developer has confirmed that this would be acceptable. On this basis it is considered that that a refusal on design grounds could not be sustained.

### **Archaeology**

The application is supported by an archaeological desk-based assessment which has been prepared by Matrix Archaeology on behalf of the applicants. This study notes that there are no statutorily-protected Heritage Assets within the application area and that known features are currently restricted to relict ridge and furrow, a marl pit, and a number of metal-detector finds which are the result of casual detecting and appear to be largely post-medieval in date. The report does, however, conclude that the site does have the potential to contain as yet undiscovered archaeological remains, a conclusion based on the number of features of archaeological interest in the immediate vicinity, which have been identified by the present study, and the proven potential of Nantwich and its environs to contain remains of Roman, medieval, and earlier post-medieval date.

The archaeological potential is not sufficient to justify an objection to the application on archaeological grounds or to lead to a recommendation for further pre-determination work. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation, the broad scope of which is outlined in Section 8 of the archaeological study. Briefly, this should consist of an initial programme of formal; fieldwalking and supervised metal detecting, in order to identify any concentrations of material. Further investigation may be required where significant concentrations are identified and careful consideration will need to be given to the timing of the fieldwalking, which will require suitable ground conditions. It is also recommended that a record is made of the historic field boundaries and a report on all of the work will be required. This programme of mitigation may be secured by condition,

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology Planning Advisory Service does not carry out

archaeological work and the applicants will need to instruct their archaeological consultant to prepare a detailed specification for the mitigation and carry out the fieldwork in the event that planning permission is granted.

### **Open space**

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan required that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 2,835sqm of shared recreational open space and 3,780sqm of shared children's play space, which is a total of 6,615sqm of open space.

It is stated by the applicant that 2.52ha of open space will be provided.

In addition, the proposal should provide an equipped children's play area. A Local Equipped Area for Play is proposed. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

The remaining open space provision should include an area of allotments. It is noted that an area is shown on the plan. However, it is not stated how many plots there will be. The allotments would need to be surrounded by 2.4m high metal palisade fencing painted green. The site would also need to have bitmac surfaced roadways within it, plus a metered water supply, with one standpipe per plot.

Green Infrastructure should also be provided throughout the site, not just in the form of open space provision but also as links within the development, (for example through the use of street trees). Green corridors within the development site should be sufficiently wide and landscaped, not narrow alleys. They should be interlinked and connected, both to on and off-site networks.

To integrate the site pedestrian and cycle routes should be provided, in north-south and east-west trajectories, to link with the future (committed) development site at Stapeley Water Gardens (to the east); the Cronkinson Farm housing area (to the north) and Audlem Road (to the west) and onward to Stapeley Broad Lane Primary School and to the south (the site is bordered by Deadmans Lane). Requests have also been made for circular walks to be created in this area.

A private resident's management company would be required to manage all of the greenspace on the site (including the allotments.)

All of the above requirements, and amendments required through the new Local Plan policy SE6, could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Amenity**

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties. It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided.

The layout and design of the site are reserved matters and, in the absence of a testing layout, it is difficult to determine whether the proposed number of dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also difficult to establish whether the same standards can be achieved between proposed dwellings within the new estate.

As noted above in the design section, these matters need to be revisited at any Reserved Matters stage but if the requirements of the design guide are not met then subsequent application(s) could be refused.

### **Landscape Impact**

Although the site is an attractive relatively level agricultural landscape, characterised by a number of fairly large fields, its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is largely enclosed on three sides by existing residential development, apart from a triangular area that has been planted along the northern boundary and the land to the east and south east that is still agricultural.

There are no landscape designation on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within the boundary of Character Type 7: East Lowland Plain, specifically in the Ravensmoor Character Area (ELP1). The area to the west, including a narrow strip along the western part of the site is located within the Nantwich Urban character type, as is the proposed access point from Audlem Road to the south. Although the area to the north is also located with the Ravensmoor Character Area (ELP1), and would presumably historically have been part of that character area, it has been physically isolated from the wider landscape type because of the development of housing in recent years.

The existing remaining hedgerows and field boundaries are generally in good condition and the Council's Landscape Officer, who has examined the application, would agree with the assessment's view that the existing landscape is in a good condition. The Landscape Officer would also broadly agree with the Landscape and Visual Assessment methodology and significance of landscape and visual impacts. He does consider that the site has the landscape capacity to accommodate future residential development, providing that this is well



planned and designed and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although an Indicative Masterplan has been included. In the further development of a site Masterplan, a number of objectives should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and hedgerows) ;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.

However, these requirements could be secured by condition or Section 106 agreements and could be given further consideration at the reserved matters stage. In summary, the Landscape Officer does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently it is not considered that refusal on landscape or visual grounds could be substantiated.

### **Trees and Forestry**

The originally proposed access off Broad Lane would have resulted in the loss of a group of 9 A2 Category Scots Pine (trees T176-184) and a B1 Category Beech T185) tree located within the grounds of 'The Maylands', Broad Lane. The Arboricultural report also indicated that there will be further losses from within the site to facilitate the development, although these will be mainly restricted to C Category trees.

A Tree Preservation Order was served on 5th February 2013 to protect those trees identified as significant amenity features within the locale and around the settlement of 'The Maylands'.

Revised documents included the tree constraints overlaid onto an indicative master plan to outline areas of possible conflict to demonstrate that there is flexibility in the site to accommodate important trees (para 6.7 of report) and to show Indicative Landscape Areas. The Report recognised the importance of the function of the group of protected Scots Pine (para 6.9) and proposes that new planting (comprising of formal or semi formal planting of large maturing trees) would take place along the new access road to replace those trees proposed to be removed.

As the new access to the south is no longer proposed these trees are no longer affected by the proposals.

Indicative Landscape Areas are also shown to the north of the site adjacent to the Great Crested Newt Compensation Area, to the rear of existing planting along Peter Destapeleigh Way, along the western boundary of the site and within a proposed Village Green.

Now that the trees in the southern part of the site, adjacent to Broad Lane (in the grounds of "The Maylands") are no longer affected by the development, the third reason for refusal on the originally submitted application would no longer be applicable.

### **Ecology**

#### Great Crested Newts

No updated great crested newt surveys have been completed as part of the updated ecological assessment; however monitoring surveys undertaken in respect of the nearby Cronkinson Farm and Stapeley Water Gardens ecological mitigation areas are considered sufficient in this case to confirm the continued presence of a notable ('large') population of great crested newts in this locality. These adjacent ecological mitigation areas are connected to the land covered by this application by means of direct habitat links and amphibian road tunnels. Whilst an updated survey should have been undertaken, as we know from on going surveys that there is a large population on site and there has been no change in circumstances since the agreed was accepted during the last appeal, it is not considered that an objection can be sustained on this basis. This will of course be a matter the Inspector will need to consider at the forthcoming Inquiry.

The proposed development is located within an area of land subject to habitat enhancement undertaken to compensate for the impacts of an earlier consented development.

In the absence of mitigation/compensation the proposed development will result in the loss of terrestrial habitat utilised by this species and also result in the fragmentation of the available great crested newt habitat. Finally, the works would also pose a significant risk of killing/injuring any newts within the area of the proposed works.

The proposals have now been revised and the great crested newt breeding pond that was previously to be lost as a result of the development is now retained as part of the revised layout.

The submitted ecological assessment identifies the unmitigated impacts of the proposed development as being 'High'.

To compensate for the loss of terrestrial habitat the creation of a newt compensation area is proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. To avoid newts being killed or injured during the construction phase newts will be removed and excluded from the development site using standard best practise methodologies under license by Natural England. The 2013 mitigation strategy was amended to include an additional wetland scrape and associated bunds to increase the ecological value of the retained habitat.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

### Conservation of Habitats and Species Regulations 2010 ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

#### Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

#### Detriment to the maintenance of the species

The Council's Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts.

It is advised that the proposals for the removal and exclusion of newts from the development site and the proposed habitat creation is acceptable to mitigate the risk of animals being killed or injured by the proposed works.

The amended scheme which includes the retention of the existing pond is a more favourable alternative to the previous scheme which included the loss of a known breeding pond.

It is advised that if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population.

In the event that planning permission is granted it is recommend that a condition be attached which requires the submission of a detailed great crested newt mitigation strategy informed by the recommendations of the Protected Species Impact Assessment and Mitigation Strategy prepared by CES Ecology (March 2013 revision). For the avoidance of doubt, the mitigation strategy should include the provision of an additional pond.

### Bats

The updated (2017) Ecological Addendum Report has identified a number of trees on site as having potential to support roosting bats. One of these trees is likely to be lost as a direct result of the proposed development. The updated ecological assessment states that any tree to be affected by the proposed development must be subject to a detailed survey to determine the presence /absence of roosting bats.

It is therefore advised that in order to determine the potential impacts of the proposed development upon this protected species group a further survey must be undertaken of any trees potential affected by the works either through direct loss or other adverse impacts and a report of the required survey submitted prior to the determination of the planning application.

The construction of the access road and loss of hedgerow is likely to have a localised impact upon foraging bats. This would be compensated for through the creation of the replacement hedgerow and the additional pond would also provide additional compensatory habitat for bats. To avoid any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### Reptiles

Reptiles were not originally thought to be likely to be present at this site. However, a grass snake was encountered during the implementation of the adjacent Stapeley Water Gardens ecological mitigation works. It is therefore likely that grass snakes may occur on the application site on at least a transitory basis.

It is advised that the proposed great crested newt mitigation and compensation works, with slight modification that could be covered by condition, would also mitigate the potential impacts of the proposed development upon reptiles.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerows near to where the access road enters from Peter Destapleigh Way.

The previously submitted protected species impact assessment and mitigation strategy (March 2013) included proposals for the creation of a native species hedgerow along the western boundary of the proposed access road. It is advised that this is acceptable compensation for that lost.

#### Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species. The submitted ecology report recommends however that it is safeguarded by an 8m buffer zone. As the proposed road crosses the ditch it is impossible for this recommendation to be implemented by the developer. It may however be possible to design the ditch crossing in such a way that the impacts on the ditch are minimised.

In the event that planning permission is granted it is recommended that a condition be attached which requires the submission of a detailed design for the ditch crossing and that the crossing be designed so as to minimise the impacts of the crossing on the ditch habitats.

#### Nesting Birds

In the event that planning permission is granted it is advised that a condition is required to safeguard nesting birds.

#### Conditions

In the event that planning permission is granted, once the required further bat surveys have been submitted, the following conditions will be required:

- Submission of detailed ecological mitigation strategy informed by the submitted 2013 report to include; details of design for additional pond and wetland scape, enhancement of existing retained pond, provision of bat and bird boxes, reptile mitigation measures, hedgerow planting and fencing to limit public access to the ecological mitigation area.
- Submission of bat friendly lighting scheme.
- Safeguarding of breeding birds
- Detailed design of ditch crossing to minimise impacts upon the ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas (may require legal agreement).
- Proposals for in perpetuity management of the retained and newly created habitat areas.

#### **Education**

Updated comments are awaited from Education, however the following was reported to Members in the last report.

The proposal includes a new primary school. According to the Planning Statement, the primary school would be a one form entry school in line with the advice from the Education Authority. The area set aside for the school building and its curtilage (e.g. parking/playing field) is designed around the Department for Education requirements.

The Council's Education Officer has examined the application and commented that a scheme for 189 dwellings would not warrant a new school. It would only generate a requirement for a contribution towards improvements elsewhere. However, if the "greater" site, (which is being pursued through the local plan process, and is an alternative option in the Draft Development Strategy), were to come forward, a new primary school would be required.

It is therefore considered that the Section 106 Agreement should make provision for this eventuality by stating that the developer shall either provide a contribution of £347,081 towards primary education or a new single form entry primary school within the site. This shall be determined by the Local Planning Authority on occupation of the 100<sup>th</sup> dwelling.

### Highways

#### Access

Access to the site is taken from the existing signal junction at Pear Tree Field/Peter Destapleigh Way, this is the only point of access to the site and there is no secondary access to Broad Lane.

#### Development Impact

The applicant has submitted a new Technical Note that assess the impact of the development, new traffic surveys were undertaken in 2017 at a number of local junctions that were agreed in original scope of impact. Both traffic growth and committed development have been added to the base flows to ascertain the assessment flows used to assess the traffic impact of the development.

As part of the Stapeley Water Garden (SWG) development there are junction improvements at the signal junctions at London Road and Newcastle Road, these improvements have not yet been implemented but are likely to be implemented in 2018. The capacity assessments undertaken by the applicant have included these improvements in the models and have tested the junctions in the future year 2022.

Capacity assessments have been undertaken at the junctions as listed below

Audlem Road/Peter Destapleigh Way  
Pear Tree Field/Peter Destapleigh Way/Site Access  
London Road/Peter Destapleigh Way  
Newcastle Road/A5301 Elwood Way

The results of the capacity assessments indicate all of the junctions will operate close their practical capacity in 2022 with exception of the site access junction that operates with some spare capacity.

#### Summary

In summary, the junctions previously agreed that were likely to be impacted by the development have been reassessed to include up to date traffic flows and committed

development and whilst the junctions are operating close to capacity there is no reason to object on grounds on traffic impact.

There were a number of highway contributions agreed as part to the original assessment of the application for public transport improvements and a pedestrian crossing. These contributions in the unilateral undertaking are still required although the junction improvements are being implemented as part of the SWG's development.

The improvements to the signals junctions at London Road and Newcastle Road both include MOVA to optimise the operational capacity of the junctions, the other junctions assessed should also include MOVA and this should be secured by Condition.

### CONCLUSIONS

Since the consideration of this proposal by the Secretary of State in 2016, there is a significantly changed position re the status of Development Plans in Cheshire East:

- The Local Plan Strategy was adopted on 27 July 2017;
- The Council has a demonstrable 5.45 years supply of housing land; and
- The Stapeley & Batherton Neighbourhood Plan has reached an important milestone in its production and can be afforded additional weight.

The proposed development is clearly contrary to adopted planning policy and emerging Neighbourhood Plan Policies.

The development retains an adverse impact on the character of the countryside and this is undiminished by the passage of time. The development also has an adverse impact on Best and Most versatile agricultural land which has already experienced necessary but significant loss in the Borough.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, highways improvements, the necessary affordable housing requirements and provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology (subject to a further bat survey), drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments. Members will be updated on an assessment against the Councils Design Guide.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. Furthermore, the development would contribute to enhanced public transport provision. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside. As a result the proposal is considered to be unsustainable and contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the

Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, and the principles of the National Planning Policy Framework.

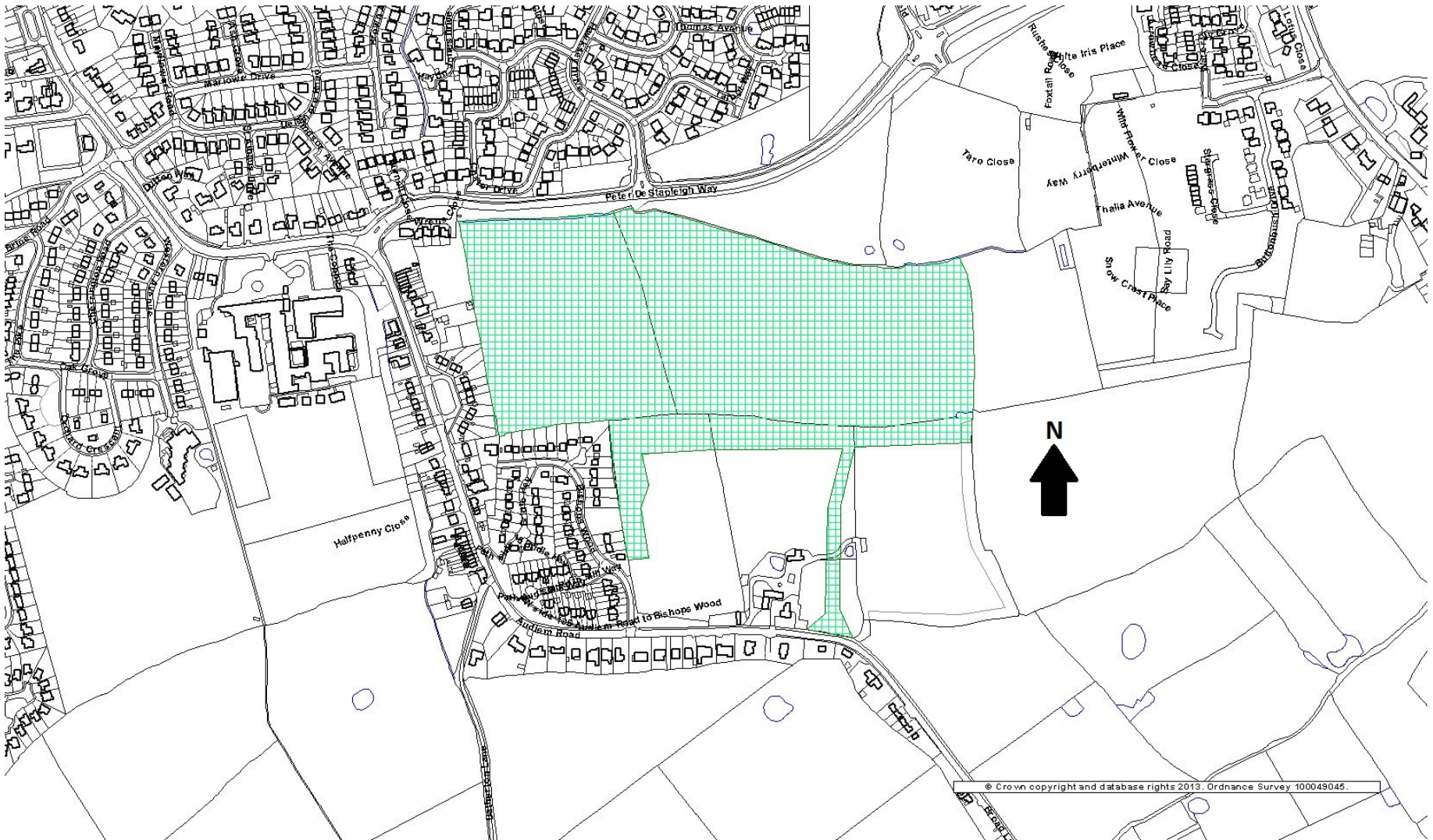
### **RECOMMENDATION**

**MINDED to REFUSE for the following reason:**

1. The proposed development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, and Policies H1.5 & H5 of the Stapeley Neighbourhood Plan, and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

2. The proposal will result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy SC2 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.





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Application No: 12/3746N

Location: Land off Peter Destapeleigh Way, Nantwich

Proposal: New highway access road, including footways and cycleway and associated works.

Applicant: Mr Carl Davey, Muller Property Group

Expiry Date: 30-Nov-2012

### **SUMMARY**

This application was submitted as an alternative access to the main application 12/3747N Residential development up to a maximum of 189 dwellings; local centre etc. also considered on this agenda, now that the access to the south, off Broad Lane, is no longer being pursued.

An access across this site, in a very similar form to that proposed, was approved (P00/0829) in this position to serve the former water gardens site, and as such the principle of building a road across this site has already been established. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road.

Whilst it is noted that the site forms part of a Landscape Nature Conservation Area, the provision of which was a requirement of the Section 106 Agreement attached to the nearby Cronkinson Farm residential development, the proposal should be considered on its own merits.

The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south, looking carefully at the ecological considerations.

The access road as now proposed is considered to be acceptable in terms of drainage and flooding, footpaths and rights of way, its wider landscape impact and ecology. With regard to highway and traffic generation, Highways have confirmed that based on the new access being utilised by the former water gardens site plus the 189 dwellings for which consent is being sought under application 12/3747N, there would be no grounds for refusal.

Members previously resolved to refuse the application "because it would result

in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping"., The Secretary of State in his most recent decision raised no issues with regards to ecological impact, but did not consider that the road in the open countryside could not be justified in the absence of permission for the housing scheme.

In view of this determination, and the fact the two applications are intrinsically linked, it is recommended that the Council is Minded to Refuse this application as there is no justification for allowing this access in the open countryside and the harm this will cause if development of the main site to the south does not go ahead.

**RECOMMENDATION**

**MINDED to REFUSE**

**BACKGROUND**

Some Members may recall this application, for the access to Peter Destapeley Way, which was submitted back in 2012, to provide an alternative access to the substantive part of the site to the south, also considered on this agenda. The main application (12/3747N) was refused by Committee in April 2013. This access application remains undetermined, as the matter was subject to a non determination appeal, but Committee (In June 2013) resolved that they would have been minded to refuse that application. The applications went to Public Inquiry in February 2014.

The cases were determined by the Secretary of State and dismissed on 17 March 2015.

The applicant challenged the decision in the High Court and the decision was quashed on 3 July 2015.

The Secretary of State Re-determined the decision and again dismissed the appeal on 11 August 2016.

The applicant again challenged the decision and the decision was again quashed on 14 March 2017.

The matter is now to go before a second public Inquiry starting on the 20 February 2018.

For information the original decision by Cheshire East back in April 2013 was to refuse the main application for the following 3 reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake.. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also

premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the absence detailed survey information the applicant has failed to demonstrate that the proposal will not result in loss of the best and most versatile agricultural land (Grade 3a) and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has also failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The scheme as presented will result in an immediate loss of trees that contribute significantly to the amenity and landscape character of the area and that the proposed indicative mitigation measures for this loss do not satisfactorily establish the benefits required by local and national policy. The proposal is therefore contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

The resolution from Committee on this access application 12/3746N subject to non-determination from the minutes reads:

“That the Board would be minded to refuse the application as the proposed development was unsustainable because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management contrary to policies NE9 (Protected Species) and NE10 (New Woodland Planting and Landscaping) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 118 of the National Planning Policy Framework....”

The purpose of this report is to update Members on what has changed in the interim period, and seek a formal Council resolution to report to the forthcoming Inquiry.

As a significant period of time (5 years from the submission) has elapsed since the original application was submitted a number of the reports have been updated and this report includes reference to the original consultee replies and updated comments where applicable.

## **SITE DESCRIPTION**

The application site is 1.71 hectares and in essence comprises of part of a single field which adjoins Peter Destapleigh Way to the north.

The western and southern boundaries of the site comprise of existing hedgerows, interspersed in places with trees. The eastern boundary of the site will run through the centre of the field and will follow the edge of the new highway. Further to the east of this site boundary is another hedgerow and the site of the former Stapeley Water Gardens.

There are two existing ponds within the site and to the west and south-east are areas set aside for great crested newt mitigation, the former relating to the Cronkinson Farm development and the latter relating to the Stapeley Water Garden development. The site comprises of mixture of unmanaged semi-improved grassland, bramble/scrub and a drainage ditch.

### **DETAILS OF PROPOSAL**

Planning permission was granted on the 4th January 2001 for the 'Construction Of New Access Road Into Stapeley Water Gardens (Ref. No. P00/0829).

This permission allowed the construction of a carriageway on a north-south alignment similar to that now being proposed in this planning application, with a connection to the Peter Destapleigh Way/Pear Tree Field highway junction via a fourth arm. Two roundabouts were also included providing two separate accesses into Stapeley Water Gardens.

As can be seen on the ground the spur for this fourth arm off the junction is in place and, this spur has been constructed in accordance with the approved planning permission. This 2001 permission is therefore extant.

In March 2006 the former Crewe and Nantwich Borough Council produced a Draft Development Brief and Sustainability Appraisal for Stapeley Water Gardens. Two redevelopment options were put forward, both of which included a new access off Peter Destapleigh Way.

At that point in time it was envisaged that Stapeley Water Gardens would continue to operate on a smaller scale and the access road would have provided a link to this smaller operation, as well as an area of new employment development within the Water Gardens site.

The remainder of the site was to have been developed for housing and this would have been accessed off London Road via the existing access point. The Sustainability Appraisal noted that the Highway Authority had confirmed their requirements for the new Peter Destapleigh Way access.

In July 2006 the former Borough Council adopted the Development Brief as a Supplementary Planning Document. The Peter Destapleigh Way access was retained in the SPD but rather than only servicing the Garden Centre and employment area it was to be used for the entire site with the London Road access closed.

This application proposes an access onto Peter Destapleigh Way at its junction with Pear Tree Field, together with a section of carriageway and footway/cycleway on a north-south alignment from Peter Destapleigh Way to the southern boundary of the site. Prior to this section of highway reaching the southern boundary a roundabout and associated highway stub to the site's eastern boundary will be provided.

The application is submitted in parallel with an outline planning application for a mixed use development comprising of up to 189 dwellings a local centre, employment, primary school, public open space and green infrastructure on land immediately adjoining the southern site boundary of this planning application (considered elsewhere on this agenda). Whilst that

proposal has its own independent access from Broad Lane, the application which is the subject of this report will provide an additional access option for the adjoining mixed-use proposals, albeit these can be served solely from Broad Lane

As noted above the spur for a fourth arm off the signalised Peter Destapleigh Way/Pear Tree Field junction has already been constructed as part of the extant planning permission P00/0829 with signals, street lighting and tactile paving. This planning application will utilise this but with some revisions to it so that the arm is widened to accommodate the introduction of an additional lane and there will also be a new left turn lane on Peter Destapleigh Way.

The new carriageway itself will be 7.3m wide. On its western side there will be a 3m shared footway/cycleway and on its eastern side a 2m wide footway. Before the southern boundary of the application site a compact roundabout will be accommodated with a stub to the site's eastern boundary. As a result, as well as giving an alternative access option for the mixed-use proposals to the south, the application proposals have the ability to connect the former Stapeley Water Gardens land directly to Peter Destapleigh Way in a similar way to that envisaged by the Development Brief and the extant planning permission.

### **RELEVANT PLANNING HISTORY**

P00/0829 (2001) Construction of New Access Road Into Stapeley Water Gardens

The associated planning application:

12/3747N Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works. LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY UNDETERMINED

### **PLANNING POLICIES**

#### **Cheshire East Local Plan Strategy 2010-2030**

The following are considered relevant material considerations:

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC3 – Health and Wellbeing
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 - The Landscape
- SE5 – Trees, Hedgerows and Woodland

SE9 –Energy Efficient Development  
IN1 - Infrastructure  
IN2 – Developer Contributions

## Saved policies in the **Crewe and Nantwich Local Plan**

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

## **Stapeley & Batherton Neighbourhood Plan**

The plan is at Regular 17 – Examination stage with the examiner asking a number of questions to which responses have been given. Relevant policies include:

Policy GS 3 – Landscape Quality, Countryside and Open Views  
Policy GS 5 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS 8 – Buffer Zones and Wildlife Corridors  
Policy GS 9 – Biodiversity  
Policy T 1 – General Transport Considerations  
Policy T 2 – Walkable neighbourhoods  
Policy T 3 – Pedestrian and cycle routes

## **National Policy**

National Planning Policy Framework

## **Other Material Policy Considerations**

Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010.

## **CONSULTEES**

### **Cheshire Wildlife Trust**

Commenting on the originally submitted application, Cheshire Wildlife Trust (CWT) objected to this application on the following grounds:

1. The proposed access road alignment encroaches significantly on land which, as far as CWT is aware from previous applications relating to Cronkinson Farm and Stapeley Water Gardens (SWG), was designated as great crested newt (GCN) mitigation land with the intention that it should provide an unbroken corridor linking retained areas of GCN habitat north of Peter Destapeleigh Way with open countryside to the south of Peter Destapeleigh



Way, in turn connecting with new GCN ponds to the SW and SE of the former SWG site. Our information derives in part from information previously drawn up by TEP in 2006 (corridor identified as 'Field D') and Planit in 2009.

2. The current proposal (Drawing BIR3790\_01-1E) keys residual land in the corridor, which has not been taken up by the new road alignment, as 'Nantwich South GCN Compensation Area'. If, as we understand it to be, this land is existing GCN mitigation land, it cannot be re-designated as GCN Compensation land for the current proposal. Subject to Natural England's views, CWT considers that the same piece of land should not be identified as mitigation for two separate developments because it could not, by definition, be sufficiently improved to mitigate the impacts of each of these developments on GCNs.

## Environment Agency

Again commenting on the originally submitted application:

- The Environment Agency has received a Flood Risk Assessment (FRA) on 7<sup>th</sup> December 2012.
- Having reviewed the report they are now able to withdraw their previous objection subject to the following planning conditions being included on any planning approval as set out below.
  - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken to demonstrate whether this is a feasible option for the disposal of surface water from the proposed development. If surface water is to discharge to watercourse, and a single rate of discharge is proposed, this is to be the mean annual run-off ( $Q_{bar}$ ) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The road layout is to be designed to contain any such flooding within the application boundary, to ensure that any flood risk is not increase elsewhere. As such we request that the following conditions is also attached to any planning approval.
  - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
- According to the 'Protected Species Impact Assessment and Mitigations Strategy (2012)' great crested newts are present.
- A watercourse is present on site and the drawing SCD/10141/D03 'Site Access General Arrangement' shows the proposed road crossing this watercourse. However the documents supplied do not provide any specifics on how this watercourse will be crossed.
- The Environment Agency are generally opposed to culverting because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as

barrier to the movement of wildlife including fish. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- However, in view of the type of development and the relatively small length of watercourse that would be lost, it may be that compensatory works elsewhere on the water course / in the catchment could adequately off-set the loss of habitat and river corridor disruption. Ideally this should be an open span bridge. If culverting can not be avoided then it should be as short a length as possible.

## Natural England

Their revised comments are “no comments”, but in relation to the original submission they raised objections:

- The Protected Species Impact Assessment (PSIA) and Mitigation Strategy - September 2012 (PSIA) provided by the applicant indicates that great crested newts (*Triturus cristatus*) are using features that are to be affected by the proposed development.
- In the absence of the detailed great crested newt and protected species surveys, referred to in the PSIA report, it is unclear whether the currently proposed mitigation and compensation measures are sufficient to maintain the large population identified in the PSIA report.
- The proposed development may compromise previously agreed great crested newt mitigation schemes and habitat management agreements implemented on adjacent land. Further clarification is therefore required to put in context these proposals in relation to those previously approved schemes and agreements.
- Draw attention to Natural England’s guidance on great crested newt master plan requirements for phased or multi-plot development applications. A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent.
- Unless these issues are addressed, Natural England’s view is that granting permission for this permission would be likely to offend against Article 12(1) of the Habitats Directive.
- Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
  - ☐ local sites (biodiversity and geodiversity)
  - ☐ local landscape character
  - ☐ local or national biodiversity priority habitats and species.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

## Highways

Commenting on both this and the main application (17/3747N) Highways raise no objections to the revised proposals, subject to the requirement for same obligations in the S106 as previously agreed and also with the added Condition to require MOVA to be installed at the site access and at the Audlem Road/Peter Destapleigh Way traffic signal junctions.

## Environmental Health

A series of conditions covering the construction period of the site are suggested.

## Public Rights of Way

- The Design and Access Statement of the application states, in section 4.8, that “Cyclists will be accommodated within the main carriageway”. In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required.
- The provision of a cycleway/footway facility alongside the spine road would provide continuity of an off-carriageway route between the current and new communities and facilities of Stapeley and Nantwich. It would also provide a continuous pedestrian/cyclist link to Broad Lane School, a request which was registered under consultation for the Council’s statutory Rights of Way Improvement Plan (ref. T19 and T75). With this strategic and sustainable active travel route proposal, the footway on the southern side of Peter de Stapleigh Way between London Road and Pear Tree Field could be upgraded to cycle track status in order to provide a continuous off-road route. This upgrade would negate the need for residents of the Stapeley Water Gardens development site to travel to the proposed local centre facilities and onwards to Broad Lane School, without having to cross Peter de Stapleigh Way twice.
- The Road Plan drawing shows crossings of Peter de Stapleigh Way and the northern end of the proposed spine road at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities already in existence and those proposed, will need to be toucan crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site – it is therefore essential that this facility can be accessed by a suitable crossing of the road.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

## VIEWS OF THE PARISH / TOWN COUNCIL

### Nantwich Town Council

Commenting on the originally submission they:

- Object – The Town Council considers that development to the south of Peter de Stapleigh Way should only be considered in the context of the emerging Core Strategy and

Draft Town Strategy. Consultation on the Town Strategy has recently been concluded and there appears to be little support for this option.

- There is also a legal agreement relating to this land and it is not clear how the measures proposed in this agreement will be satisfied if this application is approved.

### **Stapeley Parish Council**

Again commenting on the original submission:

The Parish Council has considered the applications and makes the following comments numbered 1 -3, together with a summary of the technical highway appraisal carried out by Bob Hindhaugh Associates Limited on behalf of the Parish Council. The company's summary appraisal was included in the original officers report, and the "Summary Of Areas Of Major Concern" are set out below.

The Parish Council requests that the Borough Council take into account the observations made and recommends that both applications be refused for the reasons given.

1. Objections on highways grounds as detailed in the consultant's report summarised below.
2. The proposal is contrary to Crewe and Natwich Local Plan policies RES.5 as the land which is the site of the application is outside the settlement boundary and the Parish Council considers that none of the criteria apply.
2. The current drainage system is already inadequate and additional development will exacerbate the problem.
3. 3 major reports have been submitted by Singleton Clamp Consulting Engineers in support of the application. The Parish Council has obtained independent professional advice to provide a detailed analysis of these documents. The key findings are summarised below and clearly demonstrate that there are a number of serious and fundamental flaws which have major impact on the local area.

The applicant's traffic count was 10% lower at the Newcastle Road / Elwood Road junction. This would provide some explanation as to why the application used an evening peak hour count of 16.45 -17.45 instead of the traditional peak of 17.00 – 18.00. This would account for the consultant's traffic flow data being represented in a lower number and providing a full and proper account of the actual traffic situation on the local highway network around Stapeley. This, of course, is only one of the four junctions very close to the application site which gives the general public and the Parish Council grave concerns that the traffic assessment is flawed.

If after considering all the objection responses to these applications, the local planning authority is still minded to recommend approval of the applications, the Parish Council would want to see and be allowed to comment on what would be expected to be an extensive list of mitigation measures and improvements, which would demonstrate that with these measures would make the situation better for road users, or at the very least, make it no worse.

It is Members opinion as a Parish council that together with a number of other objections from the residents of the Parish m, that these proposal in their current form would cause severe impact on the local highway network and would be detrimental to that already congested flow of traffic and not in the interests of highway and pedestrian safety.

The Parish Council would urge the Local Planning Authority to recommend refusal of both these applications in the interests of public safety.

#### *“5.0 Summary Of Areas Of Major Concern*

- *The roundabout is not designed in accordance with the relevant design manual and specification.*
- *The complete lack of any provision or measures to support alternative modes of travel and encourage sustainability.*
- *It is evident that congestion occurs at every peak time and this is confirmed in the Mouchel (A500/M6 2010) document on this route. We also have photographic evidence to the extent of the queue lengths causing congestion at all the relevant junctions and ‘A’ road corridors.*
- *I fail to accept that the traffic generation from the development proposals will not significantly worsen the capacity of the local highway network, as a result of the proposed development coming forward, as set out in 10.11 of the Singleton Clamp transport assessment.*

*Based on the findings contained with the technical highways report and summary above, I would recommend that the Parish Council formally objects to planning applications 12/3746N and 12/3747N. These proposed developments would have a significant detrimental impact on the local highway network, resulting in increased congestion to priority junctions, impacting onto the A530 and A51 corridors as well as the A500 and M6 at junction 16.*

*All of the above is classed as “Severe” as mentioned in the National Planning Policy Framework (NPPF) and on that basis alone should be recommended for refusal.”*

## **6. OTHER REPRESENTATIONS**

### **Reaseheath College**

Commenting on the original submission:

- The proposed access will create major traffic congestion at the junction with Peter DeStapleigh Way especially at peak periods and during school drop off and pick up times.
- The proposal does not offer any substantive traffic movement improvements.

- The proposal is to facilitate the development of a major housing scheme at “Nantwich South” and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site nor does it address the needs of the wider area.
- The transport statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely and as a precursor to a much larger scheme the traffic figures appear misleading.
- We are of the opinion that development schemes need to encompass the whole of the proposals which are indicated through the linked planning application reference 12/3747N where large areas of land are shown as potential future development phases. Any road improvements and junctions should address these wider issues. As such, this application is premature. Steps are being taken to resolve future development for Nantwich. The outcome of that will identify where development should take place.

### Local Residents

- Plans have been submitted prior to the adopting of Cheshire East Council's local plan and are therefore at odds with one of the core planning principles that planning should be 'genuinely plan-led'.
- The majority of this site is subject to an existing section 106 agreement and should now be a Landscaped Nature Conservation area in the ownership of Cheshire East council to be used for public open spaces purposes only. The proposed access road does not constitute public open space.
- The basis of the Transport Statement is fundamentally flawed modelling a year of opening of 2014 which is tied in as representative of a full proposal of circa 1215 dwellings as a maximum development size. This is clearly not feasible. As no definitive information on the additional 1215 homes and associated growth in infrastructure such as health facilities and schools which will generate extra trips is available, the trip generation and distribution cannot be accurate.
- The Transport Statement has failed to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road / Peter DeStapleigh Way, whilst assessing other junctions further afield. This casts doubt on the redistribution of trips suggested by the developer.
- With traffic regularly queuing along Peter DeStapleigh Way, the addition of another access road at the Cronkinsons Pub will only exacerbate the problem.
- The Transport Statement has failed to consider the existence of an additional afternoon peak period when children are collected from four primary schools and one secondary school in the locality.
- A traffic count on Broad Lane performed by members of the public following the same methodology and data collection guidelines used by SCP clearly demonstrates the existence of this third peak period of high traffic volumes ( in excess of those experienced during the later pm peak period)
- The proposal does not offer any substantive traffic movement improvements.
- The proposal is to facilitate the development of a major housing scheme at 'Nantwich South' and as such addresses a key infrastructure problem but does not address any of the problems it will create beyond the site, nor does it address the needs of the wider area.

- The Transport Statement is modelled on a stated first year of 2014 and a subsequent proposal of 2019. Whilst the mixed use scheme will generate significant additional traffic, the usual build rate for residential development of 25 to 30 units per year makes the 2014 date look unlikely as a precursor to a much larger scheme the traffic figures appear misleading.
- There are several chicanes causing non-free flowing traffic already existing in Wellington Road, Audlem Road and Broad Lane. Increased traffic will make the problem worse
- The stub roundabout at the junction by the Cronkinson pub was planned to be an alternative access road to the newly located Stapeley Water Gardens. It was not intended to be an access to a huge housing estate
- As part of the mitigation for the Cronkinson Farm development, it appears that an area to the south of the main road, Peter DeStapeley Way, was designated a protected habitat for GCNs. The proposal to build an access road from DeStapeley way to the development will fragment this area.
- A significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' to the south of what is now Peter DeStapeley Way in the Ponds and Amphibians Plan dated July 1998. It appears that the land is already existing GCN migration land associated with the Cronkinson Farm development. The land should remain undisturbed as it appears to be existing terrestrial habitat for GCN's
- It has been found that animal abundance of most species is negatively affected by roads and that amphibians, including newts, are amongst those animals most adversely affected. The development would greatly increase the traffic and the risk to newts and other wildlife.
- The Transport assessment draws a number of unsubstantiated conclusions about the relief traffic on Dig Lane which is misleading.
- Drivers have been forced onto the pavement several times on the approach to First Dig Lane and have complained many times.
- As scant regard is being given to where employment is being generated in the local area significant travel will be required for residents.
- Whilst Broad Lane is designated an 'A' road the road is narrow and housing is close to the road. Additional traffic is not a sustainable or acceptable option.
- Concerns regarding traffic along London Road is already very busy.
- Why is the development under way without formal approval having been granted?
- Although it is claimed that traffic surveys have been carried out these were somewhat limited as they missed the 8.30 – 9 am period when the roads in this area are a particular problem with schools traffic. Such surveys should be carried out over longer periods as events such as poor weather and travel problems on other local and major routes e.g. A500 and M6 have a huge bearing on traffic levels in the area.
- Assuming that each house in the proposed development has one car and does 2 school runs and one shopping trip per day this equates 6 journeys per car per day (3 there and three back) 6966 journeys. At 1.5 cars per household the number increases to 8127 journeys and at 2 cars per household it is 9288
- It would be good if the Council took a lesson from history when the railways wanted to site a junction in Nantwich and were told 'not wanted here'.
- The roads (complete with railway crossings) are not suitable for increased traffic load.
- When there is a closure or major incident of on the M6 many drivers leave the motorway and, using the A500, try and bypass the problem using the roads around Nantwich. This exacerbates the problem on Peter DeStapleigh Way and other roads around Nantwich.

- No provision to turn right into London Road from Peter DeStapleigh Way

### **Objection Report by M Williams BSc, MSc**

An extensive and detailed objection report was received from Mr M. Williams, the executive summary of which states:

1. *The proposed speculative development is not plan-led and is not included in Cheshire East Council's Draft Development Strategy therefore it fails to comply with Paragraph 17 of the National Planning Policy Framework which states that planning should 'be genuinely plan-led, empowering local people to shape their surroundings....'.*
2. *The majority of the application site (land edged red) is designated under saved policy 'NE.10 New Woodland Planting and Landscaping' of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposed access road passes over land that is covered by saved policy NE.10 therefore the proposed development is not policy-compliant as a road does not constitute new woodland planting and landscaping.*
3. *An exhaustive review of a wide range of documentary sources has established that the majority of the application site is existing Great Crested Newt mitigation land implemented as mitigation for the Cronkinson Farm development. One of the documents reviewed (dated 2005) refers to this land as a 'newt reserve' before stating that 'The newt reserve is protected against development under a Section 106 agreement' (underlining added for emphasis).*
4. *The majority of the application site is subject to an existing Section 106 agreement (referred to in point 3 above) and should now be a Landscaped Nature Conservation Area in the ownership of Cheshire East Council to be used for public open space purposes only. No provision exists in the S106 Agreement for a future road through this land (as proposed by Muller) and the proposed access road does not constitute public open space.*
5. *The majority of the application site is existing Great Crested Newt mitigation land but it is also proposed as compensation land in planning application 12/3746N. However, existing mitigation land cannot be reallocated as proposed compensation land for a separate development proposal.*
6. *A private practice of planning solicitors has advised that the aforementioned S106 agreement is still enforceable. The key test is whether the S106 agreement still serves a useful planning purpose. Clearly it does, as the S106 Agreement is the mechanism for securing the majority of the application site as Great Crested Newt mitigation/compensation land implemented as mitigation for the Cronkinson Farm development (refer to points 3 and 4 above). Therefore, it is considered that Cheshire East Council should refuse this planning application and enforce the existing S106 legal agreement.*
7. *The basis of the Transport Statement is fundamentally flawed, modelling a year of opening of 2014 for the full proposal of circa 1,215 dwellings. As no definitive information on the additional 1,215 homes and associated infrastructure such as health facilities and schools is available, the trip generation and distribution cannot be accurate.*
8. *The Transport Statement (TS) fails to assess one of the key junctions adjacent to the site upon which there would be a significant impact, namely Audlem Road/Peter Destapleigh Way, whilst assessing other junctions further afield. A technical critique of the TS-*



*commissioned by Stapeley Parish Council- recommends that the council refuses this application.*

9. *The full text of the report can be read on the Council's website*

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Great Crested Newt Survey (and update)
- Protected Species Survey (and update)
- Transport Statement (and update)
- Planning Statement
- Design and Access Statement

## **8. OFFICER APPRAISAL**

### **Principle of Development and Main Issues**

The previous approval (P00/0829), established the acceptability, in principle of an access road in this position to serve the former water gardens site. This application does not present an opportunity to revisit that issue. The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south, in terms of impact on open countryside, highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, drainage and flooding.

### **Open Countryside**

The site lies in the Open Countryside as designated in the Cheshire East Local Plan Strategy 2010-2030, where policies PG6 sets out the limited list of exceptions which could be acceptable..

Whilst the proposed development does not fall within any of the above categories of development, the previous approval for an access road through this land is a material consideration in the determination of the application. The issue which Members must consider, therefore, is whether the access road, as now proposed, will have any greater impact on the character and appearance of the Open Countryside than the previously approved scheme.

Comparison of the drawing labelled P00/0829 (the previously approved plan) and drawing number SCP/10141/D03 (the proposed plan), included within the Key Plans booklet, shows that whilst the proposed alignment of the main part of the road has changed, and it is slightly wider, it will not have a significantly greater impact on the openness of the countryside. The only additional impact of any significance is the creation of an additional spur from the second roundabout into the proposed development site to the south which as stated above is currently subject to a parallel Appeal. It is not considered that this additional spur will have such a significantly urbanising visual impact on the Open Countryside, as to justify a refusal of the amended access scheme.

### **Highways**

Commenting on both applications Highways comment:

### Access

Access to the site is taken from the existing signal junction at Pear Tree Field/Peter Destapleigh Way, this is the only point of access to the site and there is no secondary access to Broad Lane.

### Development Impact

The applicant has submitted a new Technical Note that assess the impact of the development, new traffic surveys were undertaken in 2017 at a number of local junctions that were agreed in original scope of impact. Both traffic growth and committed development have been added to the base flows to ascertain the assessment flows used to assess the traffic impact of the development.

As part of the Stapeley Water Garden (SWG) development there are junction improvements at the signal junctions at London Road and Newcastle Road, these improvements have not yet been implemented but are likely to be implemented in 2018. The capacity assessments undertaken by the applicant have included these improvements in the models and have tested the junctions in the future year 2022.

Capacity assessments have been undertaken at the junctions as listed below

Audlem Road/Peter Destapleigh Way  
Pear Tree Field/Peter Destapleigh Way/Site Access  
London Road/Peter Destapleigh Way  
Newcastle Road/A5301 Elwood Way

The results of the capacity assessments indicate all of the junctions will operate close their practical capacity in 2022 with exception of the site access junction that operates with some spare capacity.

### Summary

In summary, the junctions previously agreed that were likely to be impacted by the development have been reassessed to include up to date traffic flows and committed development and whilst the junctions are operating close to capacity there is no reason to object on grounds on traffic impact.

There were a number of highway contributions agreed as part to the original assessment of the application for public transport improvements and a pedestrian crossing. These contributions in the unilateral undertaking are still required although the junction improvements are being implemented as part of the SWG's development.

The improvements to the signals junctions at London Road and Newcastle Road both include MOVA to optimise the operational capacity of the junctions, the other junctions assessed should also include MOVA and this should be secured by Condition.

## **Landscape Impact**

The Council's Landscape Officer has examined the application and commented that this is an application for a new highway access road, including footway and cycleway off Peter Destapleigh Way, located to the south of Nantwich; the application site covers approximately 1.54 ha of agricultural land. There are no landscape designations on the application site and he does not feel that the proposed development would result in any significant landscape or visual impacts, on the wider landscape.

## **Hedge and Tree Matters**

The proposed access off Peter Destapeleigh Way shown on the General Arrangement Drawing (Drawing SCP/10141/D03) would have impacted upon a mature category 'A' Oak located to the west of the existing formed access on the southern section of Peter Destapeleigh Way. This tree was shown for retention on the previously approved extant scheme (Ref P.00/0829) . This permission allowed for a 7.3m wide access road; 2metre footpath and 0.9 metre verge. The current access arrangements as shown on the site access general arrangement drawing (SCP/10141/DO3) now appears wider at a point opposite the Oak tree, with a proposed footpath and cycleway now located within the root protection area of this tree. The revised Arboricultural Impact Assessment (Revision D) has now identified this as Tree T175 (and not as previously suggested the two Oaks that were shown on the extant permission which have since been removed) . The Arboricultural report indicates that this tree will be retained and protected, however despite assurances during the site meeting by the project Arboriculturist that the access could be amended to accommodate this tree no further amendments to the access were received that would allow for satisfactory retention of this tree in accordance with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*.

The revised Arboricultural Report at para 6.6 identified the loss of a further three category A1 Oak trees (T148, 149 and 150).to facilitate the construction of the southern spur of the proposed internal roundabout (see site access general arrangement drawing SCP/10141/DO3), although the Arboricultural Implications and Assessment Table at Appendix A states that there are four A1 Category Oak trees to be removed (T147, 148, 149 and 150)

The revised position of this roundabout and arm represent a departure from the previous approval which allowed for the retention of all four Oak trees and would have required only the loss of a poor quality Willow and Sycamore. The submitted Arboricultural report recognises the importance of these trees as '*significant components of the wider pastoral landscape*' (para 6.8) and states that these can be mitigated through a landscape scheme. It should be noted however that any sequence of mitigation should in the first instance seek to avoid by all practical means any adverse impacts, or minimising the said impact. Rectifying the impact through compensatory planting should be the final consideration, but not the only consideration.

In this regard the Council's Landscape Officer was of the view that due regard had not been given to alternatives to avoid the loss of the trees identified and that the scheme relied

primarily on the provision of replacement planting to offset any tree losses. He therefore recommended refusal of the application.

However, the mature category 'A' Oak located to the west of the existing formed access on the southern section of Peter Destapeleigh Way (T175) which was to be retained on the general arrangement drawing and the three category A1 Oak trees (T148, 149 and 150) shown for removal to facilitate the construction of the southern spur of the proposed internal roundabout were felled on or around the 27th March 2013 in advance of the planning application being determined by the Council.

Discussions between the Forestry Commission and the Council's Forestry Officers have concluded that a felling licence for the felling of the trees had not been obtained and therefore the felling of the four trees constitutes an offence under the provisions of Section 17 of the Forestry Act 1967. This matter has now been investigated by the Forestry Commission and a report has been forwarded to the National Office for determination. A decision on the outcome of this report is still awaited.

In this regard the Forestry Commission have three options:-

- to pursue a prosecution.
- to proceed with a restocking notice (replacing the trees that have been felled).
- serving a warning letter on the owner of the land.

Notwithstanding the on-going investigation of the matter by the Forestry Commission, and any action which may result, the felling of the four 'A' category Oak trees has effectively removed the Council's reason for refusal on this application; in the light of the loss of these trees a Tree Preservation Order was served on 30th April 2013 to protect the remaining trees located on the land that is the subject of this application. It is not therefore considered that an objection on tree grounds could be sustained at the forthcoming Appeal against non-determination.

### **Ecology**

Commenting on both applications, the Council's Ecologist comments:

#### Great Crested Newts

No updated great crested newt surveys have been completed as part of the updated ecological assessment ; however monitoring surveys undertaken in respect of the nearby Cronkinson Farm and Stapeley Water Gardens ecological mitigation areas are considered sufficient in this case to confirm the continued presence of a notable ('large') population of great crested newts in this locality. These adjacent ecological mitigation areas are connected to the land covered by this application by means of direct habitat links and amphibian road tunnels. Whilst an updated survey should have been undertaken, as we know from on going surveys that there is a large population on site and there has been no change in circumstances since the agreed mitigation was accepted during the last appeal, it is not

considered that an objection can be sustained on this basis. This will of course be a matter the Inspector will need to consider at the forthcoming Inquiry.

The proposed development is located within an area of land subject to habitat enhancement undertaken to compensate for the impacts of an earlier consented development.

In the absence of mitigation/compensation the proposed development will result in the loss of terrestrial habitat utilised by this species and also result in the fragmentation of the available great crested newt habitat. Finally, the works would also pose a significant risk of killing/injuring any newts within the area of the proposed works.

The proposals have now been revised and the great crested newt breeding pond that was previously to be lost as a result of the development is now retained as part of the revised layout.

The submitted ecological assessment identifies the unmitigated impacts of the proposed development as being 'High'.

To compensate for the loss of terrestrial habitat the creation of a newt compensation area is proposed together with the provision of amphibian crossings to reduce the fragmentary impacts of the development. To avoid newts being killed or injured during the construction phase newts will be removed and excluded from the development site using standard best practise methodologies under license by Natural England. The 2013 mitigation strategy was amended to include an additional wetland scrape and associated bunds to increase the ecological value of the retained habitat.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive  
Conservation of Habitats and Species Regulations 2010  
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

### Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

### Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts.

It is advised that the proposals for the removal and exclusion of newts from the development site and the proposed habitat creation is acceptable to mitigate the risk of animals being killed or injured by the proposed works.

The amended scheme which includes the retention of the existing pond is a more favourable alternative to the previous scheme which included the loss of a known breeding pond.

It is advised that if planning consent is granted the proposed mitigation and compensation is adequate to maintain the favourable conservation status of the local great crested newt meta-population.

In the event that planning permission is granted it is recommend that a condition be attached which requires the submission of a detailed great crested newt mitigation strategy informed by the recommendations of the Protected Species Impact Assessment and Mitigation Strategy prepared by CES Ecology (March 2013 revision). For the avoidance of doubt, the mitigation strategy should include the provision of an additional pond.

### Bats

The updated (2017) Ecological Addendum Report has identified a number of trees on site as having potential to support roosting bats. One of these trees is likely to be lost as a direct result of the proposed development. The updated ecological assessment states that any tree to be affected by the proposed development must be subject to a detailed survey to determine the presence /absence of roosting bats.

It is therefore advised that in order to determine the potential impacts of the proposed development upon this protected species group a further survey must be undertaken of any trees potential affected by the works either through direct loss or other adverse impacts and a report of the required survey submitted prior to the determination of the planning application.

The construction of the access road and loss of hedgerow is likely to have a localised impact upon foraging bats. This would be compensated for through the creation of the replacement hedgerow and the additional pond would also provide additional compensatory habitat for bats. To avoid any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### Reptiles

Reptiles were not originally thought to be likely to be present at this site. However, a grass snake was encountered during the implementation of the adjacent Stapeley Water Gardens ecological mitigation works. It is therefore likely that grass snakes may occur on the application site on at least a transitory basis.

It is advised that the proposed great crested newt mitigation and compensation works, with slight modification that could be covered by condition, would also mitigate the potential impacts of the proposed development upon reptiles.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerows near to where the access road enters from Peter Destapleigh Way.

The previously submitted protected species impact assessment and mitigation strategy (March 2013) included proposals for the creation of a native species hedgerow along the western boundary of the proposed assess road. It is advised that this is acceptable compensation for that lost.

### Ditch

The ditch adjacent to the proposed development has not been identified as supporting protected species. The submitted ecology report recommends however that it is safeguarded by an 8m buffer zone. As the proposed road crosses the ditch it is impossible for this recommendation to be implemented by the developer. It may however be possible to design the ditch crossing in such a way that the impacts on the ditch are minimised.

In the event that planning permission is granted it is recommend that a condition be attached which requires the submission of a detailed design for the ditch crossing and that the crossing be designed so as to minimise the impacts of the crossing on the ditch habitats.

### Nesting Birds

In the event that planning permission is granted it is advised that a condition is required to safeguard nesting birds.

### Conditions

In the event that planning permission is granted, once the required further bat surveys have been submitted, the following conditions will be required:

- Submission of detailed ecological mitigation strategy informed by the submitted 2013 report to include; details of design for additional pond and wetland scape, enhancement of existing retained pond, provision of bat and bird boxes, reptile mitigation measures, hedgerow planting and fencing to limit public access to the ecological mitigation area.
- Submission of bat friendly lighting scheme.
- Safeguarding of breeding birds
- Detailed design of ditch crossing to minimise impacts upon the ditch.
- Proposals for in perpetuity management of the retained and newly created habitat areas (may require legal agreement).
- Proposals for in perpetuity management of the retained and newly created habitat areas.

### **Footpaths and Rights of Way**

Commenting on the original submission, the Rights of Way Officer queried the Design and Access Statement which states, in section 4.8, that “Cyclists will be accommodated within the main carriageway”. In contrast, the Road Plan, Drawing No. SCP/10141/D03, shows a shared space cycleway/footway facility outside of the main carriageway in both plan and cross-section views. Clarification on this point is required. The applicant has confirmed that there is an off-road shared footway / cycleway incorporated within the proposals. The Rights of Way Officer has stated that this is important in order to provide a link with the proposed development site for which permission is sought under application 12/3747N and Broad Lane School beyond. This can be secured by condition.

The Public Rights of Way Officer also noted that crossings of Peter de Stapleigh Way and the northern end of the proposed spine road are proposed at the Peter de Stapleigh and Pear Tree Field traffic-light controlled junction. These crossings for users of the cycleway/footway facilities already in existence and those proposed, will need to be toucan crossings which can be used by both pedestrians and cyclists. The Transport Assessment for the planning application to which the spine road will lead (12/3747N) notes the importance of the cycleway/footway facility on the northern side of Peter de Stapleigh Way to the sustainability of the site and it is therefore essential that this facility can be accessed by a suitable crossing of the road

Furthermore, destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be provided at junctions of the cycleway/footway facilities.

These provisions can also be secured by appropriate conditions.

### **Drainage and Flooding**



The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). In summary, it states that:

- *The site lies within the Environment Agency (EA) Flood Zone 1 which is at little or no risk of fluvial flooding. However, in accordance with Planning Policy a flood risk assessment (FRA) appropriate to the scale, nature and location of the development is required for all developments greater than 1 ha in size.*
- *It has been demonstrated that surface water from the proposed development can be managed by a drainage system without increasing risk of flooding to the future site occupants or the surrounding area. There are options described in the report to discharge surface water to the ground or to a watercourse crossing the site. It has been shown that the drainage scheme can be designed to meet SUDS, EA and UU requirements to limit flow from site to Greenfield rates and to allow for future climate change. Design of the optimum working drainage solution(s) can be undertaken post planning in accordance with SUDS manual, Ciria C697 and Building Regulations.*
- *The optimum surface water drainage design of the site will depend on further ground investigations prior to the construction stage. The Position of any attenuation can be designed to suit the final site master plan layout.*
- *This report has considered flood risks in accordance with current UK guidelines. The implementations of the following mitigation measures will ensure that flood risks to and from the proposed development are addressed:*
  - *Flood risk to surrounding properties and future developments should and can be addressed by ensuring all hardstanding areas are drained away from neighbouring land.*
  - *Surface water drainage of the proposed development should and can be managed to mitigate any risk of flooding from the site. The drainage should be designed prior to the construction stage.*

The Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions relating to the provision of a scheme to limit surface water run-off and manage the risk of flooding from overland flow. Concern has also been expressed about the means by which the road crosses the watercourse on site. The Environment Agency discourages the use of culverts and would prefer the use of a single span bridge. However, they stated noted that if a culvert is the only option, given the sort length involved, they would not raise an objection on this basis. It is considered that this could be addressed through a condition requiring the watercourse to be crossed by means of a single span bridge, unless it can be demonstrated that a culvert is the only feasible option.

Subject to adherence to these conditions, it is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Any updated comments from the Council's Flood Risk Team will be reported in any update report.

### **Previous Section 106 Agreement**

Local residents have expressed concern that the application site forms part of the mitigation for the Cronkinson Farm development, which is a large residential housing estate, developed over the last 10 years, located to the north of Peter DeStapeley Way. They have stated that a

significant proportion of the land edged red on the application is located within the area identified as 'new terrestrial habitat' for Great Crested Newts. They therefore believe that the land should remain undisturbed.

The residential scheme for Cronkinson Farm was approved by the former Crewe & Nantwich Borough Council after the completion of an S106 legal agreement in March 2000. The legal agreement required, amongst other things, a Landscape Nature Conservation Area (LNCA) (rather than a "new terrestrial habitat" as has been suggested) to be provided on the area of land currently subject to this application.

The S106 agreement required a scheme for the LNCA to be submitted by the landowner and approved by the Local Planning Authority, then the approved scheme to be implemented and maintained for 18 months and transferred to the Council. On the ground it appears that some works were undertaken to the land some years ago, ponds and a part completed hibernacula are visible on site. The Landscaped Nature Conservation Area has still not been fully implemented and therefore there has been no transfer of the land to Council ownership.

Notwithstanding the requirement of the 2000 S106 agreement, the current proposal should be considered on its own merits. Land ownership is not a material consideration so regardless of whether the land had progressed to transfer to the Council, it still would not be a consideration for this application.

It should also be noted that there is an existing permission for an access road to the former Water Gardens site across this land, and therefore, the principle of the proposal has been established. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road. The only issue, therefore, which can be considered as part of this application is the impact that this realignment and the additional length of road would have on the ecology within the site.

Furthermore, the current proposal, and delivering enhancements and improvements to the area of land are not mutually exclusive and the applicant has attempted to demonstrate through the information submitted that the impact on conservation can be mitigated, a view supported by the Councils Ecologist.

### **CONCLUSIONS**

This application was submitted as an alternative access to the main application 12/3747N Residential development up to a maximum of 189 dwellings; local centre etc. also considered on this agenda, now that the access to the south, off Broad Lane, is no longer being pursued.

An access across this site, in a very similar form to that proposed, was approved (P00/0829) in this position to serve the former water gardens site, and as such the principle of building a road across this site has already been established. The revised proposal would re-align the road and create an additional roundabout spur into the land to the south, subject of application 12/3747N. This would result in the loss of only marginally more habitat than the approved road.

The main issues in the consideration of this application are the acceptability of the realigned route of the access road, and its suitability for use as an alternative access point to the proposed residential development on land to the south.

Furthermore, the current proposal and delivering enhancements and improvements to the area of land are not mutually exclusive and proposals have been put forward to mitigate the ecological impacts.

The access road as now proposed is considered to be acceptable in terms of drainage and flooding, footpaths and rights of way, its wider landscape impact and ecology. With regard to highway and traffic generation, the Strategic Highways Manager has confirmed that based on the new access being utilised by the former water gardens site plus the 189 dwellings for *which consent is being sought under application 12/3747N, there would be no grounds for refusal*. However, any further development of land beyond the site referred to in application 12/3747N, or any increase in housing numbers within that site may result in objection or further mitigation measures becoming necessary.

Members previously resolved to refuse the application “because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping”, which was not and is still not supported by officers, the Secretary of State in his most recent decision writes in relation to this site (Appeal B):

“50.Having carefully considered the Inspector’s analysis at IR12.28-12.32, the Secretary of State agrees with the Inspector that Appeal A should not proceed unless the Appeal B scheme were also to be constructed. Conversely, in determining Appeal B, the Secretary of State gives great weight to the fact that the scheme would only be required if Appeal A were to proceed and, in view of his conclusion in paragraphs 41-49 above, there would be no justification for allowing any harm arising from the Appeal B development without granting permission for the development in Appeal A.”

In view of this determination, and the fact the two applications are intrinsically linked, it is recommended that the Council is Mindful to Refuse this application as there is no justification for allowing this access in the open countryside and the harm this will cause if development of the main site to the south does not go ahead.

## **RECOMMENDATION**

### **MINDFUL to REFUSE for the following reason**

- 1. In the absence of planning permission for development of the adjacent site, there is no justification for approving an access road in open countryside which would be harmful to the character and appearance of the area and contrary to policy PG6 of the Cheshire East Local Plan Strategy**

